

1 Now----

2 BY THE COURT:

3 I'll let any lawyer that represents any client that  
4 hasn't had the opportunity to ask any questions come  
5 to the microphone.

6 BY MR. MCINTIRE:

7 Q Mr. Miller, do you know Sheriff Lawrence Rainey?

8 A I have known Sheriff Rainey for a few years, yes  
9 sir.

10 Q Approximately how long have you know him?

11 A Approximately four or five years.

12 Q Have you ever seen Sheriff Lawrence Andrew Rainey  
13 take any kind of oath in the Klan?

14 A No sir, I don't know that he's a Klansman.

15 Q Have you ever heard Lawrence Andrew Rainey discuss  
16 Andrew Goodman, James Chaney and Michael Schwerner

17 A No sir.

18 Q Have you ever heard Sheriff Lawrence Andrew  
19 Rainey make any kind of threats, commit any  
20 violence or intimidation?

21 A No sir.

22 Q Thank you sir.

23 BY MR. BUCKLEY:

24 May I proceed Your Honor?

25 BY THE COURT:

1 Yes sir.

2 BY MR. BUCKLEY:

3 Q Mr. Miller, I'm not quite sure just how long  
4 you worked for the F. B. I. or did you testify  
5 to that?

6 BY THE COURT:

7 He told us about that from September 15th, 1964. Let's  
8 don't ask him anything he has already answered.

9 BY MR. BUCKLEY:

10 I didn't understand what his answer was.

11 A 1964 and 1965.

12 Q Do you recall approximately when you terminated  
13 giving them this information?

14 BY MR. HAUBERG:

15 We object to that, he's already answered that.

16 BY THE COURT:

17 I don't know whether he has answered his specific  
18 cut-off date or not, if he can I'll let him answer  
19 that.

20 BY THE WITNESS:

21 A Sir, I'm not employed by the F. B. I.

22 Q Sometimes or about when you terminated your  
23 relationship with them? You don't recall?

24 A Right.

25 Q You testified as I recall that they paid you

1 expenses, is that right?

2 A. Right.

3 Q. Now, did you ever receive any money from the Klan  
4 for these activities?

5 A. No sir, the Klan cost me.

6 Q. I'm not asking you what your net result was I'm  
7 asking you whether you ever received any money?

8 A. No sir.

9 Q. Did you do any of this work while you were working  
10 for the police department?

11 A. I went by some meetings, yes sir.

12 Q. You did that back during the time you were being  
13 paid by the police department and you were chargin  
14 also the F. B. I. for it, is that right?

15 A. I didn't say I attended meetings while I was on  
16 duty with the police department, I said I went by  
17 some of the meeting places.

18 Q. But you reported these things to the F. B. I.  
19 didn't you?

20 A. Yes sir.

21 Q. That was part of the information that you gave?

22 A. Right.

23 Q. That's right. In fact you were being paid by  
24 two different governments at one time were you  
25 not, the City of Meridian and the United States

1 Government?

2 BY MR. HAUBERG:

3 We object to that as immaterial.

4 BY THE COURT:

5 Well, I don't see the materiality of it but I'll  
6 overrule your objection.

7 BY MR. BUCKLEY:

8 Is that right, Mr. Miller?

9 A I don't follow the question, I was not on a  
10 regular payroll with the government any time.

11 Q Sir, I didn't ask you if you were on a regular  
12 payroll, I said were you being paid by both of  
13 them at one time?

14 A I don't know, when I was drawing pay from both  
15 of them at one time, I don't know.

16 Q You weere paid all the time you worked with the  
17 police department?

18 A Right.

19 Q And you were working for the police department  
20 at the same time you were working for the F. B. I.  
21 were you not?

22 A That's right.

23 Q All right, Mr. Miller, when you joined the Ku  
24 Klux Klan that was with Mr. Killen?

25 A Right.

1 Q And when you joined the Ku Klux Klan you took an  
2 oath of secrecy, did you not?

3 A Right.

4 Q When you understood this oath to be a continuing  
5 oath didn't you?

6 A Right.

7 Q And then you violated that oath, did you not?

8 A Yes sir, I did.

9 Q In other words you lied to God Almighty?

10 BY MR. HAUBERG:

11 We object.

12 BY THE COURT:

13 I sustain the objection, and you will restrain yourself  
14 Counsel.

15 BY MR. BUCKLEY:

16 Q Mr. Miller, have you ever told a falsehood under  
17 oath?

18 A Not under oath as I know of.

19 Q Now Mr. Miller, I handed you an instrument and I  
20 would like for you to tell me what it is?

21 A That's a marriage license.

22 Q In fact that is an application for a marriage  
23 license isn't it?

24 A Yes sir.

25 Q And whose application for a marriage license is  
it?

- 1 A. That's mine and my first wife.
- 2 Q. Your first wife. Would you tell me whether or not
- 3 you signed that?
- 4 A. Yes sir.
- 5 Q. You signed that and that is your signature?
- 6 A. Yes sir.
- 7 Q. And this was filled in when you signed it?
- 8 A. Yes sir.
- 9 Q. Would you look then at the sixth line down from
- 10 the top on the left hand side where it says
- 11 number of previous marriages?
- 12 A. Right.
- 13 Q. How many previous marriages does it say on that?
- 14 A. It says one.
- 15 Q. Now under there where it says State of Mississippi
- 16 County of Neshoba what does it say?
- 17 A. Right here?
- 18 Q. Right there where your thumb is? Personally, go o
- 19 A. I must be looking at the wrong place.
- 20 Q. Sir, is there an oath that you signed that the
- 21 above is true and correct, personally appeared
- 22 before me in the aforesaid county and state the
- 23 afroesaid Carlton Wallace Miller----
- 24 A. I see that.
- 25 Q. Yes sir, in other words you swore to this, didn't

1                   you?

