

**FORGIVE THEM LORD**

**FOR THEY KNOW NOT WHAT THEY DO**

**Report on the murders of  
James Chaney, Michael Schwerner and Andrew Goodman**

**by Ben Chaney**

**I. INTRODUCTION:**

Civil Rights workers James Chaney, Andrew Goodman and Michael Schwerner disappeared about 10 p.m., Sunday, June 21, 1964 after they were released from the Philadelphia, Miss. jail. The next day their burned-out station wagon was found in the Bogue Chitto swamp, off Highway 21, between Meridian and Philadelphia. As the search continued, concern for the young men mounted. President Lyndon Johnson expressed his personal concern and made the case a top priority at the Justice Department. F.B.I. Director J. Edgar Hoover ordered an intensive investigation. As a result, the bodies of the three civil rights workers were finally found 44 days later, buried 15 feet in an earthen dam.

Three years later, on February 27, 1967, a Federal Grand Jury for the Southern District of Mississippi indicted 19 members of the White Knights of the Ku Klux Klan under Title 18, Section 241, for conspiracy "on or about January 1, 1964, and continuing to, on or about December 4, 1964, to injure, oppress, threaten, and intimidate Michael Henry Schwerner, James Earl Chaney and Andrew Goodman, each a citizen of the United States, in the free exercise and enjoyment of the right and privilege secured to them

by the Fourteenth Amendment to the Constitution of the United States not to be deprived of life or liberty without due process of law."

A two week federal trial of nineteen men charged under Title 18, Section 241, took place before the Honorable William Harold Cox, United States District Judge for the Southern District of Mississippi, at Meridian, Mississippi in the Eastern District. Seven of the nineteen were found guilty:

**Sam Bowers** was sentenced to 10 years;

**Alton Wayne Roberts**, sentenced to 10 years;

**Cecil Ray Price**, sentenced to 6 years;

**Billy Wayne Posey**, sentenced to 6 years;

**Jimmy Arledge**, sentenced to 3 years;

**Jimmy Snowden**, sentenced to 3 years;

**Horace Doyle Barnett**, sentenced to 3 years.

Acquitted were James (Pete) Harris, Travis Barnett, Frank Herndon, Bernard Akin, Olen Burrage, Sheriff Lawrence Rainey and Philadelphia Policeman Richard Willis.

Mistrials were declared for defendants Jerry Sharp, former Sheriff Hop Barnett and Preacher Edgar Ray Killen.

Defendant and prosecution witness **James Jorden** pled guilty in Federal Court in Georgia to conspiracy and was sentenced to four years.

The State of Mississippi has never filed criminal murder charges against any of the men involved in the murder of James Chaney, Andrew Goodman and Michael Schwerner. Following is a

summary of the 2900 pages of transcript from the 1967 federal trial and a list of exhibits found in the appendix to the Court of Appeals for the Fifth Circuit. Even though the collaboration between the Mississippi Sovereignty Commission and the murderer were not mentioned during the 1967 federal trial, I have included in this report a review of the involvement of the Mississippi Sovereignty Commission in the murders of James Chaney, Michael Schwerner and Andrew Goodman.

## II. STATEMENT OF THE FACTS:

On June 21, 1964 James Chaney, African-American, Michael Schwerner and Andrew Goodman, both Jewish, traveled to Neshoba County, Mississippi. They were arrested by Neshoba County Deputy Sheriff Cecil Price and confined in the Neshoba county jail from 4 p.m. to 10 p.m. Chaney was charged with speeding. Schwerner and Goodman were held for investigation of an alleged fire bombing of a black church one week earlier.

At or near 10 p.m. Deputy Sheriff Price released them from jail. Within minutes after the three were released, they disappeared. Their car, a blue Ford station wagon, license #H-25503, Hinds County, was disposed of by burning. Six weeks later, three bodies were found buried 15 feet deep in the center of an earthen dam beneath thousands of yards of dirt in the woods of Neshoba County.

## III. THE GOVERNMENT CASE:

The government's case was primarily circumstantial. Some physical evidence of the murders was also offered into evidence. The government relied heavily on the testimony of several informers and the signed confession of one of the defendants, which corroborated, in part, the informers' testimony. The circumstantial evidence was used to connect the defendants to the murders and to show the existence of a conspiracy.

The government charged that the defendants conspired in a Meridian, Mississippi restaurant to attack and "whip" the three civil rights workers in Neshoba County. TR957. On the way to commit the crime of assault, murder was planned and carried out. The plan was executed with a degree of self-possession, through the collaboration of law enforcement in Neshoba County and Klansmen in Philadelphia and Meridian, Mississippi. The government's contention that the bodies were buried in a dam so that they would never be found, indicated the existence of a plot.

a. Evidence of the conspiracy:

During the six hours that Chaney, Schwerner and Goodman were confined in the Neshoba County jail, Deputy Sheriff Cecil Ray Price and the Rev. Edger Ray Killen organized their lynching which was approved months earlier by "State Officials" of the White Knights of the Ku Klux Klan. TR765-766. Once the plan was in place, Deputy Sheriff Price released the three civil rights workers from jail, only to detain them minutes later and take

them to their execution.

1. The jailer's wife saw Chaney, Schwerner and Goodman walk out of the jail at 10:00 p.m.

2. The car the three were driving was set on fire at 12:45 a.m.

3. Prosecution witness #9, T. Hudson, testified that he saw a car burning on June 21st at 12:45 am while driving on Highway 21, fourteen miles northeast of Philadelphia. Evidence presented by witness #8, Special Agent John Proctor, confirmed that the car witness #9 saw burning in the early morning hours of June 21st was the car driven by Chaney. TR210-249. The car was registered to the Congress Of Racial Equality.

4. Deputy Sheriff Cecil Ray Price controlled the time they were released from jail. He could have released them an hour earlier, an hour later, or at the moment they were arrested. The jailer's wife testified that the three men were not held in jail regarding a rule governing speeding. At the time of their arrest, Neshoba County had an automatic system for releasing people charged with minor offenses, by paying the fine or posting a hundred dollar bond. The automatic system of release had been in effect for years. It was not necessary for the Justice of the Peace to approve the release. In fact, the Justice of the Peace was in the jail 1/2 hour after the three were locked in jail. When Deputy Price decided to release them, he said "If Chaney wants to pay off, we will release them all." TR183-210.

5. Schwerner and Goodman were held for investigation, but

no investigation took place, no one spoke to them about the church. Nothing was investigated. Price released them at a predetermined time.

6. After Deputy Sheriff Price locked up Chaney, Schwerner and Goodman, Edger Killen was driven to Meridian by Billy Wayne Posey in his red Chevrolet, accompanied by Jerry Sharpe and an unidentified man. When they arrived in Meridian, the four men went to the Longhorn restaurant and spoke to Frank Herndon, the manager of the Longhorn and the head of the Lauderdale County Klavern<sup>1</sup>. Edger Killen told Frank Herndon that "three civil rights workers were locked-up in the Neshoba county jail and they needed their butts tore up." TR957 Frank Herndon asked Jim Jorden, who was waiting for his wife at the restaurant, if he could go to Philadelphia.

7. Frank Herndon and James (Pete) Harris, the Klan Bureau of Investigation (KBI) officer for the Lauderdale County Klavern, called Jimmy Snowden, Jimmy Arledge, Travis and Horace Doyle Barnett, and Alton Wayne Roberts to meet at the Longhorn restaurant. Because a crowd was gathering at the restaurant, the Klansmen moved to Akins Mobile Homes where B.L. Akin allowed them to make more calls, gas up their cars and, obtain gloves and guns.

8. Killen and Posey and his group left for Philadelphia before the others completed their preparation. They took Alton Wayne Roberts with them. Killen told the Klansmen that he had to

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<sup>1</sup> A local unit of the Ku Klux Klan.

get back fast and "make plans". TR965

9. When the second car arrived in Philadelphia, driven by Doyle Barnett with his brother Travis, Jimmy Arledge, Jimmy Snowden and Jim Jorden, they were met by former Neshoba County Sheriff E.G. "Hop" Barnett, who told the Klansmen "someone will come along and tell them where to wait". TR967

10. Edger Killen then came to their car and directed the Klansmen to wait at another place. Killen told them that Deputy Price will release the civil rights workers from jail and that "I'll go to the funeral home so I'll have an alibi." TR968

11. Ten minutes later Deputy Price released the civil rights workers from the Neshoba County jail.

12. Philadelphia Police Officer Richard Willis reported to the Klansmen that the civil rights workers were going towards Meridian on Highway 19.

13. Doyle Barnett began the pursuit of the civil rights workers. As he was driving down Highway 19, Doyle Barnett saw Posey's red Chevrolet parked at the Pilgrim Store. Barnett stopped and Posey told the Klansmen that Deputy Price would stop the civil rights workers and that they should follow Deputy Price.

14. On the way out of the Pilgrim Store parking lot, Posey's Chevrolet broke down, so Posey got in Doyle Barnett's car and left Roberts and the unidentified man with his car. The caravan, with Deputy Price in his official car, Jimmy Arledge, Jimmy Snowden, Jim Jorden, Wayne Posey, the Barnett brothers,

Travis and Doyle in Doyle's car followed the station wagon.

15. The civil rights workers' station wagon turned right off Highway 19, onto Highway 492. Deputy Price turned on his flashing red light. The station wagon stopped, the caravan stopped. Deputy Price then ordered the civil rights workers into his car. As they got into his car, Deputy Price hit Chaney on the head. Billy Wayne Posey and Jim Jorden got into the civil rights workers' station wagon. Deputy Price, with the civil rights workers in his car, started back toward Highway 19. Price turned left on Highway 19 and went back toward Philadelphia. Doyle Barnett followed in his car, while Billy Wayne Posey and Jim Jorden followed in the station wagon.

16. The caravan stopped by Posey's red Chevrolet, which was parked along the road, and Jerry Sharpe and Alton Wayne Roberts got into the station wagon with Posey and Jim Jorden. The unidentified Klansman remained with Posey's car.

17. Deputy Price, with the civil rights workers in his official car, turned west onto a dirt road and after driving less than a mile the caravan stopped.

18. Wayne Roberts got out of the station wagon and ran up to Deputy Price's car, got Schwerner out of the car and said "Are you that nigger lover?" Schwerner replied, "Sir, I know how you feel."<sup>2</sup> Roberts shot Schwerner in the chest. Roberts then got Goodman out of the car and shot him in the chest.<sup>3</sup>

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<sup>2</sup> Signed confession of defendant Horace Doyle Barnett

<sup>3</sup>Ibid.

19. Jorden said "save one for me" and he got Chaney out of the car and shot him twice in the chest.<sup>4</sup> After Chaney fell to the ground someone put another bullet into Chaney's head. Jorden said "You didn't leave me nothing but a nigger, but at least I killed me a nigger."<sup>5</sup>

20. The bodies of the dead civil rights workers were loaded into the back of the station wagon.

21. Deputy Price got into his car and returned to Philadelphia.

22. Billy Wayne Posey told the group to follow him, that he knew where to "bury them." TR9976. Posey drove the station wagon with Roberts, Jorden, Sharpe and the dead civil rights workers in the back. Doyle followed Posey in his car with Arledge, Snowden and Travis.

22. Posey led the group through a maze of back roads toward Philadelphia, past Burrage's farm, to the dam site on Burrage's land. The bodies were unloaded and the men waited for the bulldozer operator named Herman.

23. Herman came and worked for 20 minutes, and he was left to take care of the civil rights workers' car.

24. The caravan of murderers returned to Philadelphia.

b. Physical Evidence:

On August 4, 1964, 44 days after Chaney, Schwerner and

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<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

Goodman disappeared, three bodies were found buried 15 feet deep in an earthen dam on the Old Jolly Farm located six miles west of Philadelphia. The farm is owned by defendant Olen Burrage. The three bodies unearthed by the F.B.I. matched the descriptions of Chaney, Schwerner and Goodman. The clothing also fit the description the three civil rights workers were last seen wearing.

1). Identifying the bodies:

The bodies were delivered to the University Medical Center in the state capital, Jackson, where on August 5th autopsies were performed. The F.B.I. tagged and numbered the bodies #1, #2 and #3. A search of the bodies revealed keys to the locks of the Blue 1963 Ford station wagon in the pants pocket of Body #1. The three civil rights workers had been driving a blue 1963 Ford station wagon.

Selective Service cards of Schwerner and Goodman were found in the wallets of the pants pocket of bodies #1 and #2. Dental records of Schwerner and Goodman were provided to the F.B.I. by witness #11, Dr. William Diamond, Goodman's dentist and witness #12, Dr. Edwin J. Ross, Schwerner's dentist. Teeth found in the mouths of bodies #1 and #2 matched the dental records of Schwerner and Goodman. There were no dental records for James Chaney.

To determine if body #3 was Chaney's and to provide further conclusive identification of bodies #1 and #2, the F.B.I.

attempted to take fingerprints at the site, but the fingers were too shriveled and distorted. The fingers on the three bodies were removed and delivered to the F.B.I. crime lab in Washington where contours of the fingers were restored and fingerprints taken. A comparison of the fingerprints of body #3 to prints found on a questionnaire returned by mail to the selective service office in Meridian and stamped received on January 7, 1964, confirmed the identity of body #3 as that of James Chaney. The three bodies found uncovered in the earthen dam on August 4, 1964 were positively identified by forensics as victim #1 Michael Schwerner, #2 Andrew Goodman and #3 James Chaney.

