

2755

BY MR. HAUBERG:

I believe that's all Your Honor.

BY THE COURT:

The evidence in this case shows defendant is likewise inpecunious, he has no substantial funds or a source of funds and the Court finds that he is entitled to take an appeal in this case as a pauper without prepayment of costs.

JIMMY SNOWDEN, sworn and testified in his behalf as follows:

BY MR. GOLDEMAN:

Q Mr. Snowden are you a citizen of the United States?

A I am.

Q Where are you employed?

A -----Laundry Service.

Q What is your salary?

A I take home about \$80.00 a week.

Q Is this on a salary or commission?

A Salary.

Q Do you have any other income?

A None other than my wife she works.

Q What is her average income for the past six months?

A She averages approximately \$25 a week bring home and after she pays a baby sitter.

Q Where does she work?

A Sears Roebuck.

Q And how many children do you have?

A We have three.

Q And what are their ages?

1 Q Are they in school?
2 A Two of them are.
3 Q Do you own any real estate?
4 A I'm buying my home.
5 Q How long have you been buying your home?
6 A Approximately four years.
7 Q Did you make a down payment on it when you bought it?
8 A Approximately \$1500.
9 Q What are your monthly payments?
10 A Well there is a second mortgage on it for five years.
11 Q The second mortgage is \$28.50 a month and the first
12 mortgage on it is \$59.00 a month.
13 Q Have you lost any time or income because of this trial
14 A So far, no sir, just the time I have been in the
15 court.
16 Q Does your payment include your taxes and insurance?
17 A No sir, I have to pay them separately.
18 Q Do you own any personal property or anything?
19 A No sir. Other than an automobile and I own a pickup
20 truck rather I'm paying for it.
21 Q And what model pickup truck?
22 A Sixty one ford.
23 Q Do you know the value of it?
24 A Approximately six hundred dollars, I think.
25 Q And what model automobile do you own?
A Sixty five Chevrolet.
Q Do you know how much you owe on it?
A Well I had it financed for three years and I've had
it a little over a year now.

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Q What are your monthly payments on it?

A \$53 a month.

Q And that would be approximately a thousand dollars you've paid on it?

A Yes sir.

BY THE COURT:

How much does your wife make a week at Sears Roebuck?

A She works by the hour, she is averaging \$25 to \$35 hours a week, and her hours will be cut down now that the holidays are over. She is just part time help. Her take home pay is around \$25.00.

Q And you said she performs some services as a baby sitter?

A No sir.

Q You didn't say that?

A No sir, her mother baby sits for us but she doesn't charge us quite as much as she does other people.

Q Now, you've got a house that is worth approximately \$12,500 and your mortgage against it is only \$6900?

A Yes sir.

Q And you've got a \$600 truck?

A Yes sir.

Q And you've got this 1965 Chevrolet where your obligation was \$1591.50.

A Yes sir.

f Q Do you have any established credit in the town of Meridian?

A I did have, but lately I haven't tried.

Q What was your last established credit?

1 A The buying of that automobile.

2 Q I mean do you have any borrowing power over there in
3 Meridian either in the banks or the loan companies?

4 A No sir, I would say not.

5 Q Have you tried to borrow any money from the loan company?

6 A No sir, just for this Chevrolet but I used it as
7 collateral.

8 Q But you haven't tried to borrow any money to take care
9 of any expense to take care of this suit?

10 A I wanted to be able, if I had to leave, to leave
11 as few a bills as I could for my wife and children.

12 BY MR. GOLDMAN:

13 Q Have you received any monies as donations in connection
14 with your trial?

15 A I have received approximately two hundred dollars
16 since I was first charged.

17 Q Do you have any life insurance policies?

18 A Yes sir.

19 Q How long have you had that policy?

20 A I would just imagine every since me and wife married,
21 about 13 years.

22 Q How much is the insurance?

23 A Three thousand dollars.

24 Q Do you know if has any cash value?

25 A You mean that I could borrow on, no sir, I would have
to be an old man before I could borrow on it.

Q dDo you have any savings or does anyone owe you any
thing?

A No sir.

Q Have you paid your attorneys any money in this case?

A I've paid them approximately four or four hundred and fifty dollars.

Q Over the period of what time?

A Three and one half years.

Q Have you paid them anything else other than?

A No sir.

Q Doyoa own anything other than your notes on your house and car?

A Well, I owe Sears Roebuck a bill that I pay on by the month.

Q How much do you pay them?

A \$37.00 a month.

Q Well, do you owe anything else?

A Well, hospital bills, doctor bills, insurance, utilities and grocery bills, all total may expenses come to \$409 a month.

Q Are you able to save anything out of your wife and you salary?

A We just barely do make it.

THE COURT:

All right, Mr. Hauberg.

MR. HAUBERG:

Q Mr. Snowden, do you own any other property other than this home that you say you are buying?

A No sir.

Q I believe you say you owe something like \$9500 on it now.

THE COURT:

1 Whose name is this home in anyway?

2 A My wife and my name.

3 BY MR. HAUBERG:

4 Q As a matter of fact you receive about a hundred dollars
5 a week, isn't that your base pay?

6 A No sir.

7 Q What is your base pay?

8 A Around \$80.00.

9 Q What is your base pay?

10 A It would average out approximately \$90.00 a week around
11 the week, but that's gross before anything is taken
12 out.

13 Q Do they take out for savings bonds?

14 A No sir.

15 Q This 61 Ford I believe you say is worth about \$600.

16 A Yes sir.

17 Q This 65 Chevrolet, do you know approximately how much
18 you owe on it?

19 A Approximately a thousand dollars.

20 Q Now were you one of the individuals who attended this
21 meeting here in Jackson?

22 A Yes sir.

23 Q And did you make a speech?

24 A No sir.

25 Q Do you know Mr. Helm.

A I don't recall him.

Q Did you hear any speeches made there?

A I heard one or two people talk but I don't recall hear
ing their names?

Q Did you thank them for the support you got from them?

A The only support I got from them was a few meal.

Q You were not one of the six of the of the seven men who was convicted that offered your support there?