2                   A    Yes sir.

3                   Q    And that's not true is it?

4                   A    No sir.

5                   Q    In other words you told a falsehood under oath?

6                   BY MR. HAUBERG:

7                   We object to that, if the Court please.

8                   BY THE COURT:

9                   I'll overrule that objection.

10                  BY THE WITNESS:

11                  A    I don't recall that question being asked me.

12                  Q    Mr. Miller, you signed this didn't you?

13                  A    Right.

14                  Q    And you testified to the Court that it was filled  
15                       in didn't you?

16                  A    Right.

17                  Q    All right, then you told a falsehood under oath?

18                  A    Mr. Sansing just told me to sign it, and I signed  
19                       it.

20                  Q    You signed it. How many times, in fact had you  
21                       been married?

22                  A    Three times prior to this.

23                  Q    And I hand you an instrument, uh, I would like  
24                       for that to be marked if the Court please.

25                  BY THE COURT:

1 All right, is that an application for a marriage  
2 license?

3 BY MR. BUCKLEY:

4 Yes sir.

5 BY THE COURT:

6 It may be marked defendant's next exhibit for  
7 identification.

8 (Whereupon exhibit marked D-5 for identification.)

9 BY MR. BUCKLEY:

10 Q And what is that I hand you?

11 A Its a marriage license.

12 Q Tell whether or not its a certified copy of one  
13 of your marriage license?

14 A Its a marriage license, yes sir, for myself.

15 Q I would like for that also to be marked Your  
16 Honor, its a certified copy, both of those)

17 BY THE COURT:

18 All right they may be marked the next two exhibits  
19 for identification.

20 (Whereupon exhibits marked D-6 for identification)

21 BY MR. BUCKLEY:

22 Q Now I also would like to have you identify this  
23 that I'm handing you now?

24 A Yes sir, that's a marraige license.

25 Q Its a certified copy of a marriage license?



1 A Right.

2 Q To whom?

3 A Hattie Ellis.

4 Q Is it anyone of the two that you have previously  
5 handled?

6 A This is not the same ones.

7 Q Different one?

8 A Right.

9 Q Yes sir, we would like if it please the Court to  
10 have that application marked.

11 BY THE COURT:

12 All right it may be so marked.

13 (Whereupon exhibit marked D-7 for identification)

14 BY MR. BUCKLEY:

15 Q Now, I hand you another instrument and ask that  
16 you please identify that for me?

17 A Yes sir, a divorce decree.

18 BY THE COURT:

19 Those instruments are certified aren't they?

20 BY MR. BUCKLEY:

21 Yes sir.

22 BY THE COURT:

23 You don't have to have them identified if you want  
24 to have them marked they may be marked if they are  
25 certified. You don't need to introduce them through

1 him, if you have some questions about them you  
2 can ask him about them.

3 BY MR. BUCKLEY:

4 Q Is that instrument true and correct?

5 A I haven't read it but I got a divorce.

6 Q She got the divorce?

7 A I got the divorce.

8 Is that the divorce then that you got sir?

9 A Right.

10 Q Now I would like to have it marked.

11 BY THE COURT:

12 It may be marked for identification.

13 (Whereupon exhibit marked D-8 for identification)

14 BY MR. BUCKLEY:

15 Q Now look at this one, this is the divorce that  
16 you obtained is it not?

17 A I obtained them all.

18 Q In other words, this is four different marriages?

19 A Right.

20 Q Contrary to what is stated in that certified copy  
21 in that application made in Neshoba County?

22 A I've been married that many times, yes sir.

23 Q Mr. Miller how old are you?

24 A Forty-three.

25 Q Forty three and you have lived at approximately

1 | how many places here in Meridian?

2 A I've lived in East end, West end, Southside and  
3 several different houses in each one.

4 Q And at the time that you began to receive this  
5 money from the Federal Bureau of Investigation you  
6 were deeply in debt and you owed money to several  
7 Finance Companys, and you were about to loose the  
8 new Pontiac car wasn't you?

9 BY MR. HAUBERG:

10 We object to that, if the court please.

11 BY THE COURT:

12 I don't see the relevancy of that, I'll sustain the  
13 objection.

14 BY MR. BUCKLEY:

15 Q Mr. Miller, you testified before the Federal  
16 Grand Jury in Biloxi, Mississippi did you not?

17 A. No sir.

18 Q Did you testify before the Federal Grand Jury  
19 in Jackson, Mississippi?

20 | A. Yes sir.

21 Q Mr. Miller, the facts that you have, uh, the  
22 allged facts that you have related before his  
23 Court have been long in detail over a period of  
24 approximately three years haven't they?

25 A. That's about how long it has lasted, yes sir.

1 Q And it covers a lot of detailed information which  
2 you could not remember without something to refresh  
3 your memory or some written object to look at  
4 to refresh your memory?

5 A There are many things that I can not recall.

6 Q Many things that you have said or done in regard  
7 to this case in the past that you can not  
8 positively bring out of your head that you remember?

9 A That's correct.

10 Q In fact of the matter a good many of the dates  
11 and the times and the place there is a possibility  
12 there is an error in it, for instance unless there  
13 was some memorable event you wouldn't remember  
14 the exact date or place or time, would you?

15 A I testified to the best of my knowledge that that  
16 was the approximate date.

17 Q Yes sir I realize that Mr. Miller but what I'm  
18 saying is you can't testify accurately as to all  
19 of the dates and the times and places?

20 A I can't remember all of the times and the dates  
21 and places, no sir.

22 Q In fact of the matter you can't even remember them  
23 as well as you could last January because that  
24 was closer?

25 A The longer the time the harder it is to remember.

1 Q Your Honor, based on that, the defendants respect-  
2 fully move that the testimony of this witness  
3 before the Grand Jury in Jackson, Mississippi  
4 in February, 1967 be produced for inspection by  
5 the defendants and/or in the alternative be pro-  
6 duced for inspection by the Court encamera.

7 BY THE COURT:

8 Didn't you request that before a motion before Judge  
9 Russell?

10 BY MR. BUCKLEY:

11 Yes sir, but as I understand it under the Dennis  
12 Decision Your Honor, we have to renew it as it was  
13 premature at the time.

