



## Murder in Mississippi

[by Lee Gabriel]

In *Murder in Mississippi: United States v. Price and the Struggle for Civil Rights*, professor Howard Ball writes about the victories and defeats of the federal government to bring those guilty of the brutal murders of Michael Schwerner, James Chaney, and Andy Goodman to justice. The trio was murdered outside Philadelphia, MS, June 1964. More than 40 years later, Mississippi still has yet to bring any state indictments of murder against any of the Klansmen involved. Professor Ball examines the events leading up to the murders and the federal trial bringing the Klansmen involved to justice. The book centers around the Supreme Court case of *United States v. Price*, which Professor Ball believes was an important decision because it allowed the federal government to use the civil rights statutes to prosecute criminals who evaded prosecution for their criminal acts in southern states.

According to Professor Ball, the “Mississippi Freedom Summer Project” prompted the deaths of the three men. This project sought to bring volunteers from all over the United States to the State of Mississippi to help African-Americans register to vote in national and state elections. Professor Ball asserts that the Klansmen targeted Schwerner for “elimination” because he was seen as a New York interloper who threatened the “values and customs” of the South. Chaney and Goodman were not the target of elimination, and they were killed because, simply put, they were there. The trio, lured into a trap, were stopped for supposedly speeding and taken to prison. They were held for about eight hours under the pretext of finding a magistrate to deal with the speeding ticket. They were released at about 10:30 p.m. and were never heard from again.

An FBI investigation turned up the missing bodies. According to Professor Ball, the federal investigation led to the arrests of 18 to 21 Klansmen. They were charged with conspiracy to harm or intimidate Schwerner, Chaney, and Goodman in their free exercise and enjoyment of a right and privileged secured by the 14th Amendment without due process of law (Section 241) and by persons acting under “color of law” (section 242). Professor Ball asserts that even though this trial was held in federal court, the judge in charge of the trial lived in Mississippi, and the jury presiding over the trial was pulled from the local area, the State of Mississippi had yet to convict any person accused of murdering a black man or a white civil rights worker. Many were skeptical that this case would be any different.

Professor Ball writes that the judge dismissed the indictment of section 241, ruling that 241 only protected federally created rights and not any right “merely” guaranteed by the Constitution. He further dismissed, with the exception of the police involved in the murders, the section 242 indictments because the men were “private individuals” and not acting “under color of law.”

The Supreme Court took up the case in *United States v. Price* and unanimously ruled that both 241 and 242 were applicable to all defendants. The Court ruled that Section 241 applied to any right or privilege protected by the Constitution or the laws of the United States. The Court further ruled that Section 242 applied to state officers and those who associated with them. *The United States v. Price* decision was important because it was a definitive ruling on the scope of Sections 241 and 242. Professor Ball asserts that the decision was significant because of its broader implications; it gave the Department of Justice a new weapon against recalcitrant southern states when they could not or would not act to bring to justice people who disregarded other people’s civil rights.

Due to the Supreme Court’s ruling, seven of the eventual 18 defendants were found guilty and sentenced to periods ranging from three to 10 years in prison. To this day, the more severe charge of murder has yet to be brought against any of the defendants for murdering the three civil rights workers. Professor Ball says that although the State of Mississippi has reopened the case, time is running out for the state to seek justice on behalf of the murdered trio because soon

there will be no defendant to charge, as they will all be dead. The author further asserts that many of the Klansmen received light sentences and that State should do more to bring the defendants still living to justice. According to Professor Ball, the State of Mississippi needs to bring the murders to justice, because, if not, the past will always remain with this state and Mississippians will always be tainted.

Professor Howard Ball is Professor Emeritus of Political Science at the University of Vermont and a Professor of Law at the Vermont Law School. Professor Ball currently teaches Supreme Court Politics and Process. He is a prolific writer whose numerous books include *A Defiant Life: Thurgood Marshal and the Persistence of Racism in America*, *Of Power and Right: Justices Black and Douglas and America’s Constitutional Revolution*, and *The Bakke Case: Race, Education and Affirmative Action*.