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THE FBI'S RESPONSE TO CIVIL RIGHTS CRIMES DURING MISSISSIPPI FREEDOM SUMMER

by

MICHELLE LEE REYNOLDS

Under the Direction of Patricia Minter

ABSTRACT

During the Civil Rights Movement, Mississippi was very resistant to activities that challenged the "Southern way of life" and did nearly everything they could to prevent civil rights workers from conducting work there. During the summer of1964 the murders of three of James Chaney, a black volunteer, and Andrew Goodman and Michael Schwerner, white volunteers, would shock the nation and prompt an investigation by the FBI. One month prior to their disappearances, two black teenagers, Charles Moore and Henry Dee, went missing in a manner similar to the three civil rights workers. Despite the similarities in the two cases, the FBI would only more forward in the case that involved two white northerners. The intent of this research is to assert that the FBI under the direction of J. Edgar Hoover was impeded by a color barrier when investigating civil rights crimes.

INDEX WORDS: Civil Rights Movement, Freedom Summer, Mississippi, FBI, J. Edgar Hoover, United States v. Price

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by

MICHELLE LEE REYNOLDS

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For Dr. Minter, Skylar, Alisha, Beth, and Vanessa

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Introduction

During the summer of 1964, thousands of college students poured into Mississippi to put their talents to use in a project designed by Student Non-violent Coordinating Committee (SNCC) officer Robert Moses. Freedom Summer was designed to bring students into the Mississippi Delta to advocate voting rights for African Americans who were at the time entirely disenfranchised in the state. The students would responsible for door to door canvassing encouraging blacks to register to vote, as well as teaching in what were called Freedom Schools. The Freedom Schools were set up to give blacks an education, something many did not have because their reliance on cotton and sharecropping as their main source of income kept them from the classroom. These Freedom Schools, open to blacks of all ages, would teach the students about various subjects including drama, literature, and home economics, in addition to African-American history and classes about the Mississippi and Federal Governments. The hope was that by sending college students to Mississippi- white, wealthy, northern college students to be exact- the Federal Government would turn their attention to the needs of blacks in Mississippi, therefore finally taking a stand to end Jim Crow in the South.[1]

While the nation watched with mild interest as the student volunteers poured into Mississippi, it wasn't until the middle of that summer, June 21, 1964, that all eyes would be fixed on the Magnolia State and leaders and participants of the movement would get their wish for government attention, although for a different reason. Instead of the nation taking notice of Mississippi because of the amazing work the volunteers were doing and the relative success of the project, the nation turned its attention to Mississippi only when the disappearances of white activists Michael Schwerner and Andrew Goodman were brought to the public's attention. Although the two white men, a summer volunteer and CORE staff member, went missing with

[1] Elizabeth Martinez, ed., *Letters from Mississippi* (Brookline: Zephyr Press, 2007).

fellow CORE member and native Mississippian, James Chaney, the country seemed to be more concerned with the disappearances of Schwerner and Goodman because they were wealthy, white men from New York. The issue changed when white America remained unconcerned when it came to the topic of civil rights until Andrew Goodman and Michael Schwerner, two white activists, went missing in Mississippi. This becomes clear when examining at the bloody history of the Civil Rights Movement in the Magnolia State, where over thirty (known) men and women were murdered with their cases drawing no attention.[2] Even the murder of Medgar Evers, a well known and respected civil rights activist, during the summer of 1963 didn't warrant a Federal investigation.[3] The families of Andy Goodman and Micky Schwerner understood this iniquity as clear as veterans of the movement. Rita Schwerner, the wife of Mickey, while talking to the press about the disappearance of her husband, stated that she personally suspected that "if Mr. Chaney, who is a native Mississippian Negro, had been alone at the time of the disappearance, that this case, like so many others that have come before, would have gone completely unnoticed."[4]

The Goodman-Schwerner case was the first time that the Federal Government became heavily involved in a civil rights murder. Between 1955 and 1964 hundreds of black freedom fighters and civilians disappeared and all but vanished from memory. Individual cases can represent the countless examples of civil rights workers whose deaths were not sufficiently investigated by the state of Mississippi or the Federal Government. Charles Moore and Henry Dee were two of these men who disappeared. Moore and Dee disappeared on May 2, 1964, right

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[2]Civil Rights Movement Veterans, "Mississippi Civil Rights Martyrs," CRMVET.org, http://www.crmvet.org/mem/msmartyr.htm

[3] John Dittmer, *Local People* (Champaign: The University of Illinois Press, 1995), 166, n. 468.

[4] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.

before the white civil rights agitators would be pouring into Mississippi and their deaths were not investigated by the state of Mississippi or the Federal Government until many years later. Based on these two cases and the urgency with which the Federal Government investigated the kidnapping of Goodman, Chaney, and Schwerner, it becomes evident that the Federal Bureau of Investigation under the direction of J. Edgar Hoover was impeded by a color barrier when investigating civil rights crimes.

A great deal of research about the Civil Rights Movement in Mississippi has been done by present day historians. Mississippi was a state that was renowned for its discriminatory actions toward African Americans during the height of civil rights activities. Roy Wilkins, a prominent member of the NAACP, described Mississippi in the year 1964 as the most hateful state in the South: "There is no state that approaches that of Mississippi in inhumanity, murder and brutality and racial hatred. It is absolutely at the bottom of the barrel."[5] Based on Mississippi's record, John Dittmer gives an excellent account of civil rights workers in Mississippi in his book, *Local People* (1995). The subject of this book is the growth of grassroots civil rights activities in Mississippi and how civil rights workers sought to bring voting rights and equality to the state. Following the story of voting rights activism during the summer of 1964, the murders of Goodman, Chaney, and Schwerner are merely side notes in this account. Dittmer gives the reader a small background of the murders and points out how their disappearances gave members of SNCC and COFO a reason to "force the federal government to take action against the Klan."[6] Although Dittmer acknowledges the disparity in the investigation of the murders in comparison to others, Dittmer uses this case to explain how the disappearances

[5] Ibid.
[6] John Dittmer, *Local People* (Champaign: The University of Illinois Press, 1995), 247.

of the three young men continued to cause divisions in the non-violent movement and the evolving black power movement.

Other historians have focused on the Goodman, Chaney, and Schwerner case more directly. Howard Ball is a scholar who has done extensive research about the disappearance of the three men and the case that surrounded it. Ball's 2004 book, *Murder in Mississippi*, focuses primarily on the actual trial for the accused murderers of the three civil rights workers, *United State v. Price (1966)*. His book does an excellent job describing the climate of fear that existed throughout the entire movement in Mississippi. In addition to providing a great deal of background information about the case, Ball describes the lives of the participants of the crime, from the accused murderers to the murdered, and then goes on to give a detailed account of the Federal Government's actions in prosecuting these men. Ball's research became useful for this project because of the amount of detailed information given about the trial and FBI's involvement in the case: however, Ball's work does not make an argument about the actions of the Federal Government.

In addition to works that focus on Mississippi as a political entity, other works have been published that deal with the personal side of the movement. In a compilation of letters written by students volunteering in Mississippi during the summer of 1964 entitled *Letters from Mississippi*, Editor Elizabeth Martinez writes an excellent introduction that describes how the white students were the power behind the movement and the reason that so much attention was given to Freedom Summer. Without taking any credit away from black workers, she discusses how many of these white students felt the need to fight for the freedom of those who were still being oppressed. While allowing the letters to speak for themselves and providing no real commentary or thesis, Martinez's introduction contained the statement that became the inspiration for this

project: "because the two boys were white there was a world reaction… but for James, no picture, no name."[7]

Taylor Branch is an historian who has discussed the FBI in his work on Dr. King. *Pillar of Fire* is Branch's book that details Dr. Martin Luther King, Jr. during the years before and after Freedom Summer. While the focus is on Dr. King and his role in Freedom Summer, at various points Branch describes King's relationship with J. Edgar Hoover and the animosity that Hoover had toward King and the movement in general. Although this book was not a work exclusively focused on Mississippi or Hoover, it was useful for providing information about the relationship between the FBI and the civil rights movement during the summer of 1964.

