The civil rights movement was a mass popular movement to secure for African Americans equal access to and opportunities for the basic privileges and rights of U.S. citizenship. Although the roots of the movement go back to the 19th century, it peaked in the 1950s and 1960s. African American men and women, along with whites, organized and led the movement at national and local levels. They pursued their goals through legal means, negotiations, petitions, and nonviolent protest demonstrations (see pacifism and nonviolent movements). The civil rights movement was largest social movement of the 20th century in the United States. It influenced the modern women's rights movement and the student movement of the 1960s.

The civil rights movement centered on the American South. That was where the African American population was concentrated and where racial inequality in education, economic opportunity, and the political and legal processes was most blatant. Beginning in the late 19th century, state and local governments passed segregation laws, known as Jim Crow laws; they also imposed restrictions on voting qualifications that left the black population economically and politically powerless. The movement therefore addressed primarily three areas of discrimination: education, social segregation, and voting rights.

**The Brown Decision**

The 1954 U.S. Supreme Court decision *Brown* v. *Board of Education of Topeka, Kansas* ushered in a new era in the struggle for civil rights. This landmark decision outlawed racial segregation in public schools. Whites around the country condemned the decision. In the South such white supremacist groups as the Ku Klux Klan and the Citizens' Council organized to resist desegregation, sometimes resorting to violence. A primary target of supremacist groups was the National Association for the Advancement of Colored People (NAACP). Over the course of decades the NAACP had filed a succession of court cases, including *Brown,* and had assumed the lead in the national struggle against segregated education. The oldest established national civil rights organization, the NAACP also played an important role at the local level; blacks across the South organized branches to combat discrimination in their communities.

One of the first attempts to comply with the *Brown* decision came in Arkansas's capital city, Little Rock, in 1957. It was prompted in part by the work of the Arkansas NAACP and its president, Daisy Bates. When the local school board admitted nine black students to the city's previously all-white Central High School, white protests escalated into violence; as a result President Dwight D. Eisenhower dispatched federal troops to protect the black students. A later high-profile case involved Alabama governor George Wallace. In 1963 he attempted to block black students from enrolling at the University of Alabama.

**The Challenge to Social Segregation**

By the time of the Little Rock incident, the nation had already become aware of the heightened struggle in the South. In 1955 blacks in Montgomery, Ala., organized a boycott of city buses in protest of the policy of segregated seating. Instigated by Rosa Parks, the boycott lasted 381 days; it succeeded in integrating the seating. It also led to the formation in 1957 of the Southern Christian Leadership Conference (SCLC), in Atlanta, Ga. This was presided over by a local black minister, Martin Luther King, Jr. As SCLC head, King would later become a central leader in the larger civil rights movement.

A major incident in 1960 led to the founding of another important organization and expanded the movement's participants to include college-age blacks. In that year, four students from the all-black North Carolina Agricultural and Technical College initiated sit-ins at a segregated Woolworth's lunch counter in Greensboro, N.C. Students from other southern black colleges and universities followed with similar sit-ins, bringing about the desegregation of several hundred lunch counters. During the sit-ins the young protesters organized the Student Nonviolent Coordinating Committee (seeSNCC).

Soon thereafter, many SNCC members joined forces with the Congress of Racial Equality (CORE). Founded in Chicago in the 1940s, CORE organized the Freedom Rides of 1961. Black and white Freedom Riders boarded commercial buses in Washington, D.C., and embarked on a route through the South; their objective was to test the 1960 Supreme Court decision *Boynton* v. *Virginia,* which had outlawed segregation in interstate transportation terminals. Riders were beaten, arrested, and in one instance had their bus burned. Nevertheless, the Freedom Rides were ultimately successful, prompting the U.S. Interstate Commerce Commission to enforce the ruling in *Boynton.*

The SNCC also organized local campaigns with NAACP branches to win voting rights for blacks and to end segregation in public places. One community that made the national spotlight was Albany, Ga. In 1962, King and the SCLC entered the Albany struggle. It failed to gain significant results, however, and branded King with a humiliating defeat.

The nation's focus then turned to Birmingham, Ala. Since 1956, the Rev. Fred Shuttlesworth of the Alabama ChristianMovement for Human Rights had been leading the struggle against racial discrimination there. For decades, local blacks had faced a staunch segregationist in the person of Eugene "Bull" Connor, the city's commissioner of public safety; he was chiefly responsible for Birmingham's reputation as the "most thoroughly segregated city in the United States." King arrived in the spring of 1963 and with Shuttlesworth led nonviolent demonstrations. Connor's use of police dogs and fire hoses against protesters, an act that remains infamous, helped awaken President John Kennedy's administration to the need for civil rights legislation.

Following Kennedy's assassination, President Lyndon Johnson maneuvered the Civil Rights Act of 1964 through Congress. Representing a major victory for African Americans, the 1964 legislation outlawed segregation in public places and prohibited racial and gender discrimination in employment practices.