14 BY MR. HAUBERG:

15 If the Court please, he's not entitled to it, the  
16 Grand Jury proceedings are secret proceedings and he  
17 has shown no need for it.

18 BY THE COURT:

19 What is your particularize need?

20 BY MR. BUCKLEY:

21 Your Honor, as I understand this witness testimony  
22 he said he could not remember as well the facts  
23 and the events in regard to which he has testified  
24 as he could last January, and there is a very reasonat  
25 possible of error as to the times, places, and the

1 persons.

2 BY THE COURT:

3 I don't count that as particularize need, and your  
4 request is denied.

5 BY MR. BUCKLEY:

6 Q Mr. Miller, would you tell me the first time you  
7 ever recall seeing Mr. Bowers?

8 A I met Mr. Bowers a couple of times in Meridian  
9 before I went to Laurel to see him.

10 Q Yes sir I understand, but I'm just asking you for  
11 the date, if you recall the first time you remember  
12 seeing him?

13 A I don't remember the date.

14 Q It was approximately, if you will let me try and  
15 refresh your memory if I may, it was approximately  
16 the 10th of August 10th, 1967, uh, pardon me,  
17 1964, is that about right?

18 A I don't recall.

19 Q Well would you say it was before or after that  
20 day?

21 A I wouldn't say I don't recall and I wouldn't say  
22 what date it is that I met him, I can't say.

23 Q And have you attempted to tell anyone the date  
24 of the first time you saw him?

25 A I have told someone when I did see him after

1 September of '64.

2 Q And are you telling me that all of the, these  
3 things that you have testified to here in regard  
4 to Mr. Bowers that you know about occurred after  
5 September, 1964?

6 A I don't follow you.

7 Q Let me ask you another question. Who did you  
8 tell in September, 1964 that you had seen him?

9 A Sir, I think you asked me if I remembered the  
10 dates, I told you that the dates were kept after  
11 September of 1964, not before.

12 Q I see. Well, do you remember whether you met  
13 him before August the 4th, 1964 or not?

14 A I won't recall.

15 Q Where did you first meet him, in Meridian or in  
16 Laurel?

17 A I met him in Meridian.

18 Q In Meridian, where did you first meet him in  
19 Meridian or in Laurel?

20 A In Meridian, I saw Mr. Bowers two or three times  
21 in Meridian.

22 Q In Meridian, and you tell me you don't remember  
23 whether or not you first met him after the  
24 middle of July or before the middle of July?

25 A I wouldn't say what date, I don't remember.

1 BY MR. BUCKLEY: Q Do you know if it was before or after the 21st  
2                    A Oh, 22nd day of June, 1964?

3                    A I believe it was after the 21st of June.

4                    Q Your Honor, if it please the Court, the defendant

5 BY MR. BUCKLEY: A Bowers respectfully removes on the basis of that

6                    A that the testimony of this witness regarding

7                    A Mr. Bowers be excluded from the record because

8 BY MR. BUCKLEY: A As I understand his testimony it should be

9                    A excluded from the consideration of the Jury?

10 BY THE COURT: What?

11                    A What? I'm not sure, I'm not certain, I think it was

12 BY MR. BUCKLEY: June 21st.

13                    Q Your Honor I don't say he is contradicting himself,

14                    A but as I understand his testimony it is not the

15                    A same as it was a while ago and I move that it be

16                    Q excluded from consideration by the Jury in regard

17                    A to Mr. Bowers. All while you were being paid by the

18 BY THE COURT: Federal Bureau of Investigation for this information?

19                    A Well I don't think that is a basis for excluding

20                    A testimony. The rule is if the witness testifies one

21                    A way and later testifies in complete contradiction to

22                    A the first time you wouldn't exclude his testimony but

23                    A both of it would go to the jury for the jury's

24                    Q determination as to which one was right, so I'll

25                    A overrule your motion.



1 BY MR. BUCKLEY:

2 Your Honor, I wasn't saying he contradicted himself  
3 I was saying it needed clarifying to me, I don't  
4 remember what he said.

5 BY THE COURT:

6 I was just telling you how the rule goes and it  
7 wouldn't serve your purpose so it's overruled.

8 BY MR. BUCKLEY:

9 Q But you are pretty sure, Mr. Miller, that it was  
10 after June the 22nd?

11 A I'm not sure, sir, I'm not certain, I think it was  
12 after June 21st.

13 Q To the best of your recollection it was after June  
14 21st, 1964?

15 A Right.

16 Q One moment if it please the Court.

17 Now, Mr. Miller while you were being paid by the  
18 Federal Bureau of Investigation for this information  
19 you were all during this time keeping friendly with  
20 these people who are the defendants and also the  
21 ones you knew were fellow members of the Ku Klux  
22 Klan, were you not?

23 A Some of them I was friendly, yes sir.

24 Q The ones that you knew?

25 A No sir, not all that I knew?

- 1 Q Well all that you had been friendly with before?
- 2 A No sir, not all that I had been friendly with
- 3 before.
- 4 Q Just some of them?
- 5 A Right.
- 6 Q The ones the F. B. I. told you to be friendly with?
- 7 A No sir.
- 8 Q In other words, you were leading them on and try-
- 9 ing to draw them into your confidence?
- 10 A I wasn't trying to lead anyone.
- 11 Q You wasn't?
- 12 A No sir.
- 13 Q The F. B. I. never told you to try to get these
- 14 people's confidence and to get all the information
- 15 or get the information?
- 16 A They were interested in any information that they
- 17 could get, but I wasn't instructed as to how to
- 18 operate or where to go or anything.
- 19 Q Well, you know you would have to be friendly to
- 20 them to get any information out of them?
- 21 A That's right.
- 22 Q And you know also as a matter of fact as your
- 23 statement said you don't know anything about this
- 24 case, do you?
- 25 A No sir, I wasn't there.

1 Q Your Honor please I would ask again that all of  
2 these instruments that have been marked be  
3 in evidence as they are all certified copies.

