

1 Q What city?

2 A Meridian.

3 Q Where was your car parked?

4 Q Down at the Longhorn.

5 BY THE COURT:

6 I believe we'll take a fifteen minutes recess at this
7 point.

8 (Whereupon the Court took a recess at 3:31 P. M. for
9 fifteen minutes.)

10 AFTER RECESS:

11 BY MR. DOAR:

12 Q Officer Miller, any conversation that you testifie
13 to with Preacher Killen at your home, what, if
14 anything did he say about his activities on the
15 21st?

16 A Preacher Killen told me that he came to Meridian,
17 that he had received a call that the civil rights
18 workers had been arrested and that he came to
19 Meridian and got with Mr. Herndon and they made
20 some calls at the Longhorn at a pay phone on the
21 outside and got some boys together and went to
22 Philadlphia.

23 Q How did you happen to leave the White Knights of
24 the Ku Klux Klan?

25 A They banished me.

- 1 Q And what does banish mean?
- 2 A Kicked me out.
- 3 Q And during the time, when was that?
- 4 A December of 1964.
- 5 Q Up to that time did you furnish on a regular
- 6 basis information to the Federal Bureau of
- 7 Investigation?
- 8 A I did sir, from about the middle of September
- 9 until then.
- 10 Q About how much were you paid?
- 11 A Over a two year period about twentyfour hundred
- 12 dollars.
- 13 Q Do you know how much you were paid during that
- 14 period from September through the end, approximate
- 15 how much?
- 16 A Probably fifteen or sixteen hundred dollars.
- 17 Q What did this, what was this for?
- 18 A It was for the work that I was doing, travelling
- 19 expenses and go all over the communities.
- 20 Q Q And was that in connection to being a Klan member?
- 21 A Yes sir.
- 22 Q Did you travel around as a Klan member?
- 23 A Yes sir.
- 24 Q And where, for example, did you travel?
- 25 A I went to all over the city, Lauderdale County,

1 Jones County, Laurel, Philadelphia, and different
2 places out in the country.

3 Q Did you on occasions go down to Laurel to see the
4 Imperial Wizard? Mr. Sam Bowers?

5 A Yes sir.

6 Q How many times?

7 A Probably about three or four times, I went a few
8 times and didn't get to see him because he wasn't
9 there.

10 Q You did see him on several occasions?

11 A Three or four, yes sir.

12 Q Thank you.

13 BY MR. BUCKLEY:

14 Your Honor, please the Court, the last testimony
15 given by this witness I respectfully move that it
16 be excluded, because it has no relevancy to this
17 case so far. This witness just said he said him
18 three or four times. His testimony is of no
19 probative value whatsoever.

20 BY THE COURT:

21 Overruled.

22 CROSS EXAMINATION

23 BY MR. WATKINS:

24 May it please the Court.

25 Q Wallace, as pertains to Frank Herndon, Jimmy

1 Arledge, James Harris, Travis Barnette, and
2 Jimmy Snowden and Alben Wayne Roberts, now you,
3 yourself personally, never did see or hear either
4 one of those defendants make a threat, abusive
5 word, intimidation of any kind toward Andrew
6 Goodman, James Chaney or Michael Schwerner, did
7 you. Did you, yourself personally see that?

8 A. No sir, I didn't hear any.

9 Q. Did me first, the date please when you joined the
10 Klan?

11 A. Later part of March or early April of 1964.

12 Q. Wallace, what was your purpose or what representa-
13 tion was made to you at that time about the pur-
14 pose of the Klan, other than the one you stated
15 a while ago. American purposes were stated to
16 you as the purpose of the Klan?

17 A. Preacher Killen told me that this was a very
18 patriotic, political organization and it was a
19 Christian organization and in order that better
20 men and better business men and better citizens
21 officers, doctors, lawyers, and peace officers
22 belonged to it.

23 Q. And did you relate that information to Frank
24 Herndon?

25 A. I did.

- 1 Q And Frank Herndon was impressed with this, was he
2 not?
- 3 A He was.
- 4 Q And what you are telling the Court and Jury is
5 that you persuaded Frank Herndon to join this
6 organization, is that you are saying?
- 7 A No sir.
- 8 Q What was the purpose of relating that remark to
9 Frank Herndon? Can you make an excuse for yourself
- 10 A No sir. Preacher Killen knew Mr. Herndon, they
11 were friends.
- 12 Q How long have you been knowing Frank Herndon?
- 13 A I don't remember the years sir, it's been several.
- 14 Q Did you become close personal friends with him?
- 15 A Yes sir.
- 16 Q There were a number of questions that they asked
17 you when you became a member of the Kain were ther
18 not?
- 19 A Right.
- 20 Q And in addition to those questions you took an
21 oath?
- 22 A Right.
- 23 Q I'll ask you if these were not the questions that
24 they asked you?
- 25 Is the motive prompting your ambition to be a

- 1 Klansman a selfish one? Did they ask you that?
- 2 A. Right.
- 3 Q. You told them that was true?
- 4 A. Right.
- 5 Q. Are you a native born white, gentile American
- 6 citizen, did they ask you that?
- 7 A. Right.
- 8 Q. Are you absolutely opposed to and free of any
- 9 allegiance of any nature to any cause, government,
- 10 people, sect or union, foreign to the United
- 11 States of America, did they ask you that?
- 12 A. Right.
- 13 Q. You told them you weren't, you believed all that
- 14 didn't you?
- 15 A. Yes sir.
- 16 Q. Do you believe in tenants of the Christian religion?
- 17 A. Yes sir.
- 18 Q. Do you esteem the United States of America and its
- 19 institution above any government, civil or
- 20 political or ecclesiastical in the whole world?
- 21 A. I do.
- 22 Q. There's nothing about that about violence or
- 23 intimidation. Will you, without mental reservation,
- 24 take a solemn oath to defend, preserve
- 25 and support the Constitution of the United States

1 of America. You told them you would?