**Voting Rights**

By the mid-1960s, however, most eligible black voters in the South remained disfranchised. Following World War II, African Americans initiated local efforts to exercise the right to vote but faced strong and sometimes violent resistance from local whites. Organized initiatives to enfranchise blacks climaxed with the Summer Project of 1964. Popularly known as Freedom Summer, it came under the auspices of the Council of Federated Organizations (COFO), which included the SCLC, the SNCC, CORE, and the NAACP. Targeting Mississippi, where in many counties no blacks were registered to vote, COFO launched a massive and largely unsuccessful voter-registration drive. White resistance was widespread and included several killings. (In one particularly notable case, three civil rights workers disappeared on June 21, and their bodies were found on August 4; a federal court convicted seven individuals in connection with the murders in 1967, but the state of Mississippi did not prosecute the case until 2005, when one 80-year-old man was convicted of manslaughter.) The voter-registration effort did, however, capture the attention of many lawmakers, who began calling for federal voting-rightslegislation.

Such legislation was enacted following events in Selma, Ala. King and the SCLC went there in February 1965, hoping to boost a languishing voting-rights drive that had been organized by the SNCC and local blacks. After two failed attempts, King led an 87-km (54-mi) march from Selma to Montgomery. Three activists lost their lives during the Selma demonstrations, but in August 1965, President Johnson signed the Voting Rights Act.

**Black Power**

By this time, civil rights activists were turning their attention to race discrimination in the urban North and West. Many younger activists, discontented with the slow process of change, were also becoming more militant. The SNCC, for instance, in 1966 replaced its chair, John Lewis, with the more radical Stokely Carmichael. Carmichael expanded SNCC operations beyond the South and helped popularize the concept of "black power." Advocates of black power favored African Americans' controlling the movement, exercising economic autonomy, and preserving their African heritage. Most controversial were the call for racial separatism and the principle of self-defense against white violence. These tenets were contrary to the ideals of more traditional activists who favored racial integration and passive resistance. A leading group within the black-power struggle was the Black Panthers. Organized in Oakland, Calif., in 1966 by Bobby Seale and Huey P.Newton, it included among its members the activist and writer Eldridge Cleaver. Probably the best-known figure within the radical wing of the civil rights movement was Malcolm X. He emerged from but broke with the Nation of Islam, also known as the Black Muslims. By the mid-1970s, however, the black-power movement had faded. It never gained the support of the larger African American populace.

**The Movement Legacy**

As late as 1969, 15 years after *Brown,* only 1 percent of the black students in the Deep South were attending public schools with whites. After a series of legal cases in the late 1960s, the federal courts finally dismantled segregated schools. They required school districts to implement plans, such as school-district rezoning, that would bring black and white schoolchildren and faculty under one roof. In 1971 the Supreme Court upheld school busing as a viable means of meeting integration goals.

By this time—after the assassination of Martin Luther King, Jr., in 1968; the rise of black militancy; and discernible gains in black employment opportunities—the civil rights movement had begun losing momentum. Observers maintain that themovement has a mixed legacy. It produced major legislation that reformed American society. It opened up new political, social, and economic opportunities to blacks. Veterans of the movement, however, lament that it fell short of addressing the economic needs of poor Americans.

*Reviewed by Jack E. Davis*

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**The *Jim Crow Laws* were created in 1876 simply to segregate black people from the white population. Some English Dictionaries define ‘Jim Crow’ as the name for an implement that can straighten or bend iron rails; or, along with ‘Jim Crowism’, systems or practices of racial discrimination or segregation.  The American English Dictionary suggests that the name only emerged in dictionaries in 1904, but it was clearly used generally in 1876, at least.**

**Origins**

The origin of Jim Crow goes back to the 1820s and is credited to a song-and-dance man, Thomas Dartmouth ‘Daddy’ Rice.  He implied that he had seen a limping black slave singing the following verse:

**‘Come listen all you galls and boys**

**I’m going to sing a song**

**My names is Jim Crow**

**Weel about and turn around and do jis so,**

**Eb’ry time I weel about and jump Jim Crow.’**

In 1828 Rice was the first man to blacken his face, dress as a plantation slave and perform such a routine, using his own compositions.  As he gained fame he expanded his repertoire and gradually penned forty-four verses, most of them extremely insensitive.  Indeed, his mockery of black people grew to the extent that his derogatory Jim Crow verses helped deepen the gulf between black and white communities.  In 1838, the Southern States passed various laws of racial segregation, focused against the black sectors.  By the turn of the century those laws were called the Jim Crow laws, both north and south.

**Segregation**

Between the 1880s and the 1960s the laws expanded. Many cities and states were able to impose legal punishments on people, for example, on those who were deemed to be consorting with or marrying with other races.

In the southern states, in particular, the authorities were extremely strict. In white hospitals for example, only white nurses could tend white patients.  There were different sectors for whites and blacks: trains, buses, restaurants, schools, mental hospitals, parks, cemeteries, and many more.

**Early attempts**

In 1875 an attempt to revert the Jim Crow laws to give black people equal rights as the whites in the southern states was passed but had very little effect. In 1883 the Supreme Court repealed the 1875 act as it was deemed unconstitutional.  In essence, Congress wanted complete control over corporations and people in the private spheres of the Southern States.  Since Congress consisted primary of whites; they had the power to rebuff any prospective changes in the Jim Crow laws, and did so again in 1892 and 1908.

The Jim Crow laws were finally abolished on 2 July 1964 when President Lyndon Johnson historically signed the Civil Rights Act of 1964. It invoked the commerce clause, outlawing discrimination in public accommodations.  The Voting Rights Act followed in 1965; effectively giving black people the vote.

