

Trial Transcripts in the case

**United States v. Price, et. al.
(also known as the
Mississippi Burning Trial),
1967.**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

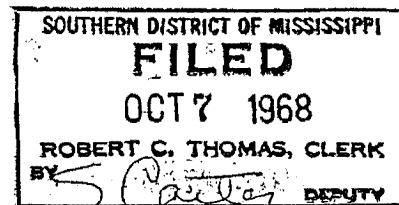
CRIMINAL ACTION NUMBER 5291

UNITED STATES OF AMERICA

PLAINTIFF

V.

CECIL RAY PRICE, BERNARD L. AKIN,
JIMMY ARLEDGE, HORACE DOYLE
BARNETTE, TRAVIS MARYN BARNETT, OLEN
LOVELL BURRAGE, JAMES T. HARRIS,
FRANK J. HERNDON, EDGAR RAY KILLEN,
BILLY WAYNE POSEY, LAWRENCE ANDREW
RAINEY, ALTON WAYNE ROBERTS, JERRY
McGREW SHARPE, JIMMY SNOWDEN, HERMAN
TUCKER, RICHARD ANDREW WILLIS, ETHEL
GLEN "HOP" BARNETTE, AND SAM HOLLOWAY
BOWERS, JR.



DEFENDANTS

APPEARANCES:

MESSRS. ROBERT E. HAUBERG, JOHN DOAR and ROBERT OWEN;

For the Plaintiff.

MESSRS. HERMAN ALFORD, WILLIAM M. MARS, CLAYTON LEWIS, W. D.
MOORE and LAUREL G. WEIR;

For Defendants Price, Burrage, Killen, Posey, Sharpe,
Willis and Ethel Glen "Hop" Barnette.

MESSRS. THOMAS M. HENDRICKS, JR. and HOWARD PIGFORD;

For Defendant Aiken.

MESSRS. H. C. WATKINS and DENNIS GOLDMAN;

For Defendants Arledge, Travis Barnette, Harris, Herndon,
Roberts and Snowden.

1 HON. BILLY R. COVINGTON;

2 For Defendant Horace Doyle Barnette.

3 HON. CLAYTON LEWIS;

4 For Defendant Tucker.

5 HON. TRAVIS BUCKLEY;

6 For Defendant Bowers.

7 HON. JAMES McINTYRE;

8 For Defendant Rainey.

9 Be it remembered that the above styled and numbered cause came
10 on for hearing before the HONORABLE WILLIAM HAROLD COX, United
11 States District Judge for the Southern District of Mississippi,
12 at Meridian, Mississippi, in the Eastern Division, on Monday,
13 October 9, 1967, when the following proceedings were had and
14 entered of record:

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1 IN CHAMBERS, ALL ATTORNEYS PRESENT:

2 BY THE COURT:

3 All right, let the record show that at the outset
4 of opening Court, we proceeded in the case to hear
5 a motion of defendant, Frank J. Herndon, for a con-
6 tinuance on account of his alleged disability to
7 stand trial.

8 BY MR. WATKINS:

9 Do you want him sworn?

10 BY THE COURT:

11 Yes sir.

12 HUGH S. RYNER, called as a witness for and on behalf
13 of defendant, Frank J. Herndon, was sworn and testified
14 as follows:

15 BY MR. WATKINS:

16 Q State your name please?

17 A Dr. Hugh S. Ryner.

18 Q Dr. Ryner, are you a licensed practitioner to
19 practice medicine in the State of Mississippi?

20 A I am.

21 Q And how long have you been practicing sir?

22 A Entirely, since 1950.

23 Q Will you give the Court briefly, some of your
24 educational background.

25 A Well, for medical school I attended the University

1 of Mississippi, Northwestern University, received
2 my M. D. from Northwestern University, interned at
3 Charity Hospital, four years residence and surgery
4 at Oschner Foundation Hospital.

5 Q Dr., at this time to you have an office located
6 here in Lauderdale County?

7 A I do.

8 Q Where is that office?

9 A 1216-First Avenue.

10 Q Are you connected with some of the hospitals here?

11 A I am.

12 Q Do you specialize, do you have a speciality, are
13 you a surgeon?

14 A I do, general surgery.

15 Q I will ask you if you had occasion to perform an
16 examination or perform surgery on Mr. Frank
17 Herndon?

18 A I did.

19 Q Would you give the Court the date of the performin
20 of this surgery?

21 A 9-29-67.

22 Q Detail for the court the type of surgery that was
23 performed and classify it if it was major or minor

24 A I did a hyital hernia repair, and I divided in-
25 testinal adhesions which was cuased by obstruction

1 it was major.

2 Q Now, what part of the body was the obstruction
3 being performed, Doctor?

4 A In the small intestine, in the abdomen.

5 Q Where is the patient today?

6 A In Anderson Hospital.

7 Q Could you tell the Court whether or not the patient
8 was in intensive care after the hospital?

9 A The patient was in intensive care for twenty-four
10 hours.

11 BY THE COURT:

12 Doctor, how long has this patient been under your
13 care and observation prior to this operation?

14 BY THE WITNESS:

15 Let me straighten this out. I have seen him approxi-
16 mately a year ago and I saw him approximately, now I
17 can't give you the exact date, but it was a month ago
18 at Anderson's Hospital. He was admitted to Anderson's
19 Hospital at that time with acute chest pains, burning
20 and he was having acute distress with this hernia at
21 that time. Surgery, may I just go ahead and simplify
22 things?

23 BY THE COURT:

24 Sure.

25 BY THE WITNESS:

1 Surgery was scheduled at that time, however, the
2 patient's liver was enlarged and we did a liver
3 test which showed an impaired liver function, we
4 delayed surgery, and tried to get the liver back,
5 and at that time I told him he should have it
6 within 30 days, we expected the liver to be back
7 in proper function and whenever we could get him
8 in.

9 BY THE COURT:

10 Would you classify that operation as an emergency
11 operation?

12 BY THE WITNESS:

13 I would classify it as not an emergency operation
14 but as an urgent operation.

15 BY THE COURT:

16 Would you classify it as one that required
17 immediacy?

18 BY THE WITNESS:

19 I would say that had it been an emergency that
20 required the same immediate/^{care}as an acute appendix
21 or ruptured ulcer, I would have done it at the
22 first in spite of the liver condition. It was
23 not that urgent but I felt it was much more
24 urgent than some other things, but I thought it
25 was urgent and necessary.

1 BY MR. WATKINS:

2 Doctor, I hand you an affidavit which was given
3 on yesterday and ask you if this is your affidavit?

4 A. Yes it is.

5 Q. Is this your signature?

6 A. This is the wrong date, that should be 9-29-
7 instead of 10-29.

8 Q. And attached also to the affidavit thereto is
9 a hand-written medical report?

10 A. It is.

11 Q. Is that your handwriting?

12 A. That is mine.

13 Q. Your Honor we would like to have the affidavit
14 and handwritten report marked as exhibits if we
15 may.

16 BY THE COURT:

17 A. All right, they may be entered and be marked.

18 (Whereupon exhibits marked into evidence)

19 BY MR. WATKINS:

20 Q. Doctor, tell the Court in your professional
21 opinion if you think Frank Herndon would be able
22 to attend Court?

23 A. He wouldn't be able to come up here and sit up
24 eight hours. He's only up a short time during
25 the day, going to and from the bed to the bathroom
and maybe walk up and down the hall about twice

1 a day.

2 Q. Now, describe his condition if you will Docotor,
3 as to where he has clamps on his abdoman or
4 bandages on him, and where if you do?

5 A. Well I have nominal bandages as he has a rather
6 extensive incision. I believe the clips are out
7 now, and he is extended.

8 Q. Now, what type of clothes do you have him in?

9 A. He's in pajamas, or either one of the hospital
10 nightgowns.

11 Q. In your opinion is he able to be discharged from
12 the hospital at this time?

13 A. No, he won't be discharged.

14 Q. In your opinion, when do you think he will be
15 discharged?

16 A. Well I would say from seven to ten days, he's
17 still running a little fever.

18 BY THE COURT:

19 Does he have fever this morning?

20 BY THE WITNESS:

21 I haven't seen him this morning, Judge Cox, I was
22 in the operating room and I haven't had time to go
23 in to see him this morning.

24 BY THE COURT:

25 When was the last time you did see him?

1 BY THE WITNESS:

2 I saw him last night, he had some fever yesterday.

3 BY THE COURT:

4 How much did he have?

5 BY THE WITNESS:

6 Oh, I think it was ninety-nine something.

7 BY MR. WATKINS:

8 Q Doctor, tell the Court whether or not you expect
9 to remove the bandages within the next two or
10 three days?

11 A Normally, after a week you can remove them but I
12 haven't on him, but I have left it on mainly on a
13 security basis. Bandages don't mean anything any
14 more. He does have vasculs on the skin which I'm
15 going to keep bandaged until they heal up. That
16 resulted from extensive pulling on the tape, and
17 pulling the top layer of the skin up and forming
18 blisters.

19 Q Tell the Court whether or not you are giving this
20 man medication?

21 A I am giving him medication.

22 BY THE COURT:

23 What kind of medication?

24 BY THE WITNESS:

25 He's receiving medication for pain, primarily, now he

1 may eventually receive medication for a kidney
2 complaint, which he may develop as they often do
3 after this type of operation and after they have
4 been catheterized.

