

## Should the Mississippi Files Have Been Reopened?

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The town of Philadelphia, Miss., can't quite escape its past. Like Selma, Ala., and Howard Beach, N.Y., it has come to symbolize the racial violence that tears at America to this day. In the summer of 1964, Michael Schwerner, James Chaney and Andrew Goodman were shot and killed in rural Neshoba County, just outside Philadelphia, by members of the Ku Klux Klan. Although the F.B.I. compiled enough evidence to convict seven men on Federal charges of violating the civil rights of the victims, the State of Mississippi never brought anyone to trial on murder charges. "A day doesn't go by that I don't think about those boys," says Stan Dearman, longtime editor of The Neshoba Democrat, "and wonder if justice will be done."

What, exactly, does justice entail? For some, the Federal convictions were justice enough. In 1989, Mississippi's Secretary of State, Dick Molpus, a Philadelphia native, made an emotional apology at a memorial service attended by relatives of the victims. "We deeply regret what happened here 25 years ago," Molpus declared. For many, this was more than enough.

Dearman disagrees. He believes that justice requires a murder trial in Neshoba County, and it is possible that he will get his wish. The push for a criminal prosecution may be aided by material in the newly opened files of the State Sovereignty Commission.

Created in 1956 to defend Mississippi from "encroachment by the Federal Government," the commission spent two decades monitoring those suspected of supporting racial integration before it was abolished in 1977. The files, which contain 87,000 names, are mostly about the harassment of ordinary people. Yet they also provide a remarkable window onto a series of Klan killings in the 1960's, including those of Medgar Evers and Vernon Dahmer, the prominent civil rights leaders, as well as those of Schwerner, Chaney and Goodman. There are no smoking guns in the Neshoba case -- nothing to indicate that someone in state government had prior knowledge of the murder plot, took part in the crime or tried to cover it up. But the files reveal a deep hatred of the civil rights workers who reached Mississippi in 1964 and a level of surveillance probably unprecedented in the nation's history. Equally important, the files show that state investigators, working independently of the F.B.I., came up with similar information regarding the murder suspects in Neshoba. The Federal Government chose to prosecute on the charges available to it (violation of civil rights); the state chose not to, on the charges in its purview (murder).

The facts in the case are well known. Michael Schwerner, a Cornell graduate, had gone to Mississippi with his wife, Rita, to work for the Congress of Racial Equality. Opening a community center in Meridian, the young couple taught black children to read and write while encouraging their parents to register and vote. James Chaney, 21, was a frequent visitor at the center and quickly became Schwerner's confidant. In June 1964, Schwerner and Chaney drove to Oxford, Ohio, to help train volunteers for a huge voter-registration drive in Mississippi, known as Freedom Summer. There they befriended Andrew Goodman, a 20-year-old white college student from New York. Reaching Mississippi on June 20, the three men spent the next day inspecting the ruins of a black church near Philadelphia that had been firebombed by the Klan.

That afternoon they were arrested for "speeding" by Neshoba County's deputy sheriff, Cecil Price. According to extensive testimony at the Federal trial, Price sent out word that those arrested included "Goatee" -- the Klan's code name for Schwerner, who had been marked for death by the Imperial Wizard, Sam Bowers (who was just convicted for the murder of Vernon Dahmer on Aug. 21). Price held the civil rights workers long enough for Edgar Ray Killen, a preacher and, according to the F.B.I., local Klan leader, to round up a posse. As Schwerner, Chaney and Goodman headed down Route 19 that evening, Price tailed them in his cruiser, followed by two carloads of Klansmen. After a frantic chase, the three men were caught, taken to an isolated spot on Rock Cut Road, murdered in quick succession and buried below an earthen dam on the farm of Olen Burrage, one of Philadelphia's wealthiest citizens. Their Ford wagon was set ablaze.

The three bodies were discovered six weeks later, following one of the largest F.B.I. manhunts in history. Near the end of the year, Federal agents arrested 19 men for conspiring to deny Schwerner, Chaney and Goodman their civil rights. After numerous delays, a Federal jury convicted Sam Bowers, Cecil Price and five other defendants. Three more went free when the jury deadlocked, including Killen; the rest were acquitted.

Many people believe that state officials had no desire to see an explosive murder trial in Neshoba County, where the probable outcome -- mass acquittals -- would embarrass Mississippi once again. They realized, too, that a trial could easily unmask their own roles in this tragedy -- the roles of leaders who fanned the hysterical, and ultimately lethal, resistance to civil rights in the South's most segregated state. The Neshoba killings remain officially "unsolved." The leading suspects are still alive.

Although "local people" like Evers and Dahmer formed the backbone of the civil rights movement in Mississippi, it is Schwerner, Chaney and Goodman who remain the most visible martyrs to that cause. Fairly or not, their case offers the best chance for redemption and closure on the national stage.