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| The Mississippi Burning Trial  It was an old-fashioned lynching, carried out with the help of county officials, that came to symbolize hardcore resistance to integration.  Dead were three civil rights workers, Michael Schwerner, Andrew Goodman, and James Chaney. All three shot in the dark of night on a lonely road in Neshoba County, Mississippi. Many people predicted such a tragedy when the Mississippi Summer Project, an effort that would bring hundreds of college-age volunteers to "the most totalitarian state in the country" was announced  in April, 1964.  The FBI's all-out search for the conspirators who killed the three young men, depicted in the movie "[Mississippi Burning](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/movie.html)," was successful, leading three years later to a trial in the  courtroom of one of America's most determined segregationist judges.  [Sam Bowers](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Bowers.htm), the Imperial Wizard of the White Knights of the Klu Klux Klan of Mississippi, sent word in May, 1964 to the Klansmen of Lauderdale and Neshoba counties that it was time to "activate Plan 4."  Plan 4 provided for "the elimination" of the despised civil rights activist [Michael Schwerner](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Schwerner.htm), who the Klan called "Goatee" or "Jew-Boy."  Schwerner, the first white civil rights worker based outside of the capitol of Jackson, had earned the enmity of the Klan by organizing a black boycott of a white-owned business and aggressively trying to register blacks in and around Meridian to vote.  The Klan's first attempt to eliminate Schwerner came on June 16, 1964 in the rural Neshoba County community of  Longdale[[LINK TO MAP]](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/mappage2.html).  Schwerner had visited Longdale on Memorial Day to ask permission of the black congregation at Mount Zion Church to use their church as the site of a "Freedom School."  The Klan knew of Schwerner's Memorial Day visit to Longdale and expected him to return for a business meeting  held at the church on the evening of June 16.   About 10 p.m., when the Mount Zion meeting broke up, seven black men and three black women left the building to discover thirty men lined up in military fashion with rifles and shotguns.  More men were gathered at the rear of the church.  Frustrated when their search for "Jew-Boy" was unsuccessful, some of the Klan members began beating the departing blacks.  Ten gallons of gasoline were removed from one of the Klan members cars and spread around the inside of the church.  Mount Zion Church was soon engulfed in flames.  News of the beatings and fire reached Michael Schwerner in Oxford, Ohio.  Schwerner and his  twenty-one-year-old  chief aide , a native black Meridian named [James Chaney](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Chaney.htm), were in Ohio to attend a three-day program sponsored by the National Council of Churches to train recruits for the Mississippi Summer Project.  Among those being trained for a summer of work aimed at improving the lives of black Mississippians was a  Queens College student named [Andrew Goodman](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Goodman.html), who Schwerner convinced to come to Meridian. Anxious to get back to Mississippi to learn what they could about the disturbing events in Longdale, Schwerner, Chaney, and the newly-recruited Goodman loaded into a blue CORE-owned Ford station wagon in the early morning hours of June 20 for long trip back to Meridian.  The next day, after a short night's sleep and a breakfast in Meridian, the three civil rights workers were again in the CORE wagon heading northwest towards Longdale.  Longdale was in Neshoba County, known as a high risk area for civil rights workers.  [Lawrence Rainey](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Rainey.htm), Neshoba County Sheriff, and his deputy, [Cecil Price](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Price.htm), were both members of the Klan.  Although their Klan membership was not generally known, both had reputations as being tough on blacks.  Rainey had been elected sheriff the previous November after campaigning as "the man who can cope with situations that might arise." In Neshoba County, it was well understood that the "situations" Rainey referred to meant meddlesome interference by outsiders with Mississippi's state-enforced policy of segregation.  Schwerner told Meridian CORE worker Sue Brown that they should be back in the CORE office in Meridian by 4:00.  If they weren't back by 4:30, she should start making phone calls.  Schwerner, Chaney, and Goodman began their Midsummer's Day visit to Neshoba County with an inspection of the burned out remains of Mount Zion Church.  They then visited the homes of four black members of the congregation to learn more about the incident.  At one of the homes, the three civil rights workers were warned that a group of white men were looking for them.  About 3 p.m., the trio was ready to head back to the relative safety of their Meridian office.  There were two possible routes to Meridian.  The most direct route was the road they had come up, Highway 491, a narrow clay road intersected by numerous dirt roads.  An ambush would be easy on 491.  The other, less direct route, was a black topped Highway 16, which would take them west through Philadelphia, the county seat.  Chaney turned onto Highway 16.  Deputy Sheriff Price was at that time heading east on Highway 16.  A few miles outside of Philadephia, Price spotted the well-known CORE wagon heading in his direction.  Schwerner and Goodman most likely were crouched low in their seats, allowing Price to see only the black driver, James Chaney.  Price shouted over his radio, "I've got a good one! George Raymond!"  (Raymond was a black civil rights leader hated by Klan throughout Mississippi.)  Price did a quick U-turn and headed back after his quarry.  Chaney pulled the CORE wagon over to the side of the road just inside the Philadelphia city limits.  Price arrested Schwerner, Goodman, and Chaney, allegedly for suspicion of having been involved in the church arson, and deposited the three in the[Neshoba County jail](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/mappage3.html).  Soon thereafter he met with the Neshoba County Klan kleagle, or recruiter,[Edgar Ray Killen](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Killen.htm) to tell him of his exciting catch and to plan the deadly conspiracy that would unfold later that night.  Some of what happened over the next seven hours in the Neshoba County jail is known.  We know that Schwerner asked to make a phone call, but his request was denied.  If he wasn't concerned about his physical well-being before that time, he would have been then.  We also know that a call was made to the jail at 5:20 in the afternoon asking whether anyone there had information concerning the whereabouts of the three overdue civil rights workers.  We know also that the jailer who answered the call, Minnie Herring, lied.  We know that shortly after 10:00 P.M. Cecil Price showed up at the jail, telling the jailer, "Chaney wants to pay off-- we'll let him  pay off and release them all."  Price led them to their parked car, then tailed them as they headed east out of town on Highway 19.  The three civil rights workers by then no doubt suspected that they were being led into a trap, and in fact they were.  Since receiving word from Price that Schwerner had been captured, Edgar Ray Killen, the Klan kleagle and an ordained Baptist minister, had been busy recruiting members of the Neshoba and Lauderdale County klaverns for some "butt ripping," as he put it.  An afternoon meeting at the Longhorn Drive-In in Meridian with local Klan bigwigs was followed by a later meeting at Akin's Mobile Homes with eager, younger members who would participate in the actual killings.  Killen told the dozen or more recruits to buy rubber gloves and to be in Philadelphia by 8:15 P. M.  After offering the Klan men a drive-by tour of the Neshoba County jail and going over the details of the planned release, Killen headed off to see a departed uncle at the local funeral home and to thereby establish his alibi.  After following the CORE station wagon out of town, Price returned to Philadelphia to drop off an accompanying Philadelphia police officer, then raced back onto Highway 19 in pursuit of the three civil rights workers.  Meanwhile, two other cars filled with young Klan members were also speeding down with the same object in mind.   