5 BY THE COURT:

6 Does he sleep all right Doctor?

7 BY THE WITNESS:

8 I suppose he does, it hasn't been a major complain

9 BY MR. WATKINS:

10 Q. Do you have any reports of gas condition forming
11 as a result of his operation?

12 A. That is a fairly normal thing after surgery.

13 Q. Were you required to put any tubes in his nose
14 and throat?

15 A. No, I considered it but I didn't do it.

16 Q. Has that gas condition subsided yet?

17 A. It is going down.

18 Q. Is this the purpose of his going back and forth
19 to the bathroom, this gas condition? Is that
20 what requires him to go back and forth?

21 A. Well, he's going back and forth to urinate and he's
22 having some bowel movements.

23 Q. Tell the Court whether or not in your opinion
24 a court trial for a period of several days would
25 be in your opinion a serious injury to his health?

1 A. I don't believe physically he could tolerate it
2 for eight hours a day, he's not up that much and
3 it would be a considerable strain on anybody for
4 a week or 10 days to go to trial.

5 Q. If he didn't have a nurse in attendance with him
6 could he attend any other way?

7 A. This was discussed with me yesterday afternoon.

8 Q. By whom?

9 A. By some F. B. I. Agents. They asked if he could
10 come up on a stretcher, but rather than come up
11 on a stretcher I would advise putting a hospital
12 bed up, it would be more comfortable and he would
13 be able to tolerate it better.

14 Q. Is that, in your opinion, the only way that it
15 would be advisable at all for him to come to Court

16 A. I think that's the only way that he could physical
17 tolerate it.

18 Q. And in your opinion, how often would the Court be
19 disturbed by him going from one place to the other
20 to go to the bathroom?

21 A. Possibly four or five times during the day.

22 Q. I believe that's all, you may cross examine.

23 BY MR. HAUBERG: CROSS EXAMINATION

24 Q. Doctor, would you say that this medication that
25 you are giving him would bear on his mental con-

1 dition one way or another?

2 A It could have some.

3 Q Would it have such bearing on his mental condition
4 that he could not understand the proceedings going
5 on before him?

6 A Well, I can't answer that because I haven't watched
7 him after he's had the medication, but it's possible

8 Q But other than a year ago, your first personal
9 contact with him was about a month ago?

10 A A month ago.

11 Q And at that time did he explain to you that this
12 trial was scheduled to come up?

13 A At that time, I think it was before the trial was
14 scheduled as far as I know, I did know before the
15 operation, the second time it was scheduled, I
16 had read it in the papers, I knew nothing about it

17 Q As a matter of fact you did or did not get any
18 information from him that this notice of this
19 trial had gone out?

20 A I did not.

21 Q I believe it went out a couple of months ago anyway

22 A I did not.

23 Q You knew nothing about it?

24 A I knew nothing about.

25 Q And he said nothing to you about it?

- 1 A. He said nothing about it.
- 2 Q. When did he say anything to you at all about the
- 3 trial?
- 4 A. It was after we scheduled surgery.
- 5 Q. And you scheduled surgery sometimes after the 29th
- 6 of September?
- 7 A. No, after the first admission. I had him scheduled
- 8 for surgery at the time he was in the hospital the
- 9 first time.
- 10 Q. You still did not discuss anything about his
- 11 trial date coming up?
- 12 A. No.
- 13 Q. Did he----
- 14 A. Let me say this, sometimes after we scheduled
- 15 the last surgery date it was brought up, but I
- 16 consider the trial and I considered the urgency
- 17 of his condition before I went ahead with it.
- 18 Q. Would it have been possible to have scheduled
- 19 surgery after the trial was over?
- 20 A. Certainly it was possible to do anything, medically;
- 21 most anything, but I thought it would be the
- 22 best for the patient, I had to consider his welfare
- 23 as well.
- 24 Q. Well, was there any degree of danger?
- 25 A. Yes, there is danger from these things.

- 1 Q At the time you performed this operation on the
2 29th of September, did you at that time, know
3 whether he would still be in the hospital?
- 4 A I knew there was a possibility that he would still
5 be in the hospital.
- 6 Q Was there any discussion had with him about that?
- 7 A I told him I didn't know where he would be able
8 to attend, but I felt that he wouldn't be able to.
- 9 Q Was any mention made that he would take that up
10 with his attorneys?
- 11 A I didn't discuss his situation with his attorneys.
- 12 Q Now, in the event that he should be brought into
13 court in the manner in which you suggest, to be
14 on a cot?
- 15 A I think he can be brought up in a wheelchair and
16 be moved.
- 17 Q Well, would that put him in such a condition that
18 his health would be seriously affected?
- 19 A I don't imagine that it would, I don't really think
20 it would.
- 21 Q What is your opinion?
- 22 A I said I don't think it would.
- 23 Q Well in your opinion then you believe that he could
24 withstand the ordeal of the trial if he was
25 brought here under those conditions, and if he

1 had a nurse here to give him his medication?

2 A. Give him his medication as he needed it and allowed
3 to go to the bathroom.

4 Q. Would you have an opinion how long he could be
5 in such a position after he was brought in, whether
6 it would be a few hours or many hours?

7 A. Now, in what relation are you referring to, in
8 bed?

9 Q. Assuming that it would be necessary for him to
10 be in court until 12:00 o'clock and in the afternoon
11 from 1:30 until 5:30, or 6:00 or maybe even 7:00
12 o'clock in the evening?

13 A. I expect he would do all right in the bed, if
14 he was given his medication.

15 Q. Now, in the event it became necessary for the
16 Court to go into a night session, say after
17 7:00 o'clock in the evening, what would be your
18 opinion about this as to his condition?

19 A. I think that after, and this is just an estimate,
20 but I would say that after being up all day and
21 going into a night session, it would be pretty
22 much of a strain on his physical condition.

23 Q. What type of clothing do you think would be best
24 for him to wear?

25 A. I believe he could come in his pajamas would be

1 all right and a bathrobe.

2 BY THE COURT:

3 How old a man is Mr. Herndon?

4 BY THE WITNESS:

5 He's in his late forties if I recall.

6 BY THE COURT:

7 Is he fairly robust?

8 BY THE WITNESS:

9 He's been fairly robust. He did have this liver
10 condition which prevented his surgery several month
11 ago, and I, as near as we could do it without
12 taking a liver biopsy at that time, it looked
13 like nearly sclerosis, but during surgery the liver
14 looked real good.

15 BY THE COURT:

16 How tall a person is he?

17 BY THE WITNESS:

18 He's in the neighborhood of six feet.

19 BY THE COURT:

20 What would you say his approximate weight is?

21 BY THE WITNESS:

22 I'd say above 190.

23 BY THE COURT:

24 He's a fairly large fellow?

25 BY THE WITNESS:

1 He's a fairly good sized fellow.

2 BY MR. HAUBERG:

3 I believe that's all.

4 BY MR. WATKINS: REDIRECT EXAMINATION

5 Q Doctor, would he need aid in going to and from
6 the bathroom?

7 A It would be wise that he have aid to and from
8 the bathroom.

9 Q Would he be in pain and suffer any discomfort?

10 A Just walking to and from the bathroom?

11 Q No, all the time he would be in court.

12 A He might have.

13 Q Your Honor, at this time, we offer into evidence
14 the exhibits that were marked.

15 BY THE COURT:

16 That can be marked as exhibit 1

17 (Whereupon exhibit entered into evidence and marked)

18 BY MR. HAUBERG:

19 Your Honor, I have one other question I would like
20 to ask the witness.

21 BY THE COURT:

22 All right.

23 BY MR. HABBERG:

24 Q Doctor, isn't it recommended that he walk some?

25 A I recommend that he walk some.

1 BY THE COURT:

2 Anything further, gentlemen?

3 BY MR. HAUBERG:

4 We have nothing else, Your Honor.

5 BY MR. WATKINS:

6 We have nothing. May this witness be excused?

7 BY THE COURT:

8 Yes, thank you Doctor.

9 BY MR. WATKINS:

10 That concludes our motion, Your Honor.

11 BY THE COURT:

12 Gentlemen, I don't believe this motion shows this
13 man would run any serious risk of impairment of his
14 health or jeopardy to his life by having him here
15 at the trial. I couldn't help but notice that Counsel
16 asked the doctor that question and the doctor answered
17 something else. I don't feel like the facts and
18 circumstances in this case that it would be oppressive
19 or unfair to this man to require him to attend the
20 trial and he can attend in such attire and with such
21 a comfort as he may decide he would like to during
22 the course of the trial and he may absent himself
23 from the courtroom if he wishes to do so, but doing
24 so waives his right to the trial, and if he does
25 elect to attend he does thereby expressly and irrele-

1 vantly so waive his right because we are not going to
2 stop everytime he wants to go to the bathroom. I
3 don't believe this motion is entitled to any other
4 kind of consideration under the circumstances, I'm not
5 sure this was a real emergency operation to start with
6 becuase the notice of this hearing went out from
7 the Clerk's Office which is a matter of Judicial
8 knowledge the fist of Septamber, 1967, notifying
9 everybody that the trial of this case would take
10 place at 9:00 o'clock today on the 9th day of
11 Ocember, 1967. I don't think the man needs to attend
12 here on a stretcher and I don't believe he needs a
13 wheel chair either, we don't need to exaggerate these
14 circumstances all out of proportion to the facts, I
15 think this man can attend the trial and if he needs
16 to leave he will certainly be accorded that right
17 under the circumstances stated, and the motion is
18 overruled.

19 Now Mr. Watkins, I will ask you to state what
20 you want to do about his attending the trial.

21 BY MR. WATKINS:

22 Your Honor please, I would like to waive his
23 presence in the selection of the jury so the Court
24 may proceed while I'm getting him down here, it will
25 take a good little bit of time to get him here.