2 A Yes sir.

3 Q Will you faithfully obey our constitution and
4 laws and conform willingly to all our require-
5 ments and regulations, and can you be depended
6 upon, did you ask or rather answer those questions

7 A Yes sir.

8 Q Now there is not a single thing in those questions
9 that brought to your mind any reason for intimi-
10 dation, violence of any nature?

11 A No sir.

12 Q All right will you please tell this Court and Jury
13 that whatever oath you took that there was nothing
14 in that oath swearing you to commit any act of
15 intimidation, violence of any nature, isn't that
16 correct, nothing whatsoever?

17 A There was nothing committing us to do that at all.

18 Q All right sir, now were you present at any time
19 and it may have been said that Herndon, Arledge,
20 Harris, and Travis Barnette, or Jimmy Snowden
21 and Alton Roberts was ever said to have entered
22 into the Ku Klux Klan? Were you present at any
23 time? You really don't know Wallace that they
24 ever joined? Yourself personally, you really
25 don't know that do you?

- 1 A Sir, I was there.
- 2 Q You were present when they took an oath in that
- 3 organization?
- 4 A Yes sir.
- 5 Q Now, you said Reverend Killen gave you the oath
- 6 just you and he somewhere?
- 7 A Right.
- 8 Q No one else was there, and do you say that's
- 9 what took place when these others joined?
- 10 A No sir, we were meeting at Key Field at the
- 11 time those other boys joined?
- 12 Q Now, Wallace, how many of them were there when it
- 13 is said they joined?
- 14 A Well, they all didn't join at the same time or
- 15 the same place.
- 16 Q All right, let's get Frank Herndon first, and
- 17 talk about him first. You were the first man
- 18 he talked to about the Klan was it not?
- 19 A Right.
- 20 Q Now about when is it said that Frank joined the
- 21 Klan, can you recall?
- 22 A It was a week or so, probably a week after I did.
- 23 Q All right now, was that in 1963?
- 24 A No sir, 1964.
- 25 Q And that would be about April of 1964?

- 1 A Yes sir.
- 2 Q Now, did Frank come to you or did you go to him
3 about the Klan?
- 4 A No sir, I carried Preacher Killen down to the
5 drive-inn, we both went to see Mr. Herndon.
- 6 Q And that was April of '64, at the Longhorn drive-
7 inn, and who was there besides Frank Herndon?
- 8 A Mr. Jordan came up after Mr. Herndon.
- 9 Q Now, was this a public place?
- 10 A Yes sir.
- 11 Q And people were coming in and out of the restuarant?
- 12 A Right.
- 13 Q And you say that is where Frank joined the Klan
14 right there at the restuarant?
- 15 A No sir, we left the restuarant and went out on
16 the mountain.
- 17 Q Out on what mountain?
- 18 A This high hill south of Tom Bailey Drive.
- 19 Q Was anybody there besides Jim Jordan?
- 20 A No sir.
- 21 Q Now, can you give your best judgment where it
22 was the first of April or the last of April?
- 23 A I would say the first of April.
- 24 Q And could you tell me where it was day time or
25 night time?

1 A Night time.

2 Q How many times prior to this had you talked with
3 Frank Herndon about the Klan?

4 A None.

5 Q How many times if you know anybody else in your
6 presence had talked to him about the Klan?

7 A I don't know if they had.

8 Q All right now, did you relate to Frank all of
9 these nice things I've read to you when you told
10 him about the Klan?

11 A Yes sir.

12 Q Well Wallace, were you a good member of the Klan?

13 BY MR. HAUBERG:

14 We're going to object to that if the Court please.

15 BY THE COURT:

16 I'll let him answer. You may answer.

17 BY THE WITNESS:

18 A I thought I was.

19 Q You didn't engage in any intimidation or violence
20 against Michael Schwerner, Andrew Goodman or
21 James Chaney, did you?

22 A No sir.

23 Q At the time you were talking with members of
24 the F. B. I. about what you knew about the
25 organization did that begin about September of

1 1964?

2 A Yes sir.

3 Q Were you at that time still an active member of
4 the Klan?

5 A I had not attendd any meetings except just one
6 or two of the men, maybe three or four, they had
7 called off the meetings after June 21st.

8 Q Now what I wanted to know---

9 A If they had had any meetings I would have gone.

10 Q I see. When you became close friends with
11 Herndon, and Arledge, Harris and Travis Barnett
12 and Jimmy Snowden and Wayne Roberts during that
13 period of time?

14 A I had known them before that, a long time, yes
15 sir.

16 Q And beginning in September of 1964, did you
17 still maintain your friendly relationship with
18 these defendants I've asked you about?

19 A Yes sir.

20 Q And at the time you were giving this information
21 to the government did you maintain your friend-
22 ship with them?

23 A Yes sir.

24 Q All right, did you meet any of the meetings if
25 they had any at that time?

1 A Yes sir.

2 Q Did you call yourself an officer in the Klan?

3 A I got a promotion sometime in September in the
4 Klan.

5 Q What was that?

6 A Kleagle.

7 Q What is he?

8 A Organizer.

9 Q And did you continue to organize people other
10 than Frank Herndon and these other defendants?

11 A I went to different meetings.

12 Q All right, now let's take Jimmy Arledge, can
13 you say whether or not Jimmy Arledge ever joined
14 the Klan?

15 A Yes sir.

16 Q And when do you say he joined the Klan?

17 A Jimmy joined the Klan while we were having
18 meetings out at Key Field.

19 Q Can you give me an approximate date?

20 A It probably would be in May.

21 Q Of that same year?

22 A Yes sir.

23 Q What place out at Key Field was it suppose to be?

24 A At a warehouse.

25 Q Whose warehouse?

- 1 A. Mr. Price, Algean Price.
- 2 Q. Algean Price?
- 3 A. Yes sir.
- 4 Q. What does he do?
- 5 A. He owns a salvage house.
- 6 Q. Did you as an organizer get permission from him
- 7 to use that warehouse?
- 8 A. He was a member himself. He gave us permission
- 9 to use this building.
- 10 Q. I see. Did you give these questions that I read
- 11 to Jimmy Arledge?
- 12 A. Yes sir.
- 13 Q. And you related these nice things to him?
- 14 A. I believe that Preacher Killen---
- 15 Q. I thought you did?
- 16 A. Oh, I was present, Preacher Killen was initiating
- 17 members at this time.
- 18 Q. And you didn't tell him anything or any other
- 19 member anything that joined anything about any
- 20 type of violence or intimidation?
- 21 A. No sir, I instructed them all there would be
- 22 no violence.
- 23 Q. That was one of the considerations for what you
- 24 say their relationship was with you?
- 25 A. Right.