Price's souped-up Chevy saw the CORE wagon come into view less than ten miles from the county line.  Chaney decided to run for it, and a high speed chase ensued.  Chaney swerved quickly onto Highway 492, but Price made the turn as well.  Seconds later, for reasons unknown, Chaney braked his car and the three surrendered.  According to [James Jordan](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Jordan.htm), a Klan member who would later become a key FBI informant, Price said, "I thought you were going back to Meridian if we let you out of jail?"  When Chaney said that's where they were headed, Price said, "You sure were taking the long way around.  Get out of the car."  The three were placed in Deputy Price's car.  Soon three cars, Price's and two full of Klan members, were traveling in a procession down an unmarked dirt turnoff called Rock Cut Road.  It is not known whether the three were beaten before they were killed.  Klan informants deny that they were, but there is some physical evidence to the contrary.  What is known is that a twenty-six-year-old dishonorably discharged ex-Marine, [Wayne Roberts](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Roberts.htm), was the trigger man, shooting first Schwerner, then Goodman, then Chaney, all at point blank range. (FBI informant James Jordan, according to a second informant present at the killings, Doyle Barnette, also fired two shots at Chaney.)  The bodies of the three civil rights workers were taken to a dam site at the 253-acre Old Jolly Farm.  The farm was owned by Philadelphia businessman Olen Burrage who reportedly had announced at a Klan meeting when the impending arrival in Mississippi of an army of civil rights workers was discussed, "Hell, I've got a dam that'll hold a hundred of them."  The bodies were placed together in a a hollow at the dam site and then covered with tons of dirt by a Caterpillar D-4.  While the bodies were being buried, Price had returned to his duties in Philadelphia.  Around 12:30 A. M., Price met with Sheriff Rainey.  Given their Klan membership and the  close relationship between the two, it is almost unimaginable that at that time Price did not relate, in full detail, the events following the release from jail of Schwerner, Goodman, and Chaney.  At the CORE office in Meridian, meanwhile, staffers were growing increasingly concerned about the long overdue civil rights workers.  Calls inquiring about their whereabouts turned up no helpful information.  At 12:30 A.M., a call was placed to [John Doar](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Doar.htm), the Justice Department's point man in Mississippi.  Less than a week earlier Doar had been in Oxford, Ohio warning Summer Project volunteers that there was "no federal police force" that could protect them from expected trouble in Mississippi.  Doar feared the worst.  By 6:00 A.M., Doar had invested the FBI with the power to investigate a possible violation of federal law.  The morning after the civil rights worker's disappearance, the phone rang in the office of Meridian-based FBI agent [John Proctor](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Proctor.html).  (In the movie "Mississippi Burning," the character played by Gene Hackman is loosely based on Proctor.)  Within hours, Proctor was in Neshoba County interviewing blacks, community leaders, Sheriff Rainey, and Deputy Price.  Proctor was a Alabama native who had successfully cultivated relationships with all sorts of people, including local law enforcement officers, who might aid in his investigations.  After his interview with Cecil Price, the Deputy slapped Proctor on the back and said, "Hell, John, let's have a drink."  Price went to his car and pulled contraband liquor out of his trunk.  By the next day, June 23, Proctor had been joined by ten newly arrived special agents and Harry Maynor, his New Orleans-based supervisor. The first big break in the FBI investigation, called MIBURN (for "Mississippi Burning"), came when Proctor received a tip that a smoldering car had been seen in northeast Neshoba County.  While Proctor was at the scene, searching the area around what turned out to be the burned blue CORE station wagon, he looked up to see [Joseph Sullivan](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Sullivan.htm), the FBI's Major Case Inspector.  It was by then abundantly clear that the Johnson Administration was placing top priority on the case.  By June 25, the federal military had joined the search, with busloads of sailors arriving in Neshoba County to beat their way through snake-infested swamps and woods. Days later, FBI Director J. Edgar Hoover would fly to Jackson to announce the opening of the FBI's first office in Mississippi.  It soon became apparent to Inspector Sullivan the case "would ultimately be solved by conducting an investigation rather than a search."  It turned out to be an extraordinarily difficult investigation.  Neshoba County residents, many of whom either participated in the conspiracy or knew of it, were tight-lipped.  Proctor found that some of his most useful information came from kids, so he would stuff candy in his pockets before setting out for a day's schedule of interviews.  A promise of $30,000 in reward money finally brought forward information, passed through an intermediary, concerning the location of the bodies.  (Jerry Mitchell, an investigative reporter with Meridian's *Clarion Ledger*, reported in a 2010 story that highway patrolman Maynard King told Sullivan the location of the bodies.  Mitchell also reported that the FBI's promise of a $30,000 reward was made *after* the FBI learned the location of the bodies and was part of a strategy to increase finger-pointing and suspicion within the Klan.) On August 4, 1964, John Proctor was at the Old Jolly Farm to take photographs of the bodies as they were uncovered at the dam site.  Inspector Sullivan invited Price to the dam site to help in the removal of the bodies.  Sullivan was interested in observing the reaction of the Deputy, who was by then under heavy suspicion.  Proctor noted that "Price picked up a shovel and dug right in, and gave no indication whatsoever that any of it bothered him."  Finally it would be informants from within the Klan that would break the case open.  The first information, from a Klan member at the periphery of the conspiracy, enabled the FBI to focus on the more central figures.  One Klan member who received a great deal of attention from John Proctor was James Jordan, a Meridian speakeasy owner. Over the course of five increasingly rough interviews, Jordan came to see turning state's evidence as his best bet to avoid a long prison term.  He was also promised $3500 and help in relocating himself and his family in return for his full story.  Jordan would become the government's key witness to the crime.  By December, 1964, the Justice Department had enough information to authorize arrests.  On the drizzly morning  of December 4, a team of federal agents swept through Neshoba and Lauderdale Counties arresting nineteen men for conspiring to deprive Schwerner, Chaney, and Goodman of their civil rights under color of state law.  Six days later, a U. S. Commissioner dismissed the charges, declaring that the confession on which the arrests were based was hearsay evidence. A month later, government attorneys secured indictments against the conspirators from a federal grand jury in Jackson.  The Justice Department was again disappointed, however, when on February 24, 1965, [Federal Judge William Harold Cox](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Cox.htm), an ardent segregationist, threw out the indictments against all conspirators other than Rainey and Price on the ground that the other seventeen were not acting "under color of state law."  In March, 1966, the United States Supreme Court overruled Cox and reinstated the indictments [[LINK TO SUPREME COURT DECISION]](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/sctdecision.html).  As the Justice Department prepared for trial, defense attorneys made the cynical argument that the original indictments were flawed because the pool of jurors from which the grand jury was drawn contained insufficient numbers of minorities.  Rather than attempt to refute the charge, the government summoned a new grand jury and, on February 28, 1967, won reindictments.  The list of those indicted differed slightly from the original list, and included the names of eighteen Klansmen.  The Trial  Trial in the case of United States versus Cecil Price et al. began on October 7, 1967 in the Meridian courtroom of Judge William Cox.  