

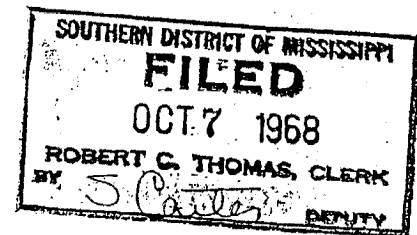
1
2 United States of America

3 v.

4 Cecil Ray Price, et al

5 Criminal Action No. 5291 Eastern

6
7 Pages 751 through 1325



1 BY THE COURT:

2 I understood what he said. Go along. Overruled.

3 BY THE WITNESS:

4 Now he said that he had orders to check on that car,
5 said it had been said that some white people riding
6 in the car with them.

7 BY MR. DOAR:

8 Q What did Mr. Walker say to him?

9 A Mr. Wilson?

10 Q Wilson, yes.

11 Q Well he told him that hadn't been any white
12 people in his car.

13 Q And what race are Mr. and Mrs. Wilson?

14 BY MR. WEIR:

15 Your Honor please, could we have the hearing of this
16 testimony outside the presence of the jury to
17 determine whether or not its admissible and relevant?

18 BY THE COURT:

19 I am holding that it is admissible.

20 BY MR. WEIR:

1 Yes sir, then may I have a continuing objection
2 without object each time a question is asked?

3 BY THE COURT:

4 Yes sir. You may have a continuing objection and let
5 it be overruled.

1 BY MR. DOAR:

2 Q. What race are the Wilson?

3 A. They are negroes.

4 Q. And then what, if anything, else was said?

5 A. N, I don't, I can't remember of anything else only
6 he came over that same statement to them just like
7 he did me when I first met him at the car. He
8 told them if they was down there and that they knew
9 what was going on around here and they did too
10 and says if yall are down here for anything like
11 that well we are just not going to have it.

12 BY THE COURT:

13 You told us that once. Let's get to something else.

14 BY MR. DOAR:

15 Q. Did Mr. Barnette say anything?

16 A. No. He asked the lady why didn't she write in
17 about it and try to get it stopped/

18 Q. And what did she say?

19 A. Well, she told him that they wasn't taking any
20 part in the civil rights activities no way no how.

21 BY MR. DOAR:

22 Thank you.

23 BY MR. WEIR:

24 Court please, I renew my objection, move the Court to
25 exclude it and instruct the jury not to consider it.

1 BY THE COURT:

2 Overruled.

3 BY MR. WEIR:

4 I also move the Court to grant a mistrial.

5 BY THE COURT:

6 That's overruled too.

7 Any cross examination?

8 (Whereupon witness excused)

9 HAROLD B. HOLLEY, called as a witness for and on
10 behalf of Plaintiff, was sworn and testified as
11 follows:

12 BY MR. OWEN:

13 Direct Examination

14 Q Would you state your name please?

15 A Harold B. Holley.

16 Q In 1964 where did you live?

17 A Philadelphia.

18 Q What was your job during the year 1964?

19 A City policeman.

20 Q Now were on you duty on June 21, 1964?

21 A I was.

22 Q Now what were your hours of duty?

23 A Four in the afternoon until twelve midnight.

24 Q Now, generally would you tell the Court and Jury
25 what you did on duty, whether you patrolled or

1 did you run the radio or what you did?

2 A Well, I patrolled except on Sunday, I was on
3 the radio part time that Sunday night?

4 Q Did you remember what time you went on the radio
5 that Sunday night?

6 A Around 9:00 o'clock, 9:15 or something like that.

7 Q Now, did you stay on the radio that night?

8 A Until twelve o'clock or twelve fifteen, something
9 like that.

10 Q Now, between nine o'clock and midnight, how many
11 city policemen were on duty that night?

12 A Two.

13 Q Who were there?

14 A Myself and Richard Willis.

15 Q Can you point out Richard Willis here in this
16 courtroom?

17 A Right there.

18 Q How many men from the end?

19 A He's the third man.

20 Q That's all the questions I have, Your Honor.

21 BY MR. WEIR:

22 Just a moment, Your Honor.

23 BY THE COURT:

24 Any cross?

25 BY MR. WEIR:
No sir.

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(Whereupon witness excused)

DELMAR DENNIS, called as a witness for and on behalf
of Plaintiff, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. DOAR:

Q Would you tell the Court and jury your full name?

A Delmar Dennis.

Q Where do you live?

A 3228-46th Street, Meridian.

Q What is your occupation?

A I'm a minister.

BY THE COURT:

Let me get your name again please sir?

BY THE WITNESS:

Dennis, Delmar Dennis.

BY THE COURT:

Thank you.

BY MR. DOAR:

Q How long have you lived in Mississippi?

A All of my life.

Q Where were you raised?

A I was raised in Scott County, Mississippi.

Q How long have you been, excuse me, how old are
you?

A 27.

- 1 Q How long have you been a minister?
- 2 A Since I was 14. 13 years sir.
- 3 Q What churches have you held or had in State of
- 4 Mississippi?
- 5 A I have served churches in the Southern Baptist
- 6 Denomination, the Methodist and the Southern
- 7 Methodist.
- 8 Q And where did you have those churches?
- 9 A In Scott County, Leake County, Jasper County,
- 10 Neshoba County and Lauderdale County.
- 11 Q When were you a minister in Neshoba County?
- 12 A I was there for about 6 months in 1960.
- 13 Q What is your present church?
- 14 A I'm not pastoring a church at the present time?
- 15 Q What was the last church that you were pastor of?
- 16 A The First Southern Methodist Church in Meridian.
- 17 Q When were you pastor of that church?
- 18 A I was pastor of that church on October 7 of 64
- 19 so it has been a little less than 3 years.
- 20 Q Do you any writing?
- 21 A Yes, some.
- 22 Q And this is in connection with your work?
- 23 A Yes.
- 24 Q Are you a member of the White Knights of the Ku
- 25 Klux Klan?

