

**Fannie Lee Chaney comforts her son, Ben, at the funeral of James Chaney. Opposite: From left, civil rights workers Michael Schwerner, James Chaney and Andrew Goodman were murdered in Mississippi in 1964.**

# A MATTER OF JUSTICE

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The 1964 killings of James Chaney, Michael Schwerner and Andrew Goodman galvanized a nation but no one was ever charged in their murders. Is the state of Mississippi finally ready to confront its notorious past?

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B Y L O T T I E L . J O I N E R

The movie *Ali*, flickers across the small television in Fannie Lee Chaney's bedroom. She's sitting on the side of her queen-size bed in a pink house dress, her feet, in pink slippers, resting on a stool. A yellow-and-white bandana covers her short, soft gray hair.

It is evening. The room is dark. The only light is coming from the television screen. A picture of the disfigured face of Emmett Till — the 14-year-old from Chicago who was brutally beaten and lynched while visiting relatives in Mississippi in 1955 — appears on the screen.

"Him and James. They've killed so many people down there in Mississippi," Chaney says before changing the channel.

Chaney is speaking of her oldest son, James — or "J.E.," as relatives and friends called him — who was murdered 40 years ago along with two White civil rights workers, Andrew Goodman and Michael Schwerner in Philadelphia, Miss. The three were on their way to investigate a church burning when they were pulled over by a deputy sheriff. They were jailed and released after several hours. Two days later, the blue Ford station wagon the young men were riding in was found — burned to a crisp.

But it would be another six weeks, 44 days, before their bodies were found, buried underneath an earthen damn. They had been shot and Chaney brutally beaten.

In 1967, 18 men were tried on federal civil rights charges in relation to their deaths. An all-White jury convicted seven of conspiracy; eight men were acquitted and there were three mistrials. Those who were found guilty received prison sentences of less than 10 years and none served more than six years in prison.

The state of Mississippi, however, has never tried anyone for murder in the deaths of Chaney, Goodman and Schwerner. But in May, a multiracial task force in Neshoba County, Miss., where the killings took place, asked for federal assistance in finally resolving one of the worst civil rights cases in history.

Will Mississippi finally come to terms with its sins of the past?

### Change Agents

Photographs of nearly 20 grandchildren and great-grandchildren occupy the walls of the front room in Fannie Chaney's modest two-bedroom home in a New Jersey suburb. But it's the large framed picture of James Earl Chaney that dominates the room, his watchful eyes providing a protective presence.

"He would always watch me when I cooked," says Chaney, 82. "He fixed Christmas dinner the Christmas before he died — chicken, dressing, potato salad."

But it was J.E.'s cornbread that his little brother Ben loved the most. Much like the picture on the wall, James Chaney was the center of Ben's universe. As their mother worked long days at a bakery to support her family, James was responsible for taking care of his little brother.

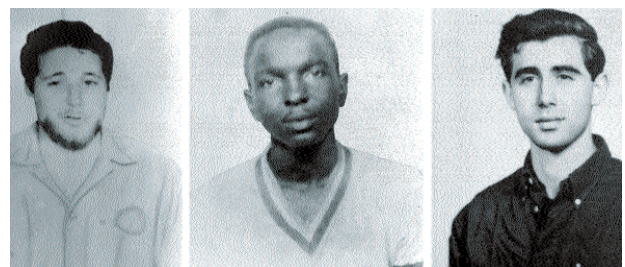
"Everywhere he went, I had to go along," says Ben, who was 11 when his brother disappeared.

James, 21, would take Ben to get hair cuts and also bought his younger brother his first football uniform.

"He tried to turn me into an athlete," remembers Ben. "I think I did pretty good. Along with the sports training, J.E. imparted some important life lessons.

"I learned from him that you don't need a lot of people to do what you want to do," says Ben, now 51. "If you think what you're doing is right, just do it and other people will respond to you."

Andrew Goodman's family taught him similar lessons while



he was growing up in New York. Sitting in the parlor of her spacious 10-room Manhattan apartment, Carolyn Goodman remembers how her middle son loved music, art and dance. Across the room, a photo of Andy, as she called him, rests on a dresser. His familiar face is found in nearly every room — a painting in the foyer, another in the dining room, a drawing in her office.