1 BY THE COURT:

2 Well, I want him to be comfortable and if he wants
3 to excuse himself from the courtroom, one of the
4 Marshals will be instructed to assist him anyway
5 that is necessary because we want to start out fair
6 on this case, we are going to continue that way
7 and we're going to stay that way on both sides,
8 all ways through.

9 BY MR. WATKINS:

10 Will the Court require him to be fully dressed?

11 BY THE COURT:

12 No sir, if he wants to come in his pajamas or his
13 hospital shirt with a bathrobe on, that's all right.

14 BY MR. WATKINS:

15 If the Court please, I would like to have him
16 attend the court without any aid or any assistance
17 and not in a wheel chair or on a stretcher if he
18 can.

19 BY THE COURT:

20 I would think that's right.

21 BY MR. WATKINS:

22 Until the time something else develops here, until
23 he passed out.

24 BY THE COURT:

25 Well, I don't want him to pass out, I don't want

1 him to be subjected to that much pressure, I'm
2 against that.

3 BY MR. WATKINS:

4 Your Honor, I will get him here under normal
5 circumstances as we can.

6 BY THE COURT:

7 Thank you very much.

8 BY THE COURT:

9 All right, Gentlemen, we'll go in the courtroom
10 and start selecting a jury.

11 BY MR. WEIR:

12 Your Honor please, may I make one motion into the
13 record here while we're in chambers?

14 BY THE COURT:

15 What kind of motion?

16 BY MR. WEIR:

17 Your Honor please, I wanted to renew a motion on
18 behalf of Price, Burrage, Killen, Posey, Sharpe,
19 Willis and Mr. E. G. Hop Barnett that they be severed
20 from Horace Doyle Barnett and be given a separate
21 and different trial from he, Horace Doyle Barnett,
22 because it is our understanding or informed that it
23 is a possibility that some statement or some con-
24 fession has been made by Horace Doyle Barnett that
25 would be undertaken to be introduced in the trial

1 in this case by the government, that only the con-
2 fession could be used against Horace Doyle Barnett
3 and not these other defendants whom I represent, but
4 still, even though I know the Court could instruct
5 them that would still be in their minds that they had
6 heard it, and I would ask the Court to let us renew
7 that motion at this time and give us a separate trial
8 and severance from Horace Doyle Barnett.

9 BY THE COURT:

10 Well that motion is assuming a lot of things that I
11 can't assume, on the contrary I assume that the
12 government is familiar with the recent Fifth Circuit
13 Decision on that question. There are some statements
14 and those statements are to be used and you are
15 entitled to them and if you haven't been given those
16 I haven't been informed of it.

17 BY MR. WEIR:

18 I have been given those and that's the reason I know
19 that they will seek to introduce it. I do have this
20 statement, Your Honor please, or purported statement
21 that has been furnished to us by the United States
22 Government signed by Horace Doyle Barnett, or claimed
23 to have been taken from Horace Doyle Barnett. This
24 statement would be greatly prejudicial to our clients
25 if it is permitted to be introduced into evidence. I

1 know when His Honor had this matter up before him
2 at one time, did grant us a severance from Horace
3 Doyle Barnett on that ground, and His Honor knew about
4 it at that time.

5 BY MR. HAUBERG:

6 If Your Honor please, I don't believe it was on that
7 ground at all, I believe Mr. Weir might have forgotten
8 that particular motion on the previous indictment.

9 BY MR. WEIR:

10 Perhaps, I know what it was Judge, I think you said
11 that you could see where if there was grounds for
12 such a statement it might be grounds, I don't believe
13 you ever got down that far.

14 BY MR. HAUBERG:

15 I believe, the reason was a Rule 20 Transfer as I recall
16 in the original indictment.

17 BY MR. WEIR:

18 Well I think the Court mentioned it I wouldn't be
19 so positive Judge just about what happened about it,
20 but I know that it was mentioned and I remember Your
21 Honor mentioning it.

22 BY THE COURT:

23 Well I remember one of these statements under the
24 circumstances wouldn't be admissible but on other
25 circumstances it might very well be admissible. I

1 don't know what the circumstances are. I wouldn't
2 just say generally or universally it wasn't admissible
3 and then again I wouldn't say that it was admissible
4 because that wouldn't be the rule.

5 BY MR. WEIR:

6 Your Honor please, I would want the record to show
7 that we were diligent in bringing the matter to the
8 Court's attention.

9 BY THE COURT:

10 Well, the record may so show. Weren't you heard before
11 Judge Russell on that?

12 BY MR. WEIR:

13 At that time, we asked that each defendant be granted
14 a severance from each of the other.

15 BY THE COURT:

16 That would be a colossal mistake to try a conspiracy
17 case and have eighteen different trials.

18 BY MR. WEIR:

19 Your Honor please, may the record also show that at
20 the time the matters were heard before Judge Russell
21 that we did not have this statement that I now hold
22 in my hand. The statement at least two of them pro-
23 duced by the government pursuant to an order issued
24 by Judge Dan Russell and it is now that we have the
25 statement and we renew our motion.

1 BY THE COURT:

2 Well it sounds like something I would have done, I
3 would have told them if they had such a statement
4 to give it to you if they intended to use it. I
5 don't know of any grounds for continuance that you
6 might have, because I readily recognize your rights
7 to a safeguard, and I think you would have the right
8 for the Court to state very clearly and implicitly
9 and emphatically to the jury, under some circumstances
10 as to other defendants, it wouldn't under some
11 circumstances be admissible and to some it would.

12 BY MR. WEIR:

13 Your Honor please, to make sure that the record is
14 fully clear on the matter, could you someone, uh,
15 could we someone let Your Honor be aware what is
16 contained in the purported statement? The statement
17 of Mr. Horace Doyle Barnett that was furnished to us
18 pursuant to the order.

19 BY THE COURT:

20 I think the motion may be a little bit untimely. I
21 don't know what the circumstances are and I don't
22 know what I'm being called upon to anticipate or
23 to assume which I can't anticipate or assume at all
24 until the circumstance arises so it would seem to
25 me that your motion is rather untimely, so---

1 BY MR. WEIR:

2 Your Honor please, I was just asking that the record
3 show that we renew a motion that has already been made
4 in view of the fact that we have more information and
5 grounds now to make the motion on than when it was
6 first made.

7 BY THE COURT:

8 This is not motion hearing time, this is a session
9 of court and I'm not going to take any time out and
10 spend my time on motions. I think the record shows
11 and you are certainly diligent and the record may
12 so show, and if you want to press for a decision I'll
13 give it to you.

14 BY MR. WEIR:

15 Would you grant me just a few minutes to confer with
16 Counsel?

17 BY MR. PIGFORD:

18 Your Honor, the defendant, Mr. B. L. Akin joins in
19 the motion to have Horace Doyle Barnett severed from
20 the rest of the defendants.

21 BY THE COURT:

22 Are you getting these various Counsel here who they
23 are representing?

24 BY THE COURT REPORTER:

25 Yes sir.

1 BY MR. McINTIRE:

2 Your Honor, the defendant, Sheriff Lawrence Andrew
3 Rainey joins in the motion.

4 BY THE COURT:

5 All right. Let the record show diligence on the part
6 of Counsel.

7 BY MR. LEWIE:

8 Your Honor, my name is Clayton Lewis, and I would
9 also like to make the same motion or reiterate it,
10 on behalf of Mr. Herman Tucker, one of the defendants.

11 BY MR. BUCKLEY:

12 If it please the Court, I would like also to join in
13 the motion on behalf of Mr. Sam Holloway Bowers, Jr.

14 BY THE COURT:

15 How many defendants will that leave us?

16 BY THE COURT:

17 Well really, this is a motion for continuance isn't it

18 BY MR. PIGFORD:

19 No sir, I judge it, Your Honor, that defendants are
20 making a motion that they not be tried with Mr.
21 Horace Doyle Barnett because of this matter which
22 may be introduced into evidence. We want him to be
23 tried separately as I see it Your Honor.

24 BY MR. WEIR:

25 One other thing, if Your Honor please, to make the

1 record clear, I would like to make this statement
2 about this statement that was furnished to us by the
3 government, dated November 20, 1964, marked as an
4 exhibit not to be placed in the trial but on the
5 motion only.

6 BY THE COURT:

7 All right, it may be entered and be marked.

8 (Whereupon exhibit entered and marked)

9 BY THE COURT:

10 I believe I'll leave all of these motions pending
11 to await the developments in the trial of this case
12 and I'll let you call those motions back to my
13 attention at the time you want a ruling on them I'll
14 give you a ruling on it, but I believe I'll suspend
15 the ruling of them at this time.

16 BY MR. WATKINS:

17 Your Honor please, I'm Mike Watkins and with Dennis
18 Goldman we represent Frank Herndon, James Harris,
19 Travis Barnett, Jimmy Snowden and Alton Wayne Roberts.
20 We have not made any motions at this time making
21 any severance but we would like to reserve any right
22 we would have to make it if that statement is admitted
23 into evidence and at that time we would like to make
24 one at that time.

25 BY THE COURT:

1 All right, anything else gentlemen?

2 BY MR. WEIR:

3 One other thing, Judge, just so the record will show
4 that we deny that the confession is admissible but
5 we're not sure how the Court will rule on it when
6 it hears the rest of the case.