- 1 A I have been up to the present time, yes sir.
- 2 Q When did you join the White Knights of the Ku
- 3 Klux Klan?
- 4 A In March of 1964.
- 5 Q And where did you join?
- 6 A Joined at the Cash Salvage Store on 65th Avenue
- 7 in Meridian.
- 8 Q And can you look around in the courtroom on the
- 9 inside of the rail and tell me whether anyone
- 10 sitting there was present at that meeting of
- 11 the White Knights of the Ku Klux Klan when you
- 12 joined?
- 13 A Edgar Ray Killen was present, Wayne Roberts,
- 14 Frank Herndon.
- 15 Q Anyone else?
- 16 A Pete Harris.
- 17 Q Can you identify those for the Court by counting
- 18 down.
- 19 BY THE COURT:
- 20 Who was the last one?
- 21 BY THE WITNESS:
- 22 Pete Harris.=
- 23 BY THE COURT:
- 24 Thank you.
- 25 BY THE WITNESS:

1 A The first person on the end Wayne Roberts, the
2 fifth is Pete Harris, the 7th is Edgar Ray
3 Killen and Frank Herndon is over here in his
4 pajamas.

5 Q Who had charge of the meeting?

6 A Edgar Ray Killen.

7 BY THE COURT:

8 Who is Pete Harris?

9 BY THE WITNESS:

10 James Harris, I believe.

11 BY MR. DOAR:

12 Q Can you tell me the purpose of that first
13 meeting of the White Knights of the Ku Klux Klan?

14 A Yes, Mr. Killen explained, first of all what a
15 fine organization that it was that it stood
16 for christianity and American constitution and
17 that it was for the purpose of segregation and
18 preservation of the white race.

19 Q Was anything else said by Mr. Killen at that
20 meeting?

21 A Quite a bit was said by Mr. Killen at that
22 meeting and at other meetings.

23 Q I'm just asking you about this meeting?

24 A Mr. Killen administered the oath to those that
25

1 wished to join and explained other things.

2 Q Did you join?

3 A I did.

4 Q Did you get a number?

5 A I did.

6 Q What was your number?

7 A Number thirty-two.

8 Q Did Mr. Killen explain the Klan action?

9 A After the swearing in ceremony he explained that
10 it was an organization of action no Boy Scout
11 group, that we were here to do business.

12 Q Did he explain what he meant by that?

13 A He said there would be things that the Klan would
14 need to do and would do and among those would be
15 the burning crosses, people would need to be
16 beaten and occasionally there would have to be
17 elimination.

18 Q What did he mean by elimination?

19 A He meant killing a person.

20 BY MR. BUCKLEY:

21 Your Honor may it please the Court I'm going to object
22 to this testimony, telling what someone had mentioned.

23 BY THE COURT:

24 He said he said it so I'll overrule your objection.

25 BY MR. DOAR:

1 Q Did he explain how various types of action
2 would be approved?

3 BY MR WEIR:

4 Now if Your Honor please we object to various actions
5 and ask the Court to ask him to define it just as to
6 the action in this case.

7 BY THE COURT:

8 Well I assume that's what his question calls for.

9 BY MR DOAR:

10 Q Did he say how the action was described in your
11 answer to my last question?

12 BY MR. WEIR:

13 And I object again if Your Honor please.

14 BY THE COURT:

15 Overruled.

16 BYMR. WEIR:

17 May I have a continuing objection.

18 BY THE COURT:

19 Yes and it stands overruled.

20 BY THE WITNESS:

21 A He explained that any project that was carried
22 out by the Klan had to be approved by the Klan,
23 that no person was to do anything on their own
24 and if they did, they would not receive any
25 protection or any money or any help whatsoever

1 from the Klan.

2 Q Did he say who would approve these proejcts?

3 BY MR. BUCKLEY:

4 Your Honor please the Court I would object to the
5 testimony of this witness be used against anyone until
6 and unless it is shown to be a part of this, uh,
7 as they are alleged, a conspiracy or a plot.

8 BY THE COURT:

9 I understand that's what he's trying to prove so I'll
10 overrule your objection Counsel.

11 BY MR. HENDRICKS:

12 If it please the Court we object to his leading type
13 questions.

14 BY THE COURT:

15 Overruled. Let's get along gentlemen, let's don't
16 give rise to so many frivolous type objections.

17 BY MR. DOAR:

18 Q Would you answer?

19 A Could you repeat the question please?

20 Q Can you explain the type of approval for the
21 various types of action of the Klan procedure
22 which you have discussed?

23 A Yes, a person would report to the local Klavern
24 and thenext meeting after he deciedded that
25 certain things should be done it would be

1 voted on by the group and if approved then it
2 would be carried out by those who volunteered to
3 carry out and this included cross burnings and
4 occasional beatings, but the elimination was
5 reserved by the ruling of the State Organization
6 and after approval a local Klavern it had to
7 be approved by the state.

8 Q Now after the approval, I'll withdraw that. Did
9 you attend any subsequent meetings of the Klan
10 prior to June 21, 1964?

11 A I did.

12 Q Where did you attend those meetings.

13 Q Some of them were held at the cash salvage store,
14 some of them were held at Harrison Box House,
15 some of them were in the trailer at Frank
16 Herndon.

17 Q Now, would you look around and tell us if any
18 of these people sitting here were present at any
19 of those meetings?

20 BY MR. BUCKLEY:

21 Your Honor, we object unless the date and time and
22 place is stated. Its not relevant unless it is shown
23 that it was during the period of the alleged conspirac
24 or plot.

25 BY THE COURT:

1 Yes, let's keep this within a time range.

2 BY MR. DOAR:

3 Q During the period from March 26 through June 21,
4 1964, I'll ask you about your attendance at
5 any of those meetings and if any of the defendants
6 here were present with you at those meetings?