Andrew was a 20-year-old sophomore at Queens College and helped his father, a civil engineer, build bridges in New York and New Jersey during his time off from school. Once, he rescued a fellow worker twice his size who had fallen at a construction site.

"He was the kind of person that was just always looking around and being where he could be helpful," says Carolyn Goodman, 88. "Andy was aware of what was needed."

So when Andrew watched the evening news and saw Birmingham police chief Eugene "Bull" Connor siccing police dogs on little Black children in Alabama, he wanted to do something.

"He'd get so furious and angry," says Goodman. "But he was the kind of young man who, that wasn't enough for him, being angry. His grandfather always said, 'Look, if something bothers you don't sit there and just be upset, do something. Be a doer.'"

By the time 24-year-old Michael "Mickey" Schwerner went to Mississippi, he was already a doer. A graduate of Cornell University, Schwerner was a social worker in Manhattan when he decided to dedicate his life to "working for an integrated society" and applied to be a field worker in Mississippi for the Congress of Racial Equality (CORE), an interracial civil rights organization that used nonviolent tactics to fight against segregation.

So in January 1964, Schwerner and his 22-year-old wife, Rita, a teacher, traveled to Meridian, Miss.



Today Michael's widow, Rita Bender, says she wanted to go to Mississippi because "it was impossible to ignore the lack of freedom in a country that was purported to be so free.

"When I was in college, we came of age in a time when we believed that if there were enough of us who were willing to take on what we perceived to be wrongs, it would change," says Bender, a Seattle attorney.

Shortly after arriving in Mississippi, the Schwerners began working immediately, organizing a boycott and trying to get Blacks registered to vote. The Northern couple stood out in the small Southern town. Their presence raised suspicion and the license plate number of their car was circulated among law enforcement. But despite the constant harassment and threatening phone calls, Bender remembers those who reached out to the young pair.

"People were just really kind to us and looked out for us," says Bender. "I look back on the months that I lived in Meridian as some of the most warmest sense of community that I've experienced."

### **A State of Terror**

Warm was not usually the first word that came to mind when people described Mississippi, especially in 1964. In fact, the name was synonymous with racism, a cold hard hatred that penetrated the state.

Blacks in Mississippi were seen as the most uneducated and oppressed in the nation. The state was once described as "South Africa, just a little better." In 1964, only 6.7 percent of African Americans in the state were registered to vote, the lowest percentage in the country. In some counties, no Blacks were registered.

The state's past is filled with beatings and lynchings. In 1955, the Rev. George Lee and Lamar Smith were shot for encouraging Blacks to vote, and on Aug. 28, Emmett Till was lynched in Money, Miss., allegedly for whistling at a White woman.