7 BY THE COURT:

8 All right. I don't want this to be a pattern for
9 this trial gentlemen because we are not going to have
10 a big show out of this case, I don't run a court like
11 that. We are going to try this case, we are going
12 to stay on it, we are going to stick to it and we
13 are going to get rid of it, its not going to be
14 interminable so you can just get that out of your
15 minds.

16 BY MR. WATKINS:

17 If the Court please, while we are all here together
18 would the Court indulge us as to suggestions about
19 the selection of the juryas to where the government
20 would strike the people they are going to strike befor
21 we strike or where it is going to be done at the same
22 time.

23 BY THE COURT:

24 We are going to do it just like it has always been don
25 In every civil case and in every criminal case there

1 is no difference. Its the same kind of lawsuits, we
2 have just got more defendants, but the only thing we
3 are going to do a little bit differently, we have so
4 many defendants in this case that we are going to
5 have two alternates, and the last four people called
6 are going to be your four alternates, that you will
7 deal with separately, and you will go out there and
8 there will be fifty jurors facing the lawyers, the
9 lawyers will stand at the podium and ask any questions
10 you want to ask that the Court has not already asked.
11 Your clients will be seated against the south wall of
12 the courtroom and you will be seated at Counsel take
13 nearest the south wall, we will try to make a little
14 bit different arrangement in the courtroom after the
15 jury will be selected and you will have only fourteen
16 jurors and not this fifty, then the chairs will be
17 taken out during a recess, of course, the government
18 has to strike first and they will hand you a list of
19 strikes and you will hand your list of strikes to
20 the Marbhal and the Marshal will ask certain jurors
21 to stand aside, that's way that we do it all the time.

22 BY MR. WEIR:

23 Your Honor, will you grant us a conference among
24 the Counsel for the defendants at a proper time before
25 we tell who our strikes are?



1 BY THE COURT:

2 Conference where?

3 BY MR. WEIR:

4 We would like to have it in a room so we could all
5 get in there.

6 BY THE COURT:

7 You will do that in the courtroom. I just don't want
8 to have to be sending for lawyers. This case is not
9 going to get out of hand, I'm going to keep it well
10 in hand all the time. You all will have time to
11 confer among yourself, with this many lawyers, it
12 would seem to me that you have a spokesman generally
13 for the group.

14 BY MR. ALFORD:

15 Your Honor please, we have about four groups.

16 BY THE COURT:

17 And you have twelve lawyers as I understand it?

18 BY MR. ALFORD:

19 Yes sir, there are four groups of defendants within
20 those twelve lawyers. The first time these strikes
21 are presented to us, if we could have a short con-
22 ference then I think we could do the rest of it
23 around counsel table, if we could, Your Honor please.

24 BY THE COURT:

25 Well it's not going to be but one time that I know

1 anything about.

2 BY MR. ALFORD:

3 Well I probably misunderstood to start with. There
4 are fifty jurors to start with?

5 BY THE COURT:

6 That includes your four alternates.

7 BY MR. ALFORD:

8 We you have several defendants with several lawyers
9 representing several defendants, and we need to get
10 our heads together and we want to assure the Court
11 that we want to move just as fast as the Court does.

12 BY THE COURT:

13 Well we are not going to move so fast and I don't
14 want to give that impression that we are in such a
15 big hurry that we would hurt anybody's rights, but
16 I don't see any necessity for a whole lot of conferenc
17 about something like this that you can't conduct in
18 the courtroom.

19 BY MR. ALFORD:

20 Well, we've got a big group of defendants and a big
21 group of lawyers and we would like to have permission
22 to withdraw at least ten minutes after we get the
23 government's strikes.

24 BY THE COURT:

25 Well, I don't see the advantage of that.

1 BY MR. WEIR:

2 Your Honor please, they'll have to tell us
3 which ones they are going to excuse first.

4 BY THE COURT:

5 That's the way it has always been done. All right
6 gentlemen, we'll move on in to the Courtrhoom in
7 ten minutes.

8 (Whereupon the Court took a ten minutes recess
9 from Motions in Chambers)

10 IN COURTROOM: ALL ATTORNEYS AND DEFENDANTS PRESENT.

11 BY THE CLERK:

12 Criminal Action ^Number 5291, United States of America
13 versus Cecil Ray Price, Lawrence Andrew Rainey,
14 Jimmy Arledge, Horace Doyle Barnett, Travis Barnett,
15 Olen Lavell Burrage, James T. Harris, Frank J.
16 Herndon, Edgar Ray Killen, Billy Wayne Posey, B. L.
17 Akin, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy
18 Snowden, Herman Tucker, Richard Andrew Willis, E. G.
19 Hop Barnett, and Sam Holloway Bowers, Jr.

20 BY THE COURT:

21 What says the Government?

22 BY MR. HAUBERG:

23 The government is ready, Your Honor.

24 BY THE COURT:

25 What says the defendants?

1 BY MR. ALFORD:

2 May it please the Court, defendant Price is ready.

3 BY MR. PIGFORD:

4 Defendant B. L. Akin is ready, Your Honor.

5 BY MR. McINTIRE:

6 Defendant, Sheriff Lawrence Andrew Rainey is ready,
7 Your Honor.

8 BY MR. LEWIS:

9 Defendant, Herman Tucker is ready.

10 BY MR. COVINGTON:

11 Defendant Horace Doyle Barnett is ready.

12 BY MR. WEIR:

13 May it please the Court, defendants Price, Willis
14 Reverend Edgar Ray Killen, Billy Wayne Posey, Jerry
15 McGrew Sharpe, Olen Lavell Burrage are ready, Your
16 Honor, AND E. G. Hop Barnett and Jimmy Arledge.

17 BY MR. WATKINS:

18 Defendants Travis Barnett, Alton Wayne Roberts,
19 Jimmy Snowden and Frank J. Herndon are ready, Your
20 Honor, and James T. Harris is ready.

21 BY MR. BUCKLEY:

22 May it please the Court, defendant, Sam Holloway
23 Bowers, Jr., is ready.

24 BY THE COURT:

25 All right. I believe that's all the defendants.

1 Fifty Jurors placed in box, were selected and
2 accepted by all parties.

3
4 BY THE MARSHAL:

5 Jurors not in the box and not in the trial of this
6 case now stand finally discharged.

7 BY THE COURT:

8 Members of the Jury, I am not going to keep this jury
9 together during the trial of this case as long as
10 I'm convinced you are complying with the request the
11 Court is going to make of you, that is that you not
12 talk to anybody, talk to nobody, and let nobody talk
13 to you or in your presence or in your hearing about
14 this case, and with that understanding I am going to
15 release you for lunch with this understanding and I'm
16 going to stress this again upon you because of the
17 importance of this case. If I get even an impression
18 that you are not doing this, what the Court is re-
19 questing of you to do, then I'm going to keep you
20 together. I will leave to your own good judgment what
21 is proper or improper influence but just don't let it
22 come to my attention, do I have your promise on this?
23 (All jurors answered yes to the poll of the Court.)
24 We'll take a recess on that. Let the jurors pass out
25 first.

(WHEREUPON JURORS EXCUSED FOR LUNCH.)

(Whereupon Court took a recess at 2:20 until 3:30
P. M. for lunch)

AFTER NOON RECESS:

BY THE COURT:

The government may make any statement they wish
and at the conclusion of their statement the defen-
dants may make any statement of the case they may
care to make. If you don't care to make a statement
that's all right.

BY MR. DOAR:

If it please the Court, Members of the Jury,
as Mr. Hauberg told you, my name is John Doar, and
together with Mr. Hauberg and Robert Owen, we will
be presenting this case to you and to the Court for
the next few days.

On the 27th day of February, 1967, a Federal
Grand Jury for the Southern District of Mississippi
returned an indictment against nineteen defendants,
eighteen of whom are before you today, before the
Court today. Charging them with conspiring together
to interfere and injure Michael Schwerner, James
Chaney, and Andrew Goodman in the exercise of their
constitutional right, not to be deprived of their
rights without due process of law, by persons acting
under the color of law.

1 Briefly, the evidence that we will be presenting
2 to you here in the next few days will show that in
3 early 1964 Michael Schwerner, a white man, I think
4 21 or 22 years old, a civil rights organizer with an
5 organization known as CORE came to Mississippi to work
6 with another organization called COFO to encourage
7 negro citizens of Mississippi to exercise their civil
8 rights. He worked in Meridian, Mississippi and in
9 the surrounding counties during the winter and spring
10 and early summer of 1964. Among the places that he
11 worked encouraging the negroes of their civil rights
12 was in Neshoba County. There is a small negro
13 community, eight or nine miles east of Philadelphia,
14 called Mt. Zion community and in early June of that
15 year, he went, along with a negro boy named James
16 Chaney in the process of having meetings and meeting
17 with people in their homes, urged these people to
18 register to vote and to have freedom schools and to
19 exercise their civil rights in other ways. During
20 the time these young men were in Neshoba County from
21 time to time their actions were checked on by the
22 Sheriff's Office of Neshoba County, which the Sheriff
23 was Lawrence Rainey and his Deputy was Cecil Price.