A No sir, I just ate. I don't know there were six who did because I don't believe there were six there.

Q Well you were there were you not?

A Yes sir. I know that Jimmy Arledge and Wayne Roberts and myself were there, Jimmy and I drove over together and we went in and sat down with Wayne and ate and then we left.

Q You mean you don't know what this meeting was about?

A I've been to a lot of meetings and I still don't know what they are about.

Q How many times have you attended meetings where they say they were going to pay your court costs?

A That was the first one.

Q Now, did I understand you to say this insurance policy is about a thousand dollars?

A Uh yes sir.

Q You were looking back in the courtroom was someone telling you what to say?

A My wife prepared this for me last night and I just wanted to make sure it was correct.

Q I notice that you kept looking at something you had there. Now, this \$200 that you say you had received over a period of two and a half years was any of those amounts in fairly good size?

A Seventy or seventy five dollars was the largest I got at one time.

1 Q Now, did Mr. Herndon ever tell you that if you got
2 in trouble that someone would pay your court cost?

3 A No sir, he did not.

4 Q Did anyone over there in Meridian ever tell you
5 if you got involved in this someone would pay the
6 court cost?

7 A I don't know that anyone ever told me that.

8 Q When you learned about these parties, didn't you
9 wonder who was going to get that money?

10 A Right.

11 Q And you didn't get any of the money?

12 A I surely did not.

13 Q Do you know where any of your lawyers got any of the
14 money or not

15 A I do not.

16 Q And you do not have anyone that you could borrow
17 money to pay your part of this transcript?

18 A You mean borrow or beg?

19 Q Borrow. You do have sources that you could borrow
20 do you not?

21 A I do not.

22 Q Well, do you want people to give you everything?

23 A No sir, but I don't want to leave my wife and children
24 owing everybody in the country.

25 Q Yet, you are working and earning \$80 to \$90 per week
and your wife is working and making between \$50 and \$60
a week working?

A No sir, she does not make that.

Q Do you deny that the books at Sears show that she is

making between \$50 and \$60 a weekand that she works on an hourly basis?

A Sir, I said that before the last two or three weeks she worked full time at a dollar and something an hour but since Xmas is over her wages would be cut down to possibly aro und twenty eight hours a week.

Q So she has made around \$50 and \$60 a week.

A Yes sir.

Q So what she was making and you were making she was making around \$50 and you were making around \$80.

A And we had to pay a baby sitter out of it, and she has to have special clothes to work down there, and actually I would say she probably came home with half of that.

Q Well, if she brought home \$30 and add that to your \$90 it would give you \$120.00.

A But you can see how far that would go when you had to come/^{up}with \$409.50 a month too.

Q But you say you don't want anyone to give you anything but you still don't want to borrow the money.

A If they want to they can give me something yes sir, but I'm not willing to go in debt any further, no sir.

Q Did you make an income tax return last year?

A Yes sir.

Q You don't know what you made last year?

A No sir.

Q That's all.

MR. GOLDMAN:

1 BY MR. GOLDMAN:

2 Q Mr. Snowden, do you think if you told some of the
3 loan companies you were fixing to go to the penitentiary
4 that you could get a loan from one of them?

5 BY MR. HAUBERG:

6 We object to that if the Court please.

7 BY THE COURT:

8 Sustained.

9 BY MR. GOLDMAN:

10 That's all the questions, Your Honor.

11 BY THE COURT:

12 This defendant seems to have some property but he doesn't
13 seem to have anything above his statutory exemptions
14 he doesn't have seem to have received any assistance
15 from anybody and I don't think it would be proper for
16 the Court to take into consideration even what his wife
17 makes, because this is his deal, and ofcourse they are
18 man and wife and she would be probably calculated
19 to help him but I believe in passing judgment on these
20 poverty matters that I should look at what he has and
21 ignore what his wife makes, but even if I considered what
22 both of them made with expenses this man has I feel
23 he is entitled to the benefit of this act and he is
24 entitled to appeal as a pauper and that will be the
25 order.

26 BY MR. GOLDMAN:

27 Your Honor, may I be excused?

28 BY THE COURT:

29 Yes.

HORACE DOYLE BARNETT, sworn and testified as follows:

BY MR. COVINGTON:

Q Your Honor, this is Horace Doyle Barnett. Mr. Barnett, how old are you?

A 29.

Q Are you married?

A Yes sir.

Q How many children do you have?

A Two.

Q And your wife is named Virginia Lee Barnett?

A Yes sir.

Q Are you a citizen of the United States?

A Yes sir.

Q /Do you desire to appeal this case in forma pauperis?

A Yes sir.

Q Where do you work Mr. Barnett?

A I work with Steel Forging Incorporated at 1810 Drive Shreveport, Louisiana.

Q Are you paid by the week or by the month?

A I am paid by the week on an hourly basis.

Q All right, what is your salary before deductions?

A Well, if I get to work a whole week its \$121 gross and I take home \$104.80.

Q All right, Mr. Barnett I will direct your attention to November 19, 1967 and ask you to tell the Court where you were approved in a Chapter 13 waiver which was filed in the District Court in Louisiana to be in bankrupt?

A Yes sir, I was.

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A Yes sir, I was.

Q And you and your wife together filed a joint application for relief under the wage earner plan, is that correct?

A Yes sir.

Now, you brought me at my request a copy of this petition?

A That's right.

Q Mr. Barnett, what I hold here in my hand shows that you have a total indebtedness of \$21,321.45 and that was as of October is that right?

A That's right.

Q And have you paid some toward liquidating that amount since that time?

A I have paid three payments of \$63.61 a week I believe.

Q All right, under the Court order are you required to pay some amount to the Referee every month?

A Yes sir, I pay them \$252 and some few cents a month its \$63.61 a week I pay out of my salary.

Q All right sir, what do you have left after you pay this amount?

A ~~XXXXXXXX~~ Forty dollars and some few cents.

Q All right, what do you do with this forty dollars?

A I have to pay my groceries, my utilities, doctor bills and my car expense back and forth to work. I have \$7.70 worth of burial insurance that I have to pay every month, milk bills, and stuff like that.