7 A Other than those already named?

8 Q Other than those already named.

9 A Mr. B. L. Akin was present at some of those
10 meetings.

11 BY MR. HENDRICKS:

12 We object unless he gives a time and place of
13 meetings if the Court please.

14 BY MR. DOAR:

15 Q Which one is Mr. B. L. Akin?

16 A Mr. Akin is the fourth man on the row there.

17 BY THE COURT:

18 Which meetings did Mr. Akin attend.

19 BY THE WITNESS:

20 A He was in attendance at several of the meetings
21 during the period from March 26th to June 21st
22 some being held at the cash salvage store.

23 BY THE COURT:

24 Your objection is overruled.

25 BY MR. HENDRICKS:

1 If it please the Court he hasn't given us any
2 dates and who was there?

3 BY THE COURT:

4 Well, he'll get around to that, he can't tell you
5 that all in one breath Counsel.

6 BY MR. DOAR:

7 Q Can you tell us the dates of any of the meetings
8 that Mr. Akin was there?

9 A Mr. Akin was present at the meetings, one or more
10 during the month of April held in the cash
11 salvage store.

12 Q When were the meetings ordinarily held?

13 A The first meetings were usually held on a Tuesday
14 or Thursday night, but they rotated the night as
15 well as the place of meetings?

16 Q Were they regular weekly meetings?

17 A They were weekly meetings, yes sir.

18 BY MR. HENDRICKS:

19 If it please the Court he stated one or more meetings
20 in April and we would like for him to testify as to
21 the date.

22 BY THE COURT:

23 I would expect that you would find that out on cross
24 examination Counsel.

25 BY MR. DOAR:

1 Q Who was the leader of the meetings during the
2 April date 1964 at Meridian?

3 A Edgar Ray Killen was the leader or the Kleagle
4 for the first few weeks as we were still organi-
5 zing and after that the officers of the local
6 Klavern were in charge.

7 Q Now, did you know a man named Mickey Schwerner?

8 A I did not know him.

9 Q Did you know of him?

10 A Yes sir.

11 Q Did you ever hear any discussion of Mickey
12 Schwerner at Klan meetings prior to June 21, 1964?

13 A Yes sir there were several discussions about him.

14 Q Now could you fix the time and the place of those
15 several meetings and tell us who was present at
16 the meetings, the dates of the first meeting and
17 if there were others?

18 A Sometimes in early April 1964 at cash salvage
19 Store. After Mr. Killen had explained the approv-
20 of elimination process it was suggested by someone
21 in the meeting.

22 Q Let me ask you if you could tell us those who wer
23 in the meeting?

24 A Those that I have already identified.

25 Would you name those again for us?

1 A. Wayne Roberts, Pete Harris, Edgar Ray Killen,
2 Frank Herndon, B. L. Akin.

3 Q. Now what was said?

4 A. It was explained that it was necessary for a
5 project to be approved at which time somebody
6 in the group, and I do not remember who it was
7 or if it was one of the defendants, said that
8 he believed we should vote on the elimination
9 of "Goatee."

10 Q. And who was Goatee?

11 A. Goatee was Michael Schwerner.

12 BY MR. WEIR:

13 I object unless it was shown that one of the
14 defendants was present.

15 BY THE COURT:

16 Overruled.

17 BY MR. DOAR:

18 Q. What if anything was said by Preacher Killen.

19 A. He said that we were not yet organized in a
20 Klavern and it would not be necessary for a
21 local Klavern to approve that project that it
22 had already been approved by the State Officers
23 of the Klan and had been made a part of their
24 program and it would be taken care of.

25 Q. Now was Mickey Schwerner discussed at a sub-

1 sequent meeting prior to June 21, 1964?

2 A. He was.

3 Q. And where was that meeting held?

4 A. There was a meeting in early May held at Frank
5 Herndon's trailer, at that time parked behind
6 the Longhorn.

7 Q. What is the Longhorn?

8 A. The Longhorn is a drive inn restuarant.

9 Q. And did any of the defendants work there?

10 A. Frank Herndon was running the Longhorn at that
11 time.

12 Q. And who was present at this meeting?

13 A. Frank Herndon and Pete Harris.

14 Q. And what was said?

15 A. It was said that even though the State had approve
16 the elimination of Schwerner that nothing had been
17 done about it and they were wondering if anything
18 was going to be done about it or who had volunteer
19 to take care of the job.

20 Q. Now when was the third time or was there another
21 time that Mickey Schwerner was discussed?

22 A. This is prior to June 21st?

23 Q. June 21st.

24 A. It was believed on June 16th that he was in
25 Neshoba County. It was mentioned there that he

1 might be present in the Mount Zion Church.

2 Q And where was that meeting?

3 A That meeting was held in an abandoned or vacant
4 gym in Neshoba County.

5 Q Now, referring to, strike that. On the 16th of
6 June tell us about that meeting at the Bloomo
7 School?

8 BY MR. HENDRICKS:

9 We object. He didn't name the school, Your Honor.
10 He's putting words in his mouth.

11 BY THE COURT:

12 Rephrase your question.

13 BY MR. DOAR:

14 Q Tell us about this meeting that was held in
15 Neshoba County, just tell us how you got there,
16 who you went with among the defendants, who you
17 saw then you got there among the defendants.

18 A Frank Herndon called and told me that we had
19 been invited to a visit in a meeting of the
20 Neshoba Klavern and for us to meet at the Long-
21 horn early that afternoon and go in as few a
22 cars as possible and so we started to meet there
23 oh before sundown that day and I went in a car, there
24 were five of us in that car, was Wayne Roberts
25 is the only one who is a defendant in this case.

- 1 Q There were other people in the car?
- 2 A There were.
- 3 Q And did another car go?
- 4 A Mr. B. L. Akin took a car in which there were othe
- 5 people.
- 6 Q And were any other of the defendants in Mr. Akin's
- 7 car if you know?
- 8 A I don't know that they went in this car.
- 9 Q And when you got to, will you just tell in your
- 10 own words what happened that night?
- 11 A The meeting was called to order by Mr. Killen.
- 12 Q Let me ask you where did you go first?
- 13 A We went first to the H & H Restuarant which is
- 14 on Highway 19 just as we are going into Philadel-
- 15 phia.
- 16 Q And what happened there?
- 17 A We met with some people from Neshoba County.
- 18 Edgar Ray Killen is the only one that I recall
- 19 that I knew and we had a cup of coffee and then
- 20 drove out to the gym.
- 21 Q And where was the gym?
- 22 A It was out Highway 16 east for a few miles and th
- 23 turned south.
- 24 Q And how far did you go south, if you recall?
- 25 A I don't recall but it was only a little ways afte

1 we turned off of Highway 16.