1 Q Now, let's take James Harris, when do you say
2 he joined?

3 A He joined probably about two or three weeks after
4 I did.

5 Q And would that still be in April?

6 A Yes sir.

7 Q And at what place?

8 A We used a trailer house down on Tom Bailey Drive,
9 its a service station.

10 Q And who was present?

11 A To the best of my knowledge Mr. Killen, Mr. Clay,
12 Mr. Harris, Mr. Price, myself and Mr. Everidge.

13 BY MR. ALFORD:

14 Your Honor when he named Price I would like to
15 know___

16 BY THE WITNESS:

17 A Mr. Algean Price, I'm sorry sir.

18 BY MR. ALFORD:

19 Not Mr. Cecil Price?

20 BY THE WITNESS:

21 Right, Mr. Algean Price.

22 BY MR. WATKINS:

23 Q Were these things that I related to you here
24 related to him by anyone or you?

25 A Someone else, yes sir.

- 1 Q How about Travis Barnette, do you contend that
2 he ever joined the Klan?
- 3 A Yes sir.
- 4 Q What date approximately?
- 5 A I believe that Travis joined while we were out at
6 Key Field.
- 7 Q Did you use that place for any period of time?
- 8 A Yes sir, we used that place for about five or
9 six months.
- 10 Q What month was this that you are talking about
11 Barnett?
- 12 A May, and I'm preety sure it would be in May.
- 13 Q In May and out at Key Field?
- 14 A Yes sir.
- 15 Q Now you say you were there and who else?
- 16 A Well the ones that had come up in to this time.
- 17 Q All right, how about Jimmy Snowden, do you contend
18 he's a member?
- 19 A Yes sir, but I don't recall where Mr. Snowden
20 joined at the trailer house or out at Key Field.
- 21 Q Do you about what month he joined?
- 22 A It was probably be April.
- 23 Q How about Alton Wayne Roberts?
- 24 A Mr. Roberts came in out at Key Field.
- 25 Q About what month?

- 1 Q About what month?
- 2 A Probably about May.
- 3 Q And was he one of the first or one of the last?
- 4 A No sir, he wasn't the last nor he wasn't the first
- 5 he, uh, I don't know how many had joined when Mr.
- 6 Roberts joined.
- 7 Q All right, we have gone over Wallace what seems
- 8 to me based upon what you say several meetings
- 9 and activities you say about this organization.
- 10 Now, during that entire time there was not one
- 11 single discussion, abusive language, threats,
- 12 acts of violence toward anybody during that
- 13 period of time you are talking about were there?
- 14 A Not the names that you called.
- 15 Q Not the names I called, and that's Frank J.
- 16 Herndon, Jimmy Arledge, James T. Harris, Travis
- 17 Barnette, Jimmy Snowden and Alton Wayne Roberts.
- 18 A Right.
- 19 Q You were not referred to as an officer but you
- 20 were referred to as an organizer?
- 21 A Right.
- 22 Q You were there and you say you had to be there
- 23 during these meetings?
- 24 A At that time sir, I was not an officer or organizer
- 25 this didn't come until later.

1 Q I see. In the beginning when did you learn any-
2 thing about this organization, what part of the
3 year of 64?

4 A Probably the latter part of March or the first
5 of April.

6 Q Really, there wasn't any order in Lauderdale
7 County at that time, or just before that time
8 was it?

9 A I was told that there were, but when I joined I
10 found but there wasn't.

11 Q And whatever activity there were in Lauderdale
12 County a little later on they made you an organiz-

13 A Right.

14 Q And during that period of time there was no
15 abusive language or threats or acts of violence
16 connected with it?

17 A No sir.

18 Q And you stayed actively in it until September
19 of 1964?

20 A Right.

21 Q Now did you ever tell any one of these people tha
22 I have named that this was an unlawful organi-
23 zation, or did you ever consider it an unlawful
24 organization while you were a member?

25 A No sir, the people I talked to I told them it

1 A No sir, I told them it wasn't unlawful to join.th

2 Q All right, and you as an organizer and familiar
3 with the representation of that organization made
4 to members of the general public, noticed or may
5 have had some connection with or at least knew
6 certain representation that was made to the
7 public concerning that order they were often
8 published as they were published were they not?

9 A Some pamphlets from time to time.

10 Q And they had in there on several occasions reasons
11 why one should join?

12 A All right, I hand you a pamphlet and ask you if
13 this is not a list of those reasons.

14 BY MR. HAUBERG:

15 We object, Your Honor.

16 BY THE COURT:

17 Let's see that question again.

18 BY MR. HAUBERG:

19 We'll withdraw our objection, Your Honor.

20 BY THE COURT:

21 All right.

22 BY MR. WATKINS:

23 Q Now Wallace, I ask you if those twenty so-called
24 reasons there why one should not join, or one
25 should join the Klan, if that were not published

1 in public newspapers and other places?

2 A. The Klan had twenty reasons written up, now I
3 don't know if this is identical or not, I don't
4 have one to compare it with but they did have
5 twenty reasons to join.