Q Are you able to put any of this money into savings?

A No sir, I just don't hardly get by.

Q All right sir under your present wage earner plan how

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long will it take to liquidate your debts with what you are making?

A My attorney told me in Shreveport that it would take me approximately four and a half years.

Q Do you own any property that has any equity or any value if you could get it?

A No sir.

Q Do you own an automobile?

A Yes sir.

Q What model?

A Sixty six Ford.

Q How much do you owe on it?

A Mr. Covington, I can't tell you exactly. I've gotten behind in my notes and I can't tell you exactly how many notes I owe on it.

Q On your petition that you filed it shows an indebtedness of \$2,321.42 owing on your automobile, is that about correct?

A Yes sir, approximately.

Q And this was on September 30, 1967.

BY THE COURT:

Have you made any payments since December 7 to this trustee?

A Yes sir, I've made three.

Q I can't reconcile some of the figures that you gave the Probation Officer you told him that you had total debts of \$20,798.10 and you are making monthly payments of \$228.42, can you shed some light on that?

A I told, uh, before I told the amount to the Probation

Officer before this Chapter 13 was fully agreed upon and I went before the Judge in Louisiana.

Q Well apparently you hired your lawyer in Louisiana on September 13th to handle this proceeding and the Probation Officer's report is dated December 6, 1966, rather December 7, 1966. Was there some change in it?

A Your Honor, I took all my debts to this attorney and he fixed up this Chapter 13 and the day I went in court over there it was the latter part of November and I added my house on to the amount of notes that I had in this Chapter 13, my car note, and things like that and when I went before the Judge I added my house note on there and its \$252.00 that I pay every month. I might have forgot something to tell the Probation Officer but if I did it just slipped my mind because I don't have anything to hide.

Q All right, you may proceed, Mr. Covington.

BY MR. COVINGTON:

Q Mr. Barnett, since I have been retained as your lawyer, how much have you paid me?

A \$450.00.

Q And you have traveled from Louisiana to Mississippi how many times during the course of this trial, prior to the trial and today.

A Well, I don't know, that would be hard to say I've been over here several times.

Q Have you participated in any benefit parties or anything to raise money?

A No sir.

Q Have you been told that you would deprive any benefits or any money from anyone, or has anyone told you that you were going to be given some money?

A No sir.

Q Now at one time prior to the trial of this case some of your friends did raise and give you some money, is that correct?

A They gave it to me Billy, this was from my friends at home.

Q Tell the Court how much money you have received from these friends at home?

A Before the trial Your Honor?

Q Since the trial and before the trial.

A December, 1964 around the 10th of December, I was arrested on the 6th, and around the 10th of December the citizens at Shreveport I received \$250.00 which I gave \$100 to my brother and my mother and father for expenses they were out to try and find me some bondsmen while I was in jail. After that the Federal Bureau of Investigation paid me \$300, between then and until after the trial was over with I didn't receive any money other than what I earned. After the trial the men that I worked with they gave me \$27.00 and my boss man advanced me \$200, which I paid back \$100 out of a Xmas bonus I had, the other \$100 is supposed to be deducted as I can manage for it.

BY THE COURT:

Have you been regularly employed since the trial?

1 A Yes sir. I received \$149. from the merchants in
2 my community and I received a \$100.00 from the church
3 I attend, Your Honor, I don't know or might not have
4 remembered just who all gave it to me, but in all it
5 was \$600 and I gave Mr. Covington \$300 of it and I
6 gave Mr. Nounng \$100 which I had to pay back to him and
7 the rest of it, I was over here for a week for these
8 motions that were here, I had to stay over there for a
9 week, and I had to stay here, and it took the rest of
10 it to go back and forth. The money has been spent for
11 my attorney and for my expense in this trial.

10 BY MR. COVINGTON:

11 Q Mr. Barnett, could you borrow any money to pay for
12 your appeal?

13 A Billy, on that \$40.00 a week that I have left, I don't
14 think I could pay it back. The bankruptcy man told
15 me not to make any more debts because if I did
16 I couldn't make it.

16 Q And you are spending more money than you are making?
17 Is your wife working?

18 A No sir.

19 Q Doyle I would like to hand this to you and ask if
20 this is a copy of the petition in bankrputcy under
21 Chapter 13 that you filed?

21 A Yes sir.

22 Q Your Honor please, I would like to offer this into
23 evidence.

24 BY THE COURT:

25 Mr. Hauberg, do you want to see it?

BY MR. HAUBERG:

Yes, Your Honor. We have no objection.

BY THE COURT:

All right, that may be entered and be marked.

(Whereupon exhibit entered into evidence)

All right, Mr. Hauberg.

BY MR. HAUBERG:

Q Mr. Barnett, when did you file that wage earner plan?

A Mr. Hauberg, I believe it was sometime in October.

Q Was that before or after the trial?

A After the trial.

Q Now you had already filed that wage earner plan when you made your affidavit in this court asking that you be given the transcript at the cost of the tax payer.

A I filed it in October.

Q You filed it before you made your affidavit.

A Yes sir.

Q When you made your affidavit before Mr. Mike Watkins on October 30th, 1967 in Lauderdale County is that your signature?

A Yes sir.

Q Is that the affidavit that was made?

A Yes sir, I believe it is.

Q Are you positive or not?

A Well, I didn't read it that close

Q Did you swear to that statement there before Mr. Watkins?

A Yes sir.

Q And you told him it was the truth?

BY THE COURT:

Who is Mr. Watkins, the bankruptcy referee?

1 BY MR. HAUBERG:

2 Mr. Mike Watkins, one of the attorneys in this case.

3 Q Well do you say that you swore to that?

4 A I signed it yes sir.

5 Q And then you swore to it before Mr. Watkins?

6 A Yes sir.

7 Q And you said that what you swore to in that affidavit
8 are true and correct as stated, is that right?

9 A Yes sir.

10 Q Why didn't you put in your affidavit about you
11 filing that wage earner petition?

12 A Mr. Hauberg, it was like I said, I did not go before
13 the Judge until after the trial was over and I went back
14 home.