2 Q Do you know the name of the place you went to?

3 A No sir.

4 Q Can you describe it?

5 A It was a gym that had once been a part of a school
6 system there was consolidated, no longer in use,
7 it was not lighted except by the lights that
8 were provided at the meeting.

9 Q And what time of day or night was it?

10 A Well, by this time it was between eight and nine
11 o'clock and dark.

12 Q Did you go inside the gym?

13 A Yes sir.

14 Q About how many people were present?

15 A I would say more than 75.

16 Q And can you tell me if any of the other defendants
17 were present?

18 A Mr. Akin was there and Pete Harris and Frank
19 Herndon.

20 Q Anyone else?

21 A I don't recall anybody else. Uh let's see.
22 Mr. Killen of course was there and Hop Barnette
23 was there.

24 Q Anybody else from Meridian?

25 A I don't recall anybody else from Meridian that's

1 a defendant.

2 Q And would you pick out Mr. Hop Barnette for the
3 Court and Jury?

4 A He's sitting by Mr. Akin. He's the fourth one
5 down from the left over here.

6 Q Who is he sitting next to on the other side?

7 A Sam Bowers.

8 Q Now, what did Mr. Killen say at that meeting?

9 A Well, they called the meeting to order and started
10 to make some routine announcements and was
11 interrupted shortly after the meeting.

12 Q Q And who interrupted him?

13 A Hop Barnette.

14 Q And what did Hop Barnette say?

15 A He said that on the way over to the meeting that h
16 had passed the Mount Zion Church and there was a
17 meeting being held and there must be an important
18 meeting because the church was heavily guarded and
19 he wanted to present the what he had found to the
20 group and see what they wanted to do about it.

21 Q And what was said then?

22 A Edgar Ray Killen asked if the group through that
23 anything should be done about it and some person
24 in the group suggested that there probably were
25 civil rights workers inthe church or it would not

1 have been heavily guarded and it was agreed that
2 something would be done----

3 BY MR. HENDRICKS:

4 We object to what someone said unless he's a member
5 of one of these defendants.

6 BY THE COURT:

7 Yes. I sustain the objection.

8 BY MR. DOAR:

9 Q. What was said in the presence of the defendants
10 that you have named?

11 A. Yes sir.

12 BY MR. HENDRICKS:

13 Move to exclude that, Your Honor, and ask the jury
14 to disregard it.

15 BY THE COURT:

16 I will overrule it as to those persons who are defend
17 in this case who were present. Otherwise I will
18 sustain.

19 BY MR. DOAR:

20 Q. Then what happened?

21 A. They asked for volunteers to go out to the church

22 BY MR. PIGFORD:

23 We object, Your Honor, he just said they did.

24 BY THE WITNESS:

25 Edgar Ray Killen asked for volunteers.

1 BY THE COURT:

2 Overruled. Go along. Wait for the Court to rule sir.

3 BY THE WITNESS:

4 Yes sir.

5 BY MR. PIGFORD:

6 I'm sorry, Your Honor. I didn't understand your
7 ruling.

8 BY THE COURT:

9 I overruled your objection. I was just complaining of
10 the witness not giving the Court an opportunity to
11 rule on an objection.

12 BY MR. DOAR:

13 Q Who went out to the, who left the meeting?

14 BY MR. WEIR:

15 Your Honor please, I understand that my objection
16 still continues yet and on through the testimony of
17 this witness and the objection being that this
18 involves a church incident apparently and not some-
19 thing alleged in the indictment and that's the
20 grounds of my objection and it has no connection. I
21 don't want to burden the Court and keep objections.
22 I do want to protect my record.

23 BY THE COURT:

24 Yes sir. All right, I will overrule your objection.

25 BY MR. WEIR:

1 Thank you.

2 BY MR. DOAR:

3 Q Who left the church among the defendants?

4 A Wayne Roberts is the only one of the defendants
5 that I definitely know left the place.

6 Q Any of the people from Neshoba County?

7 A Mr. Barnette left with the group and Billy Wayne
8 Posey from Philadelphia also went with the group.

9 Q And do you see Billy Wayne Posey in the court room

10 A Yes, he's the one, two, three, the fifth person
11 from my left in the row.

12 Q Can you tell me whether the men that left were
13 armed?

14 A They were armed.

15 Q How long were they gone?

16 A Sir, I wouldn't know exactly but I would say be-
17 tween 45 minutes and an hour.

18 Q Did they come back?

19 A They did.

20 Q And did they again assemble in the abandoned th,
21 gym?

22 A Yes sir.

23 BY MR. BUCKLEY:

24 Your Honor please the Court, object to leading the
25 witness. He's leading.

1 BY THE COURT:

2 Overruled.

3 BY MR. DOAR:

4 Q And what, if anything, was said then in the pre-
5 sence of the defendants that you have named?

6 A A report was given to what took place at the
7 church.

8 Q And who gave the report?

9 A Billy Birdsong from Meridian.

10 Q And what did he say?

11 BY MR. WATKINS:

12 We object, Your Honor. Billy Birdsong is not a
13 defendant in this case and may be a government wit-
14 ness for all I know and what he said is hearsay and
15 improper as against my defendants.