4 BY THE COURT:

5 Well, you can introduce them after the government  
6 rests.

7 BY MR. WEIR:

8 I would like to ask the witness one question.

9 BY THE COURT:

10 Just one question, Your Honor, well it will be very  
11 short, it won't take over three minutes for me to  
12 ask mine but Mr. Alford has a few to ask also.

13 My questioning can be done in just about three minutes

14 BY THE COURT:

15 I'll let you try that.

16 BY MR. WEIR:

17 Thank you. Just call time on me Judge.

18 Q Mr. Miller, being frank about it, when you under-  
19 took to tell the Court and Jury about who were  
20 members of the White Knights of the Ku Klux Klan  
21 you mention, uh, you meant to say Mr. Travis  
22 Barnett and Mr. Horace Doyle Barnett were members  
23 and not E. G. Hop Barnette, didn't you?

24 A Travis and Doyle.

25 Q That's all and not E. G. Hop Barnett?

- 1 A I attended a meeting with Mr. Hop Barnett.
- 2 Q You can't swear that he's a member, can you?
- 3 A No sir, as a matter of fact he didn't come up-
- 4 stairs where we were meeting he was downstairs,
- 5 I don't know if he's a member.
- 6 Q And you don't undertake to give that impression
- 7 to the Court and Jury, do you?
- 8 A No sir.
- 9 Q Now, you did know Michael Schwärner in his life
- 10 time, didn't you?
- 11 A Right.
- 12 Q And he was an athesit?
- 13 A I understand he was.
- 14 Q That's a person who doesn't believe in God?
- 15 A Right.
- 16 Q And he and Andrew Goodman were both black headed
- 17 wasn't they?
- 18 A I didn't ever see Andrew Goodman.
- 19 Q Well, was Michael Schwerner black headed?
- 20 A He had sandy hair.
- 21 Q You are just as sure about that as everything
- 22 else you testified to?
- 23 BY MR. HAUBERG:
- 24 We object to that, if the Court please.
- 25 BY THE COURT:

602  
1 BY THE COURT:

2 Overruled.

3 BY THE WITNESS:

4 A I would say that Schwerner was sandy haired.

5 Q And would you say that you are just as positive  
6 that he was sandy haired as anything else that you  
7 have testified to here today?

8 BY THE COURT:

9 You've asked him that once haven't you?

10 BY MR. WEIR:

11 I'll withdraw it.

12 Q Now, Mr. Miller when you were paid were you paid  
13 by cash, check or money order?

14 A Cash.

15 Q And did anyone ever pay you besides this Mr.  
16 Mitchell?

17 A No sir, uh, Mr. Proctor did after Mr. Mitchell  
18 left.

19 Q And he continued to pay you how much per month  
20 for your information?

21 BY MR. HAUBERG:

22 If the Court please we are going to object to his  
23 going back over that, I think they have explored<sup>th</sup> that  
24 far enough.

25 BY THE COURT:

1 I think so too Mr. Weir, ask him something else.

2 BY MR. WEIR:

3 Q What amount of money, did you hear was out as  
4 the reward for information in this case?

5 BY MR. HAUBERG:

6 We object to that.

7 BY THE COURT:

8 Sustained.

9 BY MR. WEIR:

10 Q You didn't take advantage of any reward money  
11 you say?

12 BY MR. HAUBERG:

13 We object to that.

14 BY THE COURT:

15 Sustained.

16 BY MR. WEIR:

17 Q Why did you start working for the F. B. I. on  
18 September the 13th when you say you started  
19 working for them?

20 A That was when I first went to them.

21 Q You went to them or them to you?

22 A No sir, I went to them.

23 Q If the Court please, I believe my three minutes  
24 are up.

25 BY THE COURT:

1 All right, we'll take a thirty minute recess and we'll  
2 convene back in here in thirty minutes.

3 (Whereupon Jurors excused from Jury room)

4 (Whereupon the Court took a recess at 6:07 P. M. for  
5 thirty minutes)

6 AFTER RECESS:

7 BY MR. ALFORD:

8 Your Honor please, I don't believe I have anything  
9 further of this witness.

10 BY THE COURT:

11 All right, does the government have any further  
12 questions?

13 BY MR. DOAR: REDIRECT EXAMINATION

14 Q Mr. Miller, I hand you four documents and wonder  
15 if you would look at those and tell me if you  
16 recognize those?

17 A Yes sir.

18 Q And what are those documents?

19 A This is an application blank for the Ku Klux  
20 Klan, White Knights.

21 BY MR. BUCKLEY:

22 Your Honor now if it please the Court, we object to  
23 this, we don't believe this is proper redirect.  
24 He asked him about these very same things on direct  
25 examination, membership in the organization.

1 BY THE COURT:

2 Well, I don't know what he's going after, but I  
3 think I do and I believe it is in rebuttal.

4 BY MR. DOAR:

5 Q And what is the next document?

6 A This here is one they read and its a ceremony.

7 Q A ceremony, what kind?

8 A When a new member comes in?

9 Q In the Klan?

10 A Right.

11 Q Where did you get that document, the second one?

12 A From Preacher Killen.

13 Q When did you get it?

14 A March or April of '64.

15 Q And what is the next document that you have there?

16 A Its an executive lecture of March 1st of '64.

17 Q And where did you get that from?

18 A I got this also from him, Preacher Killen.

19 Q When?

20 A It was after March 1st, I don't recall the actual  
21 date on it that I did get it.

22 Q It was after you joined the Klan?

23 A Yes sir.

24 Q And the fourth manual, uh, document that I hand  
25 you?



1 A Its a manual for recruiting members and sets  
2 out details of the things a organizer or recruiter  
3 should do.

4 Q And when did you get that?

5 A It was sometimes after I joined the Klan.

6 Q Q And you tell me all of these documents of White  
7 Knights of the Ku Klux Klan documents?

8 BY MR. BUCKLEY:

9 Your Honor, if it please the Court I object to his  
10 leading the witness.

11 BY THE COURT:

12 Well, overruled.

13 BY MR. DOAR:

14 I would like to show those to Counsel for defendants  
15 and then I would like to offer those in evidence.

16 BY THE COURT:

17 Haven't you gentlemen see those documents before or  
18 some like them?

19 BY MR. ALFORD:

20 No sir, we have not.

21 BY MR. BUCKLEY:

22 May it please the Court, if I understand it this is  
23 not proper redirect, this is something that he had  
24 an opportunity to do and should have on direct examina  
25 tion examination, direct, and I don't think this is  
proper.