Based on research that has been done on civil rights crimes that occurred in the state of Mississippi, it is evident that the Federal Government, specifically the Federal Bureau of Investigation under the direction of J. Edgar Hoover, willfully ignored the deaths of Black civil rights workers until the lynching of Andrew Goodman and Michael Schwerner. The amount of emphasis placed on the discovery of the bodies of Charles Moore and Henry Dee does not even compare to the attention given to the discovery of the bodies of Goodman, Chaney, and Schwerner. The trials to convict those involved in the murders were also exceptionally different- James Ford Seale, the man charged with the disappearances of Dee and Moore was not tried for his crimes until 2007, while the Federal Government fought for the prosecution of Cecil Price and the seventeen other men involved in the murders of the three civil rights workers. By studying these two cases in depth alongside other incidents of violence against African-Americans in Mississippi and the South, as well as attempts by the FBI to reconcile their actions during the Movement, it becomes apparent that J. Edgar Hoover allowed the FBI to reach the level of racism found within Mississippi law enforcement while investigating these crimes.

[7] Martinez, *Letters from Mississippi*, xvii.

"In Dixieland I'll take my stand to live and die in Dixie:"

The History of Civil Rights in the South

The South was always the stronghold of what was called by former Mississippi Governor Ross Barnett "the Cradle of the Confederacy,"[8] an area of the country deeply rooted in the culture of Jim Crow. When the *Brown v. Board of Education* decision was handed down on May 17, 1954 and declared that "the 'separate but equal' doctrine adopted in *Plessy v. Ferguson* has no place in the field of public education," many whites in the state were outraged. The ruling meant that Mississippi and the rest of the states in the South would be forced to desegregate their public schools. The first school in the South that became famous for its desegregation battle was Little Rock Central High School in Arkansas. In the fall of 1957, nine black students were enrolled in the previously all white public high school. The Governor of Arkansas, Orval Faubas, called in state troops to prevent the students from entering. One student, Elizabeth Eckford, remembered the terror of that day:

> I walked up to the guard who let the white students in. He didn't move. When I tried to squeeze past him he raised his bayonet and then the other guards closed in and they raised their bayonets. They glared at me with a mean look and I was very frightened and I didn't know what to do. I turned around and the crowd came toward me. They moved closer and closer. Somebody started yelling "Lynch her! Lynch her!"[9]

Dwight D. Eisenhower was President during the crisis at Little Rock. Eisenhower, throughout his time as President, can be described as a man who was not dedicated to strengthening civil rights for African Americans, but a man who wanted to uphold the laws set

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[8] George Wallace, "Inaugural Address 1963," *Dr. Michael R. Fitzgerald Documents Homepage*, http://web.utk.edu/~mfitzge1/docs/374/wallace_seg63.pdf.
[9] Elizabeth Ann Eckford, "Handout: Inside Elizabeth Ann Eckford," *Civil Rights Teaching*, http://civilrightsteaching.org/Handouts/EyesonthePrize.pdf

forth by the Supreme Court and Constitution. During the integration of Little Rock Central High School, Eisenhower did everything in his power to "uphold the laws but avoid a bloody confrontation."[10] It is important to understand that Eisenhower himself was not a man deeply devoted to the cause of civil rights and was acting according to the Supreme Court's ruling in *Brown* and the laws set forth in the Constitution. Although many see Eisenhower as a hero for his actions in Little Rock, it can be criticized that he did not do enough to "ensure rights for African Americans."[11] This is evidenced by the fact that Eisenhower waited until the situation at Little Rock escalated to the point of violence before he would allow troops from the 101st Airborne to assist with integration efforts.

Events such as this happened in the state of Mississippi as well and it became evident that Mississippi was not making any plans to desegregate their school systems with any deliberate speed. Because of Massive Resistance, efforts to systematically oppose integration, the Supreme Court ruled on what is known as *Brown II* in 1955, which said students were to be "admitted to public schools on a racially nondiscriminatory basis with all deliberate speed."[12] In response to the *Brown* decision, decided on May 17, 1954, the first meeting of the White Citizens Council was held in Indianola, Mississippi on July 11.[13] The Citizen's Council was an organization of white men and women throughout the South that sought to oppose integration and racial equality through the use of political intimidation. Not long after the formation of the Citizen's Council, a black man by the name of James Meredith applied for admission to the University of Mississippi. He was denied admission until he took his case to court and the federal government forced Ole

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[10] America's Story from America's Library, "Eisenhower and the Little Rock Crisis," http://www.americaslibrary.gov/cgi-bin/page.cgi/aa/presidents/eisenhower/littlerock_1
[11] Ibid.
[12] *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
[13] American Experience, "The Murder of Emmett Till," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/till/timeline/index.html (accessed March 30, 2009).

Miss to allow him to enroll for classes in the fall of 1962. Despite his acceptance and enrollment, white Mississippians were outraged that a black man would be attending classes at their near and dear Ole Miss, a school that was the epitome of white privilege. Ross Barnett, the governor of Mississippi at the time of Meredith's enrollment, was a staunch supporter of segregation and a leader of the resistance to admitting Meredith and other blacks to the University. In a speech given at a football game between the University of Mississippi and the University of Kentucky, Barnett defended his position on segregation and gave the audience a plan of action:

> I have said in every county in Mississippi that no school in our state will be integrated while I am your governor. I now call on every public official, and every private citizen of our great state to join with me in refusing, in every legal and every constitutional way, and every way, every matter available, my friends, to submit to illegal usurpation of power by the Kennedy administration.[14]

James Meredith's attempt to enroll for classes at Ole Miss sparked outrage at the University. Students and residents of Oxford gathered in the Lyceum at the school to make sure he was not allowed to take classes. During the rioting, two men died and President Kennedy was forced to send in federal troops to protect James Meredith from the waves of men and women who were opposed to what was going on.

John F. Kennedy is another President that has been praised and criticized for his civil rights involvement. Through an investigation of the integration of Ole Miss, it is evident that Kennedy was caught between the laws of the United States and the approval of his constituency. Conversations between the President and an unidentified source provide evidence that Kennedy was uncertain of the route he should take in order to force Barnett to surrender in the fight:

[14] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.

> The question still will remain with us today as to whether we call out the guard today, federalize the guard today, put it on an alert, start an intermediate step, or wait until Monday… Well, in any case, I'll wait for Barnette's answer, I guess.[15]

In taped conversations with Barnett himself, Kennedy gave the impression of conforming to the wants and desires of the Governor of Mississippi. Barnett assured Kennedy that he would cooperate with the President and Kennedy, perhaps all too willing to avoid more conflict than necessary, was quick to accept Barnett's word and promise that Meredith would be enrolled without the help of United States troops.