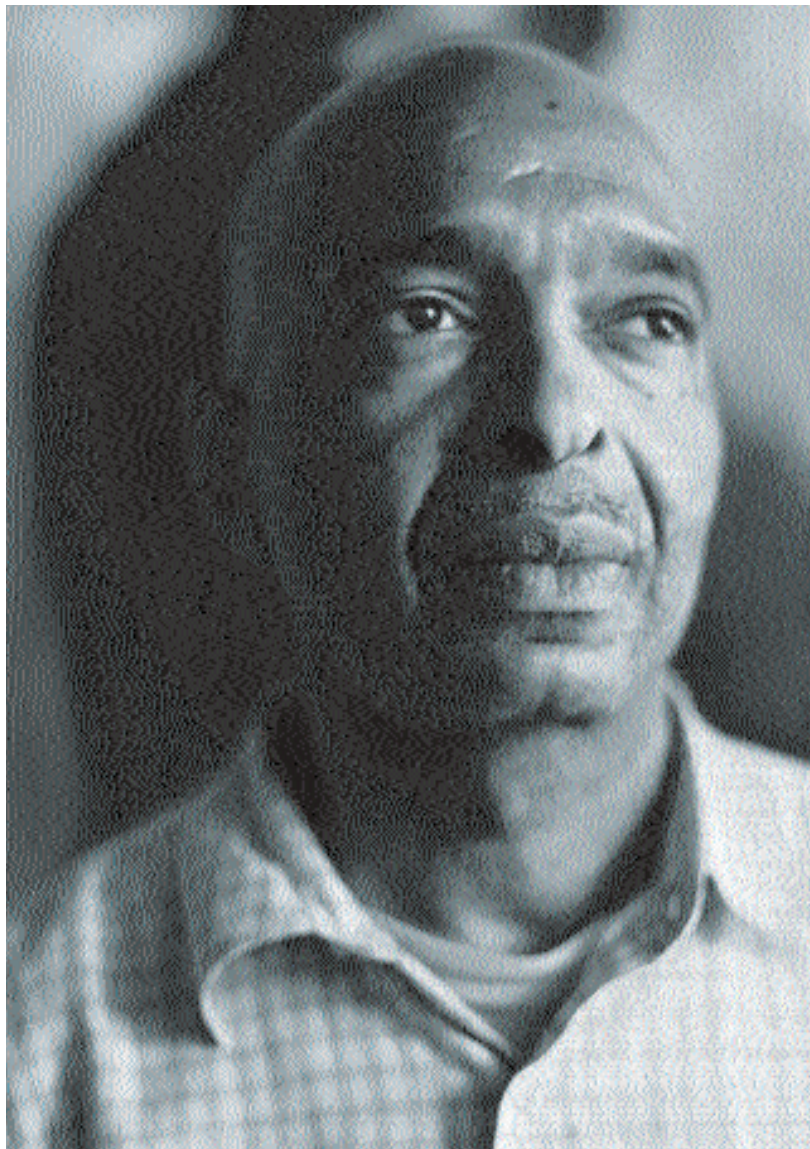
The following years would bring even more bloodshed. In 1959, Mack Charles Parker, who was accused of raping a White woman, was taken from his jail cell, beaten and shot. In 1961, farmer Herbert Lee was shot in broad daylight by a White state legislator. And in 1963, NAACP field secretary Medgar Evers was gunned down in the driveway of his home in Jackson.

This was the hostile and violent environment in which Schwerner came to Mississippi. "Nowhere in the world," he would note, "is the idea of White supremacy more firmly entrenched, or more cancerous, than in Mississippi."

James Chaney already knew about the ways of Mississippi. He lived it — the pain, the humiliation, the degradation. After getting suspended from his high school for organizing an NAACP youth group, Chaney went to Tennessee to work with his father on construction jobs. As early as 1962, he would board buses with Freedom Riders. Soon after, Chaney became active with CORE and was the point person for voter registration efforts in Meridian and the Neshoba County area.

Mississippi CORE director David Dennis told Chaney that volunteers would be coming to the state in January 1964 and would need places to stay. Chaney welcomed Mickey and Rita Schwerner into his family's home until they found their own place.

"I remember waking up one morning and Mickey Schwerner



**Ben Chaney, James Chaney's younger brother, heads the James Chaney Foundation which has worked to get the case reopened.**

and his wife were sleeping on our floor," says Ben. "My brother had brought them home the night before. It became a routine. They would spend some days at our house. They would eat at our house."

The Schwerners and Chaney would help in the planning for Freedom Summer, a massive voter registration campaign in Mississippi organized by the Council of Federated Organizations, a coalition of civil rights groups including CORE, the Student Nonviolent Coordinating Committee and the NAACP. The plan was to invite up to 1,000 White student volunteers from Northern colleges and universities to the state to register Black voters and teach in Freedom Schools, established to provide Black students with classes on Black history and the Civil Rights Movement. Their presence, the civil rights activists hoped, would help bring national attention to the plight of Black Mississippians. Many White Southerners, however, saw the campaign as an "invasion" by "outside agitators."

"White Mississippi was totally paranoid," says John Dittmer, a history professor at DePauw University and author of *Local People: The Struggle for Civil Rights in Mississippi*. "There feeling was: We are the forces of good. They are the forces of evil."