In the newly released files is a 1964 "talk" by Erle Johnston, the Sovereignty Commission director, to a group of business leaders, marked "Absolutely Restricted," about preparations to neutralize the Council of Federated Organizations, or COFO, the umbrella group behind Mississippi's Freedom Summer. "Through our investigative staff and other sources of information," he said, "the Sovereignty Commission has been fully informed about COFO's plans." Johnston wasn't boasting. The files show that commission informants had thoroughly infiltrated

COFO.

One informant supplied copies of the Freedom Summer application forms, which included a biographical sketch of each civil rights worker and -- more important -- a photograph. Others forwarded the notes they had scribbled at COFO meetings. The most valuable source, known as "Agent X," attended the COFO training sessions in Ohio and also supplied the descriptions and tag numbers of COFO vehicles in Mississippi, which the Sovereignty Commission then distributed to local police officers, many of whom, as in Neshoba, belonged to the Ku Klux Klan. One such vehicle, "a '63 Ford Station Wagon bearing Mississippi license plate number H 25503," was the car Schwerner, Chaney and Goodman were driving when they were stopped for speeding by Deputy Price.

Some view Agent X, identified in recent press reports as R.L. Bolden, a local black man with ties to the civil rights movement, as an accessory to murder. (Bolden has refused to be interviewed.) Yet Agent X was hardly alone in putting the lives of these civil rights workers at risk. The Sovereignty Commission files reveal that the Schwerners were being monitored by law enforcement within weeks of their arrival in Mississippi. A detailed report by the commission's top investigator, Andrew Hopkins, on March 23, 1964, gives precise descriptions of both Schwerners, their local address, choice of clothing ("dungarees" and a "CORE button") and current employment (encouraging blacks to vote). It concludes that the Meridian police are "keeping these subjects under surveillance and are getting information from reliable informants."

The Sovereignty Commission dispatched Hopkins to Philadelphia a few days after the civil rights workers disappeared. His confidential reports, written by someone who changed his thinking over time, provide a unique look at the murders. A devoted segregationist, with strong ties to the local police, Hopkins at first accepted the prevailing white opinion that the three "agitators" had faked their disappearance to gain publicity for Freedom Summer. "There is still no physical evidence that [they] have met with foul play," he noted on July 3, "other than the burned out car which could very easily be part of a hoax."

Hopkins resented the F.B.I.'s presence in Neshoba County. He complained that the bureau did not seek the aid of Mississippi officials, and he accused individual agents of browbeating suspects. Yet the more Hopkins learned from his informants, the better the F.B.I.'s case appeared. State investigators, using multiple sources, were told that six to eight Klansmen were directly involved in the killings, including "law enforcement people" and "a minister." Hopkins found that the bureau had "every one" of these suspects under close surveillance. On Aug. 6, two days after the bodies were discovered, he admitted that the F.B.I. did not need his information about the case -- "they already had most of it."

His report of Aug. 6, one of the key documents in these files, appears to contain what until now was the bureau's most closely guarded secret -- the identity of the person who broke open the case by revealing where the bodies were buried. All that had been known was that the F.B.I. had paid the individual \$30,000 and had promised to protect his identity. "I have information from a confidential source," Hopkins wrote, "that Mr. Olen Burrage . . . directed the F.B.I. to the spot where the bodies were buried. . . . The informant stated that Mr. Burrage received \$30,000 from the F.B.I. for this information." Burrage was indicted on Federal conspiracy charges, but not convicted. (Burrage did not respond to repeated requests for comment.)

When the 19 arrests were made, Hopkins was mildly surprised. He had expected an additional police official to be booked, but he hadn't imagined so many arrests beyond the actual participants at Rock Cut Road. His final report in 1964 describes the F.B.I.'s case in meticulous detail and criticizes the bureau on one major count -- its strong-arm tactics against suspects who refused to confess.

Philadelphia, a town of about 7,000 people, looks today much as it did on that blistering Sunday afternoon 34 years ago when Cecil Price made his fateful arrest. The old markers are there -- the red-brick county courthouse, the shops lining the main square, the storefront offices of the lawyers who represented the Neshoba defendants at the Federal trial. The big difference around Philadelphia is the Silver Star Resort and Casino, three miles west of town. Owned by the Choctaw Indians and opened in 1994, it provides Neshoba County with millions in revenue and hundreds of jobs.

If the Silver Star represents the glittering future, then the civil rights killings mark the bitter past. Most whites say they believe that a murder trial today would needlessly reopen old wounds. A lawyer tells me: "We're a small town. A few years ago, my little girl got on the wrong school bus and was lost. Cecil Price spent hours searching for her until she was found." He adds: "I believe that murder must be punished, but I just don't know what good it would do to put Cecil in jail again after all these years."