6 Q. Well, you recognize those reasons because you were
7 the organizer?

8 A. Those things came prepared.

9 Q. But you were familiar with that, because that
10 was part of the representation that were made to
11 new members was it not?

12 A. Yes sir, they were distributed around restuarants,
13 drive-inn and other public places.

14 Q. I'll ask you if you knew those reasons and you
15 represented those reasons to some of these persons
16 you named, because it was a Christian and
17 benevelant organization?

18 A. That was what was told to me and that was what
19 we were instructed.

20 Q. There was nothing improper about that was it?

21 A. No sir.

22 Q. Because it was a democratic organization governed
23 by its members?

24 A. Right.

25 Q. And no intimidation about that because its a

1 dedicated and just organization, because it is
2 a working organization which not only talks but
3 acts, because it is a very secret organization
4 and no one will know that you are a member,
5 all of those representations. Because its a legal
6 organization and no one can be prosecuted for
7 being a member, that's what you told them wasn't
8 it Wallace?

9 A. I told them it wasn't against the law to join.
political in-

10 Q. Because it is a dependant organization and is
11 not pledged to any political party, that is
12 a representation?

13 A. Right.

14 Q. Because it is a pro-american organization and
15 opposes any thing, personal or organizational
16 that is unamerican, right?

17 A. Right.

18 Q. Because it is an organization it is sworn to
19 uphold the lawful constitution of the United
20 States of America?

21 A. Right.

22 Q. This is the type of representation made to each
23 and every one of the parties that I've asked
24 you about isn't it Wallace?

25 A. Right.

1 Q Because there comes a time in every mans' life
2 when he has to choose between right and wrong
3 side of life?

4 A Right.

5 Q Because there are today many evil forces entereing
6 the United States of America bent upon its
7 destruction?

8 A Right.

9 Q That's good American reasoning, those were
10 representations too wasn't it Wallace?

11 A Right.

12 Q Because it informed its members and an informed
13 citizen is a good citizen?

14 A Yes sir.

15 Q Because a Christian-like brotherhood among men
16 must be revived in America. That's a good
17 thing, isn't it Wallace?

18 A Yes sir.

19 Q Because one of the goals of the KKK is State's
20 Rights, and complete State Soverienty?

21 A Right.

22 Q You believe in that, don't you Wallace?

23 A Yes sir.

24 Q Because it is clear now that if communism is to
25 defeated in America it will be done in the South.

1 and primarily in Mississippi, you told them
2 that, didn't you?

3 A. Yes sir.

4 Q. Because the KKK needs you today to fight
5 America's battle, now there is not one single
6 thing about that representation having to do
7 with intimidation, violence or threats, is
8 it Wallace?

9 A. No sir, and I never instructed one that it
10 was either.

11 Q. Now, you never have instructed either of these
12 parties that you have referred to and I have
13 named, Herndon, Arledge, Harris, Barnett,
14 Snowden and Roberts, or participated with
15 them between January 1, 1964 and December 4,
16 64 in any act of any intimidation, threats
17 violence of any nature, have you?

18 A. I don't recall being involved, no sir.

19 Q. Now, Wallace do you have any idea based upon
20 any accurate judgment when Andrew Goodman came
21 to Mississippi? Wasn't it about June 21st?

22 A. I don't have any idea.

23 Q. Do you have any idea when Michael Schwerner
24 came to Mississippi?

25 A. No sir.

1 Q And of course you perhaps know that James Chaney
2 was a Mississippi resident?

3 A Yes sir.

4 Q Wallace, those matters being unknown to you they
5 just could not have possibly been discussed in
6 these meetings you talked about with regard to
7 any threats or violence.

8 A Chaney and Goodman were never discussed.

9 Q Wallace, do you know anything about the set up of
10 this organization as to what type of officers it
11 has?

12 A I did know them all but I've forgotten them.

13 Q What is meant by Captain of the Lier?

14 A I don't know.

15 Q You don't know anything about that? And Cyclops
16 what is meant by that?

He's the President.

17 Q And the Grand Dragon, what is meant by that?

18 A He's second in command under the Imperial Wizard
19 that's state officers.

20 Q What is Kloroan?

21 A I don't know.

22 Q And the Imperial Wizard, he's what now?

23 A He's the head man.

24 Q Well, you didn't actually learn too much about that
25 situation, did you Wallace?

- 1 A There were a lot of things I didn't learn, no sir.
- 2 Q But you did learn to represent to those you came
- 3 into contact with that it wasn't anything about
- 4 intimidation or violence or in violation of the
- 5 law?
- 6 A At the time I joined, I thought that it was a
- 7 good organization.
- 8 Q Were you active and a good member during the time
- 9 you were with it during the period of April of '64
- 10 until December of 68, did you attend all of the
- 11 meetings, maybe at least half of the meetings?
- 12 A I probably attended more than half, about all of
- 13 them, but more than half anyway.
- 14 Q Well, were you in charge of any of those meetings?
- 15 A No sir, I wasn't in charge.
- 16 Q Did it have a Cyclops?
- 17 A Yes sir, Mr. Herndon was our President.th
- 18 Q And he was one of the first men that you say you
- 19 brought into that unit?
- 20 A Right.
- 21 Q Now, Wallace, what was the real of purpose with
- 22 you gathering with others to bring in men into
- 23 the order, say Mr. Herndon and whomever else that
- 24 you might refer to as bringing in, what was the
- 25 purpose of doing that?

- 1 A No answer.
- 2 Q And at that time you were also a police officer,
3 is that right?
- 4 A Right.
- 5 Q And your contact with these men would be a very
6 influential contact, what was the purpose of
7 that?
- 8 A When I went to talk to someone, usually Mr. Killen
9 had names that he wanted me to go see to get
10 those people to join. Now, where he got the
11 names, I don't know and I talked to many people
12 that were not friends about joining.
- 13 Q Yes sir. Well now, there was a purpose brought
14 to your attention by someone.
- 15 A It was a political organization, that was what
16 was told to me.
- 17 Q All right.
- 18 A Right.
- 19 Q And you would state the purpose that was given
20 you?
- 21 A Yes sir.
- 22 Q And you had no reason that anyone else would not
23 believe in a state purpose?
- 24 A Mr. Killen told me from the very beginning that
25 it wasn't a violent organization.