1 BY THE COURT:

2 that  
3 Well this is something/was gone into and I don't be-  
4 lieve that's outside the range of cross examination  
5 testimony that was brought out and I think its  
6 rebuttal. Do those papers fairly characterized as  
7 saying that they were papers that were executed by  
8 you or given to you in connection with your induction  
into the organization?

9 BY THE WITNESS:

10 I initially signed them and placed the dates that  
11 I turned them over----

12 BY THE COURT:

13 Did you understand my question?

14 BY THE WITNESS:

15 I must not have, sir.

16 BY THE COURT:

17 I was trying to see if it could be an accurate  
18 characterization of those four documents to say they  
19 were either instruments like your original application  
20 or they were other instruments that were given to you  
21 in connection with your induction into this organization

22 BY THE WITNESS:

23 They were given to me after I was inducted sir.

24 BY THE COURT:

25 After you were inducted, all right.

1 BY MR. BUCKLEY:

2 Your Honor, I would interpose an objection for it  
3 being used as to those in the prima facia case where  
4 conspiracy has shown to be, uh, for the persons in-  
5 volved in the conspiracy.

6 BY THE COURT:

7 Yes, well, I'll overrule the objection. All right  
8 gentlemen, I'm going to admit those documents into  
9 evidence and let them be entered and marked.

10 (Whereupon exhibits entered into evidence as one  
11 exhibit and marked P-68)

12 BY MR. DOAR:

13 Q Now, you, uh, while you were a member of the  
14 White Knights of the Ku Klux Klan, can you tell  
15 me whether or not names were used?

16 A By members?

17 Q Yes sir.

18 A No sir, they used numbers.

19 Q What was your number?

20 A Number one.

21 Q What was Frank Herndon's number?

22 A Number two.

23 Q And do you know any of the numbers of any of the  
24 other defendants?

25 A Jim Jordan.

1 BY MR. ALFORD:

2 Now, Your Honor, this is not proper redirect examination

3 BY THE COURT:

4 Yes, I think you are right.

5 BY MR. ALFORD:

6 And move that his answers be stricken.

7 BY THE COURT:

8 Well, he's already answered so I believe I'll overrule  
9 that, what I'm saying is that isn't proper, and it is  
10 not in rebuttal.

11 BY MR. DOAR:

12 Q I believe you were asked on cross examination as  
13 to the head of the Lauderdale Unit of the White  
14 Knights, can you tell me who that was?

15 A Mr. Herndon, Frank Herndon.

16 Q What was his title?

17 A E. C. Exalted Cyclops.

18 BY THE COURT:

19 I thought you said he was a Kleagle.

20 BY THE WITNESS:

21 Mr. Herndon, no sir.

22 BY MR. BUCKLEY:

23 Your Honor, if it please the Court, I hate to keep  
24 objecting but unless it is restricted to dates and  
25 times it is a little confusing to us and we wish

1 the Court would so instruct Counsel to restrict  
2 it to some reasonable accurate date.

3 BY THE COURT:

4 I don't think he's asked him anything that dates and  
5 times would make so much difference and I'll overrule  
6 your objection.

7 BY MR. DOAR:

8 I'll ask him the dates.

9 BY THE COURT:

10 All right.

11 BY MR. DOAR:

12 Q When was Frank Herndon the E. C. of the Lauderdale  
13 Klavern?

14 A While I was a member of it.

15 Q Now, one of the Counsel asked you about whether  
16 Mr. Goodman or Mr. Chaney were discussed at any  
17 of the meetings?

18 A No they weren't.

19 Q Was Mr. Schwerner discussed?

20 A He was.

21 Q What was that discussion?

22 A We didn't like it because of the job that he was  
23 doing, the work he was doing-----

24 BY MR. WEIR:

25 Your Honor, I object unless some of the defendants are

1 are proven to have been present on the date and  
2 time.

3 BY THE COURT:

4 Yes, I think so, I think you would have to name the  
5 defendants and I think your statement there is somewhat  
6 a summation of what you thought it was, but I think  
7 you would be required to state in substance what it was  
8 that was said or done or who it was that are defendants  
9 in this case that was present or participated, go  
10 along.

11 BY MR. DOAR:

12 Q Are you able to restrict your testimony to that?

13 A I can only recall two being present and that was  
14 Mr. Herndon and Mr. Killen being present.

15 Q Could you tell me whether or not your testimony  
16 would be different than what you gave on direct  
17 examination?

18 A It wouldn't be any different.

19 Q Thank you.

20 BY MR. WEIR:

21 Your Honor please, I have a few questions to ask  
22 him now.

23 Q Mr. Miller, whenever Reverend Killen came to your  
24 home he didn't tell you that he helped put anybody  
25 in a dam?

1 BY MR. HAUBERG:

2 We object, this is not re-cross.

3 BY THE COURT:

4 I'll let him answer that?

5 BY THE WITNESS:

6 A. No sir.

7 Q. And he didn't tell you that he had helped killed  
8 anybody, did he?

9 A. No sir.

10 Q. And in other words when he was telling you about  
11 that he was just telling you something that he had  
12 heard, wasn't it?

13 A. The words that----

14 Q. If it please the Court, may I require him just to  
15 answer my questions?

16 BY MR. HAUBERG:

17 If the Court please, I would like to renew my objection.

18 This certainly isn't re-cross examination.

19 BY THE COURT:

20 I would question that, but that is such an important  
21 point and this is such an important witness that I'm  
22 going to give him the benefit of the doubt and let  
23 him answer that. You have a right to have an answer  
24 to your question, and the witness will answer, and  
25 then you may make an explanation if you wish to do so.