Mississippi was a state that had a history of government involvement in civil rights programs extending from Presidential involvement to FBI involvement. It was also a state that, despite the threat of government interference with their "states rights," had long been dedicated to inventing resourceful ways to disenfranchise Black Americans. The Fifteenth Amendment to the Constitution gave blacks the right to vote in 1870, five years after the end of the Civil War. Although this right was given to them by a constitutional amendment, white Mississippians found creative ways to subvert the most powerful document in the country. The Education Test of 1890 held that "a registered voter shall be able to read any section of the Constitution, or be able to understand the same when read to him, or to give a reasonable interpretation thereof."[16] If a person was black, the clerk could simply say that their interpretation was incorrect. Civil rights activist Lawrence Guyot describes the racist attitudes of the clerks: "You have to bear in mind that some of the registrars couldn't read or write, but that didn't matter, they could still

[15] Timothy J. Naftali, Philip Zelikow, Ernest R. May, *The Presidential Recordings of John F. Kennedy* (New York: W. W. Norton, 2001), 228.
[16] Demetrius at the Australian National University, "The Mississippi Precedent," http://epress.anu.edu.au/cw/mobile_devices/ch13s02.html

determine who should be registered… and all whites who attempted to register were registered."[17]

Another method used by white Mississippians to further disenfranchise blacks was the use of the poll tax. The poll tax charged blacks a fee when they went to the courthouse to register to vote. As many blacks in Mississippi did not have money to spare they were not able to register. In addition to these methods, the white citizens of Mississippi were very creative in keeping blacks from registering by using intimidation tactics.[18] When a person registered to vote, their name would appear in the local paper for two weeks from the date that they registered, giving White Mississippians a chance to further attack them. Since many of these men and women continued to sharecrop and work for white men and women, in addition to physical violence, they also ran the risk of losing their job. Through the use of poll taxes and literacy tests there is no doubt that the white citizens of Mississippi knew that if blacks were given the right to vote then they had the potential to change the political atmosphere of the state.

By examining the state as a whole, it becomes evident that Mississippi was a state that was ready and willing to do anything it could to prevent blacks from being granted the right to vote. Because Mississippi was much farther behind in the fight for civil rights than other states such as Alabama and Arkansas, civil rights organizations saw a great deal of promise in the summer of 1964. Not only would various civil rights organizations- Student Non-Violent Coordinating Committee (SNCC), Southern Christian Leadership Conference (SCLC), National Association for the Advancement of Colored People (NAACP), and Congress of Racial Equality (CORE)- be united under their canopy organization, The Council of Federated Organizations

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[17] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.
[18] The Congress of Racial Equality, "Three CORE Members Murdered in Mississippi," http://www.core-online.org/History/freedom_summer.htm.

(COFO), they would be seeking student involvement in the summer. Bob Moses, the brains behind Freedom Summer, discussed what he wanted to do during the summer of 1964:

> "We hope to send in to Mississippi this summer upwards of 1,000 teachers, ministers, lawyers, and students, from all around the country who will engage in what we're calling Freedom School, community center programs, voter registration activity, research work, work in the white communities. And in general, a program designed to open up Mississippi to the country."[19]

Mississippi was still "the last stronghold of the old Confederacy"[20] and it was believed by organizers that if they could crack the "land of cotton," the rest of the country would follow suit. This project would not be easy- students and other volunteers would be risking everything they had, including their lives. Civil rights workers believed the only way to change the "state's racial codes and customs"[21] was through the use of outside force.

The main goal of the summer was to get blacks registered to vote. With all of the scare tactics that were used against African-Americans, it was important that the students make a connection with them and explain the importance of their vote. One of the tactics that would be used to encourage Blacks to register to vote would be door to door canvassing. The election of 1964 would prove to be very important and the various civil rights organizations wanted to make sure that the voices of the black citizens of Mississippi were heard by exercising their right to vote. A student volunteer reflects on the very structured way that the students were to speak to blacks when they were canvassing so that they would not offend them or come off as being too forceful:

> "Hi, my name is _____. I'm with COFO. There are a lot of us working in this area, going from house to house trying to

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[19] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.
[20] M.S. Handler, "Mississippi Faces Drive for Rights," *The New York Times*, May 17, 1964, www.nytimes.com
[21] Claude Sittion, "Mississippi is Gripped by Fear of Violence in Civil Rights Drive," *The New York Times*, May 30, 1964, http://proquest.umi.com.

> encourage people to go down to register to vote. Are you a registered voter? Are you planning on going down soon? Well, I have a sample of the registration form. You know, some people are a little afraid to go down because they don't quite know what they're getting into. It's something new and different and they're not sure about it. You know, it is so important that everyone get the vote. As it stands now, that man downtown in charge of roads doesn't have to listen to Negroes. They can't put him out of office. He should be working for you. This is a protest party. Anyone can join to protest the laws about voter registration and the way elections are carried out."[22]

This was the standard explanation the student canvassers gave the black citizens they visited. It was important for the students and other volunteers working for the Summer Project to let blacks know that they has a much of a right as anyone to vote and that their vote mattered. This was still a difficult task because blacks were required to register at the courthouse and, according to the report of one CORE volunteer, the courthouse was an ominous place for blacks in the community. The courthouse in the county in which one activist worked, Leflore County, was beside a river, another symbol of fear for blacks. As a man by the name of Albert Darner told her, "Dat river is where dey floats them bodies in."[23] It was this intense fear of white retaliation that the majority of blacks would require assistance in overcoming before Freedom Summer could be a success. Students knew a lot was riding on this project and they made sure that they were very precise in carrying out the duties of their jobs.

Nearly every project that was undertaken during that summer was done with the help of the students. Robert Moses was the head of Freedom Summer operations and thought that students would be able to best help in the Delta. As a result, he and SNCC put together fliers and applications for the project and sent them to colleges all across the country. The students who came to Mississippi were recruited mainly from northern colleges and from well to do families,

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[22] Martinez, *Letters from Mississippi*, 80.
[23] Ibid.

the children of doctors, lawyers, and politicians (the recruitment of students from wealthy, well-connected families would ensure that news coverage would be given to the project). The application process was lengthy and many students who applied were not admitted. Students first had to fill out a three page application indicating activities they were involved in, the school they were attending at the time of application, the name of their local newspaper, contact information, and information concerning donations for bail bonds in case they were to be arrested.[24]

In addition to filing the application with SNCC, the students also had to participate in extensive interviews that would assess their character and demeanor to make sure they would be able to handle the Summer Project emotionally and mentally. Although it wasn't necessarily a requirement that the students be from wealthy families, being wealthy was almost a requirement since the students were responsible for funding their summer in Mississippi. Students also had to be twenty one years of age to apply for the program on their own, and eighteen years of age to apply with the written permission of their parents or guardians. It was clear from the start that this project was not going to be something that could be taken lightly by anyone involved, and it was of utmost importance that the students understood this, as they did. As one student selected to participate in the Summer Project put it; "We know there is a good chance of being hurt, of being jailed, of being killed, but we still believe in the cause so strongly that we must go."[25]

After the students were chosen to participate in the Summer Project, they were sent to a training workshop at Western College for Women in Oxford, Ohio, at the beginning of the summer. During this workshop, the students learned about the types of things they would be

[24] Nelson Blackstock to Student Non-violent Coordinating Committee, 1964, Letter Box 1 "White Folks Project Collection," University of Southern Mississippi Digital Collections, Hattiesburg (accessed March 29, 2009).
[25] Handler, "Mississippi faces drive for rights."

experiencing in Mississippi. One worker named Terri Shaw wrote about the types of things they were told Mississippi would bring them:

> Lessons were given in how to protect your vital organs while being beaten, and what happens when a mob gets out of hand. In an auditorium more often used for assemblies and class days, stories were told of beatings and shootings and bombings… and of Medgar Evers and other Mississippians who died violently for the crime of being born black.[26]

In addition to being prepared for the brutal reality of racism in the South, the students were told to always conduct themselves in a professional manner, to always stick to COFO's non-violent tactics, and to never, under any circumstances, go anywhere alone, as well as to always check in with their supervisor at a time agreed upon by both parties.