- 1 Q Now what is the position, if you know, referred
2 to as a Kludd?
- 3 A I don't remember.
- 4 Q Well, did they have a preacher, or a chaplain?
- 5 A We had a preacher, he was referred to as the
6 chaplain.
- 7 Q And did he have prayer?
- 8 A Yes sir.
- 9 Q And was prayer had at each meeting?
- 10 A Yes sir.
- 11 Q Did you ever attend a meeting where there was not
12 prayer if you can recall?
- 13 A I don't recall.
- 14 Q So there wasn't any coercing, threatening and
15 carrying on, actually at these meetings incorporat
16 prayer at the opening of these meetings.
- 17 A If a man said a curse word he was fine five
18 dollars or a dollor or something like that.
- 19 Q The representation portrayed concerning these
20 meetings that there was violence and intimidation
21 just wasn't the atmosphere at all was it Wallace?
- 22 A Well---
- 23 Q It had a prayer atmosphere?
- 24 A To begin with, yes sir.
- 25 Q Well, that's how you knew it when you were there?

1 A Right.

2 Q And you were there from the early part of 1964 to
3 the latter part of '64, is that correct?

4 A Yes sir.

5 Q And you had an opportunity and did go along with
6 every plan that you knew about during that period
7 of time none of which was violent, isn't that
8 correct?

9 A That's right.

10 Q Then there was nothing whatsoever unlawful or
11 disorderly about the acquiescence and purpose of
12 that order from January of '64 to December of '64
13 to which you were connected, was it?

14 A I didn't join in January.

15 Q Well, it was April of '64 correct?

16 A Right.

17 Q Now, did you inquire Wallace, or did you have to
18 or did you already know the reputation of people
19 like Frank Herndon and the rest of the defendants
20 I've referred to, Jimmy Arledge, James T. Harris,
21 Travis Barnett, Jimmy Snowden, did you know their
22 reputation and knew it was good.

23 Q You knew their reputation and you knew it to be
24 good in the community where they lived, and except
25 these charges here in this court today you still

1 their reputation to be good, don't you?

2 BY MR. HAUBERG:

3 We object to that.

4 BY THE COURT:

5 Overruled.

6 BY THE WITNESS:

7 A I don't recall them being in any way or any a time
8 being in any trouble.

9 Q All right. You would not fail or recommend that
10 here today except for this charge right?

11 A That's right.

12 Q Now, Wallace, as a police officer did you ever
13 have an occasion to become acquainted with
14 Michael Schwerner?

15 A Yes sir, he was arrested. The men under my
16 command arrested him.

17 Q Just what type pf fellow was he, did you ever
18 learn anything about his background, what he
19 believed in, or what he was like or whether his
20 attitude or character in life would encourage a
21 will from unknown persons, such as, uh, what was
22 his religion Wallace?

23 BY MR. HAUBERG:

24 We object to that.

25 BY THE COURT:

1 I'll sustain the objection.

2 BY MR. WATKINS:

3 Q Did you ever have any other personal contact with
4 Michael Schwerner other than arresting him?

5 A No sir.

6 Q What arrest did you make?

7 A Some traffic violcations. I didn't necessarily
8 make the arrest myself, my men and I was there
9 at the stataion.

10 BY THE COURT:

11 Did you ever attend a meeting when they agreed, that
12 is the Klan organization had agreed to extinguish
13 somebody?

14 A No sir.

15 You don't know where they had prayer then or not,
16 do you?

17 A Sir, I attended a meeting where we were instructed
18 not to bother him.

19 BY THE COURT:

20 All right.

21 BY MR. WATKINS:

22 Q Now, did you make any reports to the F. B. I.
23 before or between September and December, when
24 you say you were working with them , in writing?

25 A Gave them some notes.

1 Q Do you know whether or not you signed those
2 or
3 notes/if the investigating officer signed that
4 writing? Signed it and turned it in?

5 A I signed it. It was typewritten in letter formth
6 they would type the notes up and then I would
7 sign the typewritten notes.

8 Q Then in that case Wallace, would you give me
9 the approximate date that you signed a written
10 report to the F. B. I. about what month?

11 A The first I gave them in September of '64.

12 Q It was several days, or every other day or three
13 times a week.

14 Q And can you recall the name of the officer that
15 you gave these notes to, or at least one of them?

16 A I just talked to one for quite sometime, and this
17 was Mr. Mitchell. Roy Mitchell.

18 Q Was he an F. B. I. Agent?

19 A Yes sir,

20 Q Was he specifically working on this case?

21 A Yes sir.

22 Q Now Your Honor, we respectfully move under the
23 Jenks act that we be allowed to make an inspection
24 of that report, the witness having testified that
25 he signed it and it was a written report of this
witness' testimony, who is now on the stand, We

1 We desire that report to continue our cross
2 examination.

3 BY THE COURT:

4 Yes, I think you are entitled to it

5 BY MR. WATKINS:

6 Your Honor, that request includes all of the reports
7 not just one.

8 BY THE COURT:

9 Well, you asked him for the written report that
10 he made or he signed or he adopted?

11 BY MR. WATKINS:

12 Yes sir.

13 BY THE COURT:

14 He's entitled to that.

15 BY THE WITNESS:

16 Sir, there were reports that I gave to another
17 agent.

18 BY THE COURT:

19 I understand, any statement you gave to the United
20 States Government he's entitled to it.

21 BY MR. ALFORD:

22 Your Honor please, on behalf of the defendants
23 that we represent may we have an opportunity to
24 inspect that too?