Chief Prosecutor John Doar and other government attorneys had reason to be concerned about Cox.  Cox, appointed as an effort to appease powerful Judiciary Committee Chairman (and former roommate of Cox at Ole Miss) Senator James Eastland, had been a constant source of problems for Justice Department lawyers (especially John Doar) who were seeking to enforce civil rights laws in Mississippi.  In one incident, Judge Cox referred to a group of African Americans set to testify in a voting rights case as "a bunch of chimpanzees."  A jury of seven white men and five white women, ranging in ages from 34 to 67, was selected[[link to list of jurors].](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/jury.html" \l "Members) Defense attorneys exercised peremptory challenges against all seventeen potential black jurors.  A white man, who admitted under questioning by Robert Hauberg, the U.S. Attorney for Mississippi, that he had been a member of the KKK "a couple of years ago," was challenged for cause.  Judge Cox denied the challenge.  The defense made a major mistake as John Doar presented background witnesses for the prosecution.  When Doar finished his direct examination of Reverend Charles Johnson, who worked with Schwerner, Defense Attorney Laurel Weir launched into a series of outrageous questions culminating with a question asking whether Johnson had sought to "get young Negro males to sign a pledge to rape a white woman once a week during the hot summer of 1964?"  Judge Cox broke in to say that such a question was "highly improper" unless the defense could show a reason for posing it.  When Weir said the question had been passed to him in writing, Cox demanded to know who wrote it.  Finally one of the defense attorneys admitted that "Brother Killen,'' defendant Edgar Ray Killen, had written the question.  The incident made clear to the defendants that Judge Cox, who may have mellowed somewhat after a recent unsuccessful impeachment effort against him in Congress, was taking the trial seriously.  The heart of the government's case was presented through the testimony of three Klan informants, Wallace Miller, [Delmar Dennis](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Dennis.htm), and James Jordan.  Miller described the organization of the Lauderdale klavern and described his conversations with Exalted Cyclops Frank Herndon and Kleagle Edgar Ray Killen about the June 21 operation in Neshoba County.  Dennis incriminated Sam Bowers, the founder and Imperial Wizard of the White Knights of the KKK of Mississippi.  Dennis quoted Bowers as having said after the killing of Schwerner and the two others, "It was the first time that Christians had planned and carried out the execution of a Jew."  It was also through Dennis that the government introduced the contents a letter written by Bowers but pretending to be from an official of a logging company referring to the murders as "the big logging operation" and to the suspects of the FBI investigation as "those deep in the swamp[[LINK TO KKK LOGGING LETTER]](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/loggingletter.html)."  At another point in his testimony, Dennis described a Klan meeting in the pasture of Klan member Clayton Lewis.  He then pointed to Lewis, the mayor of Philadelphia, sitting at the defense table as a member of the twelve-man defense team. James Jordan was the government's only witness to the actual killings.  Fearing a Klan assassination, the government had arranged to have Jordan hustled into court by five agents with guns drawn. After first requiring hospitalization for hyperventilating, and then collapsing and having to be carried from the courtroom on a stretcher, an obviously nervous Jordan finally made it to the witness stand.  Jordan described the events of June 21 and the early morning of June 22, from the gathering of Klan members in Meridian to the burial of the bodies at the Old Jolly Farm.  His vivid testimony caused one black female spectator to break down and have to be led from the courtroom, sobbing.  The defense case consisted of a series of alibi and character witnesses.  Local residents testified as to the "reputation for truth and veracity" of various defendants, or to having seen them on  June 21 at locations such as funeral homes or hospitals.  John Doar presented the closing argument for the government on October 18.  Doar told the jury that "this was a calculated, cold-blooded plot. Three men, hardly more than boys were its victims."  Pointing at Price, Doar said that "Price used the machinery of law, his office, his power, his authority, his badge, his uniform, his jail, his police car, his police gun, he used them all to take, to hold, to capture and kill."  Doar concluded by telling jurors that what he and the other lawyers said "will soon be forgotten, but what you twelve do here today will long be remembered."  One day after having begun its deliberations, the jury reported to Judge Cox that it was deeply divided and unable to reach a verdict.  Over defense objections, the judge responding by giving the jury what is called the "Allen charge," or the "dynamite charge," for its purpose of breaking open a deadlocked jury.  Shortly after Cox gave his charge, defendant Wayne Roberts joked to Cecil Price, "We've got some dynamite for them ourselves."  The remark was overheard by a court officer and reported to the judge.  On the morning of October 20, 1967, the jury returned with its verdict.  The verdict on its face appears to be the result of a compromise.  Seven defendants, mostly from Lauderdale County, were convicted.  The list of convicted men included Deputy Sheriff Cecil Price, Imperial Wizard Sam Bowers, trigger man Wayne Roberts, Jimmy Snowden, Billey Wayne Posey, and Horace Barnett.  Seven men, mostly from Neshoba County, were acquitted, including Sheriff Lawrence Rainey, burial site owner Olen Burrage, and Exalted Cyclops Frank Herndon.  In three cases, including that of Edgar Ray Killen, the jury was unable to reach a verdict [[LINK TO ARTICLES ABOUT JURY DELIBERATIONS]](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/jury.html#THE%20NEW%20YORK).  (Charges were dropped against one defendant, Travis Barnette, before deliberations.) The convictions in the case represented the first ever convictions in Mississippi for the killing of a civil rights worker.  The New York Times called the verdict "a measure of the quiet revolution that is taking place in southern attitudes."  On December 29, Judge Cox imposed sentences.  Roberts and Bowers got ten years, Posey and Price got six years, and the other three convicted defendants got four.  Cox said of his sentences, "They killed one nigger, one Jew, and a white man-- I gave them all what I thought they deserved."  After serving four years of his six-year sentence, Cecil Price rejoined his family in Philadelphia.  In a 1977 New York Times Magazine interview, Price revealed that he recently watched and enjoyed the television show "Roots."  His views on integration had changed, he said.  "We've got to accept this is the way things are going to be and that's it."  Update (November, 2000):  Mississippi prosecutors are now considering bringing state murder charges against some of the conspirators, including Edgar Ray Killen.  Mississippi Attorney General Michael Moore recently explained, "The problem with [the Mississippi Burning] case is that we didn't do anything--we didn't investigate it; we didn't prosecute it."  In 1999, the state reopened the investigation.  The FBI turned over to the state more than 40,000 files pertaining to the case.  One of the problems with bringing charges in the 36-year-old case is that many of the key witnesses that testified in the federal case are now dead.  A successful prosecution will most likely require that the state be successful in convincing some of the conspirators to testify for the prosecution.  Attorney General Moore sees value in reviving the case: "Maybe by doing this old case, we'll change some of those old stereotypes [about Mississippi]."  Update (May, 2001):  On May 6, 2001, three days after falling from a lift in an equipment rental store, Cecil Price died of head injuries.  Price's death was seen by Attorney General Moore as a huge setback to the ongoing investigation of the 1964 case: "If he had been a defendant, he would have been a principal defendant.  If he had been a witness, he would have been our best witness.  Either way, his death is a tragic blow to our case."  Before his death, Price told investigators that, after jailing the three civil rights workers, he called Billy Wayne Posey and asked his to get in touch with Edgar Ray Killen, who then planned the killings. |