15 Q Well, would you look in your affidavit here and see if
16 you see anything in there about that?

17 A No sir, there is nothing in there.

18 Q Now, you say your wage earner plan shows about \$21,000
19 in there, did you list in there that automobile that
20 you own?

21 A Yes sir.

22 Q Now since you are not having to pay out monthly
23 notes additionally except \$252 that you are already
24 paying to the trustee?

25 A No sir, I pay that \$252 a month----- (Both Counsel
and defendant talking)

Q Now, did you show on that wage earner plan that you
owed the lawyers any money at all?

A No sir.

1 Q Why didn't you?
2 A I wasn't sure just how much money I owed them.
3 Q Don't you know if you had owed them you would have
4 put them on that list of creditors?
5 A Mr. Hauberg, I don't know what all is listed.
6 Q Did you pay your lawyer over in Louisiana?
7 A Its listed in there. I had to pay ----
8 Q Would you answer my question?
9 A No sir, I didn't list them on there.
10 Q And you get paid by the week?
11 A Yes sir.
12 Q And you get overtime?
13 A Yes sir.
14 Q and you are buying a house now?
15 A Yes sir.
16 Q When did you stop renting an apartment?
17 A January or February of this year.
18 Q How much did your house cost you?
19 A \$13,907and something cents.
20 Q How much are your payments on the house?
21 A \$97.04.
22 Q Much equity do you have in that house now?
23 A I don't know Mr. Hauberg, I would say the house is
24 worth \$8,000.00.
25 Q Did you have that house built?
A No sir, I owned the lot.
Q How much or how long did you own the lot before they
built this house?
A About a week.

1 Q How much did you pay for the lot?

2 A \$190.00.

3 Q Do you own any other property?

4 A No sir.

5 Q Do you have any insurance?

6 A I have a hospital insurance that my company pays for
7 and I have a burial insurance that I pay \$7.70 a
8 month on.

9 Q Do you have any insurance that has a loan value on
10 it?

11 A No sir.

12 Q Does your company take out for savings bonds?

13 A No sir.

14 Q Do you have any money in the bank?

15 A I think I have \$20.00 in the bank.

16 Q Do you have any money on your person now?

17 A \$20.00.

18 Q Have you determined where you might be able to obtain
19 any money to pay for this appeal record?

20 A No sir, I do not have that kind of money.

21 Q With seven of you involved you would not be out that
22 much would you?

23 A No sir.

24 Q Have you made any effort to get that part up?

25 A No sir.

Do you have any other car other than that Ford?

A I have a 59 Ford that I go back and forth to work in.

Q What is that worth?

A Fifty dollars, Mr. Hauberg, that's what I paid for it.

Q Now, do you recall coming over to this meeting here in Jackson last November?

A Mr. Hauberg, I did not come to that meeting.

Q So if someone saw you there?

A They were in error.

Q Did you know about it?

A No sir I didn't know about it.

Q Now when was it that you first learned that some group was going to get up your court costs and your attorney fees for you?

A Mr. Hauberg, I don't know that.

Q Did you learn that after one of the F.B. I. agents talked to you over there in December of 1964?

A Mr. Hauberg, I heard that there was money being sent in to the Citizens Council or some group.

Q Any Klan groups, do you know anything about any Klan meetings when they were talking about getting up money?

A Mr. Hauberg, I do not.

Q If there was such a meeting you do not know anything about that?

Q I don't know anything about it. No. I've seen jugs that they had out where people were putting money in there for it.

Q Oh, so you have seen jugs, did you see any money in these jugs?

A Yes sir.

Q What size jugs were they?

A Gallon jugs.

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Q How full have you seen any of these jugs?

A I haven't seen very much in any of them, Mr. Hauberg/
Fact of the business, I don't remember ever seeing
but one.

Q Just one, and you saw that in Meridian?

A Yes sir.

Q And you saw some money in it?

A Yes sir.

Q And you don't know what happened to the money it?

A Mr. Hauberg, I sure don't.

Q But you didn't get any of it?

A I sure didn't.

Q That's all.

BY MR. COVINGTON:

That's all we have, Your Honor.

BY THE COURT:

The evidence in this case shows that this defendant
is in the purview of this statute entitling him to
take an appeal without prepayment of cost and an order
to that may be entered.

CECIL RAY PRICE, sworn and testified in his behalf as
follows:

BY MR. WEIR:

Q You are Mr. Cecil Ray Price?

A Yes sir.

Q Mr. Price are you a citizen of the United States of
America?

A Yes I am

Q Do you desire to appeal from your conviction in this

2111
case to the Court of "Appeals?"

1
A Yes, I do.

2
Q Mr. Price, what property, if any, do you own?

3
A Well I own a lot and home there in Philadelphia.

4
Q Do you owe anything on it?

5
A Yes sir.

Q How much do you owe on it?

A About \$6500.

Q Does your wife and child have any other place to live other than that home?

A No they don't.

Q Is there a second mortgage on that home?

A Yes there is.

Q Do you own any other property at all?

A 1961 Oldsmobile.

Q What is the fair value of it?

A Approximately four hundred dollars.

Q In reference to cash how much money do you have?

A About \$75.00.

Q Do you have anything else that you have of any value?

A Well, I have an outboard motor, The Sheriff and myself own it together.

Q And you have worked as a Deputy Sheriff in Neshoba County for how long?

A Four years.

Q And what is your salary?

A Three hundred dollars a month.

Q And when is your term up?

A The 31st day of December.

1 Q And \$300 has been your salary power for the last four
2 years?

3 A That's right.

4 Q Now besides your wife and one child, do you have any
5 more dependents?

6 A Well my wife's mother lives with u .

7 Q Do you furnish the majority of her support also?

8 A Yes sir.

9 Q Have you even paid all of the attorney fees that you
10 owe up until now?

11 A No sir, I have not.

12 Q How much is the balance that you owe in reference
13 to attorney fees for the trial up to now?

14 A I still owe \$500.

15 Q Is there any way that you can raise money on to make
16 an appeal in this case?

17 A No sir.

18 BY THE COURT:

19 Did you hire your own attorney in this case?

20 BY MR. PRICE:

21 Yes sir.

22 BY MR. WEIR:

23 Q Do you have any money to pay attorney's fees from
24 here on out.

25 A No, I dont' I had to borrow the money what I have
paid.

Q That's all, Your Honor.