1 BY MR. WEIR:

2 Your Honor please then may I withdraw the question  
3 then in view of the Court's ruling, I don't believe  
4 I want to go into the matter any further.

5 BY THE COURT:

6 You mean you don't want your questions answered?

7 BY MR. WEIR:

8 Not unless he's required to answer it.

9 BY THE COURT:

10 I told him to directly answer it and then he, if he  
11 wanted to explain it he might do so.

12 BY MR. WEIR:

13 Q Then what Reverend Killen told you was something  
14 about where the bodies alleged bodies might be  
15 or about whether or not they might have been killed  
16 was based on information he had heard and not  
17 something that he did himself, wasn't it?

18 A Preacher Killen told me that he did not do it  
19 that he was home in bed.

20 Q Yes sir. Now, Mr. Miller, I want to ask you one  
21 other question. This literature that you produced  
22 here and since we took the break for supper, you  
23 knew about that, taking the break for supper, now  
24 where did you go during the supper hour, or the  
25 thirty minutes?



- 1 A I went across the hall.
- 2 Q And whose office was that?
- 3 A I suppose it was the U. S. Attorney or the District
- 4 Attorney's office, I went in there and sat down.
- 5 Q Did you talk with anyone in there?
- 6 A Yes sir.
- 7 Q Who?
- 8 A Talked to Mr. Doar.
- 9 Q Now was that when he discovered that you had this
- 10 literature that hand't been brought out on direct
- 11 examination?
- 12 A No sir.
- 13 Q When did you tell them that you had that literature?
- 14 A I hadn't had that literature in a long time.
- 15 Q Who had it then?
- 16 A They had it.
- 17 Q And they showed it to you then?
- 18 A I saw it.
- 19 Q Well, did they have it in their hands and present
- 20 it to you?
- 21 A They had it in a case or a briefcase or whatever
- 22 it is.
- 23 Q Who did that?
- 24 A Mr. Doar.
- 25 Q And then you came back onto the stand after the

1 recess and testify.

2 Q That's right.

3 Q Have you ever testified in court before?

4 A I have sir.

5 Q Many times.

6 A Right.

7 Q And you know what it means about putting a  
8 witness under rule, are you familiar with that?

9 A I've heard of it.

10 Q What does it mean to your understanding?

11 BY THE COURT:

12 Well, we don't care about finding out -----

13 BY MR. WEIR:

14 Will you grant me just one short Conference?

15 That's all the examination I have, Your Honor.

16 BY MR. FIGFORD:

17 May it please the Court, we now move to exclude all  
18 of the testimony and the exhibits introduced since  
19 at the supper break that on the grounds that the  
20 government attorney has talked to this witness during  
21 the supper break and as we understand it that is  
22 a violation of the rule on witnesses, which was  
23 invoked. I understand that the Court instructed  
24 all the attorneys that we may not do that.

25 BY THE COURT:

1 Well, what I'm apprehensive about is when the rule is  
2 invoked some attorney would leave the courtroom and  
3 tell the witness out in the hall something some wit-  
4 ness in here has said and that would be violative of  
5 the rule, I haven't said this would be a violation of  
6 the rule, I don't think that/<sup>it</sup>is, and I'll overrule  
7 your motion.

8 BY MR. BUCKLEY:

9 If the Court please I would like to ask the witness  
10 one more question.

11 BY THE COURT:

12 All right, just stand right where you are.

13 BY MR. BUCKLEY:

14 Q Mr. Miller, you testified, as I recall that there  
15 was only meeting where Swinner was mentioned?

16 A I testified as to two.

17 Q Two meetings? And you testified that you only  
18 recalled the names of two people that were there,  
19 what I want to know is if I understood you  
20 correctly or not?

21 A All that I recall was two.

22 Q And you tell this Court and Jury that you do not  
23 recall Mr. Bowers being there?

24 A I don't believe, no sir, he wasn't there.

25 Q Your Honor that was the basis of the motion

1 while ago as to dates that he did not get it clear  
2 in his first testimony, the reason because the  
3 witness was jumping around on dates, and that was  
4 the reason for my motion that his testimony be  
5 excluded as to Mr. Bowers.

6 BY THE COURT:

7 I understand, Overruled. Anything further?

8 (Whereupon witness excused)

9 RUEL MAY, JR., CALLED AS A WITNESS FOR AND ON BEHALF  
10 OF PLAINTIFF, WAS SWORN AND TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. OWEN:

13 Q Will you state your name please?

14 A Ruel May, Jr.

15 Q Where do you live?

16 A Jackson, Mississippi.

17 Q What kind of work do you do?

18 A I am an oral surgeon.

19 Q Are you licensed to practice dentistry in the State  
20 of Mississippi?

21 A Yes.

22 Q How long have you practiced here?

23 A In the State?

24 Q Right.

25 A Ten years.

- 1 Q Where did you go to dentistry school?
- 2 A Baylor University College of Dentistry.
- 3 Q And did you go to any graduate schools?
- 4 A I went to the graduate school of medicine at the
- 5 University of Pennsylvania.
- 6 Q Did you have any internship or residency?
- 7 A I had an internship and two years residency.
- 8 Q Where was that?
- 9 A Parkland Memorial Hospital in Dallas, Texas.
- 10 Q What professional soccieties are you a member of?
- 11 A Mississippi Dental Association, The American
- 12 Society of Oral Surgeons, the Southeastern Society
- 13 of Oral Surgeons, American Board of Oral Surgeons,
- 14 International Society of Oral Surgeons, Flying
- 15 Dentists.
- 16 Q Were you in service?
- 17 A Yes.
- 18 Q What was your job there?
- 19 A I was an oral surgeon for the Tenth Air Division
- 20 in Alaska.
- 21 Q Now, while you were in the service, were you ever
- 22 called upon to identify a body by comparing the
- 23 teeth of a dead person with known dental charts?
- 24 A Yes.
- 25 Q Would you explain how you did it?