In New York, Carolyn Goodman was grappling with whether to allow her son to go to such a dangerous place. "We all knew what the danger was, but we couldn't talk out of both sides of our mouths," says Goodman. "We couldn't say, it's okay for the other kids to get beaten up, but not you, you just stay where you are. But in my heart, you know, it was tough. It was really tough."

Andrew's older brother, Jonathan, was more forceful. He knew there was a chance for something terrible to happen and tried to talk him out of going to Mississippi.

"My oldest son didn't want Andy to go. He knew what the risks were. He really, I think, in one sense, was more realistic than I," remembers Goodman. "He said, 'Andy, you don't have to go. You can care all you want, but you don't have to go.'"

But Andrew had made up his mind. He packed some of his favorite opera records and his mother snuck some bandages in his duffle bag just in case he got roughed up in jail. "I didn't want to let him know that I was concerned," says Goodman.

And so off he went to the Freedom Summer training session in Oxford, Ohio, where he would meet fellow New Yorker Schwerner and his friend J.E. During the training sessions, the campaign leaders emphasized that the students had to be prepared to be beaten, jailed and even killed.

A call came that the Mount Zion United Methodist Church in Philadelphia, Miss., had been burned and that parishioners were beaten. Chaney and Schwerner had spoken to the congregation about voter registration and were hoping to use the church to house a Freedom School. As a result, the two volunteered to go down and investigate the church burning and invited Goodman, who was assigned to work in the Meridian office.

The three drove all night to Mississippi. They arrived at the CORE offices in Meridian on June 20 and set out for Philadelphia the next day. They were never heard from again. It was the first day of summer.

#### 44 Days

He knew they were dead.

David Dennis was at his mother's home in Shreveport, La., with a bad case of bronchitis when he got a call from the CORE office around 5:30 that evening notifying him that Chaney, Goodman and Schwerner, who were supposed to return at 4, had not reported in. All volunteers were instructed to call headquarters every few hours to let others know their whereabouts.

"They'd never do that unless something was seriously wrong," says Dennis. "That was a very dangerous place."

In searching for the three men, those at CORE headquarters checked with local hospitals and jails, including the Neshoba County jail — which denied they were there— before alerting the Justice Department.

Dennis called the FBI and told his mother that he thought that the movement had just lost three people. "I just knew it at that time," he says.

Rita Bender was still at the training session in Ohio when she received news that Mickey, Andrew and J.E. were missing. Though another activist warned her that they were probably dead, she hoped he was wrong. "In those first few hours I thought it was the possibility that they were being held in one of the jails and somebody was just playing cute," says Bender.

On her way back to Mississippi, Rita learned that authorities had found the station wagon the three workers were riding in. It



**Rita (Schwerner) Bender in Oxford, Ohio, during the Freedom Summer volunteer training camp.**

had been set on fire. She knew then that Mickey was gone.

Carolyn Goodman, however, didn't know whether her son was dead or alive. She had just received a postcard from Andy, who had written, "Having a wonderful time. Wish you were here."

"I was praying that maybe they were somewhere hiding and they didn't want to be found. Maybe they were in jail," says Goodman. "I just hoped. I think that a lot of people knew they were dead down there. But nobody was letting on."

And though Fannie Lee Chaney knew about the racial hostilities in the place where she was born, she still clung to the small hope that the

three were alive. "Is J.E. here?" she would ask each evening.

Young Ben was waiting for James to return as well. On the morning the three disappeared, James had promised his little brother that they would go for a driving lesson and then to visit J.E.'s new baby girl, Angela, who had been born a couple of days earlier. When J.E. didn't return that evening, Ben didn't think anything of it.

"I just always believed from the moment he left our house that Sunday morning, that he would be coming back. He would be walking in that door," says Ben. "To me, he was indestructible. Nothing or no one could hurt him."

But J.E. wouldn't ever walk through that door again. On Aug. 4, the families' worst fears were confirmed. The bodies of Chaney, Goodman and Schwerner were found buried 15 feet

**"I don't think it dawned on me that he wasn't coming back until they began to have his burial. The moment they lowered the coffin...I realized that was it."**

underneath an earthen dam, 44 days after they disappeared.