BY MR. HAUBERG:

Q Mr. Price, do you receive any fees from the Justice
of the Peace Courts?

A No sir, I don't. The Sheriff receives those, I just receive a straight salary.

Q Do you have any other income other than the salary that you have?

A No sir.

Q What other land do you own beside your residence?

A I don't have any other land anywhere.

Q I'm not confining you just to that county?

A I don't own any land.

Q Do you owe anything on your automobile?

A No sir.

Q How much is it worth?

A I would say about \$400.00.

Q How much did you pay for your home and your lot?

A ~~\$6500~~ \$6500 is what I paid for it.

Q And how long ago did you buy it?

A Oh, probably five years ago.

Q And you've been paying on it since that time?

A Sixty two dollars a month.

Q And you say its worth now about \$6500?

A That's what I owe on it and I don't figure its worth anymore than what I owe on it.

Q Would you take \$6500 for it?

A Well, if I had to I would.

Q Now, do you have any money in the bank?

A There might be \$150 in the bank now.

Q And \$75.00 on your person now?

A No sir, less than \$50.00.

What is this motor worth that you and the Sheriff own?

1 A We don't own a boat.

2 Q Well what do you do with a motor if you don't own
3 a boat?

4 A Well, we can always rent a boat, its just a small
5 motor.

6 Q Now, this is all that you own?

7 A I have a horse trailer.

8 Q Now, this horse trailer that you say you own, do
9 you own part of it or all of it?

10 A Well we bought the trailer on a fifty fifty deal
11 b t I would say the Sheriff has made most of the pay-
12 ments on it so he probably owns about two thirds of
13 it and I own about a third of it.

14 Q Do you own any horses?

15 A I own one, or rather my son owns one. His grand-
16 father gave it to him.

17 Q Its not your horse you say?

18 A No sir, its not mine, it belongs to my son.

19 Q Do you pay for the food for it?

20 A Yes sir.

21 Q Then it is your horse?

22 A Well we all ride it.

23 Q Well do you have any other property that you have in
24 your son's or your wife's name?

25 A No sir.

What kind of a horse is it?

A Its just a horse, young horse.

Q Is it a quarter horse?

A- Part quarter horse.

2181
BY THE COURT:

How much would you say the horse is worth?

BY MR. PRICE:

Approximately two hundred dollars. My father raised the horse and give it to my son

BY MR. HAUBERG:

Q Now, I believe you have been a deputy for the last four years, and chances are that you will stay on the next four years?

A Well, I'm hoping I will, I don't know how Mr. Barnett feels about that, I haven't had any promise.

Q Now, did you attend this meeting down here in Jackson in November of 1967?

A Yes sir.

Q How many others attended that meeting?

A I saw Mr. Arledge, Mr. Snowden, and Mr. Roberts.

Q Did you see Mr. Horace Barnett?

A No sir.

Q Did you see Mr. Bowers?

A No sir.

Q And Mr. Posey was there?

A No sir.

Q Did you hear what the purpose of the meeting was for?

A I just got a notice about the meeting something about a fund raising dinner.

Q But it had something on there about you coming to a \$10.00 dinner benefit for all of these that were convicted.

1 A Yes sir and so we went because I thought if it
2 was anything to it I wanted to know about it and
3 we went .

4 Q Anything that might benefit you or your lawyer
5 you wanted to know about it didn't you? Did anybody
6 else from Philadelphia go? Sheriff Rainey?
7 A Sheriff Rainey was not there.

8 Q All right now when you got over there did you hear
9 any of those speeches made about how terrible you
10 and all the others had been treated over there in
11 Meridian and that they were trying to make up some
12 money for you and your lawyer's fees?

13 A I didn't hear anything about that.

14 Q Well, what was said about being able to raise money
15 for court cost?

16 A I didn't hear them say anything about getting up
17 any money for court cost and lawyers fees, I went
18 there and ate supper and I took my wife and we ate
19 supper and I shook hands with some man at the door
20 that I didn't know who he was and I thanked him for
21 the supper that we had and then we left.

22 Now, you say you never did get any money out of any
23 of those meetings over in Meridian in early November?

24 A I didn't know anything about those meetings.

25 Q Did you know that meetings were being held over there
to raise money for the court cost?

A The only one that I knew about was after they held
there was an article in the paper.

Q Well, did you not ever inquire if any money was raised?

A No sir, I didn't.

Q You didn't need it did you?

A Yes sir I needed it.

Q Did you file an income tax last year?

A Yes sir.

Q Do you remember what you reported that your income was for last year?

A No sir, I don't remember.

Q You don't have any idea what you reported your income was for last year?

A No sir.

Q Could you give us any total for any of the last three years?

A No sir, I just don't remember.

Q Now, you have an allowance that pays all of your gasoline expenses don't you?

A The Sheriff pays all of the gasoline.

Q Well, if you bring a person from Philadelphia over here to Whitfield for a mental examination do you ever bring any over there?

A Yes sir, I do.

Q And do you get anything for that?

A No sir, the Sheriff gets that.

Q And you don't get any extra pay for it?

A No sir.

Q Do you get any gasoline for a trip like that?

A Well we use the Sheriff's car and he gets an allowance.

Q You don't use your car for that?

Well sometimes.