1 A Well, whenever a person was inducted into the  
2 Air Force, at the Induction Station, they would  
3 make dental records, and these dental records  
4 would travel on with this person wherever he went  
5 in the service, and whenever there was any addition  
6 to his dental record it was put on the chart as  
7 he progressed on, they had a complete chart of his  
8 dental work the whole time he was in the service.

9 Q Now, what use was this chart to you in your attempt  
10 to identify a body?

11 A The dental apparatus of an individual is just  
12 peculiar to any individual.

13 Q And how do you identify a body by this method?

14 A Well, compare the teeth are present, compare  
15 the ones that are missing, the cavities that are  
16 there, the fillings that are there, bridgework  
17 that's there?

18 Q Is it a positive means of identification?

19 A Well we felt in the Air Force that it was as  
20 positive means as there was available.

21 BY MR. WEIR:

22 We object to what they felt, it either is or isn't.

23 BY THE COURT:

24 Overruled.

25 BY MR. OWEN:

1 Q Were you asked to identify the bodies of certain  
2 individuals in 1964 by this method?

3 A Yes sir.

4 Q Do you remember when that was?

5 A The exact date?

6 Q Yes.

7 Q No answer

8 BY THE COURT:

9 Speak out Doctor.

10 BY THE WITNESS:

11 A No sir.

12 Q Do you remember where it was?

13 A Yes.

14 Q Where was it?

15 A In the Morgue at the University Hoospital.

16 Q And who was present, if you remember?

17 A Well, I remember Mr. Cochran being there.

18 Q Who was he?

19 A He's a F. B. I. Agent.

20 Q Can you name anyone else that was present?

21 A I remember Sheriff Price and Sheriff Rainey and Dr.  
22 Featherstone, a lot of patholigist residents from  
23 the hospital, a lot of students, Dr. Wilson, who  
24 is the Administrator of the Hospital, Mrs. Truiett  
25 who is Public Relations Director of the hospital,

- 1 and there were a lot of people that I did not know.
- 2 Q I hand you government's exhibits 45 through 48
- 3 and see if you can identify those?
- 4 A Yes.
- 5 Q When were those notes made?
- 6 A That night at the morgue at the University
- 7 Hospital.
- 8 Q What did you do there?
- 9 A Well, I made three charts of the three bodies.
- 10 Q Examination of the bodies?
- 11 A Examination of the mouths.
- 12 Q Was that recorded in anyway?
- 13 A Yes.
- 14 Q Are those the notes?
- 15 A Yes sir, these are they.
- 16 Q Did you record those?
- 17 A No, I did not.
- 18 Q Who did?
- 19 A A medical student named Emory.
- 20 Q And did you, uh, do your initials appear on each
- 21 page of those notes?
- 22 A Yes.
- 23 Q After you completed your examination of these
- 24 bodies what did you do?
- 25 A Well I went on to bed.



1 Q Did Agent Cochran gave you anything?

2 BY MR. ALFORD:

3 Object to him leading the witness, if the Court please.

4 BY THE COURT:

5 Overruled. Go along.

6 BY MR. OWEN:

7 Q Did Agent Cochran give you or show you anything?

8 A He took me off in another room and gave me some  
9 records.

10 Q I show you plaintiff's exhibit 43 and 44, do you  
11 recognize those charts?

12 A It looks like them.

13 Q Like what?

14 A Charts that Mr. Cochran had.

15 Q Did you prepare those charts at that time with  
16 the results of your examination of the three bodie

17 A Yes sir.

18 Q Now, what what your conclusion after comparison?

19 A Well, my conclusion was ---

20 BY MR. WEIR:

21 We object, if Your Honor please, he hasn't properly  
22 identified the things that he drew his conclusions  
23 frpm in the first place and we object for another  
24 reason that it hasn't been proven to be admissibl

25 BY MR. OWEN:

1           They are in evidence, Your Honor.

2       BY THE COURT:

3           I understand.

4       BY MR. WEIR:

5           I think they are only marked for identification, Your  
6           Honor, I'm not sure but that was my understanding.

7       BY THE COURT:

8           Are they marked in evidence or for identification?

9       BY MR. HENDRICKS:

10          He's does not seem to know, he seems casual about  
11          whether those are the same charts that were handed  
12          to him.

13       BY THE COURT:

14          Well, I'll let you ask the doctor a little more to  
15          find out if he is or is not familiar with what you  
16          are talking about.

17       BY MR. OWEN:

18          Q    Would you look at those notes, now can you  
19                identify those, just tell the Court and Jury what  
20                they are, when they were made and if they are  
21                fair and accurate representation of your notes?

22          A    Well, the way the procedure is done, you open  
23                the mouth and with instruments you make your  
24                examination, this I did, and dictated what I saw  
25                to the medical student named Emory, who wrote

1                   this done as I dictated it.

2                   Q   And those are the notes that were written down?

3                   A   This is what Emory wrote down.

4                   Q   And did you review those notes?

5                   A   Yes.

6                   Q   That night?

7                   A   Yes.

8                   Q   And do they accurately reflect the dental apparatus  
9                   of those three bodies?

10                  A   Yes.

11                  Q   I would like to introduce those into evidence.

12                  BY MR. WEIR:

13                   I object because its hearsay, and it is not the best  
14                   evidence.

15                  BY THE COURT:

16                   Well, I'll overrule your objection and let them be  
17                   entered. I understood they were already entered and  
18                   marked.

19                  BY MR. OWEN:

20                   I believe they were marked for identification, Your  
21                   Honor.

22                  BY THE CLERK:

23                   They were only marked for identification, Your Honor.

24                  BY THE COURT:

25                   Well, I will now let them be entered into evidence and

1 marked with the same numbers.