While in Oxford, Ohio, students were required to attend various lectures and participate in various activities that would teach them how to conduct themselves while in Mississippi. These activities would also help them get to know the other students that would also be spending their summer in Mississippi. Although there were some tensions between the white students and the black students at first, these tensions were eased a great deal by the unification of the students based on their shared goal. In one exercise led by Jim Forman, the students were to simulate what it might be like when they escorted blacks to the courthouse to vote. One group of students would play the segregationists and the other would play the role of the registering blacks. Forman instructed the group to only yell, but the students got so carried away that they began hitting the "registrants" and calling them names. Although this was not what was expected, Forman said their simulation was good because they got carried away, something they would

[26] Terri Shaw to the *Antiochian*, 1964. Folder 1, Terri Shaw Freedom Summer Collection, University of Southern Mississippi Library Digital Collections, Hattiesburg (accessed April 30, 2009).

encounter in Mississippi.[27] Yet, while the workshops helped the students understand the political and racial climate of Mississippi, it wouldn't fully prepare the students for what one among them would face.

Although Freedom Summer was successful at getting the attention of the nation through the programs that were enacted by the volunteers and the publicity that surrounded the "invasion" of Mississippi, it was the disappearance of Andrew Goodman, James Chaney, and Michael Schwerner and the amount of emphasis the FBI placed on their disappearances that sparked the interest of the nation. The publication of these events and the exhaustive efforts exerted by the FBI pulled all eyes of the nation to Mississippi and forced them to confront the fact that Jim Crow still reigned free in Mississippi, that Mississippians were willing to do whatever it took to make sure this way of life was not changed. Freedom Summer would also show the world that the FBI was only willing to intervene in civil rights cases if one or more of the participants was a white northerner.

[27] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.

Roots of Freedom Summer and the Case of the Three Civil Rights Workers

Andrew Goodman, Michael Schwerner, and James Chaney were not the first three civil rights workers to be killed fighting to rid the South of a "segregation today, segregation forever" attitude, nor would they be the last. If one looks at the history of the movement as a whole it is clear that many other men and women fought and died for the same cause, with little to no acknowledgement from the Federal Bureau of Investigation. Over the course of the movement, the FBI under the direction of J. Edgar Hoover took very little interest in protecting civil rights workers or investigating crimes committed against them even if the Bureau had jurisdiction.

Former members of the Executive Office of the United States such as Eisenhower and Kennedy almost become civil rights heroes when compared with the FBI and its stance on civil rights during J. Edgar Hoover's reign as the director of the FBI. It is widely known that J. Edgar Hoover held racist beliefs and that those beliefs were reflected in business he conducted while he was in charge of the bureau. Historian Kevin Cunningham notes that Hoover's racist attitude came through with his reluctance to hire men and women of minority races. Cunningham acknowledges an agent that made the following observation:

> In five field offices and a number of trips to Washington, I never encountered a black employee… There were half a dozen black 'agents' but this was showcasing since none of them had been through the FBI Academy like the rest of him.[28]

Hoover's loathsome attitude was also reflected in his reaction to various movements that swept the United States during his time as Director. He was staunchly opposed to any movement that he believed threatened the security of the United States, including the civil rights movement. One of his main assaults to the movement came with his surveillance of Dr. Martin Luther King, Jr. because of his suspected communist connections. One historian writes that Hoover "believed

[28] Kevin Cunningham, *J. Edgar Hoover: Controversial FBI Director* (Mankato: Compass Point Books, 2005), 80.

that laws- even unfair ones- should be upheld and that the disorder of public demonstrations presented a greater threat to the country than segregation laws."[29] It is well known that Hoover disliked civil rights workers such as Martin Luther King, Jr. to the point of labeling them communists and claming national security as a way to surveillance their activities and refusing to offer protection or investigative efforts to their causes. In his work on Dr. King, Taylor Branch addresses King's criticism of Hoover: "It would be encouraging to us if Mr. Hoover and the FBI would be as diligent in apprehending those responsible for bombing churches and killing little children, as they are in seeking out alleged communist infiltration in the civil rights movement."[30] This attitude continued when he first got wind of Freedom Summer and was asked by COFO to lend protection to civil rights workers in Mississippi he gave the following statement:

> We most certainly do not and will not give protection to civil rights workers. In the first place, the FBI is not a police organization. It's purely an investigative organization, and the protection of individual citizens, either natives of this state or coming into the state, is a matter for the local authorities. The FBI will not participate in any such protection.[31]

Although Hoover was a man deeply opposed to civil rights and unwilling to protect these men and women, he became more willing to use the investigative powers of the bureau when two white men from New York, Andrew Goodman and Michael Schwerner, went missing during the summer of 1964.

Andrew Goodman was a twenty year old volunteer for the Summer Project. He was born and raised in New York City and went on to attend Queens College. His civil rights activities began during his sophomore year of high school. During this year, he went with other members

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[29] Cunningham, *J. Edgar Hoover: Controversial FBI Director*, 81.
[30] Taylor Branch, *Pillar of Fire* (New York: Simon & Schuster Paperbacks, 1998), 295.
[31] Eyes on the Prize Transcript, "Mississippi: Is This America?," Public Broadcasting Television, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html.

of his class to Washington D.C. to participate in the "Youth March for Integrated Schools."[32] Although he wasn't active in the movement, Goodman was eager to go to Mississippi because he thought the "experience would be educational and useful."[33] Along with the rest of the participants in the summer project, Andy Goodman took part in the training camp in Oxford, Ohio and was looking forward to his summer in Mississippi. Andrew Goodman disappeared on June 21, 1964, his very first day in Mississippi.

Michael "Mickey" Schwerner was also from the New York City area. Slightly older than the other two workers, the twenty four year old civil rights worker graduated from Cornell University and went on to Columbia University for a graduate degree in Social Work. Mickey Schwerner and his wife first went to Mississippi in January of 1964 when he was hired as a permanent member of the CORE staff.[34] When he arrived in Mississippi, Schwerner proved himself to be an indispensable member to the CORE team. One of his major achievements was organizing a boycott of a local store whose major clientele were black but that refused to hire any black workers.[35] Although he knew that his activities in the movement were dangerous, he persisted in the battle because he believed "Mississippi is the decisive battleground for America. Nowhere in the world is the idea of white supremacy more firmly entrenched, or more cancerous, than in Mississippi."[36] This was the project that prompted the Ku Klux Klan (who nicknamed Schwerner "Goatee") to take notice of him as a serious threat and begin to construct a plan of how to get rid of him. The plan to eliminate Michael Schwerner was finalized in April, 1964 and carried out only two months later. Mickey Schwerner was murdered by Edgar Ray

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[32] The Congress of Racial Equality, "Andrew Goodman," http://www.core-online.org/History/goodman.htm (accessed March 29, 2009).
[33] Ibid.
[34] The Congress of Racial Equality, "Michael Schwerner," http://www.core-online.org/Hisotyr/schwerner.htm (Accessed March 29, 2009).
[35] Ibid.
[36] Ibid.

Killen and other members of the White Knights of the Ku Klux Klan on June 21, 1964 along with comrades Andy Goodman and James Chaney.

James Chaney was a native of Mississippi and first met Mickey Schwerner just before the beginning of the Summer Project. Various sources report that Chaney was into trouble throughout his teenage years, but began to become passionate about the movement when he met Mickey Schwerner. With the help of Schwerner and other members of the movement, James Chaney was hired by CORE. One of his biggest assets was that he "was willing to go places in Mississippi that no white volunteer would go."[37] He was a highly respected staff member by those in the movement that knew him. James Chaney died alongside Andy Goodman and Mickey Schwerner on June 21, 1964, at the age of twenty one.

The three men were together when they vanished on June 21, 1964. They were reported missing when field secretaries for CORE realized that the three men had not checked in with the office by 4 in the afternoon, the time they were required to call the office and inform the staff of their location and destination. The story that came out after the discovery of the bodies and the questioning of those guilty revealed the exact events of that fateful night beneath the Mississippi moon.

On June 21, 1964, the three men went to Longdale to investigate the burning of Mount Zion Baptist Church. The burning of the church was being investigated because its congregation had agreed to allow COFO to use it for a Freedom School. As the three young men were making their way back to Philadelphia they were pulled over on Highway 19 by the Deputy Sheriff of Neshoba County, Cecil Price. The three men were taken into custody and remained in jail until around ten that night. While they were sitting in jail, Cecil Price informed the Imperial

[37] The Congress of Racial Equality, "James Chaney," http://www.core-online.org/HIstory/chaney.htm (accessed March 29, 2009).

Wizard of the Mississippi Ku Klux Klan, Samuel Bowers, that he had Michael Schwerner and two other civil rights workers in custody. This gave the Klan the ability to act quickly while they had Michael Schwerner in their clutches.

When the men were released they began to make their way back to Philadelphia as quickly as they could without any idea that Cecil Price had set a trap for them. Based on the testimony of a Klan member named Horace Doyle Barnette, who became an FBI informant, at least two cars full of Klan members were waiting for them on the road that would take them back to Philadelphia while Price followed them in a police cruiser. Barnette stated that he had no part in the killings, but that he witnessed everything that went on. FBI records indicate that the three men knew they had fallen victim to a trap and did everything they could possibly do to outrun the cars full of Klan members. As they began to speed up, Price then pulled them over for speeding and told them to get into the back of his car. They were driven to a remote area of Neshoba County followed by the two cars full of Klan members.

When they arrived at a spot on Rock Cut Road in rural Neshoba County, the three civil rights workers were ordered to get out of the car so that they could be confronted about their civil rights activities in Mississippi. They quickly became aware that they would not be leaving the area alive. According to his testimony, Michael Schwerner was the first of the three to be murdered. Wayne Roberts "pulled Schwerner out of the car, spun him around so that he was standing of the left side of the road with his back to the ditch and said 'Are you that nigger lover?' and then shot him with a pistol."[38] Barnette then states that Andrew Goodman was shot at point blank range and fell into the ditch behind the road. James Chaney was murdered last. Jim Jordan, not Wayne Roberts, was responsible for pulling the trigger on Chaney and murdering

[38] University of Missouri Kansas City, "Confession of Horace Doyle Barnette, November 20, 1964," http://www.umkc.edu (accessed March 30, 2009).

him in the middle of the road. When he had finished with Chaney, he told the men "You didn't leave me anything but a nigger, but at least I killed me a nigger."[39]

After the three men were murdered, the group of men took the bodies to a dam that was being built on Old Jolly Farm, a farm owned by a member of the Neshoba County Klan. According to CORE, the owner of the farm was reported to have offered the Klan use of the dam when civil rights workers began pouring into Mississippi: "I've got a dam that will hold a hundred of them."[40] He said the bodies were placed in this dam and buried, where they would be found just over a month after their murders.[41] After the Klan members disposed of the bodies, the men then had to figure out what to do with the station wagon that the CORE workers had been using. The owner of the farm gave Billey Wayne Posey, Wayne Roberts, and Jim Jordan a can of gasoline and told them to dispose of it at a specified location. Barnette reports that after they had disposed of the station wagon they were stopped by Cecil Price, Sheriff Lawrence Rainey, and another patrolman. When discussing the murders and how they should never be spoken of, Sheriff Rainey said "I'll kill anyone who talks, even if it was my own brother."[42]

The disappearance of these three young men was a harsh reality for the volunteers who were working in Mississippi as well as those who were preparing for the trip. Many of the students waiting to be deployed from the safety of Oxford, Ohio, were becoming more fearful of what they would face when they arrived. When they found out about the three missing men, particularly Andy Goodman who had been a summer volunteer like themselves, the tragic reality of Mississippi began to haunt them. For many of the students, the disappearances made them

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[39] Ibid.
[40] Douglas O. Linder, "United States v. Price et al.," *Famous Trials*, http://www.law.umkc.edu/faculty/projects/FTrials/price&bowers/price&bowers.htm
[41] Ibid.
[42] University of Missouri Kansas City, "Confession of Horace Doyle Barnette, November 20, 1964," http://www.umkc.edu (accessed March 30, 2009).

even more dedicated to bringing justice to Mississippi. An unidentified Freedom Summer Volunteer participated in a short interview that became part of *Eyes on the Prize* gave his opinion on what the disappearances of the three men meant:

> Their disappearance, although it might have been calculated to try and drive people away from this state, had just the opposite effect on me and everyone else. Whenever an incident like this happens, and they happen fairly often, although not usually this serious, everyone reacts in the same way. They become more and more determined to stay in this state and fight the evil system that people have to live under down here. I'm down here because I believe my freedom is very much entangled with the freedom of every other man, and if another man's not free, then I'm not free. So I'm fighting for my own freedom here. I'm very much afraid. Everyone here is. But we knew before we came down something about what it's going to be like and I don't know of anybody that's turning back because of things like this happening.[43]

Another summer volunteer, Sylvie, explained a similar belief to her father in a letter home. In this letter she discussed a conversation she had with the wife of Mickey Schwerner, Rita, and how that conversation gave her hope. "I feel like the only meaningful type of work is the Movement," she wrote, "but I don't want myself or anyone I've met to have to die. I'm so shook up that death just doesn't seem so awful anymore, though. I'm no different from anyone else and if they're risking their lives, then so must I."[44]

Not only did the story of Goodman, Chaney, and Schwerner shock and captivate the civil rights workers and others who were closely tied to the movement, it also grabbed the attention of the country and focused American eyes on Mississippi. The very day after their disappearances, the FBI became involved in the case. A statement made by the Goodman family shortly after their son's disappearance acknowledges the implications of the disappearances of the two white men: "The murder of the boys was the first interracial lynching in the history of the United

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[43] PBS, "Mississippi- Is This America?" *Eyes on the Prize*, http://www.pbs.org/wgbh/amex/eyesontheprize/about/pt_105.html
[44] Martinez, *Letters from Mississippi*, 31.

States."[45] The Goodman family was permitted to meet with President Johnson, and issued a plea for an FBI investigation into the disappearance of their son and the two other workers. On June 22, 1964, John Doar, a member of the Justice Department who was long active in civil rights cases, gave FBI permission to investigate the case because he "suspected a violation of federal law."[46] From that moment, the FBI sent special agents to Mississippi to investigate the murders and J. Edgar Hoover announced the opening of the very first FBI office in the state of Mississippi.

It becomes evident when examining the statements made by Rita Schwerner and the family of Andy Goodman that the FBI's involvement in Mississippi during this time was based on the murder of two white men. For the next month, the FBI would allow Navy divers to scour nearly every inch of lakes and rivers in Mississippi for the bodies of the three men, making this the most high profile civil rights crime in the United States. While the Justice Department continued to search for the two missing white men, J. Edgar Hoover continued to vehemently refuse to protect Black Americans working in Mississippi from the violence that may befall them. Although Hoover finally allowed the FBI to conduct an investigation, the federal government's interest in this case and the initial refusal of the FBI to protect civil rights workers is a further indication that, even to the government of the United States and the department whose purpose it to investigate suspected breaches of Federal law, white skin was still more valuable than brown skin. This pattern of injustice and discrimination by the FBI can be further seen by contrasting their investigation of the Goodman, Chaney, and Schwerner case to the

[45] Civil Rights Movement Veterans, "Neshoba Murders- A Chronology," CRMVET.org, http://www.crmvet.org/info/csg.htm (accessed March 30, 2009).
[46] Douglas O. Linder, "The Mississippi Burning Trial," The University of Missouri Kansas City College of Law, http://www.law.umkc.edu, (Accessed March 30, 2009).

previously mentioned murders of Charles Moore and Henry Dee and the 1955 lynching of Emmett Till.