1 Q How much gasoline allowance does the county give
2 you?
3 A Not any.
4 Q Does the Board of Supervisor not allow you anything?
5 A Everything that is allowed or that I get from
6 the county is paid directly to the Sheriff I don't
7 get anything other than my salary.
8 Q Now, does your wife work?
9 A No sir, she did, but she hasn't worked any for the
10 past three years.
11 Q Now that house that you are talking about that's
12 a white frame house there?
13 A With siding on it.
14 Q Do you rent any part of it out?
15 A No sir.
16 Q Do you have any rental property?
17 A No sir.
18 Q Have you made any inquiry about borrowing enough
19 money for your part of the transcription in this
20 case?
21 A Well, I made one inquiry into it and I just got
22 the approximate figure and it would run maybe
23 somewhere in the neighborhood of \$3500 or \$4000.
24 Q But that wouldn't be just your share of it would it?
25 A No sir.
26 Q And for your one seventh or one-sixth of a share
27 of that that wouldn't be near that bad would it?
28 A No sir.
29 Q Would you be able to pay about \$400?

A No sir I don't see how I could.

Q Has anybody given you/^{money}in the last three years?

A I have received something like a hundred or a hundre and thirty five dollars.

Q You don't mean to tell us that someone gave you a hundred or hundred thirty five dollars at one time?

A No sir, I mean in all. Maybe one would give me five or one would give me ten, something like that.

Q Did anyone at any of those meetings that you attended ever tell you that if you got involved in something like this that you would have your attorneys fees and court cost paid for?

A No sir.

Q No one ever told you that?

A No sir.

Q Do you know Mr. Herbert Brewer or Mr. Smitty Smith of Meridian?

A I know Mr. Brewer I believe I met him during the time the trial was going on in Meridian, was the first time that I had met him.

Q And right after that was when they started these benefits for you and all the others?

A I never did get anything out of them.

Q Well, have you ever wondered about the money that was raised from these benefits?

A No sir.

Q Did you ever ask your lawyer/^{what}was happening to all the money that was being raised in these various

1 meetings?

2 A No sir, I never asked my lawyer about it.

3 Q You don't know where they received any of it or
4 not?

5 A I don't know where they did or not, I never receive
6 any of it.

7 BY MR. WEUR:

8 I believe that's all, Your Honor.

9 BY THE COURT:

10 The Court finds from the evidence from the witness
11 stand that this defendant falls within the confines of
12 this statute and he may proceed with his appeal
13 in forma pauperis. That will be the order.

14 BY MR. WEIR:

15 Thank you, Your Honor. Our next client is Billy
16 Wayne Posey.

17 BILLY WAYNE POSEY, was sworn and testified in his
18 behalf as follows:

19 BY MR. WEIR:

20 Q You are Billy Wayne Posey?

21 A Yes sir.

22 Q Are you a citizen of the United States of America?

23 A Yes sir.

24 Q Do you desire to appeal from this conviction in
25 this Court to the Fifth Circuit of Appeals?

BY THE COURT:

26 You better find out where you are going. The name
27 of that Court is the United States Court of Appeals for
28 the Fifth Circuit.

1 BY MR. WIER:

2 I didn't know that Your Honor I haven't been down there
3 recently.

4 BY THE COURT:

5 It hasn't been Circuit Court in five or six years.

6 BY MR. WEIR:

7 I haven't been down there Your Honor in that time.
8 Thank you Mour Honor.

9 BY THE COURT:

10 All right.

11 BY MR. WEIR:

12 Q Now Mr. Posey are you financially able to pay for
13 such an appeal to that Court?

14 A No sir, I'm not.

15 Q Well, are you working?

16 A Yes sir.

17 Q What salary do you earn a week?

18 A \$75.00.

19 Q Do you have any money saved back?

20 A A little bit.

21 Q Well, what amount of money do you hav saved back?

22 A Oh, I imagine \$75 or \$80.

23 Q Is that all?

24 A That's all.

25 Q How many children do you have?

A Four.

f Q Do you have a wife?

A I do.

Q Do you own any land?

1 A I own a lot and house.

2 Q Do you own any other land?

3 A No sir.

4 Q How long have you been owning that?

5 A About ten ~~years~~ months.

6 Q And how much do you owe on your house?

7 A About \$10,500.

8 Q When did you buy your bouse?

9 A January the 11th, I believe.

10 Q Of this year?

11 A Yes sir.

12 Q Would you wife and children have any place to live
13 if you let the place go?

14 A No sir.

15 Q Do you have any equity at all in your house?

16 A I wouldn't think so.

17 Q Do you have any way of borrowing any money for
18 this appeal?

19 A No sir.

20 Q How much do you owe on your attoeny fee up to now?

21 A About \$1750.

22 Q In other words, you've paid about \$253. on your
23 attorney fee?

24 A That's right.

25 Q and you still owe about \$1750 for the trial up to
now?

A That's right.

Q Then do you tell the Court you are destitute as
far as paying for this appeal?

A s That's right.

1 BY THE COURT:

2 Do you still have your borrowing power with the Citizens
3 Bank and Tower Loan Company?

4 BY MR. POSEY:

5 Well I haven't tried to borrow any money from either
6 one of them.

7 BY THE COURT:

8 Have they ever told you what the maximum loan would be
9 to you?

10 BY MR. POSEY:

11 No sir, they have not.

12 BY MR. WEIR:

13 Q Your Honor please, I would like to ask him two
14 more questions. Mr. Posey, what debts do you
15 owe?

16 A Well, I owe my house payment, my car payment, I owe
17 Byars Furniture Company, I owe the Hospital,
18 utilities.

19 Q How much do you owe Riley Hospital?

20 A I think about \$550.

21 Q Is that in Meridian, Mississippi?

22 A Yes sir.

23 Q Who was sick down there?

24 A My baby.

25 Q Do you owe any doctor bills?

A I believe that is included in the \$550.

Q I believe that's all.

BY MR. HAUBERG:

Q Do you have any bonds, or savings bonds or savings?

1 A No sir.

2 Q Who do you work for?

3 A Brown Williams Oil Company.

4 Q And how long have you worked for them?

5 A About a year.

6 Q And you bought you a house this year?

7 A Yes sir.

8 Q What was the total purchase price?

9 A I think about \$11,000.

10 And did you pay anything down?

11 A No sir.

12 Q How much are your payments on the house?

13 A \$50.00.

14 Q How much would you say that house and lot is worth now?

15 A I would say \$11,000.

16 Q Do you have any other means of income?

17 A My wife works.

18 Q Where does she work?

19 A At the glove factory.

20 Q How long has she worked?

21 A Five years.

22 Q Do you have an automobile?

23 A Yes sir.

24 Q What kind of automobile do you have?

25 A 1964 Chrysler.

Q What is that worth?