Friends had persuaded Carolyn Goodman to get out of the house finally and do something light. She was at Lincoln Center at a theater production when the bodies were found. "In the middle of the performance, someone came down the aisle and said, 'You've got to come home,'" remembers Goodman. "And I knew."

Bender was in Washington working in the office of the Mississippi Freedom Democratic Party when she learned that the bodies had been found.

Fannie Lee Chaney was at home when the FBI came to inform her of the discoveries. Images of the three in body bags flashed across the television screen, yet Ben refused to believe that his brother was gone. "I don't think it dawned on me that he wasn't coming back until they began to have his burial. The moment they lowered the coffin in the ground, I think that's when I realized that was it."

#### Life After Death

But this would be only the beginning of the nightmare for the Chaney family. A cross was burned in their yard. Their house was shot at several times and the family received death threats regularly. Fannie Lee Chaney barely let Ben out of her sight.

"My house became a prison," says Ben. "I couldn't go



nowhere without permission or without an adult with me, simple as that. My mother was not going to allow it.”

In addition to watching over her youngest son, Fannie Chaney struggled to find work. After J.E.’s disappearance, she lost her job as a cook at a local school and began making quilts to support her family. But it wasn’t enough. “I couldn’t work in Mississippi,” she says. “I couldn’t get a job anymore.”

By the time there was a trial — on federal conspiracy charges — three years later, the Chaney family had relocated to New York with support from the Goodmans. Fannie Chaney found a job as a nurse’s aide, and Ben attended a prestigious private school.

Bender was now remarried, but still grappled with her late husband’s legacy and what it all meant. “The notoriety after the murders certainly had a profound effect upon me,” says Bender. “There was a period of trying to deal with my own personal loss and...figuring out how I was going to live my life.”

The Goodman family dealt with their activist son’s death by dedicating their resources to encourage young people to be involved in community affairs and “taking risks.”

“His father, he didn’t feel that he should have kept [Andy] from going, but he was incredibly sad,” says Chaney. “He just was sad.”

In 1969, five years after his son’s murder, Robert Goodman died of a brain tumor.

### Wakeup Call

The murders of Chaney, Goodman and Schwerner “had a huge traumatizing effect,” says Taylor Branch, author of the Pulitzer Prize-winning *Parting the Waters: America in the King Years, 1954-1963*.

“In a sense the murders turned out just like the movement hoped and feared,” says Branch. “The martyrdom of young Whites would galvanize America in the way that the continued persecution of Black people had not.”

Unlike other murders in Mississippi, this one got the attention of the federal government. Attorney General Robert Kennedy ordered a full federal investigation, and FBI director J. Edgar Hoover sent FBI officers to Neshoba County. A New York congressional delegation escorted the Goodman and Schwerner families to the White House to urge President Johnson to help with the search for the three civil rights workers. Fannie Chaney would visit the White House as well.

Charles Payne, author of *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle*, says not since 1876 had the federal government moved so aggressively to stop racist violence. “They did react strongly, mainly because two of the victims were White,” says Payne. “It brought home the hypocrisy of the country racially.”

This hypocrisy was certainly not lost on Stephen Schwerner, older brother of Mickey. “It took an interracial lynching to get America upset about Mississippi,” says Schwerner, 67, a retired college faculty administrator. “It made it clear that the racism in the state was willing to take away anybody.”

Ben Chaney notes the hundreds of Blacks who died before the



**Carolyn Goodman holds a photo of her son, Andrew, a 20-year-old college student brutally murdered in Mississippi.**

People were traumatized. “The martyrdom of young Whites would galvanize America in the way that the continued persecution of Black people had not.”

volunteers got to Mississippi in the summer of 1964. In fact, he says, nine bodies were found, all Black men, when they were dragging the river to look for Chaney, Goodman and Schwerner.

“Many sacrificed and gave their lives,” says Ben. “No one cared about the Black people who were lynched.”

Also, the state’s refusal to bring murder charges in the three deaths caused many of the Freedom Summer volunteers to become disillusioned. “I think 95 percent really believed in democracy and really thought everything was going to be all right,” says Dennis. “But that didn’t happen. There was a lot of anger and disappointment.”



**The Time is Now**

People in Neshoba County don't talk about the past much. It's been a hard 40 years for this tiny community. The murders of Chaney, Goodman and Schwerner have left an unforgettable stain.

"We've been living under a cloud, a stigma," says Larry Clemons. "In order for us to move forward, we're going to have to have some closure."

Clemons heads the local NAACP and is co-chair of the Philadelphia Coalition, a 30-member multiracial task force that planned a 40th anniversary commemorative to recognize the three civil rights workers. They are also working to get markers placed where the three were murdered and where their car was found.

Buoyed by the U.S. Justice Department's announcement in May to reopen the Emmett Till case, the coalition asked the Neshoba county district attorney, the state attorney general and the U.S. Department of Justice in a resolution to "use every available resource and do all things necessary to bring about a just resolution in this [Chaney, Goodman and Schwerner] case."

Two days after the resolution was issued, Mississippi state attorney general, Jim Hood, asked the federal government to help investigate the case. Dunn Lampton, U.S. attorney for the Southern district of Mississippi, has agreed to provide the state with support.

Seven months earlier, Rep. Bennie Thompson (D-Miss.) had sent a request to the Department of Justice to reopen the case. Since being in office, Thompson has helped get several unsolved civil rights murder cases reopened, including the Medgar Evers case. Now Thompson is concentrating his efforts on getting convictions in the 1964 killings.

"It's a matter of setting the record straight," says Thompson. "Some folk say we ought to let the past be the past. A crime was committed. You don't solve a crime by ignoring it and not putting [forth] the best effort possible for conviction."

That was heartwarming news for Ben Chaney, who has spent the past 25 years trying to get the case reopened. Bender has also sought justice. In 1999, she asked the state of Mississippi to look

into bringing murder charges against those who participated in the killings. That same year, the state began looking into the case, but their efforts stalled after one of their main witnesses died after an accident in 2001. The most recent news has not convinced Bender that the state is ready to confront its notorious past.

"I do not know if anything will come of it, as the state may have waited far too long," Bender wrote in an e-mail to *The Crisis*. "The important thing is to talk about the responsibility of so many people who had positions of public trust, and abused that responsibility by encouraging the many acts of brutality and mistreatment."

Stephen Schwerner hopes that a new trial will go beyond those directly involved in the murders and look at organizations like the White Citizen's Council and the Mississippi State Sovereignty Commission which fostered an atmosphere of hate.

Nevertheless, Hood says there are several people that can still be prosecuted in the case. He expects to finish interviewing witnesses by the end of July and will be able to decide then whether there's enough evidence for a new trial.

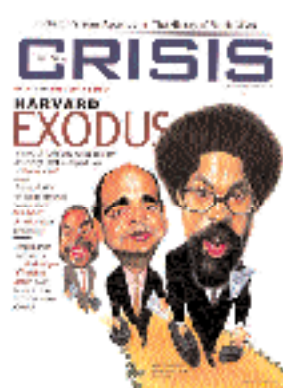
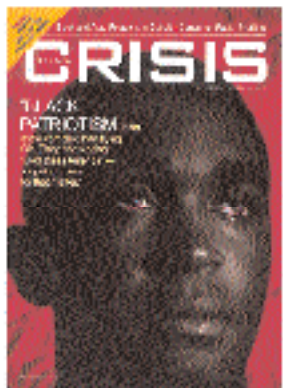
Carolyn Goodman certainly hopes that the 40-year journey comes to a positive end. "This is a country of laws and justice should be done. There's no question about that," says Goodman. "I'm not out for revenge. I don't want revenge. I want justice."

Clemons is optimistic that justice will finally prevail and believes the community is finally ready to deal with its past.

"If the grand jury brings indictments, I believe we will be able to get a conviction," says Clemons, who first learned about the murders as a student about 25 years ago. "These murderers are still walking around in the community. We've got to get justice for these young men. I think the families need some closure. I know Neshoba County is ready to get just that."

But is Mississippi? Hood certainly thinks so. "We're going to right a past wrong. This year is the time for something to happen."

Lottie L. Joiner is senior editor for *The Crisis*.



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