A trial, however, would have real meaning for local blacks like the Rev. Clint Collier, a Methodist minister who spent much of his life battling for civil rights. For his labors, Collier was arrested, fired from his teaching job and swindled out of much of his land. Today, at 89, he vividly recalls the meetings with Schwerner, who spoke about the prospect of being killed, and the mean swagger of local police officers. He remembers Cecil Price telling him, several years ago, about being "brainwashed" by the Klan.

"Have you repented?" Collier asked him. "Are you teaching your boy to do right?" Price supposedly said yes. "That's good," Collier declared. "That's all you can do."

In 1989, Collier listened with disappointment as Dick Molpus apologized for the killings. "I want punishment," Collier says, pausing to let the anger pass. "I want justice."

Edgar Ray Killen still lives in Neshoba County. I phoned him at his farm. He told me that he didn't give interviews, yet he seemed in no hurry to hang up. After chatting briefly, we agreed to meet at a local store. Killen and his wife arrived in a rusted pickup truck. Wearing his trademark cowboy hat, with a plug of tobacco in his cheek, he looked remarkably fit for a man of 73 -- lean, well-muscled, deeply tanned. He shook hands warmly and invited me, my 20-year-old son, Matthew, and the photographer who was with us to supper.

Killen lives in the hills southeast of Philadelphia, a stone's throw from Rock Cut Road. "I've always preached the same way," he said. "I brag on Jesus." Like some white Southerners, Killen viewed the civil rights movement as part of a Communist conspiracy to replace biblical truths with godless principles. In 1964, according to F.B.I. files, he became a founding member -- and chief recruiter -- of the local Ku Klux Klan.

According to testimony at the 1967 Federal trial, Killen was not among the group that killed Schwerner, Chaney and Goodman on Rock Cut Road. Yet several witnesses swore that he had recruited them for the murders. "Reverend Killen said they had three of those civil rights workers locked up and we had to . . . tear their butts up," one said. Another witness recalled a conversation with the preacher just after the civil rights workers disappeared. He "told me that they had been shot, that they were dead. . . and buried in a dam about 15 feet deep."

We sat in a living room crammed with religious items. "I'm a right-winger who supports the Constitution as written by the Founding Fathers," Killen said. Asked about the murders, he replied: "Those boys were Communists who went to a Communist training school. I'm sorry they got themselves killed. But I can't show remorse for something I didn't do."

Having said exactly what he intended, the preacher got up to check on supper. At that moment, his youngest brother, Don, arrived, and the evening took a darker turn. Shaking my hand, Don announced that he didn't like blacks and homosexuals (in terms not printable in this magazine). He told me that President Clinton was a homosexual and that Martin Luther King Jr. had been one, too. The preacher joined in, using a racial slur to describe King's "Communist" sympathies.

The remark surprised me, for he had been careful to this point. With the formal interview now over, another side of Preacher Killen appeared. For the next three hours, over steak and french fries, iced tea and Kool-Aid, the brothers ranted -- about "scientific facts" (lesbians lean to the left in the womb), anthropology (blacks are mud people who belong in Africa), slavery (a good thing) and current affairs (almost every black in the county has no job, a boom box and his car up on blocks).

Close to midnight, the preacher walked us to the door. There had been no threats or outbursts that evening, although he did ask if we were nervous about winding up on Rock Cut Road, just like "those boys" in the 1960's. As we left his farm and headed down the narrow blacktop in total darkness, one thought came eerily to mind: this was the last thing that Michael Schwerner, James Chaney and Andrew Goodman saw in the moments before they died.

Will these murders be prosecuted? I posed this question to Mississippi's State Attorney General, Mike Moore, 46, a moderate Democrat with a solid record on civil rights. His office is now aiding local prosecutors in the Vernon Dahmer killing, and the Neshoba case would seem the logical next step.

Shortly after taking office in 1988, Moore faced pressure to investigate the Neshoba murders. Hollywood had just released "Mississippi Burning," which glorified the F.B.I. for solving the case, and The Clarion-Ledger, Mississippi's leading newspaper, urged Moore to convene a grand jury. The evidence is "laid out for the world to see," it said, "and has been since the 1967 trial." But it wasn't that simple. Moore learned that some of the physical evidence -- the bullets, fingerprints, the victims' clothing -- was missing. At the same time, the cases of Evers and Dahmer gained local momentum, pushing Neshoba to the side.

Many believe that a conviction of Bowers in the Dahmer case is akin to his conviction in the Neshoba case, since Bowers was the driving force behind most Klan murders in Mississippi. As Moore says: "Sometimes a man kills 10 people and we get him for 1. But justice is served in the 9 other cases."

What about Price, Killen and other suspects still walking the streets? The Sovereignty Commission files will provide useful material for a prosecutor -- not only the names and code names of informants but also the knowledge that staunch segregationists, using their own sources, concluded that the F.B.I. compiled a very solid case. Thirty-four years ago, an agent expressed the hope that "sometime in the future when they have had an opportunity to review in detail information involving the subjects in this matter," state officials would file murder charges. Perhaps, with the opening of the files, that time has arrived.

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