A Well, if I was going to sell it I would say about \$1200.

1 Q Would you take a thousand dollars for it?

2 A No sir.

3 Q Would you take twelve hundred dollars for it?

4 A Yes sir.

5 Q Acutally a 1964 Chrysler would be worth more than that if you went out to buy one?

A Yes sir I would think so.

Q Now, does your wife have an automobile too?

A No sir.

Q How does she get back and forth to work?

A Well sometimes I take her and sometimes she takes me and sometimes I go in my old pickup.

Q So you have another car?

A A '49 Ford.

Q How much is that pick up worth?

A \$75.00.

BY THE COURT:

What kind of rubber does it have on it?

BY MR. POSEY:

Poor.

BY THE COURT:

How many miles does it have on it?

BY MR. POSEY: "

I would say it had about 107,000 miles on it.

BY MR. HAUBERG:

Q When you were working for Olen Burrage you made about a hundred dollars a week why did you quit working there and go to work for \$75.00?

A I didn't make \$75.00 rather a \$100.00 ever week.

1 BY THE COURT:

Your wife makes \$75.00 a week?

2 BY MR. POSEY:

3 No sir, I would say she makes about \$70.00 a week, she
4 gets \$1.82 cents a hour before any deductions are made.

5 BY THE COURT:

6 You told the Probation Officer she made \$72.00 a week
7 didn't you?

8 BY MR. POSEY:

Well, I could have, its somewhere in that area.

9 BY THE COURT:

10 Well is the \$75.00 earned a week by you is that accurate
11 or not?

12 BY MR. POSEY: .

Yes sir.

13 BY MR. POSEY:

14 I know what I made.

15 BY THE COURT:

16 And you say that your total income per week was \$147.00
17 a week, would you say that is accurate or not?

18 BY MR. POSEY:

Yes sir.

19 BY THE COURT:

20 Would that be gross or net?

21 BY MR. POSEY:

22 That would be gross.

23 BY THE COURT:

24 What would you say your take home pay would be for
25 both of you?

1 A Mine is \$72.27 take home. Now my wife, I'm not
2 sure because she has quite a few deductions out
3 of hers, I would say hers was \$55.00 a week.

4 Q Would you say that this \$72 is before your income
5 tax is taken out?

6 A Yes sir, if I owe any.

7 BY MR. HAUBERG:

8 Q And you say your wife earns \$1.82 an hour?

9 A Yes sir.

10 Q And she has been earning that for quite sometime?

11 A Well she has been working there about five years.

12 BY THE COURT:

13 How far does she have to go to her job?

14 A I would say about two miles.

15 Q And you have to go about how far to your job?

16 A I would say about two miles.

17 BY MR. HAUBERG:

18 Q Now, do you owe anything on that Chrysler?

19 A Yes sir.

20 Q How much do you owe?

21 A I believe about \$700.

22 Q When did you buy it?

23 A Last year.

24 Q Now, did you attend any of these meetings where
25 funds were supposed to be raised for this trial
and the appeal?

A No sir.

Q You didn't know about any of them?

A I heard about the one in Jackson about them giving

1 giving us a supper or something in Jackson but I
2 didn't go

3 Q You didn't go?

4 A No sir.

5 Q Do you know where they got their information that
6 you, and Deputy Sheriff Price and some of these
7 others were there?

8 A No sir, I sure don't.

9 Q So you say now that you didn't attend that meeting?

10 A I most certainly did not.

11 Q So whoever saw you at that meeting got you mixed
12 up with someone else?

13 A They were still mixed up, yes sir.

14 Q Now, did you learn about the meetings over in
15 Meridian?

16 A I heard about some over there.

17 Q Did you benefit from any of these fund raising
18 meetings that you heard about?

19 A I didn't attend any of them because I wasn't that
20 interested in them.

21 Q You mean you didn't become interested in them when
22 they were raising funds for your appeal and for
23 the trial, the cost of the trial?

24 A Well, nobody ever come to me and told me they were
25 raising any money for me, what you read in the papers
I saw too, but nobody ever came to me and told me
they were raising any money for me.

Q Well, if someone actually saw you at this meeting
that you say you didn't attend?

Do you know Mr. Brewer over at Meridian?

A No sir I don't believe.

Q Do you know Mr. Smith over in Meridian?

A No sir.

Q You never did ask anyone about that meeting?

A No sir, I didn't.

Q You never did ask your lawyers anything about these fund raising rallies and what they were doing with the money?

A No sir, I wasn't that interested.

Q You mean you weren't interested enough to find out who was getting the money?

A No sir, I didn't care if the lawyers were getting the money, I didn't get any of it.

Q Well, weren't you interested enough to ask them where the money was going?

A No sir, I wasn't.

Q You weren't. Have you tried to borrow any money to pay your share of this appeal?

A No sir I haven't.

Q Well, were you not interested in trying to get money for your appeal?

A I know for a fact that I can not get three or four thousand dollars.

Q But your share of that divided seven times wouldn't be three or four thousand dollars?

A Well just about it. After I found out what the transcript was going to cost I knew then I couldn't get that much money.

Q But you didn't understand the cost of it did you?

1 Q Well \$700 wouldn't be \$2700 for each one of you

2 A Well I didn't know that.

3 Q When you said us what do you mean by us?

4 A Well, I really meant me.

5 Q Who told you that it would cost that much?

6 A I asked how much the court transcript was going to
7 cost and that was what I was told.

8 Q Well, did you ask Mr. Bill Davis?

9 A I didn't know who I was supposed to see about it
10 and I didn't know him.

11 Q But you had no conversation with anyone then after
12 you learned that certain groups were going to pay
13 all of this expense?