24 On the 16th of June the Mt. Zion Church was
25 burned and on the 21st day of June, Michael Schwerner

1 James Chaney and another young man, Andrew Goodman,
2 from the North, went to the Mt. Zion Church in the
3 early afternoon to investigate that matter. They
4 were there, as the evidence will show, for approximately
5 an hour, and then in their station wagon, a blue
6 station wagon they start to return toward Meridian
7 in order to get back from Meridian from the Mt. Zion
8 community, it was necessary for them to travel through
9 the City of Philadelphia. At the outskirts of the
10 City of Philadelphia at about 3:00 o'clock in the
11 afternoon, these three men were arrested by Cecil
12 Price and they were placed in the Neshoba County
13 Jail on the afternoon of that day. They remained in
14 the jail of Neshoba County until about 10:30 that
15 night when they were released from jail by Deputy
16 Sheriff Cecil Price. They started south on highway
17 19 toward Meridian and that was the last they were
18 heard from. Two days later their station wagon was
19 found some 15 miles northeast of Neshoba County,
20 Philadelphia in Neshoba County, completely burned.
21 Thereafter, the Federal and State authorities made
22 extensive search to find out the location of these
23 three boys, and finally on August 3, 1964, their
24 bodies were found buried fifteen feet in a dam about
25 six or seven miles southwest of Philadelphia, Miss.

1 After their bodies were found, there was a very
2 extensive investigation by the Federal Bureau of
3 Investigation to solve this case, and the evidence of
4 facts, with respect to this case we will be presenting
5 to you in the next few days. I want to say to you
6 in the solving of this case the Federal Bureau of
7 Investigation had to pay money for information leading
8 to the solution of this case. Witnesses will testify
9 here who have been paid for information they have
10 furnished. Briefly, the evidence will show that there
11 was a Klan group in the State of Mississippi, known
12 as the White Knights of the Ku Klux Klan, headed by
13 one man by the name of Sam Bowers, one of the de-
14 fendants, and he, together with the other defendants
15 present in this group agreed together, plotted to-
16 gether to take Michael Schwerner's life, and the
17 lives of these other boys because they didn't like
18 what these boys stood for. The facts will show that
19 the boys were in custody on the 21st day of June,
20 some of the defendants called out other Klan members
21 that they had been taken into custody and thereafter
22 other Klan members assembled from Meridian, came to
23 Philidelphia, Neshoba County, and waited until the
24 appointed hour that they were released from custody.
25 After they were released from custody they were

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1 chased by three cars, one of which was driven by
2 Cecil Price, Deputy Sheriff, in an official state
3 law car, and as they got about 15 or 16 miles south
4 of Philadelphia, they were stopped on a sideroad
5 and again placed in custody by Cecil Price, who was
6 accompanied by some of the other defendants. Some of
7 the other defendants were in the back of their car,
8 they were not all present. They were taken back
9 in Cecil Price's car, four or five miles back up
10 toward Philadelphia, in Neshoba County, the Deputy
11 Sheriff turned off on a side road, stopped his car
12 the boys were taken out of the car and shot and
13 killed at close contact range. They then were
14 loaded back in the station wagon, their bodies, taken
15 over and put into the base of the nearly newly
16 formed, not completed dam that was being constructed
17 on the farm of Olen Burrage and then a bulldozer
18 covered their bodies over and the dam was completed
19 and as I said before their bodies rested fifteen
20 or more feet below the top of the dam. That, Ladies
21 and Gentlemen is very briefly the evidence that we
22 will present to you and we think that this evidence
23 will support the charge in the indictment that was
24 returned by the Grand Jury in the Southern District
25 of Mississippi. .

1 BY THE COURT:

2 Does any of you have any different statement to make
3 or do you want to make a statement? I'll let any one
4 of you or each of you make a statement.

5 BY MR. WEIR:

6 Your Honor, I would like to make a brief statement in
7 behalf of Mr. Price, Mr. Burrage, Reverend Killen,
8 Mr. Posey, Mr. Sharpe, Mr. Willis, and Mr. E. G.
9 Hop Barnett.

10 BY THE COURT:

11 You may come forward.

12 BY MR. WEIR:

13 I'll come forward. May it please Your Honor, and
14 Ladies and Gentlemen of the Jury, on the behalf of
15 these defendant, we contend that the distinguished
16 gentlemen from Washington can not prove the allega-
17 tions he alleges before this jury, and we say that
18 our clients are completely guilty and they can not
19 be proven guilty. That we will bring forward whatever
20 evidence we deem best , and it is their responsibility
21 to prove, in fact, that our clients are guilty, and
22 it is our responsibility to bring you evidence to
23 show that our clients are, in fact, innocent at the
24 proper time. Thank you.

25 BY MR. PIGFORD:

1 Your Honor, I would like to make a very brief state-
2 ment.

3 BY THE COURT:

4 All right.

5 BY MR. PIGFORD:

6 Members of the Jury, in behalf of the defendant,
7 Mr. B. L. Akin, it our contention that he had nothing
8 whatsoever to do with it, that he didn't know anything
9 about any of the events which the government has said
10 they intend to prove in this case, that he is not
11 guilty of any conspiracy.

12 BY MR. WATKINS:

13 May it please the Court, Members of the Jury,
14 I'm Mike Watkins, I and my associate, Mr. Dennis
15 Goldman, speaking for Frank J. Herndon, Jimmy Arledge
16 James T. Harris, Travis M. Barnett, Jimmy Snowden
17 and Alton Wayne Roberts, respectfully answer the
18 charges of the government, that our clients are not
19 guilty of the charge of conspiracy.

20 BY MR. COVINGTON:

21 May it please the Court, Members of the Jury,
22 I represent H_orace Doyle Barnett, he has pled not
23 guilty to the charges and that is our position. Thank
24 you.

25 BY MR. BUCKLEY:

1 May it please the Court, Members of the Jury, I
2 am Travis Buckley, and I represent Mr. Bowers, and
3 of course, our contention is that Mr. Bowers has
4 been innocently charged with the charges that have
5 been lodged against him, and as to the remarks made
6 by Mr. Doar I think if he expects to prove that he
7 is rather ambitious and I don't expect him to be able
8 to so prove, in fact, it is our intention and it is
9 our expectations to show that his testimony has been
10 gained or his evidence has been gained through the
11 use of coercion, offer of reward and bribery, and we
12 believe that we can show you in the course of this
13 trial that he has the poorest in character that is
14 possible that will be brought before this or any
15 other court to testify against these people here.
16 Thank you.

17 BY MR. McINTIRE:

18 Your Honor, may it please the Court, Members of
19 the Jury. I'm James McIntire and I represent the
20 defendant, Lawrence Andrew Rainey, Sheriff of Neshoba
21 County. Sheriff Lawrence Andrew Rainey has pleaded
22 innocent to these charges and he is, by the testimony
23 will show his innocence. The burden of proof is on
24 the federal government to prove that Sheriff Lawrence
25 Andrew Rainey entered into a conspiracy. Sheriff

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1 Sheriff Lawrence Andrew Rainey will prove to you
2 that he knew nothing about any alleged crime by the
3 federal government. The testimony will bear this out
4 and I feel confident that you will take into consider-
5 ation the weight of the testimony.

6 BY MR. LEWIS:

7 May it please Your Honor. Gentlemen of the Jury.
8 Ladies and Gentlemen of the Jury, excuse me, I want
9 to say that on behalf of Herman Tucker, one of the
10 defendants in this cause that I am representing and
11 we shall endeavor with equal regularity when it comes
12 out time to show by permissible evidence that he is
13 not guilty of the accusations of the charge here
14 as set out by Mr. Doar. Thank you.

15 BY THE COURT:

16 Does anybody else have anything to say? Is the
17 rule invoked gentlemen on either side?

18 BY MR. BUCKLEY:

19 The defendants would ask that it be invoked if Your
20 Honor please.

21 BY THE COURT:

22 All right, the rule is invoked.

23 BY THE MARSHAL:

24 All witnesses that plan to testify in this case
25 follow me.

1 (Whereupon Rule Invoked)

2 BY MR. ALFORD:

3 If Your Honor please, I need to ask the Court a
4 question. As to character witnesses, is the rule
5 invoked as to them also?

6 BY THE COURT:

7 Oh yes. All witnesses follow the Marshal and he will
8 show you where to go, depending which side you are
9 testifying for. Now, I am going to leave it to
10 Counsel to look out for your witnesses because I
11 don't know who your witnesses are. The witnesses
12 are being warned and Counsel are warned right now
13 if the rule is invoked and a witness sits in here
14 and listens to part of this testimony, I'm not going
15 to let him testify. So watch out for your witnesses
16 and see that they are not in here.

17 BY MR. OWEN:

18 If the Court please, there might arise the occasion
19 that we will have to have some of the Officers of
20 this Court to testify, would the rule apply to them
21 also?

22 BY THE COURT:

23 What officers?

24 BY MR. OWEN:

25 Some of the Deputy Marshals, maybe just one.

1 BY THE COURT:

2 Well, I believe we have enough Marshal's on the
3 premises to swap them for some on the outside and
4 they them work on the outside, because the rule
5 should apply to everybody. Dan, get me two Marshals
6 from the outside and you two can work outside.

7 BY THE MARSHAL:

8 We're sending for T. now.

9 BY THE COURT:

10 All right. We're getting off to a slow start
11 here so I don't think we'll have another break until
12 6:00 o'clock. That's when we will quit for the day
13 so if any of you need to make some arrangements do
14 it now. You may call your first witness.

15 BY MR. DOAR:

16 We'll take Mr. Russell.

17 BY THE COURT:

18 Before we get started, I believe I will ask the
19 government to give the Marshal a list of his witnesses
20 so they will be quickly available to us and we won't
21 have any delay.