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|  | Update (October, 2004):  In the photo to the left, Jackson State University students and others march in downtown Jackson in October 2004 demanding that Attorney General Jim Hood prosecute Edgar Ray Killen, 79, a suspect in the 1964 killings of three civil rights workers.   On October 6, 2004 approximately 500 people marched in support of state prosecution of former Klan preacher Edgar Ray Killen for the murder of James Chaney, Andrew Goodman, and Michael Schwerner.  Killen, now 79, escaped conviction in 1967 when a lone juror refused "to convict a preacher."  Mississippi Attorney General Jim Hood, asked about the efforts to gain an indictment of Killen, said that he would not be pressured by emotion to reopen the old case.  "This is going to be about facts," he said in an interview with Ryan Clark of the *Clarion-Ledger*.  Killen offered no comment about public efforts to gain his conviction.  Update (January 7, 2005):  On January 6, 2005, the State of Mississippi charged 79-year-old former Klan preacher [Edgar Ray Killen](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Killen.htm) with murder in connection with the slayings of Chaney, Goodman, and Schwerner.  Police arrested Killen at his home following a grand jury session, according to Neshoba County Sheriff Larry Myers.  Convicted Klan conspirator [Billy Wayne Posey](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Posey.htm) expressed anger at Killen's arrest: "After 40 years to come back and do something like this is ridiculous...like a nightmare."  More arrests in the case are expected.  Carolyn Goodman, the 89-year-old mother of victim Andrew Goodman was pleased with the news.  She hoped the killers would someday be "behind bars and think about what they've done."  Prosecutor John Doar told me in 1999 that the failure of the federal jury in 1967 to convict Killen was his biggest disappointment. Killen "was really central to the conspiracy," Doar said.  He believed the jury might have divided on Killen because the evidence against him was more circumstantial that it was for those convicted.  When Killen returned home to Philadelphia after the 1967 trial he greeted one of his neighbors by saying, "Man, I thought they were fittin' me for overalls over there [at the trial in Meridian]."  Update (June 13, 2005):  Jury selection opened today in Philadelphia, Mississippi in the  murder trial of Edgar Ray Killen.  Killen watched the proceedings from a wheelchair he has used since he broke his legs in a tree-cutting accident in March.  Security was tight with streets around the courthouse barricaded.  Ben Chaney, the brother of murder victim James Chaney, told reporters he found the prosecution encouraging.  Other civil rights observers complained, however, that other surviving conspirators, such as [Olen Burrage](http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Barnettestatement.html), should be facing charges as well.  Update (June 23, 2005):  Judge Marcus Gordon today sentenced Edgar Ray Killen to serve three 20-year terms, one for each conviction of manslaughter in connection with the deaths of Chaney, Goodman, and Schwerner in 1964.  Judge Gordon said in pronouncing sentence, "I have taken into consideration that there are three lives in this case and that the three lives should be absolutely respected."  Sentencing followed Killen's conviction earlier in the week.  The manslaughter convictions came after nearly three days of jury deliberations.  The jury found that there was reasonable doubt as to whether Killen intended that the klansmen kill the civil rights workers, and thus did not return a murder conviction.  Update (November 2007):  Linda Schiro, the ex-girlfriend of former mobster Gregory Scarpa, nicknamed "The Grim Reaper," testifying for the prosecution in a murder case, stated that Scarpa put a gun in the mouth of a Ku Klux Klansman in an effort to gain information about the location of the bodies of Chaney, Schwerner, and Goodman.  The ploy worked and the bodies were soon dug up in an earthen dam.  Scarpa died in prison in the 1990s.  Schiro's story  confirmed reports, coming from confidential FBI sources in 1994, that a frustrated J. Edgar Hoover had turned to the Colombo crime family for help in cracking the "Mississippi Burning" case.    Update (August 2009):  On August 13, Billy Wayne Posey died at age 73.  Alejandro Miyar, a spokesperson for the Department of Justice, said that Posey's death does not "alter our cold-case investigation."  Four suspects in the 1964 murders remain alive.   Update (March 2013):  On March 15, Owen Burrage died at age 82.  Burrage owned the farm on  which Goodman, Chaney, and Schwerner were buried under an earthen dam, but was acquitted in the 1967 trial.  Days before the killings, Burrage bragged that his 250-foot long dam would make a good burial place for civil rights workers.  According to an FBI informant, Burrage told a roomful of KKKers discussing the arrival of the civil rights workers in 1964: "Hell, I've got a dam that will hold a hundred of them."  Horace Barnette told the FBI that around midnight after the killings, Burrage was waitng at his farm to direct Klansmen to the dam site.  Burrage then went to his trucking company garage to get gasoline that was used to burn the civil rights workers' station wagon.  With the death of Burrage, only one of the 18 people originally indicted remains alive.  The survivor is Pete Harris, who witnesses say called the Klansman to gather on the night of the murders. |