14 A No sir.

15 Q Well why was your name linked with those that were
16 supposed to benefit from it?

17 A I didn't know my name was linked with anyones.

18 Q Well, you were one of the seven that was involved
19 there weren't you?

20 A Well, I wasn't anxious enough about it to go down
21 there and ask them if they had any money.

22 Q I believe that's all.

23 BY THE COURT:

24 Anything further gentlemen?

25 BY MR. HAUBERG:

If the Court please I would like for the Court to look
at this Pelligrin Case which pertains to appeals in
forma pauperis and decided in 1962. The main purpose
of that was that defendants who after indictment purchased

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and furnished a new family residence not shown to be inadequate to his family, and who was in sound health and who had an average income per month in excess of \$400 was not eligible to appeal in forma pauperis that is in 201 F. Supplement, page 665 on connection with the testimony taken in that case and that's the ruling the Court gave on it.

BY THE COURT:

What was the amount of cost in that case?

BY MR. HAUBERG:

Your Honor, the report does not show what the amount of cost of appeal would be, but it refers to the house that was purchased there, I believe the affidavit the defendant filed showed some obligation owing of some \$2200 and showed financing on that and some five weeks after indictment he bought a new home in Peabody and paid \$18,000 for it, with part of the price financing and then there was a \$16,000.00 mortgage and there was also executed another mortgage in the amount of \$20,000.00, and the affidavit filed by the defendant in support of the motion stated that the two combined values of the property that he owned was twentyone thousand dollars. Its a district court decision Your Honor and I pass this on for what consideration the Court may find.

BY THE COURT:

This law where the United States Government pays all

1 the bills for everything and for everybody, its
2 just a big old fat Santa Clause is in/^{not in} accordance
3 with my way of thinking but as long as we have these
4 laws on the books that Congress passes to entitle
5 these people to these benefits even though it may
6 be regarded by some as woly-dollying the criminal
7 I'm going to enforce this is written and just like
8 I think the Fifth Circuit will do, I think they
9 are very find and very intelligent and I have the
10 greatest respect but they have disagreed with me
11 several times on these pauperis appeals and then
12 they
13 I have leaned over backwards in granting these appeals
14 so I find that this man realistically as we must
15 do in giving a fair and reasonable thought to it
16 I will say I find no difficulty in finding that he
17 is an indigent and is entitled to take his appeal
18 without prepayment of cost and to appeal in forma
19 pauperis and that will be the order.

16 BY MR. ALFORD:

17 May it please the Court, may we have some time in
18 getting in these orders?

19 BY THE COURT:

20 Well the United States Attorney will draw the orders

21 BY MR. HAUBERG:

22 May I submit one order for all defendants?

23 BY THE COURT:

24 Yes sir, I don't see any reason for drawing more
25 than one order on that.

25 BY THE COURT:

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What I want to do is authorize the number of copies because I am not going to authorize a copy of this transcript for each one of these defendants and as I understand it, it looks like you have about three groups.

BY MR. ALFORD:

I think three groups will be sufficient, if Your Honor please. One group for Meridian, one for Laurel and we can work together.

BY MR. HAUBERG:

If the Court please, I don't know Mr. Bowers' situation.

BY THE COURT:

I don't either but I don't have in mind making a separate group out of one defendant so I would say the Philadelphia group and the Meridian group and what other group?

BY MR. ALFORD:

Laurel.

BY THE COURT:

Well that's one man there and I don't think he would be entitled to a copy by himself unless he can afford to pay for it. Well Mr. Bowers left a little early and didn't choose to stay so I am going to let the order show two copies of this transcript that is one and the original and two copies made available at the government's expense. That way I don't know where Mr. Bowers can get under the wire or not.

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BY MR. WEIR:

Your Honor could we have in the order that one copy will be designated for Philadelphia?

BY THE COURT:

How many defendants do you have in Philadelphia?

BY MR. WEIR:

Your Honor there are only two defendants but there are a lot of lawyers involved. There are five attorneys involved in the case from Philadelphia.

BY THE COURT:

How many are there in Meridian?

BY MR. ALFORD:

Four in Meridian.

BY THE COURT:

I believe one for the Meridian group and one for the Philadelphia group, and as for Mr. Bowers I don't know what his idea is about his appeal, but I don't know that I would give him a copy by himself. How far is it from Laurel to Meridian?

BY MR. ALFORD:

About fifty miles.

BY MR. HAUBERG:

If the Court please, we think we are talking about now the Court Reporter's transcript and then we will have the record that will also have to be paid for in the Court of Appeals proceedings and there they do require a certain number of copies filed with the Court of Appeals under the rule.

BY THE COURT:

1 Well I think that a couple of copies of the record
2 maybe three copies and I don't know about Mr.
3 Bowers, but I believe I will say the government
4 will see about the original and two copies and
5 those three copies will be furnished for the
6 defendants, how many would you need Mr. Hauberg?

6 BY MR. HAUBERG:

7 If the Court please we will have to make our arrangements
8 for our copies.

8 BY THE COURT:

9 Well I think we ought to save as much as we could be-
10 cause after all that's coming out of our government,
11 but I wish someone in Washington would watch that. I
12 don't know why the Court of Appeals would have to have
13 more than three copies, and they sit in a panel of
14 three and I'm don't intend to send any more copies that
15 they need, and I don't think they need but three and
16 of course one to the Clerk, I don't see any sense to
17 send a whole lot of paper work down there just to go
18 in the file because that is costing the taxpayers a whole
19 lot of money.

19 BY THE COURT:

20 All right, the Court will take a recess.
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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF MISSISSIPPI
4 EASTERN DIVISION

5 CRIMINAL ACTION NUMBER 5291

6 UNITED STATES OF AMERICA

PLAINTIFF

7 V

8 CECIL RAY PRICE, ET AL

DEFENDANTS

9 COURT REPORTER'S CERTIFICATE

10 I, William A. Davis, Official Court Reporter in and
11 for the United States District Court for the Southern
12 District of Mississippi, do hereby certify that the fore-
13 going pages 2547 through 2801 contain a true and correct
14 transcript of the proceedings had in this cause as recorded
15 and transcribed under my supervision to the best of my skill
and ability.

16 Witness my signature this October 10, 1968.

17
18 William A. Davis
OFFICIAL COURT REPORTER