16 BY THE COURT:

17 Well I won't admit it for the truth of what he said
18 but I will let him answer as to what he said.

19 BY THE WITNESS:

20 He said that the group from Meridian was guarding one
21 of the exists from the church and that all of the
22 negroes who came out of the church and left by way of
23 exit guarded by Meridian group were beaten and that
24 it was his understanding that those who left by
25 way of the exit guarded by Neshoba County men---

1 BY MR. HENDRICKS:

2 We object, Your Honor, to his understanding. This is
3 the worst of hearsay.

4 BY THE COURT:

5 He is making a report and I am saying that that report
6 is not evidence or proof of anything that the report
7 said happened, but I am letting it in for the purpose
8 of showing the report and what it was. Go ahead.

9 BY THE WITNESS:

10 And he Billy Birdsong who was making the report
11 objected to the fact that those guarding the exits
12 from Neshoba County had not beaten anyone who came
13 out that way and he stated very heatedly that he
14 disapproved of this, that he didn't like it at all,
15 he thought that they should have been beaten.

16 BY MR. DOAR:

17 Q. What, if anything, was said by anyone else?

18 A. Billy Wayne Posey said it was his understanding
19 when they left the gym to go to the church they
20 were to get anybody there that was white and
21 that no white person came out the exit he was
22 guarded, and, therefore, no one was beaten.

23 Q. Did you observe anything about any of the defen-
24 dants that night that they came back from the
25 church to the meeting?

1 BY MR. BUCKLEY:

2 We object Your Honor, he's just asking him for
3 anything.

4 BY THE COURT:

5 Yes, I think you had better be a LITTLE more specific.

6 BY MR. DOAR:

7 Q Did you notice anything, or what if anything did
8 you notice about any of the defendants that came
9 back that went up there with you from Meridian?

10 A Wayne Roberts had blood on his hands, or knuckles
11 and he told me he got this when he was beating a
12 nigger.

13 Q What did you do then?

14 A Well, shortly after the report it was agreed that
15 we had better leave the building so the meeting
16 broke up.

17 Q What did you do then?

18 A I got in the car in Birdsong and came back to
19 Meridian and--

20 Q Who else was in the car?

21 A B. C. Lyles, Wayne Roberts and Dick Warner.

22 Q Was anything said about what happened out at
23 the church in Mr. Robert's presence on the way
24 home?

25 A Yes.

1 Q What was that?

2 A Birdsong went back through the speech again he
3 had made in the gym and expressed his disapproval
4 of the way it was handled at the other exit and
5 told these of us that were in the car that they
6 had certainly taken care of the ones that came
7 out the exit where they were, that they had
8 taken care of theirs.

9 Q What did Wayne Roberts say?

10 A He agreed that they were well beaten and well
11 stomped. He said there was one exception to what
12 Birdsong had said that was one old negro woman
13 wasn't beaten.

14 Q Now do you know Sheriff Rainey?

15 A I do.

16 Q When did you first know him?

17 A I first knew him early in the summer of 1963.

18 Q And do you know Cecil Price?

19 A I do.

20 Q Can you pick them out here in the courtroom and
21 tell me where they are sitting?

22 A Mr. Rainey is second from the left, and Mr. Price
23 is sixth from the right, right there.

24 Q And do you know whether or not they are members of
25 the White Knights of the Ku Klux Klan?

1 A I know them as members.

2 Q Can you tell me where they were members prior to
3 June 21, 1964?

4 A Yes sir, they were.

5 Q Can you tell me how you knew they were members?

6 A I first was told that they were members and then
7 I talked with them about Klan business, in
8 Philadelphia.

9 BY MR. WEIR:

10 Your Honor, I object to what he was told.

11 BY THE COURT:

12 Yes, that is not relevant members of the Jury what
13 he was told so you may disregard that, what he was
14 told.

15 BY MR. DOAR:

16 Q Can you tell us when you talked to either Deputy
17 Price of Sheriff Rainey?

18 BY MR. ALFORD:

19 Your Honor please, we object to that for the reason
20 that this man of his own testimony now poses himself
21 as an investigator for the government and to try to
22 induce his statement without conforming in anyway
23 the requirements of law would be proper, it amounts
24 to in affect a confession.

25 BY THE COURT:

1 BY THE COURT:

2 Overruled.

3 BY THE WITNESS:

4 A My brother was living in Philadelphia at the time
5 and I was there to visit him and this is where I
6 first met Mr. Rainey and I dropped by and visited
7 with him several times while I was in Philadelphia.

8 Q Was this prior to June 21st?

9 A A few times prior to June 21st, yes sir.

10 Q Now, have you furnished information to the
11 Federal Bureau of Investigation about activities
12 of the White Knights of the Ku Klux Klan?

13 A I have.

14 Q And when did you first started furnishing this
15 information to the F. B. I?

16 A In November of 1964.

17 Q And have you been paid anything for this infor-
18 mation?

19 A I have.

20 Q And how long a period of time have you furnished
21 information?

22 A Its almost three years, since November, 1964.

23 Q And how were you paid?

24 A I was paid on the basis of expenses incurred
25 and information obtained.

1 Q Do you know about how much you've been paid?

2 A Approximately five thousand dollars a year.

3 Q And have you continued to furnish information
4 to the Bureau up to the present time?

5 A I have.

6 Q Do you know any of the other defendants as members
7 of the White Knights of the Ku Klux Klan?

8 A Sir, I believe I've named those that I know are
9 members of the White Knights.

10 Q Now after the June 21st, 1964, did you have any
11 I'll withdraw that question. Did you ever hold
12 any office of the White Knights of the Ku Klux
13 Klan?

14 A Yes sir.

15 Q And what office did you hold?

16 A I was first Chaplain of the local Klavern and
17 later Province Titan.

18 BY THE COURT:

19 Province what?

20 BY THE WITNESS:

21 Titan. T I T A N.

22 BY MR. DOAR:

23 Q What is the Province Titan.

24 Q Its the Administrative Officer that represents
25 the Imperial Wizard.

1 Q And who is the Imperial Wizard?

2 A Sam Holloway Bowers.

3 Q And when did you become the Titan of a province?

4 A The latter part of November in 1964.

5 Q And what province was that?

6 A It included Lauderdale County Clarke County, Newton
7 Leake, Neshoba and Kemper Counties.

8 Q And did you, what were your functions as the Titan?

9 A I represented the Imperial Wizard in Administrative
10 matters.

11 Q Did you see the Imperial Wizard from time to time?

12 BY MR. BUCKLEY:

13 Your Honor if it please the Court I object to this
14 as having to do with anything about this alleged
15 conspiracy as it happened after June 21st, 1964.

16 BY THE COURT:

17 I'll overrule your objection. I'm not sure you and
18 I heard the same question. Go along.

19 BY MR. DOAR:

20 Q You may answer.

21 A What was the question, sir?

22 Q The question was did you see the Imperial Wizard
23 Sam Bowers frequently?

24 A I did. I saw him many times.

25 Q Now, did you have any conversation with Cecil Price

Price about the civil rights workers-----

BY MR. WEIR:

We object.

BY THE COURT:

Counsel, let him finish his question. You don't even know what he's fixing to say.

BY MR. DOAR:

Q After June 21st, 1964?

BY THE COURT:

Now, do you want to be heard on your objection?

BY MR. WEIR:

Yes sir, Your Honor please, we object to the question as being irrelevant.

BY THE COURT:

Overruled.

BY THE WITNESS:

A Yes sir.

Q Can you tell me where that conversation took place?

A I stopped by the courthouse on one occasion and mentioned it briefly to him and I stopped by on the 24th of December of 64 and met with him in this Southern Methodist Church.

Q In what city?

A In Philadelphia.

1 Q. Was anyone else present?

2 A. Not when I was talking to him, my brother was
3 present and we asked him to step outside while
4 we talked.

5 Q. What if anything was said about Cecil Price about
6 the three civil rights workers being killed?

7 A. He said that the government knew more about the
8 case than he thought they did and he had concluded
9 that Jorden was the man that was giving the infor-
10 mation to the Bureau.

11 Q. Did he say why?

12 A. Yes, he said it was Jordan because Jorden was the
13 only person who could have seen him hit Chaney
14 the night the three men were killed.

15 BY MR. WEIR:

16 We object and move the Court to grant us a mistrial.

17 BY THE COURT:

18 Overruled.

19 BY MR. DOAR:

20 Q. Now did you have any conversations with Frank
21 Herndon after the civil rights workers were missi

22 A. Yes.

23 Q. Can you tell me where the conversation or the
24 conversations took place?

25 A. They took place in the restuarant he was operatin

- 1 Q Can you tell me when they took place?
- 2 A Not exactly sir, it was shortly after the bodies
- 3 were found, that he discussed the case with me.
- 4 Q What did he say, was anyone else present?
- 5 A No sir.
- 6 Q What did Frank Herndon say?
- 7 A Frank said he was being accused of being for that
- 8 but that he was not. He said he had witnesses
- 9 who would say he was at work the night the men
- 10 were killed.
- 11 Q Now, did you have any conversation with Sam
- 12 Bowers about the missing civil rights workers?
- 13 A Yes.
- 14 Q And uhh, did you, can you tell us where those
- 15 conversations took place?
- 16 A They took place in or near Pachuta, Mississippi.
- 17 Q And when did they take place, when did the first
- 18 conversation take place?
- 19 A The first conversation was very shortly after
- 20 the bodies were found.
- 21 Q Was anyone else present?
- 22 A No.
- 23 Q What did Sam Bowers say?
- 24 A He said that Judge Cox would probably make them
- 25 take those bodies back and put them where they

1 got them, that they had found the bodies on an
2 illegal search warrant.

3 Q Did you have any other conversation with him?

4 A I did. On another occasion shortly after that
5 meeting he said that he was pleased with that job
6 that it was the first time that Christians had
7 planned and carried the execution of Jews.

8 Q Did you ever have any kind of a code method of
9 communication with Sam Bowers?

10 A We always had a code.

11 Q And could you tell the Court and Jury what that
12 code was?

13 A We used the code name "Aunt Mary's" for our
14 meeting place and he would call my home and
15 identify himself by an alias, usually a Ralph
16 Simmons or a Ralph Phillips or Mr. Sinclair and
17 ask me to meet him at Aunt Mary's and Aunt Mary
18 was between our two cities at Pachuta, Mississippi:

19 Q Did you have any other kind of code between you
20 and Sam Bowers?

21 A We talked in terms of the logging operation as
22 regarding the Klan itself.

23 Q Did you have any code word that referred to the
24 missing civil rights case.

25 A This was the big logging operation

1 Q And did you have any kind of a code for----

2 BY MR. HENDRICKS:

3 We object, Your Honor, this is leading. He can
4 ask him something but he can't tell him.

5 BY THE COURT:

6 I think that's what he's asking him, overruled.

7 BY MR. DOAR:

8 Just tell me----

9 BY THE COURT:

10 Excuse me, Mr. Doar, what did you say the last
11 code for the last operation was called?

12 BY THE WITNESS:

13 The big logging operation.

14 BY MR. DOAR:

15 Q What other code words did you have?

16 A Truck drivers represented local officers in the
17 Klan, the local Klavern, our own scalers, we
18 referred to our scalers as our investigators,
19 those that were gathering information for the
20 KBI, the Klan Bureau of Investigation.

21 Q Did you have any other words? Did you have any
22 words for the defendants involved in this case?

23 A The, I don't recall, no sir, I don't remember any
24 specific names that were given to these.

25 Q I am handing you a one page document, do you

1 recognize that?

2 A. Yes sir.

3 Q. What is that document?

4 A. Its a letter from Sam Bowers?

5 Q. How it is signed?

6 A. Its signed, Yours truly, Willoughby Snead.

7 Q. What is, who does that refer to?

8 A. Sam Bowers.

9 Q. And who is the letter addressed to?

10 A. Mr. Dennis.

11 Q. And what is the date of the letter?

12 A. January 6th, 1965.

13 Q. I would like to show the letter to the
14 defendants. Could I show him another document
15 while they are looking at that?

16 BY THE COURT:

17 Counsel are looking at that and their attention
18 is on that so I believe I'll let them look at that
19 first. Is this in connection with the other docu-
20 ment?

21 BY MR. DOAR:

22 Yes sir.

23 BY THE COURT:

24 Counsel, listen just a minute.

25 BY MR. DOAR:

1 Q I give you another document and ask if you
2 recognize that?

3 A Yes sir. This was enclosed with the same letter
4 that you have just shown me.

5 Q And who is that letter to?

6 A Mr. Sam Bowers.

7 Q Who is it from?

8 A It is signed Henry Weston

9 Q Do you know who that is?

10 A Yes sir.

11 Q Who is that?

12 A Wallace Miller.

13 Q And who is the envelope addressed to?

14 A Mr. Sam Bowers.

15 Q Where?

16 A 820 Fourth Avenue South, Laurel, Mississippi.

17 Q Q The date of that letter?

18 A December 28, 1964.

19 BY MR. BUCKLEY:

20 If it please the Court I object to the introduction
21 of the first letter as it is signed by an alias
22 by the witness testimony a Willoughby Snead, and
23 it has not been properly authenticated.

24 BY THE COURT:

25 Let me see that letter. (Handed to Court)

1 BY THE COURT:

2 This letter from Snead to Dennis dated January 6
3 1965 I'll let you ask him some more about that.

4 BY MR. DOAR:

5 Q. When did you receive that letter?

6 A. It was January 9th sir I believe.

7 Q. How did you receive it?

8 A. Through the mail.

9 Q. Had you had any conversation with Sam Bowers
10 about that letter before you received it?

11 A. I did.

12 Q. What was that conversation?

13 A. I was in Laurel to see Sam between the time he
14 mailed it and the time I got it and he asked me
15 if I had received a letter from him and I told
16 him I had not and he proceeded then to tell me
17 about the letter.

18 Q. What did he say?

19 A. He said he had sent the letter to me in care of
20 Billy Birdsong's motel and as soon as I got back
21 to be sure and ask him for the letter.

22 Q. And did you get the letter then?

23 A. I came back and asked Billy about the letter
24 and he said he had not gotten the letter. I
25 was with him at Route 2, and the letter did

1 not go to the motel but came to me at Route 2.

2 Q Did that envelope addressed to Sam Bowers, was
3 that contained in the letter the one that you
4 received?

5 BY MR. BUCKLEY:

6 Your Honor if it please the Court we object to
7 the form of question.

8 BY THE COURT:

9 Yes, I'll let you restate your question.

10 BY MR. DOAR:

11 Q When did you get the other letter in the envelope
12 that you testified about?

13 A They were enclosed along with this letter in the
14 same envelope.

15 Q I would like to offer in evidence the two
16 letter and envelope.

17 BY MR. BUCKEY:

18 We object Your Honor if it please the Court, there
19 has been no testimony in connection with this letter
20 and I don't think it has any bearing on this case.

21 BY THE COURT:

22 Yes, I'll overrule your objection as to Mr. Bowers
23 but since we are dealing with all of the other
24 defendants I hold this letter as competent and it
25 will be considered as evidence only against Mr. Bowers

1 and as to the other defendants, and I'm talking
2 about the first letter, it may be entered and be
3 marked.

4 BY MR. DOAR:

5 A I would like to offer the second letter.

6 BY THE COURT:

7 Let's see what your objection is to the second letter
8 Mr. Buckley.

9 BY MR. BUCKLEY:

10 I have no objection to it, Your Honor.

11 BY MR. HENDRICKS:

12 Will the same ruling apply to that letter also Your
13 Honor?

14 BY THE COURT:

15 Yes, the communications from and to the defendant
16 Bowers will be evidence only against him and not any
17 evidence as against the other defendants. These
18 may be marked and entered.

19 (Whereupon exhibits entered into evidence and marked
20 P-72 and P-73)

21 BY MR. DOAR:

22 Q In that letter, Your Honor, I would like to in-
23 quire of the Court if the Court wishes the letter
24 to be read now for the jury or at a later date.

25 BY THE COURT:

1 I don't care to read them but if you want to you may
2 read it or both of them.

3 BY MR. DOAR:

4 I think it will be satisfactory if I could just ask
5 him several questions about the letter.

6 BY THE COURT:

7 All right.

8 BY MR. DOAR:

9 Q In the letter there's a reference to named plan,
10 what does that refer to?

11 BY MR. BUCKLEY:

12 Your Honor at this time I would like to object to
13 his reading the letter in piecemeal, the letter speaks
14 for itself, and unless it is read in its entirety
15 it could easily be read out of context and be mis-
16 leading to the jury.

17 BY THE COURT:

18 I would certainly agree with that principal but I
19 see no application to the principal here asked, but
20 if he wants to read the letter I'll let him read all
21 of it or none of it.

22 BY MR. DOAR:

23 If the Court please, I'll read the letter.

24 Did he answer your question?

25 BY MR. DOAR:

1 Q What is meant by the term main plant?

2 A Federal Bureau of Investigation.

3 Q What is meant by our sawmill men especially
4 those deeply in the swamp?

5 A The defendants in the Schwerner case.

6 BY THE COURT:

7 What defendants and what Schwerner case?

8 BY THE WITNESS:

9 At this time sir, these men had been arrested and
10 accused of committing this murder.

11 BY MR. WEIR:

12 We object, Your Honor and move the Court to grant
13 a mistrial.

14 BY THE COURT:

15 I'll overrule that but I want to know who you are
16 talking about, these men. You are speaking in
17 an unknown tongue.

18 BY THE WITNESS:

19 I'm speaking of the men who were considered at
20 that time.

21 BY THE COURT:

22 In what case?

23 BY THE WITNESS:

24 In the civil rights case the one where the men
25 were arresting for killing Michael Schwerner,

1 Andrew Goodman and Andrew Chaney.

2 BY MR. HENDRICKS:

3 We object to that Your Honor and request a mistrial.

4 BY THE COURT:

5 Overruled.

6 BY MR. DOAR:

7 Q. Was that case pending in the Federal Court if
8 you know?

9 A. I don't know what the status of the case was at
10 that time.

11 Q. May I read the letter to the Jury at this time,
12 Your Honor?

13 BY MR. WATKINS:

14 Your Honor, may I object to Mr. Dear reading the
15 letter to the jury it would be like an argument and
16 I would prefer that the witness read the letter.