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| [Share on print](http://www.infoplease.com/spot/bhmjustice4.html) [Share on email](http://www.infoplease.com/spot/bhmjustice4.html) [Share on twitter](http://www.infoplease.com/spot/bhmjustice4.html) [Share on facebook](http://www.infoplease.com/spot/bhmjustice4.html) | [More Sharing ServicesShare](http://addthis.com/bookmark.php?v=250&username=bethrowen)    **The Murders of James Chaney, Andrew Goodman, and Michael Schwerner**  ***The ringleader of the murders, Edgar Ray Killen, was convicted on June 21, 2005, the 41st anniversary of the crimes***   |  | | --- | |  | |  |   On June 21, 1964, three young civil rights workers—a 21-year-old black Mississippian, James Chaney, and two white New Yorkers, Andrew Goodman, 20, and Michael Schwerner, 24—were murdered near Philadelphia, in Nashoba County, Mississippi. They had been working to register black voters in Mississippi during Freedom Summer and had gone to investigate the burning of a black church. They were arrested by the police on trumped-up charges, imprisoned for several hours, and then released after dark into the hands of the [Ku Klux Klan](http://www.infoplease.com/ce6/history/A0828331.html), who beat and murdered them. It was later proven in court that a conspiracy existed between members of Neshoba County's law enforcement and the Ku Klux Klan to kill them.  The FBI arrested 18 men in October 1964, but state prosecutors refused to try the case, claiming lack of evidence. The federal government then stepped in, and the FBI arrested 18 in connection with the killings. In 1967, seven men were convicted on federal conspiracy charges and given sentences of three to ten years, but none served more than six. No one was tried on the charge or murder. The contemptible words of the presiding federal judge, William Cox, give an indication of Mississippi's version of justice at the time: "They killed one ni---r, one Jew, and a white man. I gave them all what I thought they deserved." Another eight defendants were acquitted by their all-white juries, and another three ended in mistrials. One of those mistrials freed [Edgar Ray "Preacher" Killen](http://www.infoplease.com/ipa/A0931623.html)—believed to be the ringleader—after the jury in his case was deadlocked by one member who said she couldn't bear to convict a preacher.  On Jan. 7, 2005, four decades after the crime, Edgar Ray Killen, then 80, was charged with three counts of murder. He was accused of orchestrating the killings and assembling the mob that killed the three men. On June 21—the 41st anniversary of the murders—Killen was convicted on three counts of manslaughter, a lesser charge. He received the maximum sentence, 60 years in prison. The grand jury declined to call for the arrest of the seven other living members of the original group of 18 suspects arrested in 1967.  A major reason the case was reopened was a 1999 interview with Sam Bowers, a former Ku Klux Klan grand wizard convicted in 1967 of giving the order to have Michael Schwerner killed. Bowers remarked in the interview that took place more than 30 years after the crime, "I was quite delighted to be convicted and have the main instigator of the entire affair walk out of the courtroom a free man. Everybody, including the trial judge and the prosecutors and everybody else, knows that that happened." Bowers claims that Killen was a central figure in the murders and organized the KKK mob that carried them out. (Bowers is currently serving a life sentence for ordering a 1966 firebombing in Hattiesburg, Miss., that killed Vernon Dahmer, a Mississippi civil rights leader—another crime that took decades to successfully prosecute). |