25 BY THE COURT:

1 Yes sir.

2 BY THE COURT:

3 I would suggest that we take a little recess. I
4 don't know where we've got a room up here or nor
5 that we can assign to you and let you takes these
6 reports and read them aloud.

7 BY MR. ALFORD:

8 Your Honor please, the Marshal has given us a room
9 up on third floor.

10 BY THE COURT:

11 That will be all right.

12 BY MR. HAUBERG:

13 Your Honor, I believe under the Jencks Act the
14 original reports were not allowed out of the courtroom
15 and the Court adopted photocopies for the use of
16 examination, is that all right?

17 BY THE COURT:

18 Yes sir, I understand that, but they can't sit here
19 in the courtroom and read those reports, so I'm going
20 to let them take them and hold Counsel personally
21 responsible for those reports to be kept intact and
22 brought back exactly like they get them.

23 BY MR. WATKINS:

24 I can assure Your Honor there won't be anything
25 removed from them.

1 BY THE COURT:

2 I'm sure of that too.

3 BY MR. DOAR:

4 I would like to say to the Court, there are two
5 copies, three copies I believe and I would like to
6 state to the Court that I have reviewed the reports
7 and on some of the pages I would like to say we have
8 blocked out some of the names as they were not in
9 connection with the subject matter.

10 BY THE COURT:

11 I won't require you to give them but one and that's
12 why I think they should be allowed to go upstairs
13 and they can read them and all of them can get it at
14 one time.

15 BY MR. BUCKLEY:

16 If Your Honor Please, I would like to submit that
17 the parts they have blocked out that they be submitted
18 to the Court by the United States Attorney so that
19 the Court may determine whether they were proper
20 or not in blocking the reports for inspection of
21 Counsel for that purpose.

22 BY MR. DOAR:

23 We will be happy for Your Honor to review this and
24 I have a copy for His Honor.

25 BY THE COURT:

1 All right. Well, I'll take the one with the blocked
2 out parts and you show me what they are, how
3 many pages are blocked?

4 BY MR. DOAR:

5 I really can't tell but there are parts of
6 approximately twenty.

7 BY THE COURT:

8 Well, I'll see either one of the government lawyers
9 and either one of the defendant's lawyers back in
10 chambers, and we'll take that up while they are
11 looking at the rest of the reports.

12 BY MR. ALFORD:

13 Your Honor please, there are a great number of pages
14 here may be we could ask for a definite time that
15 we might have to review this about how many minutes
16 we might have?

17 BY THE COURT:

18 Well, I would say about thirty minutes.

19 BY MR. WATKINS:

20 And after that,--

21 BY THE COURT:

22 Well, let's see you might be able to read it a little
23 bit faster than that. Mike, you are a fast reader
24 let's say about twenty minutes.

25 BY MR. WATKINS:

1 I'm just a country lawyer, Judge.

2 BY MR. HENDRICKS:

3 If Your Honor please, we all need to see these and
4 have the benefit of them and it might be a little hard
5 for all of us to do that in that short period of time.

6 BY THE COURT:

7 Well, I think you ought just to scan those reports,
8 we don't need to just stop and study them, just scan
9 them because that's for the purpose of examination
10 there.

11 BY MR. WATKINS:

12 Your Honor please at the end of thirty, or twenty
13 minutes we come then to your chambers on the other
14 matter?

15 BY THE COURT:

16 That will be all right.

17 BY MR. WATKINS:

18 Thank you sir.

19 BY THE COURT:

20 I'm going to take that up while you all are upstairs.

21 BY MR. WATKINS:

22 Oh excuse me sir, then it won't be necessary for us
23 to come down there.

24 BY THE COURT:

25 That's right.

1 BY MR. PIGFORD:

2 Your Honor please, I believe you did say you wanted
3 one of the defendant's lawyers in chambers.

4 BY THE COURT:

5 Any one of you, or more if you want to.

6 (Whereupon jurors excused from courtroom)

7 Whereupon the Court took a recess at 4:30 P. M. on
8 10-11-67 for thirty minutes.

9 BY THE COURT: AFTER RECESS

10 Let the record show that these statements, these
11 Jenck Act Statements have been furnished by the
12 government to defendants counsel prior to this
13 time and at the same time the Court was examining
14 encamera the deleted portions, I have concluded
15 from the examination of the deleted portions of those
16 reports that those deletions were proper and had
17 nothing to do with any subject matter, directly or
18 indirectly involved in this lawsuit.

19 BY MR. WATKINS:

20 May it please the Court----

21 BY MR. ALFORD:

22 If it please the Court before Mr. Watkins starts
23 I would like to advise the Court before we get
24 started that we didn't get to study these reports
25 we did the best we could in the time allotted by

1 the Court.

2 BY THE COURT:

3 Well I wonder if that's not just about all we could
4 accomplish maybe with a little pretrial conference
5 on some of these cases because I think that in one
6 of these conferences maybe we could work out some
7 of these previews of these Section 3500 cases where
8 we could save a little time when we get down to trial
9 because frankly I wouldn't know of any reason why
10 that statement couldn't be furnished certainly within
11 a short reasonable time before trial. We'll try
12 that sometimes but my experience with pretrials in
13 criminal cases has been very bad, I find out we didn't
14 get any information except for one side. You may
15 proceed.

16 BY MR. WATKINS:

17 Q Wallace, whatever statements that were given by
18 you to them beginning in September of '64 on in
19 to December of '64?

20 A Yes sir on into '65.

21 Q On in to '65? Were any statements given them
22 in '66 & 67?

23 A I don't recall right now, but I have talked to
24 them from time to time.

25 Q Yes sir.

1 A I have talked to them from time to time but I
2 don't know of any information relating to this
3 case.
4 Q All right at the time you started giving this
5 information to the government, did you do so
6 as an officer of the City of Meridian or did you
7 do so as a recognized member of the Ku Klux Klan
8 undercover member, which one was it?
9 A Mr. Watkins, I went to the F. B. I. as a man
10 and not as an officer or----
11 Q Very good now, how long have you been an officer,
12 Wallace?
13 A Twenty years in April.
14 Q And has that been right here in Lauderdale County?
15 A Yes sir.
16 Q Thank you Wallace, that's all.
17 BY MR. COVINGTON:
18 Q Wallace, when did you first meet Horace Doyle
19 Barnett?
20 A I only knew Horace Doyle Barnett a short while.
21 Q Do you recall about when you met him?
22 A It was in the early part of '64 I believe.
23 Q Could you tell us which month?
24 A No sir.
25 Q Would that have been prior to April of that year?