22 RANDOLPH PERCY RUSSELL, called as a witness for and
23 on behalf of Plaintiff, was sworn and testified as
24 follows:

25 DIRECT EXAMINATION

1 BY MR. DOAR:

2 Q Will you tell the Court and Jury your full name?

3 A Randolph Percy Russell.

4 Q What is your occupation?

5 A I am managing engineer with the Mississippi State
6 Highway Department.

7 Q Did you, at my request bring certain official
8 maps of the State of Mississippi with you today?

9 A I did.

10 Q Do you have those maps with you?

11 A I do sir.

12 Q And I wonder if you can take those out of your
13 briefcase so I might can ask you several questions
14 about them. Do you have a 1964 map of Neshoba
15 County?

16 A Yes sir.

17 Q Do you have a 1961 map of Lauderdale County?

18 A Yes sir.

19 Q Do you have a 1963 map of Newton County?

20 A I do.

21 Q Do you have there a 1964 map of Kemper County?

22 A Yes sir.

23 Q Do you have a 1963 map of Meridian, Mississippi?

24 A Yes sir.

25 Q And do you have a 1964, I'm sorry, 1963 map of

1 Philadelphia?

2 A Yes sir.

3 Q And do you have an official map of the State of
4 Mississippi?

5 A Yes sir.

6 Q And are all of these maps accurate portrayals of
7 the territory they attempt to portray?

8 A Yes sir.

9 Q And do those maps carry the certification of the
10 engineering department of the State Highway
11 Department?

12 A By the Secretary of the State Highway Commission.

13 Q Your Honor, I would like to ask that these maps
14 be marked and offered into evidence.

15 BY MR. WEIR:

16 If it please Your Honor we object because they
17 haven't been properly identified or qualified.

18 BY THE COURT:

19 Let me just ask you this so we won't just spin
20 our wheels and start fighting feathers in a big
21 room. Do you know of anything wrong with anyone of
22 those maps?

23 BY MR. WEIR:

24 Your Honor please, we haven't even seen the maps.

25 BY THE COURT:

1 Well, show them those maps because we are not
2 going to spend a lot of time seeing if something
3 is wrong with those maps. Look at them and if you
4 have anything to say about them I'm listening. Mr.
5 Doar, are they certified?

6 BY MR. DOAR:

7 Yes, Your Honor.

8 BY THE COURT:

9 They may be entered into evidence and marked
10 serially, and I'll give Counsel an opportunity to
11 look at them and if you find anything wrong with
12 them we'll hear about it later.

13 (Whereupon exhibits entered into evidence and
14 marked P-1 through P-7)

15 BY MR. DOAR:

16 Those are all the questions we have of this
17 witness, Your Honor.

18 BY THE COURT:

19 All right. Do you have any questions?

20 BY MR. ALFORD:

21 We don't know, we haven't studied these maps.

22 BY THE COURT:

23 Counsel, they are certified. We just don't
24 waste time going over maps that are certified.

25 BY MR. BUCKLEY:

1 May it please the Court, without studying these
2 maps but just glancing over them, we would object
3 because we don't see where they have any relevancy.

4 BY THE COURT:

5 I'll let you have that objection, they are certi-
6 fied maps Counsel, and you may question the witness
7 about it.

8 BY MR. WEIR:

9 I have no questions myself, Your Honor.

10 CROSS EXAMINATION

11 BY MR. ALFORD:

12 Q Mr. Russell, did you prepare these maps?

13 A Yes sir, I supervised the drafting room.

14 Q I direct your attention to exhibit P-3, which
15 purports to be a map of the City of Philadelphia,
16 Mississippi and ask you if you, of your own
17 personal knowledge prepared this map?

18 A No sir.

19 Q Did you know what the corporate boundaries were
20 in the City of Philadelphia, Mississippi in 1963?

21 A I wasn't with the Highway Department in 1963.

22 Q Therefore you have no personal knowledge of the
23 correctness of the laying of the ground at that
24 time do you, your own personal knowledge?

25 A No more than what the map indicates itself.

1 Q So as to the authenticity of this map, you have
2 no knowledge of it do you sir?

3 A None other than the descriptions that we have
4 filed in my office.

5 Q Your Honor please, we move to exclude this map
6 this exhibit.

7 BY THE COURT:

8 What is that, P-3?

9 BY MR. ALFORD:

10 Yes sir.

11 BY THE COURT:

12 Overruled. That map is certified by the custodian
13 down there and this man's knowledge of it is not
14 material, overruled.

15 BY MR. ALFORD:

16 Q Do you know anything about the location of the
17 streets, whether or not they are accurate on this
18 map?

19 A They are accurate according to the information
20 on file in my office.

21 Q Of your own personal knowledge, do you know that
22 to be a fact?

23 A Yes sir.

24 Q Are all the streets of Philadelphia shown on this
25 map?

- 1 A Give me your question again.
- 2 Q Are all of the streets of Philadelphia within this
- 3 corporate limit shown on this map?
- 4 A Not necessarily.
- 5 Q Then its not a complete and accurate description
- 6 of the City of Philadelphia then is it?
- 7 A The map is a complete and accurate description of
- 8 Philadelphia for the purpose in which it was
- 9 drawn.
- 10 Q But I'm asking you the question though Mr.
- 11 Russell about this map being complete and accurate
- 12 and showing all the streets in the corporate
- 13 limits in the City of Philadelphia, does it or
- 14 does it not?
- 15 A I think the answer I gave you would have to stand.
- 16 Q Would you answer my question, please sir?
- 17 A Not necessarily all of the streets.
- 18 Q I'm talking about in 1963?
- 19 A According to the information I was asked to make
- 20 the map, yes sir.
- 21 Q That is not the answer to my question, does it or
- 22 does it not?
- 23 A Does it or does it not what?
- 24 Q As I said before does it show all the streets in
- 25 the corporate limits of the City of Philadelphia?

1 A Within the limits given there, yes sir.

2 Q What do you mean by the limits given there, Mr.
3 Russell?

4 A I didn't say limits given there, I said within
5 the limits of human error.

6 Q What do you mean by human errors?

7 A Well I think the attorneys and the Court knows
8 that there are human errors in everything.

9 Q Well, is it or not a true portrayal of all the
10 streets?

11 A Within the limits of human error, yes sir.

12 Q If it please the Court, we move again to renew
13 our objection.

14 BY THE COURT:

15 Is this the same exhibit?

16 BY MR. ALFORD:

17 Yes sir.

18 BY THE COURT:

19 Overruled.

20 BY MR. ALFORD:

21 Q Mr. Russell, with reference to --

22 BY THE COURT:

23 Gentlemen I would like to say this for the record
24 and for the benefit of Counsel for the future obser-
25 vation about those maps are certified to as being

1 accurate by the lawful custodian of those maps
2 and unless and until they are shown by some
3 evidence to be inaccurate, they are presumed
4 accurate and this Court does so presume.

5 BY MR. ALFORD:

6 Your Honor please the position that we take is
7 that witness should properly testify and testify
8 as to what it purports.

9 BY THE COURT:

10 I don't think he had to come here at all I think
11 he could have just sent them here. They are
12 certified and they would be admissible in evidence
13 I don't think his testimony has added a thing to
14 this record. The accuracy and competency is by
15 reason of the certification on them.

16 BY MR. ALFORD:

17 Q This map of Neshoba County of 1964, was it made
18 under your supervision?

19 A It was not.

20 Q This other map of 1960?

21 A It was not.

22 Q This map made of Newton county bearing the date
23 of 1960 was it made under your supervision?

24 A You're reading the wrong date sir. The date of
25 the map was 1963.

1 Q This map of 1964?

2 A It was not.

3 Q And Lauderdale made in 1961, was it made under your

4 supervision?

5 A It was not.

6 Q This map of the State of Mississippi which is

7 exhibit P-7, was it made under your supervision?

8 A It was sir.

9 Q Is it an accurate portrayal of all of the roads

10 and highways in the State of Mississippi?

11 A It is accurate and portrays all of the highways

12 and roads maintained by the State Highway system.

13 Q Your Honor please, we respectfully object to the

14 introduction of all of these maps at this time.

15 BY THE COURT:

16 Overruled.

17 BY MR. ALFORD:

18 That's all.

19 (Whereupon witness excused)

20 JAMES W. AWE, called as a witness for and on behalf

21 of Plaintiff, was sworn and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. DOAR:

24 Q Would you state your name please?

25 A James W. Awe.

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Q What is your occupation?

A I am a Special Agent with the Federal Bureau of Investigation.

Q Where do you work?

A Jackson, Mississippi.

Q How long have you worked with the F. B. I?

A Since 1958 as a Special Agent, that's a little over nine years.

Q Have you had any experience of making charts or scales of various areas?

A Yes, I have had experience making scale drawings I am a police school instructor, and among the subjects that I do teach are sketching crime scene areas, and through the course of many investigation I have prepared many scale drawings.

Q Did you make a small drawing of some of the roads and highways of Neshoba County from an official state map, highway map of Neshoba County?

BY MR. BUCKLEY:

Your Honor please, if it please the Court, I object to the form of question. He's leading the witness.

BY THE COURT:

Overruled.

BY MR. DOAR:

1 Q Do you have that sketch with you?

2 A Yes, I do.

3 Q I wonder if you could open it up and identify it
4 please?

5 A This is the sketch or drawing that I made of a
6 section of Neshoba County.

7 Q When you say a section of Neshoba County, what do
8 you mean?

9 A It represents only a part of the county, there is
10 a section here that is omitted, a section that
11 represents approximately 4.7 miles to include a
12 pertinent area of the county and this is the
13 way that it was done, and in the lower right
14 hand corner it shows a section of Mississippi
15 showing Newton, Lauderdale and Neshoba Counties
16 on the right side, and the area that is in white
17 represents the area that is shown on the larger
18 diagram.