Read more: [The Murders of James Chaney, Andrew Goodman & Michael Schwerner - Civil Rights Case](http://www.infoplease.com/spot/bhmjustice4.html#ixzz3ZNywiocy) <http://www.infoplease.com/spot/bhmjustice4.html#ixzz3ZNywiocy>

## The Voting Rights Act of 1965

#### The 1965 Enactment

By 1965 concerted efforts to break the grip of state disfranchisement had been under way for some time, but had achieved only modest success overall and in some areas had proved almost entirely ineffectual. The murder of voting-rights activists in Philadelphia, Mississippi, gained national attention, along with numerous other acts of violence and terrorism. Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act.

Congress determined that the existing federal anti-discrimination laws were not sufficient to overcome the resistance by state officials to enforcement of the 15th Amendment. The legislative hearings showed that the Department of Justice's efforts to eliminate discriminatory election practices by litigation on a case-by-case basis had been unsuccessful in opening up the registration process; as soon as one discriminatory practice or procedure was proven to be unconstitutional and enjoined, a new one would be substituted in its place and litigation would have to commence anew.

President Johnson signed the resulting legislation into law on August 6, 1965.  [Section 2](http://www.justice.gov/crt/about/vot/sec_2/about_sec2.php) of the Act, which closely followed the language of the 15th amendment, applied a nationwide prohibition against the denial or abridgment of the right to vote on the literacy tests on a nationwide basis. Among its other provisions, the Act contained special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest. Under [Section 5](http://www.justice.gov/crt/about/vot/sec_5/about.php), jurisdictions covered by these special provisions could not implement any change affecting voting until the Attorney General or the United States District Court for the District of Columbia determined that the change did not have a discriminatory purpose and would not have a discriminatory effect. In addition, the Attorney General could designate a county covered by these special provisions for the appointment of a [federal examiner](http://www.justice.gov/crt/about/vot/examine/activ_exam.php) to review the qualifications of persons who wanted to register to vote. Further, in those counties where a federal examiner was serving, the Attorney General could request that [federal observers](http://www.justice.gov/crt/about/vot/examine/activ_exam.php) monitor activities within the county's polling place.

The Voting Rights Act had not included a provision prohibiting poll taxes, but had directed the Attorney General to challenge its use. In Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966), the Supreme Court held Virginia's poll tax to be unconstitutional under the 14th Amendment. Between 1965 and 1969 the Supreme Court also issued several key decisions upholding the constitutionality of Section 5 and affirming the broad range of voting practices that required Section 5 review. As the Supreme Court put it in its 1966 decision upholding the constitutionality of the Act:

Congress had found that case-by-case litigation was inadequate to combat wide-spread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

South Carolina v. Katzenbach, 383 U.S. 301, 327-28 (1966).