17 BY THE COURT:

18 I prefer that Mr. Dear read the letter I believe we
19 can make a little faster headway.

20 BY MR. WATKINS:

21 All right.

22 BY MR. DOAR:

23 This letter is dated at Laurel, Mississippi on January
24 6, 1965. Dear Mr. Dennis: This morning I had a
25 visit at approximately 10:00 o'clock A. M. from

1 two representatives of the main plant, who
2 were anxious to discuss some of the aspects
3 of the wood in sawmill business here in
4 Mississippi. As you know, it is my policy to
5 always receive such representatives with
6 courtesy and discuss with them the general
7 aspects the wood business without ever going
8 into any of our specific methods of logging,
9 sawing, and planer mill operation; however,
10 on this occasion the two main plant represen-
11 tatives were so young, insolent and oppressive
12 that I was forced to order them off the
13 premises before anything had taken place. I
14 did this reluctantly as you can understand, but
15 I felt it the best course of action under this
16 particular and peculiar set of circumstances.
17 Actually, if one is careful in such discussion
18 one may occasionally discover information of
19 value concerning the future market value of our
20 sawmill products. There was a particularly
21 valuable bit of information dropped as we
22 parted which is the prime reason for this
23 communication. After being asked to leave the
24 more aggressive of the two, in a heated and
25 rather breathless fashion, notified me that

1 they knew that I was involved in the large
2 logging operation which is centered in your area
3 and warned me not to go back into your specific
4 area again. I remained very calm and bit back
5 at the fine reply, then returned to my interrupted
6 work. After several hours of reflection on this
7 unpleasant experience I have come to a very hopeful
8 and encouraging conclusion. That is, that while
9 the situation as regards the big logging operation
10 is horrible, it is not hopeless. My experience
11 this morning convinces me that the main plant is
12 in possession of all the information regarding
13 our secret logging operation due to the loose
14 talk of some of our truck drivers, but then as
15 far as facts are concerned they have nothing of
16 value for which they could sue us. Their threat
17 to me which forbid me to come into your area again
18 is stocked full of information. It means that
19 my technical advise has tendered to hamper their
20 scaling operation. It means that we were correct
21 in firing that personnel manager. It means that
22 they are now probably working against a solid
23 blank wall up in your area and do not want me
24 working to maintain it while they work private. It
25 very probably means that they no longer have

1 any source of information in your area because if
2 they did, why would they object to my coming
3 there and exposing myself further each time I do?
4 I urge you to consider this last point very care-
5 fully. I am very greatly encouraged by it.
6 Naturally, the insult that I receive I consider
7 only from it the intelligence that may be deemed
8 from it. I have been a sawmill man for too long
9 now to become conserviant now to the will of
10 some furniture manufacturing regardless of how
11 well they may have the market sewed up. They
12 are going to have to let us make a decent profit
13 on our mills or else we are going to have to
14 continue to slip logs by their scalers. Any time
15 that you feel I may be of service in your area
16 do not hesitate to call on me. I would like for
17 you to pass this encouraging information alone
18 indirectly to all our sawers and our truck drivers
19 I want them to be as restful and calm as possible
20 at this time, also I think this incident here
21 incited is just another sample of why I believe
22 that all of our employees report to our timber
23 scaler at once whenever any main plant scaler
24 questions him about our operation. We should al-
25 ways strive to do everything possible to insure

1 that everytime that contact is made between our
2 side and the main plant that we come out of the
3 ordeal with intelligence regarding their position,
4 just as they do of ours. Admittedly, an average
5 employee can not evaluate intelligence but he
6 can report to contact to our scalers for evalua-
7 tion. This, I want you to urge them to do. You
8 may show this direct communication to our scaler
9 who detected the crooked personnel manager for his
10 interest and evaluation, but to none other; how-
11 ever you and he may use its content for indirect
12 communication to other sawmill employees, especial-
13 those who have been deep in the swamp. I am
14 enclosing a communication which I believe is self-
15 explanatory. Yours truly, Willoughby Snead, Esqui:

16 Q. Do you know whether or not Sam Bowers was ever in
17 the logging business?

18 BY THE COURT:

19 Excuse me, do you want that other letter read too?

20 BY MR. DOAR:

21 Yes, Your Honor. This letter is addressed to Sam
22 Bowers in an envelope from Meridian, Mississippi
23 December 19, 1964 from Henry Wesson, Post Office Box
24 211, Meridian, Mississippi. The letter reads, Post
25 Office Box 211, Meridian, Mississippi, December 28,

1 1964. Mr. Sam Bowers, 820-Fourth Avenue South,
2 Laurel, Mississippi. Dear Sir: I know that I should
3 not write you but under the circumstances, I'm sure
4 you will understand. Sir, I know that you are a
5 political investigator and at the present I have
6 no one I could trust and turn my business over to. I
7 know you are a fair and honest man Sam, I've known
8 this from my dealings with you for some time. I
9 trust that you will not be harsh toward me for this
10 letter, but I could have done much better personally.
11 When a person has to deal with the public as I, then
12 he runs into many difficulties. I need your help/
13 You have known my problems here for sometimes and I
14 need your help desperatly and I know of no other
15 person or group who can handle this for me. Sam,
16 I believe every person should have the right to de-
17 fend himself, and if only I could talk to you. There
18 has been many things presented that are totally untrue
19 first, one and first, the unfair publicity concerning
20 the motels. I was not the one at the motel; however
21 I did not get my good friend into trouble by naming
22 him you understand. A person could very easily have
23 his good name and reputation ruined by a false rumor
24 and by having idle gossip spread on him. All of
25 these things I could easily tell you at the proper