2 (Whereupon exhibits entered into evidence and marked  
3 Plaintiff's exhibits)

4 BY MR. OWEN:

5 Q Now, that night did you make a comparison with  
6 those notes with the charts that Special Agent  
7 Jay Cochran showed you?

8 BY MR. WEIR:

9 Object, Your Honor.

10 BY THE COURT:

11 Overruled.

12 BY MR. WEIR:

13 May we have a continuing objection, Your Honor, to  
14 save time.

15 BY THE COURT:

16 On everything he's going to ask him?

17 BY MR. WEIR:

18 Concerning this chart.

19 BY THE COURT:

20 All right, you may have a continuing objection.

21 BY MR. WEIR:

22 Thank you sir.

23 BY THE COURT:

24 It stands overruled.

25 BY MR. OWEN:

1 Q With respect to exhibit, what is that exhibit  
2 number?

3 A Forty-four.

4 Q With respect to exhibit number 44 were there  
5 any differences in the notes you took and the  
6 chart that was given to you?

7 A The differences are that were a couple of  
8 additional cavities appeared in these teeth that  
9 did not appear here, also some impacted wisdom  
10 teeth that were partially erupted since this  
11 was made.

12 Q Now, with respect to the dental chart of exhibit  
13 44, what was your conclusion with respect to the  
14 identity of that particular body which you ex-  
15 amined?

16 A Body number one was compared favorably with this  
17 dental chart.

18 Q Favorably?

19 A Same body, or same mouth.

20 Q In other words, if that chart which you were  
21 shown reflected the apparatus of that person,  
22 that body was that person?

23 A As far as I was concerned.

24 Q Now, how about body number 2? Were there any  
25 differences between the notes and the charts?

1 A In my examination, I found that there was a special  
2 kind of filling in a tooth that was labeled here  
3 in a tooth but it wasn't labeled that kind of  
4 filling.

5 Q Was that the only difference you note?

6 A That's right.

7 Q And that was body number 2?

8 A Yes.

9 Q What was your conclusion after you made this  
10 comparison with respect to identify number 2  
11 body?

12 A The same.

13 Q What was that?

14 A It was the same.

15 Q In other words that chart compared with your notes  
16 reflected the identity of body number 2, that  
17 body which you examined was that person?

18 A Right.

19 BY MR. ALFORD:

20 Your Honor please, we object to him leading.

21 BY THE COURT:

22 I think he's trying to articulate for the doctor.

23 BY MR. ALFORD:

24 If the Court please, we object.

25 BY THE COURT:

1 I understand that, some doctors don't need  
2 anyone to articulate for them and some doctors  
3 do. I'll overrule your objection.

4 BY MR. OWEN:

5 Thank you.

6 BY MR. WEIR:

7 Your Honor please, at this time I would like to renew  
8 our objection and ask if the Court would strike the  
9 evidence given by this doctor.

10 BY THE COURT:

11 Overrule your objection.

12 BY MR. WEIR:

13 Thank you.

14 BY MR. BUCKLEY:

15 May I proceed, Your Honor?

16 BY THE COURT:

17 Yes sir.

18 CROSS EXAMINATION

19 BY MR. BUCKLEY:

20 Q Dr. May, had you ever seen this chart before  
21 this night?

22 A No.

23 Q And you consequently had never seen this dental  
24 apparatus before that night had you?

25 A Of those bodies?

1 Q Yes sir.

2 A No.

3 Q Had you ever seen those dental charts before?

4 A These?

5 Q Uh, the ones I believe that are marked government  
6 exhibits number 44 and 45.

7 A No sir, I never had.

8 Q You have no personal knowledge, Doctor of when  
9 those dental charts were prepared?

10 A I have no knowledge at all.

11 Q And you have no personal knowledge as to who made  
12 those dental charts, do you?

13 A I do now.

14 Q I say personal knowledge.

15 A At that time?

16 Q Yes sir.

17 A I had no idea.

18 Q And doctor the only way those bodies could posi-  
19 tively be identified by the teeth would be the  
20 particular dentist who had done the work on them  
21 wouldn't it?

22 BY MR. HAUBERG:

23 We object, that would call for a conclusion.

24 BY THE COURT:

25 I'll let him state his answer.



1 Q Doctor May, is it not true that the only person  
2 who could absolutely go in there and say this  
3 dental apparatus belonged to a particular person  
4 is the person that did the work, or who did that  
5 person's dental work prior to that time?

6 A I don't necessarily think that sir.

7 Q They would have to have some familiarity to that  
8 prior to that time wouldn't they Dr. May?

9 A Not necessarily, in the Air Force we never had  
10 any familiarity with anyone that came through,  
11 and we had a procedure by which we charted these  
12 things, anybody that was there could identify  
13 them.

14 Q Yes sir. Let me rephrase my question. What I'm  
15 saying is that you could not of your own knowledge  
16 testify as to who these parties were could you?

17 A No.

18 Q And you don't know but what these dental charts  
19 could have been made up a short time before you  
20 made your examination, do you?

21 A Could have been.

22 Q Thank you.

23 BY MR. WEIR:

24 Q Dr. May, if the same two people had the same  
25 teeth missing, then the identification as far as

1                   you are concerned would appear just alike, would  
2                   it?

3           A    No sir.

4           Q    Why not?

5           A    Because they may have different types of fillings.

6           Q    Well, suppose if a person had no fillings at all  
7                   and they had the same teeth extracted or missing,  
8                   then the identification would turn up just  
9                   exactly alike wouldn't it?

10          A    Would you restate that question please?

11          Q    If the Court please, may the Court Reporter  
12                   read it back to him, or I will state it over,  
13                   either way the Court would like?

14   BY THE COURT:

15               He may read it back.

16   BY THE COURT REPORTER:

17               Well, suppose if a person had no fillings at all  
18                   and they had the same teeth extracted or missing,  
19                   then the identification would turn up just exactly  
20                   alike wouldn't they?

21          A    Possibly.

22   BY MR. WEIR:

23          Q    So, there could be mistakes made in identifying  
24                   a person couldn't it?

25          A    Well, its possible.