Emmett Till and Charles Moore and Henry Dee

The case of Charles Moore and Henry Dee and the lynching of Emmett Till are important to mention when examining the position of the FBI on crimes committed by terrorist organizations such as the Ku Klux Klan in the American South. Emmett Till represents the first time in the history of the movement that the entire country became aware of the violence that went on in Mississippi and the injustice that reigned free at the state level; how a white man on trial for murdering a black teenager would be acquitted despite the overwhelming evidence for conviction. Charles Moore and Henry Dee continue to represent the injustice of law enforcement and investigative agencies, whose case extends all the way to the Federal level of government.

The murder of Emmett Till, a fourteen year old boy from Chicago, was one of the first well publicized murders that occurred in Mississippi. Till was visiting his uncle, Mose Wright, in Money, Mississippi, during the summer of 1955 and was murdered by two white men who were trying to teach Till a lesson about the "Southern way of life." It is important to note that while Emmett was not in Mississippi campaigning for civil rights, he was in Mississippi at a time that was beginning to bring about civil rights activities, as *Brown v. Board of Education* had been decided only one year earlier.

Emmett Till became the target of Roy Bryant and J.W. Milam when he and his friends were hanging out by a general store owned by Bryant. Encouraged by dares from his friends after telling them about his white girlfriend in Chicago, it is reported that Emmett Till either whistled or said "bye, baby" to Carolyn Bryant, Roy Bryant's wife and the woman working at the store.[47] The story of what the young Black man had done reached Roy Bryant a few days

[47] Civil Rights Movement Vets, "41 Lives for Freedom from the Southern Poverty Law Center," http://crmvet.org/mem/memhome.htm (accessed March 30, 2009).

later. The story infuriated him so much that he and his half brother, J.W. Milam, set out to teach the Chicago teenager a lesson about the customs of the South. The two men took Till from Mose Wright's house and drove him to a spot where he was savagely beaten and shot. To dispose of the body, the two men tied a cotton gin fan around Till's neck with barbed wire, and then threw his body into the Tallahatchie River.

Despite the evidence stacked against them, such as the fact that they were the last two to see Emmett Till alive when they took him from Wright's home at 2:30 a.m. and the ability of Wright to identify the two as the men who came looking for the young man, J.W. Milam and Roy Bryant were acquitted.[48] Three months after their acquittal, the two men sold their story to journalist William Bradford Huie and admitted to committing the murder because the young boy refused to apologize for his actions or his beliefs about integration. The men felt they had no choice but to kill Emmett Till; it was self defense really, as Till threatened the "Southern Way of Life."[49]

The murder of Emmett Till became one of the most famous crimes in Mississippi history and became a household topic of conversation. When Emmett Till's mutilated body was sent back to Chicago for burial his mother, Mamie Bradley, wanted his casket to remain open so that "The world can see what they've done to my boy." Not only did those who attended the funeral see the severely abused body of Till, but the world saw when the pictures were published in *Jet Magazine*. This murder is one that arguably began to make the nation see just how devastating the climate of racism and hate could be within their own nation. Although this murder was a catalyst for civil rights activism, it would be one of the only cases in which a black man was murdered that would receive the attention of the United States. Two more murders that occurred

[48] Chris Crowe, "The Lynching of Emmett Till," The History of Jim Crow, http://www.jimcrowhistory.org/resources/lessonplans/hs_es_emmett_till.htm (accessed March 30, 2009).
[49] Ibid.

nine years later before the beginning of the Summer Project were carried out in a similar way to that of Till's, the difference being that the United States Government was becoming accustomed to the harsh reality of Blacks going missing in Mississippi.

On May 2, 1964, two men by the names of Charles Moore and Henry Dee, two young men who were not involved with civil rights activities, would disappear. Although there are varying accounts of what exactly they were doing and where the two men were en route to, the following account seems to be the most popular. The two young men were standing outside of a locally owned gas station trying to bum a ride to Natchez, Mississippi. It was not uncommon for young blacks to hitchhike, as they could usually find someone who was willing to take them where they needed to go. Thomas Moore, the brother of Charles, tells the Jackson Free Press that he and his brother were not scared of White people and that they hadn't ever really heard of the Civil Rights Movement.[50] He also recounts that there was always the knowledge that something could go wrong because "they may not have known about the Freedom Rides, but all mothers of black boys knew about the Emmett Till case up in Money, Miss., in 1955 where a Chicago mama lost her 14-year-old boy after her supposedly whistled at a white man's wife."[51] Despite the little fear nestled in the back of their minds, the boys had no reason not to trust a white man who offered them a ride. On May 2, however, they were unlucky enough to be picked up by James Ford Seale, a man with sinister intentions.

James Ford Seale was a member of the White Knights of the Ku Klux Klan and picked up the boys because he thought they were "part of the agitation that was going on in Mississippi."[52] It would later be revealed that the Klan members thought the boys were radical

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[50] Donna Ladd, "I Want Justice, Too," *Jackson Free Press*, http://www.jacksonfreepress.com/more/php?id=6668_0_9_0_C.
[51] Ibid.
[52] Ibid.

Muslims who were planning to arm the volunteers participating in Freedom Summer. This assumption most likely came from the tensions that were evolving with the non-violent and "any means necessary." Although Seale had no way of knowing whether or not the boys were actually involved in any type of civil rights activities, he saw the two boys standing in front of the service station and pulled over to pick them up. His friend that was riding in the car with him, Charles Marcus Edwards, was told to get out of the car and "follow him in his pickup."[53] After Seale picked the two boys up from the gas station, Edwards contacted other Klan members and informed them of where Seale would be taking the boys. Shortly after they entered the vehicle, Charles Moore and Henry Dee began to become suspicious of Seale and asked him if they could stop and find another ride. Seale refused to stop and told them they shouldn't worry, that he and some friends just wanted to ask them some questions.

After a short time, Seale and the two boys arrived at a small clearing in the Homochitto National Forest where they were met by a carful of Klan members who been rounded up by Edwards. The two young boys were tied a tree and beaten savagely until they were on the verge of death. After the beating was over, James Ford Seale's father sent a friend over to help them dispose of the bodies. To make sure that there was no chance of the bodies being found, the men drove the bodies over one hundred miles to a spot near Tallulah, Louisiana. The Klansmen took the two nineteen year olds, both still alive, out into the middle of the Mississippi River and threw their bodies into the dark waters. The two men were not shot before they were dumped into the water because the Klan wanted to make sure that there was no evidence tying them to this crime.

After the disappearances of Goodman, Chaney, and Schwerner, the FBI and Navy sent divers into Mississippi so that they could scour lakes and rivers for their bodies. While the bodies of the three civil rights workers remained missing until August, the divers found the

[53] Ibid.

partial remains of Charles Moore and Henry Dee. This evidence alone advances the conclusion that the disappearances of these two young me would have gone unnoticed if it weren't for the extensive efforts by the government to locate the bodies of the three missing civil rights workers; there was no record of the two men going missing because it had not been reported (Moore's mother would not report her missing son because she feared her life and the life of her other son, Thomas, would be threatened by the Klan). The two men were so badly decomposed that they could only be identified by their personal property, a college ID card and a belt buckle.[54]

The bodies of Andrew Goodman, James Chaney, and Michael Schwerner were found on August 4, 1964. Charges were officially filed against the nineteen men in December 1964, but much to the dismay of the Federal Government and civil rights workers, the federal judge presiding over the case by the name of James Cox threw out the indictments because he decided the trial was built on hearsay.[55] The Federal Government thought that Judge Cox's actions in the case were unacceptable and decided to pursue a trial to get justice for the three men.

In 1966, the Federal government opted to not let the inherently racist logic and reasoning of the Mississippi courts dictate the injustice they felt was being done and decided to bring formal charges against the men they believed to be responsible for the deaths of the three young civil rights workers. Because Cecil Price and the others could not be charged with murder (there were no federal statues against murder at the time) the nineteen white Mississippians were charged with depriving the three murdered men of their Fourteenth Amendment rights:

> rights, privileges and immunities secured and protected by the Constitution and the laws of the United States, namely, the right to not be deprived of his life and liberty without due process of law,

[54] Harry Phillips, "Update: Cracking a Cold Case," *ABC News*, http://abcnews.go.com/2020/story?id=2822956&page=1.
[55] Douglas O. Linder, "United States v. Price et al.," *Famous Trials*, http://www.law.umkc.edu/faculty/projects/FTrials/price&bowers/price&bowers.htm

> [and] the right and privilege to be immune from summary punishment without due process of law.[56]

Since a deprivation of the men's Fourteenth Amendment right to Due Process was the only crime Price and the others could be charged with, the FBI had no option but to prosecute for what they could.

The trial of the eighteen men began in October 1967 in Meridian, Mississippi. Federal Court Judge Cox once again presided over the trial activities of the men, taking his job more seriously the second time around. Jury selection began on October 9, 1967. It is important to note that no African-Americans were selected to sit on the jury. One potential African-American juror was informed by Judge Cox that she would not be selected as a juror because she "had participated in a civil rights march and belonged to the N.A.A.C.P."[57] Although this was seen as a conflict of interest, it did not keep a white man who underwent questioning during jury selection from being "discharged for cause" for admitting that he had been part of the Mississippi Ku Klux Klan.[58] Although this man was not selected to sit on the jury, it still shows the racism that was ever present in the prosecution of such crimes. The white Klan member was allowed to participate in the jury pool, while the black activist was discharged because the judge felt her civil rights activities would force her to have a biased opinion.

By the end of the trial, the jury had reached no conclusion. Instead of allowing the trial to be declared a mistrial, Judge Cox issued the Allen Charge to the jury and asked them to "carefully re-examine and reconsider their positions."[59] The Allen Charge is used to point out to the jury "the importance and the desirability of reaching a verdict in [a] case, provided, however,

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[56] Howard Ball, *Murder in Mississippi*,
[57] Walter Rugaber, "All-White Jury Picked as Trial of 18 in Slaying of 3 Rights Workers Begins in Mississippi," *New York Times*, October 10, 1967. Special Edition.
[58] Ibid.
[59] Walter Rugaber, "Deadlocked Jury is Ordered to Continue Deliberations in Mississippi Slaying of 3 Rights Workers," *New York Times*, October 19, 1967.

that you as individual jurors can do so without surrendering or sacrificing your conscientious scruples or personal convictions."[60] The men and women deliberated for the remainder of the day and the next day. A verdict on the trial was finally reached on Friday October 20, 1967. The jury found Cecil R. Price, Samuel Bowers, Horace Barnette, Jimmy Arledge, Billy Wayne Posey, Jimmie Snowden, and Alton W Roberts guilty of conspiring to deprive the three civil rights workers their rights guaranteed to them in the Fourteenth Amendment to the Constitution.[61] Cecil Price and Alton Roberts were denied bail and faced up to ten years in prison and a $5000 fine.[62]

The case of the three civil rights workers and the legal proceedings that occurred are in extreme contrast to the form of "justice" that was received for Charles Moore and Henry Dee. When the bodies of the two young men were found on July 13, 1964, the FBI began an investigation of their murders. FBI agents began working with an anonymous Klan informant which led to the arrest of James Ford Seale and Charles Edwards. The informant was known to the FBI as JN-30 and "provided the FBI with crucial information about the murders of Charles Moore and Henry Dee."[63] The informant's actual name was Ernest Gilbert, a man who was the Imperial Wizard of the Ku Klux Klan chapter Seale and Edwards belonged to. Gilbert himself had no part in the murders and was only informed of them because he was the Imperial Wizard. In a 2000 interview with 20/20, Gilbert told ABC News that Seale and other participants told him about the murders so they could be protected: "Well, if anything ever comes of it and- and we want you to know so you can protect us."[64]

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[60] State of West Virginia, "Proposed Jury Instruction for 'Allen Charge,'" http://www.state.wv.us/wvsca/jury/crim/allen.htm.
[61] Walter Rugaber, "Mississippi Jury Convicts 7 of 18 in Rights Killings," *New York Times*, October 21, 1967
[62] Ibid.
[63] ABC News, "20/20 Transcript June 14, 2000," http://abcnews.go.com/2020/story?id=2826063&page=1
[64] Ibid.

Although Ernest Gilbert was a member of the Klan himself, he recounted to ABC News that what the men had told them horrified him so much that he decided to turn them in. When Charles Edwards was arrested, he and Gilbert were the ones responsible for leading the investigators to Seale. Edwards told the FBI that he had no part in the actual murder of the two boys, that he only assisted in the beating but removed himself from the situation before the Klan members left the clearing to dispose of the evidence. The information from Edwards and Gilbert was very valuable to the team of FBI investigators who knew they had enough evidence to convict the men when they were put on trial. This evidence would never make it to a court because the case was handed over to local law enforcement because the FBI "was much too consumed with the search for Goodman, Chaney, and Schwerner" to continue the trial.[65] When given the case, the District Attorney in Mississippi decided to drop the case against Seale and Edwards on the grounds that "the case was 'greatly prejudiced' toward the defendants because they 'put out the story' in Meadville that, after their arrest, they had been 'brutally mistreated.'"[66]

Although James Ford Seale walked away from the crime a free man, the case was reopened in 2005 and Seale underwent a trial in 2007. The courts charged him with "kidnapping and conspiracy in the 1964 murders of Charles Moore and Henry Dee."[67] He was given three life sentences for his crime. The case was reopened with the work of Thomas Moore, the brother of Charles Moore, who wanted to make sure that his brother received justice. The outcome of the trial looked like a victory to the martyrs of the movement who never received the justice they deserved. This martyrdom was overturned, however, when Seale's conviction was reversed on a technicality in 2008.

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[65] Peter Sheridan, "Justice for Evil Klan Killer?," *The Express*, June 9, 2007.
[66] ABC News, "20/20 Transcript June 14, 2000," http://abcnews.go.com/2020/story?id=2826063&page=1
[67] "KKK Killer Jailed for Life," *The Sunday Mail*, August 26, 2007, Foreign News Section, Final Edition.

Seale was charged with conspiracy and kidnapping for the murders of the two young men. Through appeals from his lawyers, the court was forced to overturn his conviction because it exceeded the five year limit to prosecute those charged with kidnapping.[68] James Ford Seale was released from his three life sentences on a technicality; the courts were forty years too late in taking steps to prosecute this man for the murders of two black teenagers.

With a record of injustice for crimes against African Americans during the era of the civil rights movement, the Federal Government has made a push in recent years to begin re-investigating civil rights crimes and begin officially closing as many cases as they can. The *Emmett Till Unsolved Civil Rights Crime Act* was introduced to Congress on February 8, 2007 by Senators Chris Dodd and Patrick Leahy, and Representatives John Lewis and Kenneth Hulshof and was signed into law by President George W. Bush.[69] John Lewis, a former Freedom Rider and civil rights activist, gave the following statement about why the bill should be supported by members of the Senate and House:

> These unsolved murders leave a stain on the integrity of the judicial system in America. The credibility of the government is in question here. These lingering unsolved cases lead African Americans and other citizens to wonder whether this nation is truly committed to justice or whether there are times when we find it convenient to look the other way. That is why it is so important to bring this chapter of our dark past to a close."[70]

In order to reconcile the past with the present and make sure that justice is served, the bill would provide for an unsolved crime office within the Justice Department and FBI and would also allow the Justice Department to work with communities in which these crimes occurred.[71] The

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[68] James Bone, " KKK Convict James Ford Seale Cleared in 42 year Trial Delay," *TimesOnline.com*, September 11, 2008, http://www.timesonline.co.uk/tol/news/world/us_and_americas/article4727527.ece.
[69] The American Civil Liberties Union, "ACLU Applauds Newly Enacted Emmett Till Unsolved Civil Rights Crimes Act," http://www.aclu.org/racialjustice/37087prs20081008.html.
[70] Chris Dodd: United States Senator for Connecticut, "Sens. Dodd and Leahy and Reps. Lewis and Hulshof Reintroduce Emmett Till Unsolved Civil Rights Crime Act," http://dodd.senate.gov/?q=node/3736.
[71] Ibid.

bill allows for civil rights crimes that occurred before January 1, 1970 to be investigated by the FBI and the Justice Department.[72]

On March 26, 2008 *MSNBC.com* ran an article detailing how, since the approval of the *Emmett Till Unsolved Civil Rights Crime Act*, around 100 unsolved civil rights crime cases have been handed over to the Justice Department and FBI. FBI director Robert Mueller stated that around 95 of the cases were sent to field offices across the country so that background information could be collected. Out of those cases, 52 were re-opened and 26 were, at the time of publication, being reviewed by members of the Justice Department.[73]

The passage of the *Emmett Till Unsolved Civil Rights Crime Act* and the willingness of the FBI and the Justice Department to undertake cases that have been cold for over thirty years is evidence of the desire for FBI to clean up its tarnished past in the area of civil rights. While it is impossible for the FBI to go back in time to investigate crimes that they had the authority to investigate, they can make attempts to fix their mistakes, and this is exactly what they have done. Myrlie Evers, the widow of Medgar Evers, said, "There are those who say that civil rights 'cold cases' should remain lost in history, ' no one benefits' and ' the men are old and will die soon, so why bother?' But murder is murder."[74] The bill will not work miracles on it's own by any means, and there will still be some cases the go unsolved, but it is important for the Justice Department to investigate and close as many cases as they are able to close. This bill is important in further ways, though, because it forces the FBI to acknowledge the rampant racism

[72] Ana Radelat, "Congress Pushes to Crack Unsolved Civil Rights Crimes," *USAToday.com*, June 12, 2007, http://www.usatoday.com/news/washington/2007-06-12-cold-cases_N.htm.
[73] Associated Press, "FBI Investigates 26 Civil Rights Era Cold Crimes," *MSNBC.com*, March 5, 2008, http://www.msnbc.msn.com/id/23478949/.
[74] Ana Radelat, "Congress Pushes to Crack Unsolved Civil Rights Crimes," *USAToday.com*, June 12, 2007, http://www.usatoday.com/news/washington/2007-06-12-cold-cases_N.htm.

that existed within the bureau and because it acknowledges that everyone who died during the movement, no matter their race, deserves justice for crimes committed against them.

Conclusion

When examining civil rights crimes during the decade of the 1960s it is evident that the FBI, an organization committed to investigating breaches of federal law, based their involvement in civil rights crimes on the skin color of the victim and not on the crime that was committed. Thought the movement the FBI involved itself with civil rights issues as little as possible throughout the ten years of the movement. Although civil rights workers asked the FBI to offer protection to the student volunteers going into Mississippi, Hoover refused to allow it. J. Edgar Hoover informed Bob Moses that it was not his responsibility to protect men and women who were doing nothing more than stirring up unnecessary trouble in Mississippi. Unfortunately, his attitude and willingness to cooperate with movement leaders only changed when the disappearance of two white northerners sparked national outrage.

In the case of Goodman, Chaney, and Schwerner, the Justice Department and FBI became involved in the case mere days after the three men disappeared. This is the first investigation in the history of the movement in which Hoover authorized FBI offices to be set up throughout the state of Mississippi. When the bodies of the three men were found a little over a month later, the Federal Government forced Mississippi to bring charges against the eighteen men who were associated with executing these crimes. When a jury was not able to reach a conclusion, a Federal Judge forced the men and women who held the fate of Cecil Price and seventeen other men to reconsider their verdict. This would also be the first time in the history of the civil rights movement that federal charges were brough against white men involved in committing civil rights crimes.

The cases Emmett Till and Charles Moore and Henry Dee stand in stark contrast to the case of the three missing civil rights workers. Roy Bryant and J.W. Milam were put on trial for

the 1955 murder of Emmett Till and were acquitted by an all white jury. No other attempts to prosecute the men were made. In the case of Charles Moore and Henry Dee, their bodies were only found because the extensive effort the FBI was putting into finding the bodies of Goodman, Chaney, and Schwerner. No one in the state of Mississippi, with the exception of the families of both men, knew or cared that these two men had not been seen or heard from for over two months. Charles Moore's brother, Thomas, stated that his mother would not report him missing because nothing would be done to investigate and her life would then be at risk. Despite working with an informant who would later be beneficial to the case against James Ford Seale, nothing ever came of the FBI investigation because the FBI decided the case was built on circumstantial evidence and a trial would not be worth the time or money. The lack of interest in this case at the time resulted in the deaths of Moore and Dee being all but forgotten until the 2000s, when Thomas Moore began working with a Mississippi attorney to re-open the case. Although James Ford Seale was convicted of murdering the two boys in May of 1964, the 40 year delay in trying him resulted in his conviction being overturned.

When examining the movement in this aspect and how Hoover ignored the deaths of black civil rights activists, it is clear that throughout the late 1950s and early 1960s, J. Edgar Hoover's FBI based their involvement in civil rights cases on the color of a victim's skin and not on the crime that was committed. Although the FBI is often portrayed as a hero within the movement for investigating and prosecuting the men involved in the kidnapping of Andrew Goodman, James Chaney, and Michael Schwerner, their actions in recent history indicate that they are not happy with the way they are remembered in connection with the Movement. The Emmett Till Unsolved Civil Rights Crime Act is evidence of this. The United States Representatives and Senators responsible for the bill were well aware that Hoover's FBI did not

always do the right thing when it came to investigating the murders of black activists. Often ignoring the disappearances of blacks, the FBI was always more willing to investigate a crime against a white man. In order to resolve the shameful actions of the FBI and Hoover's blatant racism during the investigation of the case of Goodman, Chaney, and Schwerner, and the case of Moore and Dee, these men wrote the Emmitt Till bill as a way to guarantee that the ghosts of the past were reconciled. FBI director Michael Muller showed a great amount of support for the bill because he knew that it would improve the credibility of the FBI, especially in the eyes of civil rights veterans and those who remembered the movement. Although the racism in Mississippi and within the Government itself did not allow justice to be done, this bill will show Americans that, even after forty years, the men and women who died and were forgotten by the FBI during the movement still have every right to access the justice they were denied, no matter what color skin they have.

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