19 Q And that was just a trace from the official map
20 of Neshoba County?

21 A Yes sir.

22 BY MR. PIGFORD:

23 We object to his leading, Your Honor.

24 BY THE COURT:

25 Yes, I sustain your objection.

1 Q How was that done?

2 A I obtained the map from the Highway Department
3 and scaled one inch and from that I made this,
4 I actually traced that from that map.

5 Q I would like to offer this into evidence.

6 BY THE COURT:

7 Show it to opposing Counsel.

8 BY MR. ALFORD:

9 If it please the Court, we object to the introduction
10 of this drawing and from its own admission from the
11 witness it is not scaled and an area in Neshoba County
12 is left blank here, it is surely out of proportion
13 and we respectfully object to it.

14 BY MR. DOAR:

15 Q Would you explain the grey area on the map be-
16 tween the two dotted lines where the yellow area
17 is marked the City of Philadelphia?

18 A Yes. First I would like to state this is a scale
19 drawing of 1 inch equals 1 mile, and this area
20 that you see on the lower left hand corner re-
21 presents the entire county of Neshoba County.
22 The grey area surrounding is omitted in this map
23 as well as an area through the center approximatel
24 4.7 miles which is indicated by this large grey
25 area, but the whole county is represented down

1 here in the lower left hand corner. Now for
2 example, highway 21 you see here extends up to
3 this point, highway 21 then continues to a
4 point up here, but if you move down to this
5 lower section you will see where Highway 21 goes
6 through that entire area, so there will be no mis-
7 presentation.

8 BY MR. ALFORD:
9 Your Honor please that would still be the conclusion
10 of the witness, we object.

11 BY THE COURT:
12 Well I believe he is entitled to portray his
13 viewpoints, and project them as he wish so long
14 as it is not misleading and I don't believe
15 that's misleading, I'll overrule your objection
16 and let it be entered and be marked.

17 (Whereupon exhibit entered into evidence and
18 marked P-8)

19 BY THE COURT:
20 All right, you may proceed.

21 BY MR. DOAR:
22 Q Now Mr. Awe, did you make a larger scale drawing
23 of Neshoba County, similar to the small drawing
24 that is marked as exhibit 8?

25 A Yes, I prepared a large scale drawing of the

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same area of Neshoba County.

Q Do you have that map or that drawing with you today?

A Yes, I do.

Q How was that drawing prepared?

A In preparing this drawing I first obtained the maps from the highway department, county map of Neshoba County, I studied this map, I also had available an aerial photograph of Neshoba County, I studied this in detail and compared the various roads on the aerial photograph with the roads on the official highway map. I also travelled through various areas in Neshoba County, and I made notes as I travelled through there, taking speedometers readings from the car, then I went back and prepared or compared those with the scale on the aerial photograph and also on the highway maps, then after that I made a map by tracing the roads that appeared on the aerial photograph.

Q Now, does the large drawing or map contain the same scheme of roads and cities as appears on the small map?

A Yes---

BY MR. PIGFORD:

Object, Y^uur Honor, he's leading, Your Honor.

1 BY THE COURT:

2 Yes, you may rephrase your question.

3 BY MR. DOAR:

4 Q Can you compare what's on the large map with the
5 lines and markings on the small map?

6 A Yes. The roads contained on the small map are
7 exactly the same that are contained on the larger
8 map that I prepared.

9 Q I would like to ask that the large map be marked
10 and offered into evidence.

11 BY THE COURT:

12 Show it to Counsel.

13 BY MR. ALFORD:

14 We object to this map being offered Your Honor with
15 the similar objection to the other, the reason being
16 it doesn't show completely Neshoba County in that
17 there is a blanked out area there that would be
18 wholly misleading to any individual, and have no
19 indication as to who prepared it. There is missing
20 here about four and a half miles that would be mis-
21 leading to anyone, with four and a half miles differen
22 there with is blanked out and its not proven to be
23 accurate, some of the roads are missing, especially
24 this blanked out area, if Your Honor please.

25 BY MR. PIGFORD:

1 Your Honor, may I make an objection on behalf of
2 my client? We object to the introduction of this
3 map which is now spread out on the floor as being
4 irrelevant and immaterial to the case and its
5 accumulative and we object to it being introduced
6 for those reasons.

7 BY THE COURT:

8 Well to answer your question, I don't know where
9 it is accumulative or not, it may be and it may
10 not be.

11 BY MR. PIGFORD:

12 As I understood the witness to say the same roads
13 that are on the smaller map and that is already
14 in evidence.

15 BY THE COURT:

16 Well it looks to me like the principal objection
17 is the criticism of its value and that would seem
18 to go to the weight of the evidence and I'll let
19 you develop that on cross examination, I'll
20 overrule both of your objections.

21 BY MR. BUCKLEY:

22 Your Honor please, to keep me from making an
23 objection everytime, I would join in their objecti

24 BY THE COURT:

25 All right I think we may as well make this ground

1 rule right now, that at any time any one of these
2 lawyers for the defendants makes an objection
3 that that objection and the ruling on it shall
4 apply to all benefits of all other attorneys unless
5 some lawyer immediately rises and disassociate
6 himself from that ruling.

7 CROSS EXAMINATION

8 BY MR. ALFORD:

9 Q Mr. Awe, do you tell this Court that the curves
10 in these roads southwest of Deemer, Mississippi
11 are as they appear on the ground?

12 A Yes sir, this is a fair representation as they
13 appear.

14 Q And you do admit that that blanked out area
15 is approximately four and a half miles of this
16 county, do you not?

17 A I would not say that there was a distortion on
18 that area that is omitted, because if you will
19 refer to the section on the lower left hand corner
20 on the map that shows the section of Neshoba
21 County in its entirety, and the roads, example
22 take Highway 21 and notice here a white section
23 and Highway 21 picks up again over here, and if
24 you refer to the section down there that same
25 grey area, you can see the continuation of Highway

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BY MR. ALFORD:

Your Honor please, I would like for this witness to answer my question, and then he can explain.

BY THE COURT:

I think it might be helpful to all of us if you would tell us what part is omitted because sitting here and listening and trying to find out, I don't know what part you are saying he left out?

BY MR. ALFORD:

Q What part of Neshoba County did you leave out?

A The section of approximately 4.7 miles, which is directly north of the city limits of Philadelphia.

Q In other words the entire area of this map east and west is not part of the township but is almost a full township in length north and south, is that correct?

A There is an entire section that is omitted across here, that is right.

Q And therefore, this map that is supposed to be an accurate drawing of Neshoba County, a section is left out, isn't that true Mr. Awe?

A I----

Q Just answer my question, you did leave that

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out, didn't you?

Q That was left out.

Q And if a person wanted to know what happened in that area or see the roads in that area, you would have to look at a much smaller scaled map and read a directive that you would give at the time would you not?

A If he looked at the smaller map it would be easily interpreted.

Q But there is no directive on this map whatsoever referring you to that smaller map on the left hand corner, is it?

A Yes sir, if you will notice the area on the right hand corner it shows you which direction is north, and on the small map that is drawn it is the same way.

Q But it is true is it not, Mr. Awe, there is not a key or anything else on this map to show you what is in that blanked out area that we don't have for the large area that is not here is it?

A No, you would have to look at the small scale for that.

BY THE COURT:

Is there any particular reason why any part of the

area was left out of your map?

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2 BY THE WITNESS:

3 Yes. Yes sir. I was asked to prepare a map
4 to include certain areas of Neshoba County, and
5 in order to do this so it wouldn't be too large,
6 there was certain areas that were not pertinent
7 so they were left out, otherwise we would have
8 a map extending about three feet.

9 BY THE COURT:

10 Do you want to renew your objection, Mr. Alford?

11 BY MR. ALFORD:

12 Yes sir.

13 BY THE COURT:

14 All right, its overruled.

15 BY MR. DOAR:

16 I would like to ask the Court's permission to
17 put the map that has been introduced, first I
18 would like this introduced.

19 BY THE COURT:

20 All right, it may be marked and entered into evide
21 (Whereupon exhibit entered into evidence and
22 marked P-9)

23 BY MR. DOAR:

24 I would likt to ask the Court's permission now
25 to let this map be put on the blackboard there?

1 BY THE COURT:

2 All right.

3 BY THE WITNESS:

4 Your Honor, may I go over to the map?

5 BY THE COURT:

6 Yes.

7 BY MR. DOAR:

8 Q Mr. Awe, would you briefly explain the map to
9 the Court and Jury?

10 A Yes sir.

11 Q What the yellow part is and the lines, and---

12 BY THE COURT:

13 Government's exhibit 9.

14 BY MR. DOAR:

15 Numbered exhibit 9.

16 A The area you see in yellow represents the
17 City of Philadelphia. The black that you see
18 are the primary roads in that area, the lines
19 you see in brown are secondary roads,, there
20 are some white pencil lines here that represent
21 other secondary roads. All of the roads that
22 are indicated on that map appear on the aerial
23 photograph and also appear on the official high-
24 way map. This map is drawn to a scale of six
25 inches equal five thousand feet, or referring

1 to it in miles it would be six or 6.3 miles.

2 The arrow indicates the north direction straight
3 upon the map would be North, to your right would
4 be East, to your left West.

5 Q What are the orange triangles?

6 A The orange markers you see there are the highway
7 signs, and they indicate which highway, for example
8 highway 21, highway 16, highway 19. For example
9 highway 19 is running east angling across the city
10 of Philadelphia, being the highway toward
11 Meridian, Mississippi. I might add that the
12 small blue area that you see to the right of the
13 map represents American Legion Lake.