1 A It was just a short while before he came into
2 the Klan.

3 Q Now, can you tell me when he came into the Klan?

4 A It was probably April or May of '64.

5 Q So you knew nothing about him Horace Doyle Barnett
6 or his activities prior to the time he came into
7 the Klan?

8 A No sir, I knew Travis real well, but not Doyle.

9 Q I believe as a matter of fact that you actually
10 signed him up in the Klan, did you not?

11 A I don't recall signing him up but I talked to
12 him before he joined.

13 Q And you related to him the reasons for joining
14 the Klan as related to what Mr. Watkins asked
15 you about?

16 A Right.

17 Q The purposes of the Klan.

18 Q Not in that order or saying so many things, but---

19 Q You covered the same grounds as what you told
20 Mr. Watkins?

21 A Yes sir.

22 Q Were you present when he actually joined the Klan?

23 A Yes sir.

24 BY THE COURT:

25 When were you last Kleagle of the Klan?

1 BY THE WITNESS:

2 A Sir, I believe it was about the 7th or 8th of
3 September.

4 BY MR. COVINGTON:

5 Q Wallace, can you recall where the meeting was held
6 when Horace Doyle Barnett did join the Klan?

7 A Key Field.

8 Q And who was present on that occasion?

9 A I don't remember who all, I can't recall who all
10 was present.

11 Q Do you remember anyone being present besides your-
12 self and Doyle Barnett?

13 A To my knowledge Mr. Snowden was present and
14 Traves, Mr. Barfield, myself, Mr. Herndon, I
15 would be afraid to say anymore.

16 Q All right sir, which month in '64 was this?

17 A It would be April or May.

18 Q All right, do you recall which week in May?

19 A No sir.

20 Q Now, at the meeting that he joined was there any
21 discussion of violence and intimidation or threats

22 A No sir, there was only, uh, may I explain?

23 Q Yes.

24 A There was only one time that the question ever
25 arose about whipping anyone, that was the only

1 one time that was mentioned.

2 Q What I am asking you specifically Wallace, at
3 any time or meeting that Doyle Barnett was present
4 was there any discussion of violence or intimi-
5 dation where he took an active part?

6 A I don't recall him ever taking an active part,
7 no sir.

8 Q Then your answer would be no then?

9 A Right.

10 Q Now, I believe shortly after August Mr. Barnett
11 left this general area?

12 A I believe so.

13 Q And you did not see or hear of him again after
14 he left?

15 A No sir.

16 Q I believe that's all. Thank you.

17 BY MR. PIGFORD:

18 May it please the Court.

19 Q Mr. Miller, in your testimony on direct examina-
20 tion, I believe you stated that you had been
21 told by Preacher Killen of the location of the
22 bodies, is that correct, is that your testimony?

23 A He told me there were in a dam buried.

24 Q Yes sir, and you knew there was a lot of money
25 offered a reward for the location of those bodies

1 did you not?

2 A I did not know, I had heard that there was.

3 Q Now, you reported that to the F. B. I., the
4 location of those bodies, did you not?

5 A No sir.

6 Q You did not?

7 A No sir, I did not.

8 Q You had that information and did not report it?

9 A I did not report it.

10 Q Why was that?

11 A At this time, may I explain?

12 Q Yes sir. I want you to.

13 A At this time I had so much faith and confidence
14 in Mr. Killen, the things he had told me about
15 the Klan, I had faith and confidence in it, and
16 I didn't think at this time that those people
17 had been murdered, and besides I had joined this
18 organization in good faith, and I debated and
19 spent many miserable days and nights as to what
20 to do or what to do about this situation, or what
21 to say.

22 Q Would you answer my question about why you did
23 not report that information to the F. B. I.
24 when you received it?

25 A I didn't believe it.

- 1 Q You didn't believe it?
- 2 A No sir.
- 3 Q Did you at any time report it?
- 4 A Yes sir.
- 5 Q Did you receive the \$25,000.00 reward money?
- 6 A No sir, the bodies had been recovered long before
- 7 I ever talked with the F. B. I.
- 8 Q And you received none of that reward money?
- 9 A No sir.
- 10 Q In your report you did report that?
- 11 A In my income tax report?
- 12 Q No, I mean in your reports to the F. B. I.?
- 13 A I told them what Mr. Killen told me, yes sir.
- 14 Q Could you tell me what date it was?
- 15 A It was after September 13, 1964.
- 16 Q I see. Now, Mr. Miller, with reference to Mr.
- 17 Akin, I will ask you please sir, you never saw
- 18 Mr. Akin take any oath at any Ku Klux Klan
- 19 meeting?
- 20 A No sir.
- 21 Q I believe your testimony was that you saw him at
- 22 one or two of the meetings?
- 23 A Yes sir.
- 24 Q All right, Now, I'll ask you please sir, if at
- 25 any time, Mr. Akin has ever discussed with you

1 Michael Schwerner, Andrew Goodman or James Chaney?

2 A. Mr. Akin never discussed those three with me.

3 Q. At any time?

4 A. No sir.

5 Q. Now, Mr. Miller I ask you again please sir, about
6 how much money you did receive for the information
7 that you got from these conversations with these
8 particular defendants?

9 A. Over a two year period of time, I don't know the
10 exact amounts but it was staggered sums. I was
11 paid better than \$2400 over a two year period of
12 time for the information that I had given them,
13 for the work I had done for them, and for my
14 personal expenses.