2). Cause of death:

A total of five bullets were removed from the three bodies. One bullet in body #1, one in body #2 and three in body #3. The bullets in bodies #1 and #2 and two of the bullets in body #3 were from the same gun, a .38 revolver. One of the bullets in body #3 was from a different gun. Each of the three bodies were shot at least once with a .38, and another gun was used as well. Deputy Price had a .38 revolver.

Because of decomposition of the chest cavity, it could not be determined if the bullets penetrated the heart muscle. There was no heart to examine. Dr. Featherstone's medical opinion was that the bullets in bodies #1 and #2 penetrated the heart muscle with no other outcome but death.

The first bullet in body #3 passed a little below the heart

and the second a little high of the heart. Death, according to Dr. Featherstone, was certain. The third bullet in body #3 was fired into the head.

It is not known how much physical evidence the Justice Department uncovered during their investigation. It is not known whether the F.B.I. obtained warrants for the search of properties belonging to the klansmen charged. And if so, did they find any pistols during a search? Were any guns subjected to ballistics tests against the bullets recovered from the bodies? What happened to the rifle Horace Doyle Barnett turned over to the F.B.I. agents, James Wooten and Henry Rask? TR1214-1260. Was that rifle subjected to any test?

No physical evidence was introduced into evidence that directly connected the defendants to the crimes. The only physical evidence that connected any of the defendants to the crime was the arrest book from the Neshoba County Jail that shows Deputy Price arrested Chaney, Schwerner and Goodman at 4 p.m. on June 21st and released them at 10 p.m. that night.

#### IV. KEY WITNESS TESTIMONY:

The government offered several witnesses to prove the existence of a conspiracy. The testimony of two of the witnesses are briefly described in this summary, as well as the text of the signed confession of defendant Horace Doyle Barnett. Delmar Dennis testified that a conspiracy to murder Michael Schwerner developed in early April, 1964. Jim Jorden testified how the

murders took place, where Schwerner, Chaney and Goodman were murdered and who was involved. The signed confession of defendant Horace Doyle Barnett entered into evidence gives a different interpretation of who the trigger men were, while it corroborated much of the testimony of Jim Jorden.

a) Testimony of Delmar Dennis:

The Rev. Delmar Dennis, a native of Mississippi and minister for 14 years, was the government's star witness. Rev. Dennis was used by the government to connect a conspiracy to eliminate Michael Schwerner starting in March, 1964.

Rev. Dennis served as minister in churches in Scott County, Leake County, Jasper County, Neshoba County and Lauderdale County for the Southern Baptist, Methodist and Southern Methodist denominations.

Rev. Dennis testified that he had joined the White Knights of the Ku Klux Klan in March, 1964 at the Cash Salvage Store on 65th Ave. in Meridian. Present at Dennis' first Klan meeting were Edger Ray Killen, Alton Wayne Roberts, Frank Herndon and James (Pete) Harris. Killen explained to the group that the White Knights were a Christian organization which supported the American constitution. Killen said that its purpose was segregation and the preservation of the white race. TR758.

Killen gave the oath of membership to those present and each member got a number. Dennis' number was 32. TR759.

Dennis told the Court that after the swearing in, Killen explained to the group that the White Knights was not a boy scout

group, "That we were here to do business." Some of the business involved "burning crosses, people would have to be beaten and occasionally there would have to be eliminations." TR759.

According to Dennis, if a person did anything without the approval of the White Knights they "would not receive any protection, money, or any help whatsoever from the Klan." TR760-761. A person desiring action would bring it to the attention of the "local Klavern", and after a decision was made that something should be done "it would be voted on by the group." TR762. Those votes were for "cross burning and occasional beatings." TR762. Killings or "eliminations", after being voted on by the local Klavern, had to be "approved by the State Organization." TR762.

Meetings of the White Knights were held in Meridian at the Cash Salvage Store, the Harrison Box House and in Frank Herndon's trailer. Between March 1964 and June 21, 1964, weekly meetings were usually held on Tuesday or Thursday nights.

At a meeting at the Cash Salvage Store, in early April 1964, with Alton Wayne Roberts, Pete Harris, Edgar Killen, Frank Herndon and B.L. Akin, it was suggested that Schwerner be eliminated. Someone said "we should vote on the elimination of 'goatee' (Schwerner)." TR765-766. Killen said that the elimination "had already been approved by the State Officers" and that it "had been made a part of their program and it would be taken care of." TR766.

At a subsequent meeting of the Klan in early May, members of the Lauderdale Klavern expressed frustration over the pace the