14 Q And the grey area close to the top of the map is
15 what?

16 A The grey area at the top of the map represents
17 approximately 4.7 miles which is not included in
18 the map. This is the type of thing on engineering
19 drawings when you want to omit something----

20 BY MR. PIGFORD:

21 Now we object to something on drawings, Your
22 Honor.

23 BY THE COURT:

24 Well, I'll overrule your objection.

25 BY MR. DOAR:

1 Q Can you point out the Longdale Road on exhibit 9?

2 A Yes, I can.

3 Q Are you able to do it from the witness stand or
4 will it be necessary for you to step over there?

5 A To clearly indicate it it would be better for
6 me to step over there.

7 BY THE COURT:

8 Well you are speaking for the record I think you had
9 just better articulate it for the record.

10 BY THE WITNESS:

11 A All right sir, the Longdale Road, if you look
12 along Highway 16 will be East of Philadelphia
13 way over toward the very end of the map, you see
14 the very last road and then its the next road to
15 the west of that. The Longdale Road.

16 BY THE COURT:

17 I'll let the Marshal take that pointer over there
18 and trace your testimony for the benefit of the jury.
19 Now, what road was it that you asked him about Mr.
20 Doar?

21 BY MR. DOAR:

22 Longdale Road, Your Honor.

23 BY THE COURT:

24 All right.

25 BY THE WITNESS:

1 A Follow Highway 16 on your right, now go further
2 to the East, right there is the intersection of
3 Highway 16 and Longdale Road and if you go
4 North that is Longdale Road, up to the Sandtown
5 Road.

6 Q Are you able to place a marker on the map of
7 the Mt. Zion Church on the Longdale Road?

8 A Yes, that is approximately 2.5 miles from the
9 intersection of Highway 16 and Longdale Road.

10 BY THE COURT:

11 Is there someway you can mark the position of that
12 church on that map?

13 BY THE WITNESS:

14 I have a marker I could place on it if I might
15 leave the witness stand and go over to the map.

16 BY MR. DOAR:

17 Your Honor, I would like to ask leave of the Court
18 for the witness to mark the location of the Mt. Zion
19 Church on the map.

20 BY THE COURT:

21 You may put it on there and then get back on the
22 witness stand, he can pick up your testimony on
23 the witness stand but he can't pick you up over there.

24 BY MR. DOAR:

25 Your Honor please, I have several other locations I

1 would like to ask the witness to place markers
2 on the map?

3 BY THE COURT:

4 All right.

5 BY MR. DOAR:

6 Q Can you mark the houses of Ernest Kirkland and
7 Wilbur Jones on Longdale Road?

8 A Yes, I can.

9 Q Would you mark the location of Bud Cole's house
10 and Poplar Springs Church?

11 A Yes sir.

12 Q And would you mark the location of the Bloomo
13 School and Pilgrim's Store.

14 A Yes sir.

15 Q And finally, would you mark the location of Billy
16 Wayne Posey's store and Olen Burrage's garage?

17 A Yes sir.

18 Q Thank you, Your Honor.

19 BY THE COURT:

20 All right, gentlemen.

21 BY MR. ALFORD:

22 Your Honor please, may I approach the map and look
23 at it before I ask any questions?

24 BY THE COURT:

25 Yes sir.

1 BY MR. ALFORD:

2 DIRECT EXAMINATION

3 Q Mr. Awe, I notice on this map there some pencil
4 drawings of some roads leading off the different
5 black lines which are primary highways and I ask
6 you how you drew those in there on that map?

7 A I drew those in from the aerial photograph.

8 Q Are you telling this Court that those mileages
9 are accurate there in distances and in scale?

10 A Yes sir, that is a fair and accurate representatio
11 of that area.

12 Q Those roads that lead off from the different
13 black roads, you tell this Court that they are
14 of scale on the representation as they are on the
15 ground?

16 A Yes sir, I traced them from the aerial photograph.

17 Q What scale was your aerial photograph that you
18 used?

19 A The aerial photograph was in the same exact scale
20 as that map. Six inches equal five thousand feet.

21 Q And, therefore, I believe I heard you testify
22 before that six inches would be a little over
23 a mile?

24 A It would be approximately six and a quarter or
25 six and a third inches.

1 Q How much experience have you had drawing maps
2 of this kind?

3 A I indicated that I teach this as an instructor
4 and so many of the courses that I teach is in
5 sketching crime scene areas, and through the
6 course of many investigations I have had ex-
7 perience in these types drawings.

8 Q Did you ever have a course in mapping?

9 A Not a specific course in mapping.

10 Q Did you ever have a course in surveying?

11 A Not a specific course in surveying, again, in
12 High School I took courses in drafting.

13 Q That was in grade, or high school?

14 A That was in high school.

15 Q These places that you have indicated on the map.
16 Are they in the exact places as they are on the
17 ground?

18 A The places I've indicated are in the exact place
19 as they are on the ground because you can see
20 them from the aerial photograph?

21 Q Well I would like sir, if you would to look there
22 and I ask you right beside the place that you
23 put Mr. Billy Posey's store, do you or not have
24 the black pencil line road going in a northwester
25 direction?

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4A I would have to look at the map to see what you
are referring to.

Q Your Honor please, may he look at it?

BY THE COURT:

Yes sir. Counsel I don't want both of you over there.
Ask him what you want to the Court Reporter can get
what you are saying there where you are standing.

BY THE WITNESS:

A I assume you are referring to this road right here

Q Yes sir.

A Yes, that represents a road.

Q Now, which direction to you not have that green
marker placed right beside that road?

A Yes, but I should explain that the marker would
not be placed to the exact scale that the building
would be in that area.

Q Then, they are not to scale are they?

A These markers of the buildings that you see here
are not the scale, that is correct.

Q Now, as a matter of fact, Mr. Awe, which side of
that road is that store?

A The building is to the right of that road.

BY THE COURT:

What direction would that be?

BY THE WITNESS:

1 A That would be in a more easterly direction.

2 Q Did you place it east of the road or west of the

3 road?

4 A -----

5 Q In other words it is not accurately placed as to

6 where it is in relation to that road intersecting

7 Highway 15, 16 and 21, is it Mr. Awe?

8 A The Marker is not placed according to scale. I

9 placed it on there where I thought it would be

10 best to get the general idea of the general

11 location of that store.

12 Q But its placed where it is right on top of that

13 road, is it not?

14 A Well according to this intersection, the middle

15 of this marker is directly above the location of

16 that store.

17 Q If you would place that accurately you would have

18 to move it wouldn't you?

19 A Well, I'm not sure I understand what you are

20 talking about.

21 Q Well its not in the location where you placed it?

22 A I placed it in spot where I thought everyone could

23 get a general idea of the location of the store.

24 The marker could be placed right over the center

25 of that store which would accurately cover part

1 of the road but I didn't think it would be best
2 to place it there.

3 Q As a matter of fact, that does not even border
4 or touch that pencil line road leads northwesterly
5 does it. That road leaves the highway some 150
6 yards west does it not, Mr. Awe?

7 A That's the general location of that store. We
8 have aerial photographs,-----

9 Q But that_____

10 BY THE COURT:

11 Let him finish his answer Counsel. Both of you
12 let each other finish before the other starts.

13 BY MR. ALFORD:

14 Q I'm sorry. The road is east of that store and
15 is east of that intersection of Highway 15 is it
16 not?

17 A To the best of my recollection it is, yes.

18 Q Therefore, that's not an accurate location is it
19 sir?

20 A That's an accurate general location. To put it
21 in there accurately it would be just a dot and
22 you wouldn't be able to see it.

23 Q But you do know that road that leads north
24 doesn't even border on that store premises, does
25 it?

1 A I'm not real sure about that.

2 Q Come around and take your seat please sir. Do
3 I understand then that you made this map from an
4 aerial photograph, is that right?

5 A Yes sir.

6 Q And not from the ground?

7 A I made it from the ground also. Observations.
8 did

8 Q Well/you you make observations from the road of
9 this store that I'm asking you about.

10 A I took it from speedometer readings from the
11 center of Philadelphia to that store, and I also
12 took photographs of that area.

13 Q But you didn't check the distance from there to
14 that pencil lined road that I just asked you about
15 did you?

16 A I didn't check the distance of that when I put
17 that on there----

18 Q Do you know the name of that road?

19 A From the Aerial photograph.

20 BY THE COURT:

21 Counsel, you are not letting him finish, and he's
22 not letting you finish either.

23 BY MR. ALFORD:

24 Q Do you know the name of that pencil road there?

25 A No sir.

1 Q Is this a representation of all of the roads in
2 that area?

3 A Yes sir, every road in that area is indicated on
4 that map taken from the aerial photograph.

5 Q You have all the roads there?

6 A Yes sir, same roads that are on the aerial photo-
7 graph taken on that map and the same roads that
8 appear on the official highway map also appear
9 on that map, yes sir.

10 Q Sir, would you tell me if you have a road on that
11 map that leads from Williamsville in a southerly
12 direction which is known as old Highway 15, is that
13 on this map?

14 A There's a highway 15 on the map.

15 Q But the old highway 15, is it on there?

16 A I'm not sure where old Highway 15 is.

17 BY THE COURT:

18 I think the record should show that you've been
19 talking about government's exhibit 9, now what are
20 you talking about?

21 BY MR. ALFORD:

22 Q I hand you here government's exhibit 6 and point
23 out to you an improved road in the vicinity of
24 Williamsville, Mississippi, which is highway 15
25 and ask you sir, if that highway is on your map?