15 Q. Are you positive that you didn't receive more than
16 that?

17 A. Sir, I don't know, it may have been a little over
18 but I don't know the exact amount. I would have
19 to get my records to see.

20 Q. What is your recollection as to what it was over
21 that amount?

22 A. Approximately sixty or seventy dollars.

23 Q. Now, Mr. Miller aren't you a member of the National
24 Guard of the United States?

25 A. Right.

1 Q Did you report to your Commanding Officer you were
2 a member of the Ku Klux Klan?
3 A I did.
4 Q You did do that?
5 A Yes sir.
6 Q Who is your Commanding Officer?
7 A Billy Curtis. Colonel Curtis.
8 Q And when did you do that?
9 A It was sometime after this, after June 21st.
10 Q After June 21st?
11 A Yes sir.
12 Q Can you give us an approximate date?
13 A I don't know.
14 Q Well, after June 21st, can you say between what
15 date and June 21st?
16 A I would be afraid to make a time.
17 Q I'll ask you sir, if you have signed a questionnaire
18 admitting you were a member of the Ku Klux Klan
19 in the National Guard, as to whether or not you
20 have ever belonged to this organization?
21 A We signed an affidavit at the police department
22 and the National Guard asked us if we were a
23 Klansman.
24 Q Doesn't that questionnaire say have you ever been
25 a member?

1 A Mine didn't.
2 Q Yours didn't?
3 A No sir, not that I recall.
4 Q When was the last one of those questionnaires,
5 uh, those are what we call security questionnaires
6 A Right.
7 Q And was the last one that you signed for the
8 National Guard, Mr. Miller?
9 A I don't remember.
10 Q Didn't you sign one when you took summer training
11 in 1964?
12 A I may have, I don't recall it if I did.
13 Q And at that time when you did sign it you were
14 then a member, were you not?
15 A If I signed it in 64 I was.
16 BY MR. HAUBERG:
17 We object to that, it's immaterial.
18 BY THE COURT:
19 I'll overrule the objection, I don't know where its
20 material or not.
21 BY MR. PIGFORD:
22 I want to prove the witness' truth and veracity, Your
23 Honor.
24 BY THE COURT:
25 All right, go along.

BY MR. PIGFORD:

1 Q Mr. Miller, I'll ask you please sir if you
2 reported to the City Council, members under their
3 authority, that you were a member of the Ku Klus
4 Klan, while you were so a member.

5 A No sir.

6 Q They did not know that?

7 A No sir, they didn't know it.

8 Q I'll las you please sir Mr. Miller, if you re-
9 member December, 1964 that you signed a statement
10 which was typewritten that you had no knowledge
11 or that you did not know anything about the
12 disappearance of Andrew Goodman, Michael Schwerner
13 and James Chaney and that you did not know where
14 they were in fact dead or alive and knew nothing
15 whatsoever about their disappearance or death?

16 A I signed about two or three of those.

17 Q Would you look at this and tell us if that is
18 your signature?

19 BY THE COURT:

20 Counsel, stay back at your microphone.

21 BY MR. PIGFORD:

22 Excuse me Judge.

23 BY THE WITNESS:

24 A I signed that.

25 Q If the Court please, we would like to offer this

1 into evidence.

2 BY MR. HAUBERG:

3 The government has no objections, Your Honor.

4 BY THE COURT:

5 I'll let it marked defendant's next exhibit number
6 for identification at this time.

7 (Whereupon exhibit marked D-4 for identification)

8 BY MR. PIGFORD:

9 Q Mr. Miller, when was it that you decided to sell
10 the information to the F. B. I. that you had?

11 A I didn't decide to sell anything Mr. Pigford, I
12 went to the F. B. I., and told them what I knew,
13 I asked no reward, I asked for nothing in return.

14 Q Well, who was it that offered to pay you?

15 A No one offered to pay me.

16 BY MR. WATKINS:

17 Your Honor, I beg the Court's pardon, for interrupting
18 but was this marked for identification or was it in
19 evidence?

20 BY THE COURT:

21 Marked for identification.

22 BY MR. WATKINS:

23 Thank you, I didn't want to interrupt but I was not
24 clear about it.

25 BY THE COURT:

1 You can put that in evidence after the government
2 rests. All right,^{go}/along.

3 BY MR. PIGFORD:

4 I may not now introduce it?

5 BY THE COURT:

6 You've got it marked for identification and you may
7 offer it when it comes your turn to offer your defense.

8 BY MR. PIGFORD:

9 All right sir.

10 Q Who was it that you talked to Mr. Miller first
11 about this information?

12 A Mr. Mitchell, Roy Mitchell.

13 Q Where was that?

14 A I met him the first time at the Virginian
15 Restuarant out on Tom Bailey Drive.

16 Q Did he say whether or not you would be paid?

17 A No sir, he did not say it.

18 Q Now, did you ever mentioned to him that you wished
19 to be paid for it?

20 A No sir.

21 Q Well, how did it come about that you received
22 this meney for it?

23 A The man gave me money to continue in the Klan,
24 to work for my expenses that was what the money
25 was for, it was for my driving and car expenses

for the expenses incurred in the Klan.

Q And you continued to talk to the members in the Klan and furnish that information to the F. B. I. and you were paid for your services?

A Right.

Q I believe that's all.

BY MR. McINTIRE:

I have some questions, Your Honor.

BY THE COURT:

Hasn't some lawyer already asked some questions that represents somebody that you represent?

BY MR. McINTIRE:

I want to ask some questions on behalf of Sheriff Rainey.

BY MR. ALFORD:

Your Honor please, he represents Sheriff Rainey individually.

BY THE COURT:

Well don't somebody else in cross examining this witness represent Rainey?

BY MR. McINTIRE:

No sir, I represent Sheriff Rainey individually.

BY THE COURT:

All right, go along.

BY MR. McINTIRE: