

1 BY MR. HAUBERG:

2 We object to that if the Court please.

3 BY THE COURT:

4 I'll overrule your objection, but we don't want to
5 go into a domestic relation case, if that's what
6 you've got in mind.

7 BY MR. PIGFORD:

8 Q I'll ask you if you have read that complaint?

9 A Yes sir.

10 Q And that is a copy of it?

11 A Yes sir, I believe that's a copy of it.

12 BY MR. HAUBERG:

13 If the Court please we are going to object to anything
14 he's handing the witness, it is wholly immaterial to
15 this case.

16 BY THE COURT:

17 Of course, I know what his object is in the paper.

18 BY MR. PIGFORD:

19 Q You say that is a true copy of it?

20 A I believe it is sir, I read it one time.

21 Q All right sir.

22 BY THE COURT:

23 He may look at it.

24 BY MR. PIGFORD:

25 Shall I wait until he has looked at it before I ask

1 BY THE COURT:

2 I think he's looked at it, you may proceed.

3 BY MR. PIGFORD:

4 Q Mr. Dennis, you know that you wife has alleged
5 in her sworn bill of complaint that you have beat
6 her several times----

7 BY MR. HAUBERG:

8 We object if the Court please.

9 BY THE COURT:

10 Let him finish his question.

11 BY MR. PIGFORD (CONTINUING)

12 Q ...and she was in fear of her own physical safety,
13 you knew that did you not?

14 A I knew she said that yes sir.

15 BY MR. HAUBERG:

16 We object if the Court please.

17 BY THE COURT:

18 Well I'll overrule the objection, she says it and
19 he denies it, that's a typical divorce case.

20 BY MR. PIGFORD:

21 I just wanted to know if he knew that, Your Honor.

22 A Yes sir.

23 Q That is the basis of the bill for divorce?

24 BY MR. HAUBERG:

25 We object to his going into it any further?

1 BY THE COURT:

2 Yes, I'll sustain the objection.

3 BY MR. PIGFORD:

4 All right sir.

5 BY THE COURT:

6 Anyone else want to ask this witness any questions?

7 BY MR. MCINTIRE:

8 Yes, Your Honor.

9 BY THE COURT:

10 Be sure its something that hasn't already been asked.

11 BY MR. MCINTIRE:

12 Q Brother Dennis, on that night in Neshoba County
13 at the meeting at the gym, did you have an
14 occasion to see Lawrence Andrew Rainey there?

15 A I didn't see him there.

16 Q You state that you have been to several meetings
17 of the Klan, have you ever seen Lawrence Andrew
18 Rainey at any of these meetings at all?

19 A No sir not at any formal Klan meetings.

20 Q Have you ever seen Lawrence Andrew Rainey be
21 sworn into the Klan.

22 A No sir.

23 Q I believe you stated on direct examination Mr.
24 Dennis that you had occasion to visit Sheriff
25 Rainey in his office. Would you tell the Court

- 1 and Jury the purpose of that meeting?
- 2 A I paid Sheriff Rainey several visits in his office
- 3 There were no specific reasons for going by.
- 4 Q Did you have an occasion to go in his office at
- 5 one time with your brother?
- 6 A Yes, I was in Philadelphia to visit my brother
- 7 and we both saw him on occasions.
- 8 Q Would you tell the Court and Jury the specific
- 9 purpose that you went by his office at that time?
- 10 A Sir, I don't know which time you are referring to.
- 11 Q The time you went by with your brother, Willie,
- 12 the pastor of the Church in Philadelphia, or
- 13 was the pastor up there of the First Southern
- 14 Methodist Church in Philadelphia.
- 15 A Sir, I don't remember any specific reason for
- 16 the two of us going by.
- 17 Q Isn't it a matter of fact that you went by there
- 18 to pick up a gun from Sheriff Rainey?
- 19 A I have been by there to pick up a gun from Sheriff
- 20 Rainey, yes sir.
- 21 Q Who did the gun belong to?
- 22 A It belonged to me.
- 23 Q It belonged to you? And how come Sheriff Rainey
- 24 was in possession of this firearm?
- 25 A He had it in his possession because he had arrest

1 a man with it in his possession.

2 Q Who was the boy or man he arrested?

3 A It was my brother.

4 Q Your brother?

5 A Yes.

6 Q Do you know what your brother was arrested for?

7 BY MR. HAUBERG:

8 We object to that if the Court please.

9 BY THE COURT:

10 Sustained.

11 BY MR. MCINTIRE:

12 Q Did the Sheriff give the gun back to you?

13 A He did.

14 Q And you are telling this Court and Jury that you
15 at no time have ever seen Sheriff Lawrence
16 Andrew Rainey be sworn in as a member of the Ku
17 Klux Klan?

18 A That's right.

19 Q Thank you, Your Honor.

20 BY THE COURT:

21 Are you gentlemen finished for the defense?

22 ALL COUNSEL FOR DEFENSE:

23 Yes sir.

24 REDIRECT EXAMINATION

25 BY MR. DOAR:

1 Q At the June 16 meeting at the abandoned gymnasium
2 in Neshoba County, which one of the Barnetts was
3 there?

4 A It was Hop Barnette.

5 Q And did you see---

6 BY MR. ALFORD:

7 Your Honor please, we object to that, that's not
8 proper redirect examination, he should have asked
9 him that on cross examination.

10 BY THE COURT:

11 I believe the question was asked and an answer was
12 given, so I'll sustain the objection.

13 BY MR. ALFORD:

14 And move to exclude his answer please.

15 BY THE COURT:

16 Well I won't exclude it because I think its already
17 in the record.

18 BY MR. DOAR:

19 Q At that meeting at the abandoned gym on June the
20 16th, what if anything, did Mr. Akin do?

21 A Well he went out to his car and got a gun and
22 loaned it to somebody who went on the mission or
23 whatever you may call it.

24 BY MR. HENDRICKS:

25 We object to that, its not proper at this time.

1 He didn't bring that out on direct examination.

2 BY THE COURT:

3 I don't believe he did either, I'll sustain the
4 objection.

5 BY MR. DOAR:

6 Q What-----

7 BY MR. HENDRICKS:

8 We move his answer be excluded, Your Honor, and the
9 jury instructed to disregard it.

10 BY THE COURT:

11 I don't believe he answered it, but if he did, Members
12 of the Jury, disregard it.

13 BY MR. DOAR:

14 Q I believe Mr. Pigford asked you about a dispute you
15 had with a church back in 1963, what was that
16 dispute about?

17 A It had to do with the National Council of Churches
18 and the government of the Methodist Church.

19 Q And what was your position?

20 A My position is---

21 BY MR. ALFORD:

22 Your Honor please, we object, this is immaterial.

23 BY THE COURT:

24 Yes, I'll sustain the objection.

25 (Whereupon witness excused)

1 BEATRICE COLE called as a witness for and on behalf
2 of Plaintiff, was sworn and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. OWENS:

5 Q What is your name?

6 A My name is Beatrice Cole.

7 BY THE COURT:

8 Coleman?

9 BY THE WITNESS:

10 C o l e.

11 BY THE COURT:

12 Cole. Thank you.

13 BY MR. ROBERTS:

14 Q How old are you?

15 A My age, 61.

16 Q Where do you live?

17 A I live in Philadelphia, Mississippi, Neshoba County.

18 Q How long have you lived in Neshoba County?

19 A All of my life.

20 Q Where do you live from Philadelphia, Mississippi?

21 A About nine miles east of Philadelphia.

22 Q Does that community have a particular name?

23 A Known as the Longdale community.

24 Q Now, what church are you a member of?

25 A I am the member of Mount Zion Methodist Church.

1 Q Where is that located?
2 A That's located about two miles north of Longdale
3 School.
4 Q And is that on the same road you live on?
5 A It is.
6 Q And how long have you been a member of that church?
7 A Ever since I can remember.
8 Q Now, did you go to a meeting at that church on June,
9 16th, 1964?
10 A Yes sir, I did.
11 Q What kind of a meeting was that?
12 A That day?
13 Q Yes.
14 A It was uhh meeting that they said was known as
15 learning to vote and register.
16 Q What day was that?
17 A That was fifth Sunday in May.
18 Q No, I didn't ask you about the fifth Sunday in May.
19 The 16th of June, 1964?
20 A Oh. I'm sorry. Oh. That was uhh leaders and
21 stewarts meeting.
22 Q Were these all leaders of the church?
23 A That was there?
24 Q Yes.
25 A Yes sir, they were.

1 Q Who was there, if you recall?
2 A Well, myself, my husband, Cornelius Steele, Mavis
3 Steele, their two children, T. J. Miller, and Jim
4 Cole, Georgia Rush, and John T. Rush.
5 Q Were those all, were these people white or negro?
6 A They were negroes.
7 Q Did they all live in that community?
8 A They did.
9 Q Now, about what time did you go to that meeting?
10 A Well, somewhere about 8:30 I think.
11 Q And what time was that meeting over?
12 A Somewhere about 9:30.
13 Q And what did you do after the meeting?
14 A Well, I went out the door.
15 Q You did, and where did you go?
16 A To the car.
17 Q And then what happened, just tell the Court and the
18 jury what happened after you got to that car?
19 Q Well, when I got to---

20 BY MR. ALFORD:

21 Your Honor please, we object to this line of
22 questioning, has nothing to do with the lawsuit
23 being tried.

24 BY MR. BUCKLEY:

25 Your Honor, if it please the Court, we expect this

1 testimony to be inflammatory and highly prejudicial
2 and believe have the right to inquire to the
3 admissibility of it before submitting it to the jury.

4 BY THE COURT:

5 Well, I will overrule your objection. Go along.

6 BY MR. OWENS:

7 Q Tell the Court and jury after you got to your car
8 what you did and what happened?

9 A Well, I started out to the car, we got in the car.

10 Q Who is we?

11 A My husband, and it was a car coming up on the yard
12 and the car parked very close to our car and this
13 car had to back out in order that we could get out
14 to go down the driveway to the road and as we went
15 down to the road this car that was behind us it
16 trailed behind us until we got to the road and there
17 we was halted by a man that there standing there.

18 Q Did that man say anything?

19 A Yes, he told my husband---

20 BY MR. BUCKLEY:

21 Your Honor, may it please the Court, we object unless
22 she identifies him.

23 BY THE COURT:

24 I think you better identify the person if you can.

25 BY MR. OWENS:

1 Q Would you look around this court room and see if you
2 see that man?

3 BY THE COURT:

4 Do you know who it was by name?

5 BY THE WITNESS:

6 No sir, I did not.

7 BY THE COURT:

8 Would you recognize that person by sight?

9 BY THE WITNESS:

10 Well, I believe I will if I can find him.

11 BY THE COURT:

12 All right.

13 BY THE WITNESS:

14 I believe its the fourth man.

15 BY MR. PIGFORD:

16 We object to what she believes.

17 BY THE WITNESS:

18 That is the fourth man he looks like that man there.

19 BY MR. OWENS:

20 Q But you are not certain?

21 A Its my belief, my truly belief.

22 Q Now which man, what happened then?

23 BY MR. WEIR:

24 If the Court please, I move the Court exclude it.

25 BY THE COURT:

1 Overruled.

2 BY MR. OWENS:

3 Q Look all around the court room, even behind you, and
4 see if you recognize anybody that you saw out there
5 that night? Even all the way back around behind you.

6 BY MR. HENDRICKS:

7 We object to that, Your Honor. She hasn't said she
8 saw but one person.

9 BY THE COURT:

10 Overruled.

11 BY THE WITNESS:

12 I'm sprry. Let me look around again. I remember
13 seeing this man, I believe, looks like this man.

14 BY MR. OWENS:

15 Q Now, which man are you pointing to?

16 A The second man from this man here. 1, 2, 3, 4, the
17 fourth man, that man right there.

18 Q Now, where did you see him?

19 A That's the one that was told us my husband to cut
20 his lights off.

21 Q And then what happened?

22 A He cut his lights off.

23 Q And then what happened?

24 A Well, he asked him first he flashed his flashlight
25 in his face, he says what kind of meeting this you

1 having out here.

2 BY THE COURT:

3 Who said that?

4 BY MR. OWENS:

5 Q Who said that?

6 A This man with the flashlight.

7 BY THE COURT:

8 Who is that now?

9 BY THE WITNESS:

10 This man back here.

11 BY THE COURT:

12 The individual that you identified behind you?

13 BY THE WITNESS:

14 Yes sir.

15 BY THE COURT:

16 All right.

17 BY THE WITNESS:

18 He told him to cut his lights off, he said you are
19 the, he said what kind of a meeting says you having
20 here, he said official leaders and stewards meeting,
21 he said where are your guards, he says we don't have
22 guards in our church meeting, he said you are a damn
23 lie, he said get out of this car and well he snatched
24 him out of the car.

25 BY MR. OWENS:

1 Q Is that your husband?

2 A My husband.

3 BY MR. WEIR:

4 Your Honor please, may we have a continuing objection
5 at all times rather than object each time?

6 BY THE COURT:

7 Well, no sir, I think you better ask for a continuing
8 objection. I give you a continuing objection to this
9 line of testimony from this witness and its over-
10 ruled.

11 BY MR. OWENS:

12 Q Then ~~what~~ happened?

13 A Well, after he cut his lights off and snatched him
14 out of the car he sayd where your guards, he says we
15 don't have guards, and then they began to slug him and he
16 t saysyou better say something say where your guards
17 don't we will kill you and they begin slugging him
18 and he didn't say anything.

19 Q Were thereother men present?

20 A They was.

21 Q Were they white or negro?

22 A They were white.

23 Q And then what happened?

24 A Well uhh he walked up to me this man did, he says
25 old woman ~~what~~ is this you got in this purse, he says

1 get out of this car and he snatched me out and
2 snatched my purse and searched my purse.

3 Q And then what happened?

4 A Well, it was a man standing over there he says what
5 do you find, he says, no, he says what you have in
6 our purse, I says nothing but Sunday School litera-
7 ture and after he searched this man says what do you
8 find, he says nothing. He threw my purse back in
9 the car.

10 Q Then what happened?

11 A Well, then they begin to search my husband.

12 BY THE COURT:

13 Who is they?

14 BY MR. OWENS:

15 Q Who is they?

16 A Just a bunch of people, they put him up to, made him
17 get up to the car and stretch his hands up over the
18 car. and searched him.

19 BY MR. BUCKLEY:

20 Your Honor, please the Court, we object to this
21 anyone she cannot identify.

22 BY THE COURT:

23 I think she better identify the people that were
24 engaged in this activity, point them out, if she can.

25 BY MR. OWENS:

1 Yes.

2 BY THE COURT:

3 All right. Go ahead.

4 BY MR. OWENS:

5 Q Let me ask you this question. Was this man that you
6 pointed out behind you present when they searched
7 your husband?

8 A When they searched my husband?

9 Q Yes.

10 A Was he was talking to me at that particular time.

11 Q But he was rightthere at the car?

12 A He was.

13 BY MR. BUCKLEY:

14 Your Honor, please the Court, I object to him
15 leading his witness.

16 BY THE COURT:

17 Overruled. Was it a dark light or a moonlight night?

18 BY THE WITNESS:

19 It was kind of a light night.

20 BY THE COURT:

21 Could you see them when they didn't have the lights
22 on well enough to distinguish their features for the
23 faces of people that were present?

24 BY THE WITNESS:

25 Well, immediately after they searched my purse---

1 BY THE COURT:

2 You understand my question?

3 BY THE WITNESS:

4 Just a minute please. The gun fired and it was a
5 car coming to the north and showed bright lights when
6 I could see people around, all around.

7 BY THE COURT:

8 You mean you couldn't see unless a car shown lights
9 on them?

10 BY THE WITNESS:

11 Not real plain.

12 BY THE COURT:

13 All right.

14 BY MR. OWENS:

15 Q Now, which man came to the car to talk to you?

16 A Bout my purse?

17 Q Yes.

18 A This man here.

19 Q Okay.

20 BY THE COURT:

21 You know his name?

22 BY THE WITNESS:

23 First time I've seen him since that night since I
24 didn't know his name at that time.

25 BY THE COURT:

1 Had you ever seen him before?

2 BY THE WITNESS:

3 No sir.

4 BY MR. OWENS:

5 Q Did anybody ever show you a picture of a man that
6 looked like him?

7 A They did.

8 Q Afterthat.

9 BY THE COURT:

10 Did he represent himself in any official capacity at
11 the time?

12 BY THE WITNESS:

13 No sir, he did not.

14 BY THE COURT:

15 Did he have a gun?

16 BY THE WITNESS:

17 I didn't see one.

18 BY THE COURT:

19 All right.

20 BY MR. OWENS:

21 Q Did any of these other people have guns?

22 A They did.

23 Q After you were taken out of the car what happened?

24 A Well, I was standing and a policeman told me to
25 come over here.

1 Q A policeman?

2 A Yes, they did.

3 Q Okay.

4 A And he walked me a little piece down the road and I

5 was standing there.

6 Q And what happened?

7 A I was looking kindly east and he says turn back this

8 way and that was in the direction of where my husband

9 was.

10 Q All right.

11 A And they were still beating my husband and I was

12 praying.

13 BY MR. WEIR:

14 We object to that unless she says who they is.

15 BY THE COURT:

16 Overruled.

17 BY MR. OWENS:

18 Q Go ahead.

19 A I was praying very hard, I was just praying saying

20 Lord have mercy, Lord have mercy, don't let them

21 kill my husband.

22 Q Just tell the Court and jury what happened?

23 A And then after that I heard a voice sound like a

24 woman scream down the road just a little piece below

25 me and then a man walked up with a club and I was

1 continue saying Lord have mercy and he drew back to
 2 hit me and I asked this policeman that was standing
 3 by him would he allow me to pray and this one was on
 4 the right and one was on the left. The one on the
 5 right says if you think it will do you any good you
 6 had better pray. The one on the left, says its too
 7 late to pray.

8 BY THE COURT:
 9 Did you know who those policemen were?

10 BY THE WITNESS:
 11 No sir, I did not.

12 BY THE COURT:
 13 Were they town police or county police or highway
 14 patrolmen?

15 BY THE WITNESS:
 16 I really don't know.

17 BY MR. OWENS:

18 Q What color were their uniforms?

19 A Blue. They were blue. And so he said I asked him
 20 would he allow me to pray. I fell on my knees and
 21 I begin to pray and as I prayed I just said Father
 22 I stretch my hand to Thee, I stretch my hand to Thee,
 23 no other help I know.

24 Q And then what happened?

25 A If---witness mumbling- where shall I go and this

1 policeman says ---

2 BY MR. BUCKLEY:

3 Your Honor, please the Court, we object.

4 BY THE COURT:

5 Yes, I sustain the objection.

6 BY THE WITNESS:

7 He said leave him living.

8 BY THE COURT:

9 Just a minute, witness.

10 BY THE WITNESS:

11 Yes sir.

12 BY THE COURT:

13 Answer his next question.

14 BY MR. OWENS:

15 Q Then what happened after you prayed?

16 A He said leave him living.

17 Q Who was he referring to?

18 A That's just what he said, said leave him living.

19 BY MR. BUCKLEY:

20 Your Honor, please the Court, we object not only for
21 what he said but because they haven't told who it
22 was, what either party said.

23 BY THE WITNESS:

24 The police told my husband told them to leave the
25 man living.

1 BY THE COURT:

2 But you don't know who the policeman was?

3 BY THE WITNESS:

4 No sir, I don;t/

5 BY THE COURT:

6 Do you know the people that are on trial in this
7 case, you ever seen their names?

8 BY THE WITNESS:

9 Yes sir.

10 BY THE COURT:

11 Do you know any one of them?

12 BY THE WITNESS:

13 No sir.

14 BY THE COURT:

15 You couldn't identify any one of them as being the
16 ones in anywise involved or present on that occasion?

17 BY THE WITNESS:

18 No sir.

19 BY THE COURT:

20 You don't know the name of the gentleman behind you
21 that you identified?

22 BY THE WITNESS:

23 Yes sir.

24 BY THE COURT:

25 What's his name?

1 BY THE WITNESS:

2 Mr. Hop Barnette.

3 BY THE COURT:

4 You do know him then?

5 BY THE WITNESS:

6 Yes sir, I know him.

7 BY THE COURT:

8 I understood you to say a minute ago you didn't know
9 him.

10 BY THE WITNESS:

11 I thought you was talking of these others excusing
12 him.

13 BY THE COURT:

14 All right.

15 BY MR. OWENS:

16 Q Did you know his name at the time?

17 A No sir, I didn't know his name at the time, didn't
18 know him at all, hadn't never seen him before.

19 Q Now, after they said leave him living what happened?

20 A Well they just immediately stopped beating him.

21 Q How many men were out there?

22 A I don't know.

23 Q Was it a few or?

24 A It was a large number.

25 Q And then what happened?

1 A Well, then I went to my husband. He was laying on
2 the ground. I lifted him up second time to his
3 knees and he just flopped back to the ground.

4 BY MR. WEIR:

5 We object to that, Your Honor please.

6 BY THE COURT:

7 Overruled. Were these people dressed in any
8 particular way?

9 BY THE WITNESS:

10 Well, three or four or maybe more was dressed in
11 black robes and black hoods.

12 BY MR. OWENS:

13 Q And how were the others dressed?

14 A They ~~were~~ dressed in common, in shirt sleeves, all I
15 could notice they had short shirt sleeves.

16 Q How about the man whom you pointed out behind you,
17 how was he dressed?

18 A He was in his shirt sleeves.

19 Q And then what did you do?

20 A Well, I pulled my husband up best I could and he
21 staggered to the car.

22 Q Were these men still there?

23 A Yes They were.

24 Q And what did you do then?

25 A Well, he lent up gainst the car for a while trying

1 to study hisself. Then he tried to drive home.

2 Q Add did he drive home?

3 A Yes sir, some way he did.

4 Q Now, after you got home did you go down the road by
5 the church the next morning?

6 A Yes sir, I did.

7 Q And did you see the church?

8 A Yes sir, I saw the burning.

9 Q You what?

10 A Saw the burning, the church burning.

11 Q Can you describe the condition of the church when
12 you went by the next morning?

13 A Well, it was only the front part of the front framing
14 in front was just almost burnt down, it was just a
15 little bit of the framing standing.

16 BY THE COURT:

17 When did this church burn?

18 BY THE WITNESS:

19 Uhh, June 16th, 54.

20 BY THE COURT:

21 I see. What time of the day or night?

22 BY THE WITNESS:

23 Night.

24 BY THE COURT:

25 I said what time of day or night?

1 BY THE WITNESS:

2 What time it was?

3 BY THE COURT:

4 Yes.

5 BY THE WITNESS:

6 Oh, it was somewhere between to make a rough guess
7 between 11 and 12:00 or something like that.

8 BY MR. OWENS:

9 Q That's the same night that you are talking about?

10 A Yes sir, it is.

11 Q Now, had you been, had you ever seen Michael
12 Schwerner?

13 A Before that Sunday?

14 Q At any time?

15 A At the meeting, yes sir.

16 Q When was that meeting?

17 A The fifth Sunday in May.

18 Q And who was with him, if you recall?

19 A Uhh James Chaney and uhh, let me see, let's see, I
20 just can't hardly recall his name.

21 Q Some other fellow?

22 A Dennis, Dave Dennis.

23 Q And where was that meeting held?

24 A At the Mount Zion Church.

25 Q The same church that was burned down?

1 A That's right.

2 Q And what was the purpose of that meeting?

3 A Well, he told us he was going to learn us how to be
4 intelligent, to teach us to be intelligent voters.

5 BY MR. OWENS:

6 I have no further questions.

7 BY THE COURT:

8 All right.

9 BY MR. PIGFORD:

10 Court please, we now move to exclude this testimony
11 of this witness. It has no relevancy that I can see
12 at all about the lawsuit in trial here, Your Honor,
13 I don't think it, we move to exclude it.

14 BY ~~THE~~ COURT:

15 Overrule your objection.

16 BY MR. BUCKLEY:

17 Your Honor, please the Court, I object to the last
18 response of the witness, she responded, he asked her
19 what happened and she responded to what someone told
20 her.

21 BY THE COURT:

22 Yes. Hearday testimony is not competent so
23 disregard anything that she learned by what someone
24 told her. You may cross examine.

25 BY MR. WEIR:

1 BY MR. WEIR:

2 If it please the Court, I move the Court to grant us
3 a mistrial at this time.

4 BY THE COURT:

5 Overruled.

6 CROSS EXAMINATION

7 BY MR. ALFORD:

8 Q Beatrice.

9 A Yes sir.

10 Q I believe you testified that you are 61 years old
11 and lived in Neshoba County all your life, is that
12 correct?

13 A Yes sir.

14 Q And this time that you testified about the 16th of
15 June, 1964, that was in the night time wasn't it?

16 A Yes sir.

17 Q You say it was a dark night or a light night?

18 A It was kind of a light night.

19 Q But you couldn't recognize the features of anybody
20 unless you had some kind of light could you?

21 A That's right.

22 Q And you say that you had finished your meeting and
23 gone out to your car and gotten into your car?

24 A Yes sir.

25 Q When someone approached your car and told you to

1 turn the lights off?

2 A We had gone on, we had left the church.

3 Q Uh huh and gotten in your car hadn't you?

4 A Yes sir.

5 Q And someone came to you and told you to turn your
6 lights off?

7 A That's right.

8 Q Now, you don't know who that was do you?

9 A I believe I do.

10 Q You just believe you do?

11 A I truly believe I know.

12 Q But it was in the night time?

13 A Yes sir.

14 Q And it was dark wasn't it?

15 A Yes sir, but it was a light.

16 Q Was a light?

17 A Yes sir. A car light, was a bright light.

18 Q But at that time there wasn't no car lights shining
19 was it?

20 A Yes sir.

21 Q When they walked up to your car?

22 A At that minute it was.

23 Q Huh?

24 A Yes sir.

25 Q A car came?

- 1 A Yes sir.
- 2 Q Who was in that car?
- 3 A In the car?
- 4 Q Uh huh.
- 5 A The car didn't even come down where we were. It
- 6 stopped above us.
- 7 Q It stopped and shined the lights down there, is that
- 8 what you say?
- 9 A Yessir.
- 10 Q And you say you believe that was who?
- 11 A Mr. Hop Barnette.
- 12 Q And yet you didn't know Mr. Hop Barnette before that
- 13 night?
- 14 A I didn't know him that night.
- 15 Q You didn't know him that night?
- 16 A Just knew that man, I just knew the man.
- 17 Q But you didn't know his name?
- 18 A No sir.
- 19 Q You never seen him before huh?
- 20 A No sir, not that I know of.
- 21 Q Uh huh. Well now, you knew that he had been Sheriff
- 22 of Neshoba County before that didn't you?
- 23 A I had heard that he was.
- 24 Q But you didn't know it?
- 25 A No sir, I didn't know him.

1 Q You didn't ever see the Sheriff, former Sheriff of
2 Neshoba County?
3 A Probably I had did but I just didn't know him.
4 Q And that he served from 1956 to 1960, I mean from
5 1960 to 64?
6 A Yes sir.
7 Q And you never had seen him befo?
8 A If I did I didn't know him.
9 Q And yet that's the first time you ever seen him was
10 that time?
11 A Yessir.
12 Q And you say that you recognized him just from seeing
13 him that one time?
14 A Yes sir, I believe I know him.
15 Q Who told you that that was him?
16 A Didn't anybody.
17 Q Didn't anybody?
18 A Next time I saw this man I just said that looks just
19 like the man.
20 Q Looks like him?
21 A Yes sir.
22 Q But you wouldn't swear positively that that was him
23 would you?
24 A I wouldn't swear it was no other man.
25 Q+ But the fact that you hadn't seen him before, just

1 that one time is the only time you had ever seen him.

2 Who told you that was him?

3 A Well, I had seen pictures of him.

4 Q Who showed you pictures of him?

5 A Well, I seen pictures in different papers.

6 Q What papers?

7 A In the Neshoba Democrat.

8 Q Was that after this?

9 A I don't know.

10 Q You don't know. You don't know when you saw them?

11 A I can't give it definite.

12 Q Now also on the next day or the day after didn't Mr.

13 Rainey, the Sheriff, come out there with a Mr.

14 Singletary from the State Fire Marshal's office and
15 talk to you?

16 A Yes sir.

17 Q And what did you tell him?

18 A I---

19 Q (Interrupting) Didn't you tell him that you didn't
20 know nothing about that church burning?

21 A No sir.

22 Q What did you tell him?

23 A I told him I saw the church burning that night but I
24 told him I didn't know what it was burning.

25 Q You didn't know what it was burning?

- 1 A No sir. I was looking out the window.
- 2 Q You didn't know what it was burning?
- 3 A No sir. I believed it was the church.
- 4 Q But you didn't tell him you knew it was the church
5 did you?
- 6 A Mr. Rainey?
- 7 Q Yes.
- 8 A No sir.
- 9 Q And you didn't tell Mr. Rainey and Mr. Singletary
10 nothing about this trouble that you all had out
11 there either did you?
- 12 A They didn't ask me.
- 13 Q You didn't tell him nothing about it did you?
- 14 A No sir.
- 15 Q And you knew he was the Sheriff and the law officer
16 of the county too didn't you?
- 17 A Yes sir.
- 18 Q And you didn't report it to him did you?
- 19 A No sir.
- 20 Q And all of the questions they asked you about all of
21 the church burning and all the difficulties you
22 didn't say one word to Mr. Singletary, the State
23 Fire Marshal, or Mr. Rainey either about this did
24 you?
- 25 A No sir.

1 Q You didn't tell him then that Mr. Hop Barnette was
2 out there and stopped yall did you?
3 A No sir.
4 Q And you didn't tell him that anybody else had done
5 anything to you then did you?
6 A No sir, I didn't.
7 Q Yet that was right after it happened so you say
8 ain't it?
9 A Yes sir.
10 Q And they spent some time with you didn't they?
11 A Mr. Rainey.
12 Q Mr. Rainey and Mr. Singletary?
13 A Yes sir, they did.
14 Q They talked to your husband too didn't they?
15 A Yes sir.
16 Q Neither one of you told him anything about this
17 difficulty you had did you?
18 A I don't remember whether we talked about that or
19 not. He asked me did I know anybody out there and
20 I told him I didn't uh I couldn't identify anybody
21 out there.
22 Q You told him you couldn't identify them?
23 A Yes sir.
24 Q Now did the government men, the Federal Bureau of
25 Investigation men, did they not show you pictures

1 and help you identify these men?

2 A They never helped identify anybody.

3 Q They didn't show you some pictures?

4 A Yes sir, they showed me some pictures.

5 Q Showed you some pictures?

6 A Yes sir.

7 Q And then is whenever you started your identification

8 wasn't it?

9 A No sir. First time I seen this man I stated this

10 look just like the man that made my husband get out

11 of the car and searched my purse.

12 Q But you told Mr. Rainey and Mr. Singletary you didn't

13 recognize nobody didn't you?

14 A I didn't at that time. I hadn't seen this man before.

15 BY MR. ALFORD:

16 That's all.

17 BY MR. WEIR:

18 May it please the Court,

19 Q I notice that when you came into the Court room here

20 that you and Mr. Doar asked you to identify the man

21 that you just told Mr. Alford about that you began

22 to count and you counted down to the number four.

23 Did anyone tell you to count down to the number of

24 four?

25 A No sir, did not.

- 1 Q Then why did you start counting and count down to the
- 2 fourth number? Did you do that?
- 3 A I done that.
- 4 Q Now, why did you count to one, two, three four and
- 5 then name someone?
- 6 A Well I was trying to just trying to do my best to see
- 7 each person.
- 8 Q And did you count to the number four and stop?
- 9 A I did.
- 10 Q Now, was there any special reason why you counted
- 11 down to the number four and then stopped?
- 12 A It was.
- 13 Q Why was it?
- 14 A Because soon as I looked at this man when I first
- 15 looked at him he kindly imitated the man that I saw.
- 16 Q The gentleman who has named himself is Mr. Jimmy
- 17 Arledge, is that the one you counted down to and
- 18 stopped?
- 19 A Yes sir, it is.
- 20 Q And did you tell the Court and jury that you truly
- 21 believed that it was he, Jimmy Arledge, the gentleman
- 22 that you---
- 23 A (Interrupting) I did until I turned my back. I
- 24 hadn't seen this man back here.
- 25 Q And at whose suggestion did you turn your back?

- 1 A Well, told me to look around in audience and as I
2 turned and looked then I saw this man looked just like
3 the man.
- 4 Q Did Mr. Doar ask you to look to the wall on the back?
- 5 A No sir, he did not, honest with my right hand.
- 6 Q Are you sure Mr. Doar didn't say look to your back
7 also and see, Mr. Owens, I mean Mr. Owens. Did Mr.
8 Owens ask you that question.
- 9 A Count this one?
- 10 Q Yes maam.
- 11 A No sir. I was trying to get to where I could tell
12 people exactly who I was trying to identify.
- 13 Q Well did then whenever you were asked to identify
14 then look to your back and count down to the number
15 four and stop?
- 16 A Say did I?
- 17 Q Yes maam.
- 18 A I really don't know how many I counted then, just
19 then, but I counted, I did count.
- 20 Q In other words, you looked back to see if that's how
21 many numbers you counted down to?
- 22 A Do I counted?
- 23 Q Would you turn around and look and see if that's
24 right?
- 25 A I started here. One, two, three, then I said four.

1 Q Yes maam, and you stopped on four didn't you?

2 A Sure did.

3 Q And then you said I truly believe something else
4 then?

5 A I did.

6 Q So what you are telling the jury is you counted to
7 four and truly believed something but you can't
8 swear under oath that its so can you?

9 A I can swear under oath that I believe.

10 Q Yes maam, but you can't swear on your oath that its
11 absolutely so can you?

12 A I can only swear that I believe from my heart. That
13 is all I can do.

14 Q But as far as actually knowing that's what I am trying
15 to ask you---

16 BY THE COURT:

17 She can testify what she wishes to testify under
18 oath and everything she is saying is under her oath
19 on her best judgment. She doesn't have to abso-
20 lutely know anything.

21 BY MR. WEIR:

22 Well, may I ask her then, Your Honor please, can
23 you be positive, absolutely positive?

24 BY MR. HAUBERG:

25 Court please, she has already answered.

1 BY THE COURT:

2 I will let her answer again.

3 BY MR. WEIR:

4 Q Can you be absolutely positive or can there be some
5 doubt in your mind?

6 A No doubt whatsoever.

7 Q Then are you absolutely positive?

8 A I absolutely do believe.

9 Q Then are you absolutely positive when you say that
10 you were absolutely mistaken that Mr. Arledge was
11 the one?

12 A I'm absolutely sure I'm sorry that I pointed him out
13 because he is not the one.

14 Q It was not the fourth man down facing you that you
15 first pointed out then?

16 A No sir, its not him.

17 Q And there was no particular reason at all to count
18 to the number of four and stop?

19 A No sir, no particular reason.

20 Q You just counted to four and stopped?

21 A Just counted to four and stopped.

22 BY THE COURT:

23 She has answered that several times, counsel. Let's
24 don't beat that to death.

25 BY MR. WEIR:

1 Yes sir. Excuse me and pardon me, Your Honor.

2 BY THE COURT:

3 All right. Go along.

4 BY MR. WEIR:

5 Q Now, did you tell that you saw or knew Michael
6 Schwerner?

7 A (No answer.)

8 Q Did I understand you to say that you ever saw
9 Michael Schwerner?

10 A Yes sir, I have seen him.

11 Q And he was black headed wasn't he?

12 A No sir, he wasn't black headed when I saw him.

13 Q He wasn't?

14 A A He wasn't.

15 Q And you are just as sure of that as anything else
16 you have testified?

17 A Yes sir.

18 BY THE COURT:

19 What color was his hair?

20 BY THE WITNESS:

21 It was I would call him dark sandy and his hair was
22 kindly standy, this kind that stands up like.

23 BY MR. WEIR:

24 Q What color is sandy?

25 A Well it uhh well I just couldn't give you the direct

1 color but it was uhh well it just had dark hair, it
 2 wasn't black, just wasn't black.
 3 Q It was, was it very dark or medium dark or what now?
 4 A Well, I say medium or light dark or something, it
 5 wasn't black, I can tell you it wasn't black.
 6 Q But it wasn't light either was it?
 7 A Wasn't white.
 8 Q Well, it wasn't light colored, you know what I mean
 9 by light colored don't you?
 10 A It was kind of reddish, it wasn't red, but it was
 11 just kind of a I can't give you the color but I do
 12 know the color it was.
 13 Q Well, was it a reddish color?
 14 A Well, it wasn't red but it was just, it wasn't black.
 15 Q But it was going on towards black more than any
 16 other color.
 17 BY MR. HAUBERG:
 18 We object to that for repetition.
 19 BY THE COURT:
 20 Sustained.
 21 BY MR. WEIR:
 22 Q Have you been paid anything by the government at
 23 all? I mean outside of your usual fee here?
 24 A No sir.
 25 Q Are you expecting pay?

1 A For what I'm doing?

2 Q Yes maam?

3 A No sir.

4 Q Have you been furnished any clothing or pay in any
5 way?

6 A No sir.

7 BY MR. WEIR:

8 Would the Court indulge me one moment? May it
9 please Your Honor, that's all the questions I have.

10 BY THE COURT:

11 All right.

12 BY MR. BUCKLEY:

13 Q Beatrice, have you ever testified before the Federal
14 Grand Jury in Jackson, Mississippi?

15 A Yes sir, I did.

16 Q And you did receive pay for going over there didn't
17 you?

18 A Yes sir.

19 Q And then what you testified to a while ago about
20 having not received any pay you were mistaken?

21 A Well, I didn't understand what he meant. I thought
22 he was talking about something like social security
23 or something like that.

24 Q Yes, I realize you were mistaken about that wasn't
25 you?

1 BYMR. HAUBERG:

2 Court please, we object to counsel arguing with the
3 witness.

4 BY MR. BUCKLEY:

5 I'm not arguing with her at all.

6 BY THE COURT:

7 All right, go along.

8 BY THE WITNESS:

9 If you just made it a little plainer asked me was
10 for court affairs I could have answered that
11 directly.

12 BY MR. BUCKLEY:

13 Q I see, well, I am not trying to mislead you or
14 anything and you have talked to Federal Bureau of
15 Investigation---

16 A (Interrupting) Yes sir.

17 Q (Continuing) about this case---

18 A (Interrupting) Yes sir.

19 Q (Continuing) about your testimony haven't you?

20 A Yes sir.

21 Q In fact you did talk to them a little while before
22 you came in here didn't you?

23 A Uhh---

24 Q (Interrupting) U. S. Attorneys and FBI agents?

25 A Yes sir.

1 Q All right sir now in talking with them, can you
2 read and write?
3 A Very well.
4 Q Very well?
5 A Yes sir.
6 Q Did they give you anything to read over?
7 A No sir, they did not.
8 Q Did they read over anything to you?
9 A They did not.
10 Q Did they use notes in reading to you?
11 A They---
12 Q (Interrupting) Did, pardon me, did they have any-
13 thing in their hands to read from when they talked
14 with you?
15 A They had something in their hands but I don't know
16 what whether they was reading.
17 Q Did you ever give them any statements of any kind
18 that you signed or that they kept?
19 A No sir.
20 Q You never did give them any statements?
21 A That I signed?
22 Q Yes, or that you kept either one, or that they kept,
23 pardon me?
24 A I didn't understand you please.
25 Q Did you ever give them any statements that they put

1 down in writing is what I mean?

2 A Oh, I don't know. I give them some statements but

3 now I don't know whether they wrote, did I write,

4 I did not.

5 Q You never did sign any statements at all?

6 A No sir.

7 Q You did testify before Federal Grand Jury in Jackson,

8 Mississippi?

9 A Yes sir.

10 Q And do you remember exactly what your testimony was

11 there then?

12 A Just the same testimony that I gave here.

13 Q I see. In other words, you are telling me that you

14 have never been confused one bit about from the

15 first time until the last time you talked about to

16 the FBI as to who was out there at the church, the

17 individuals you have named?

18 A No sir.

19 Q Well, you don't pretend to tell me you know all of

20 them ~~was~~ out there?

21 A No, I didn't know these people that were out there

22 that night.

23 Q Well let me finish. You have already testified to

24 that. You don't know who the other ones were and

25 you know you have never seen any of them?

1 A No sir, I do not.

2 Q All right and the Federal Bureau of Investigation
3 showed you pictures of individual and asked you to
4 point out try to identify and see if you could
5 determine who it was there you and your husband didn't
6 you?

7 A Yes sir, they did.

8 Q And they showed you a lot of pictures didn't they?

9 A Sure did.

10 Q And in fact they showed you the picture of every
11 person that is a defendant here in this case today
12 didn't they?

13 A Well I don't know.

14 Q Well all of them that you know of didn't they?

15 A I don't know.

16 Q Well, approximately how many did they show you?

17 A I don't know.

18 Q Did they give you a choice of any people to select
19 from other than people who are defendants here?

20 A They did not.

21 Q In other words, if you were to select an individual
22 who was there that night you would have had to
23 select some one of these people?

24 BY MR. HAUBERG:

25 Court please, he is arguing with the witness and sh

1 didn't say that.

2 BY MR. BUCKLEY:

3 Your Honor, if I didn't misunderstand the witness
4 that's exactly what she said.

5 BY THE COURT:

6 Yes, I don't think she said that. I think you are
7 trying to characterize her testimony. Sustain the
8 objection.

9 BY MR. BUCKLEY:

10 Q So far as you know there was no Federal Bureau of
11 Investigation agent pictures among those pictures
12 was it?

13 A I don't know sir.

14 Q There was no people, negro people with them was it?

15 A I don't know sir.

16 Q Well I mean in the ones they showed you, you know
17 whether they were all white or whether---

18 A (Interrupting) Well I did see a negro picture in some
19 books there but I don't know who it was.

20 Q Was there any people other than white people
21 pictures in the ones that you they gave you to select
22 from and determine?

23 A They didn't give, they didn't tell me to select from
24 anyone.

25 Q Do you remember what all pictures they have shown you

1 A No sir.

2 Q Do you remember what all pictures ~~they~~ showed you

3 before you testified in Jackson?

4 A No sir.

5 Q Do you remember if you used anyone's name in Jackson?

6 A No sir.

7 Q You just don't remember or you didn't?

8 A I didn't use anyone's name.

9 Q Do you remember what date this was on again?

10 A Uhh June 16th.

11 Q June 16th. Now, you testified something while ago

12 some event occurred on the fifth Monday in May, 1964

13 is that correct, something?

14 A Not correct.

15 Q Then no event occurred on that day you recall?

16 A I didn't say Monday.

17 Q Well fifth Sunday, pardon me. Did it.

18 A Say did it?

19 Q Yes?

20 A We had church.

21 Q I see and what day of the month was that?

22 A I don't know.

23 Q But you do recall that this particular Sunday was or

24 the 16th?

25 A Yes sir.

1 Q And this was in fact the second Sunday of that
2 month or third Sunday?

3 A I don't know sir.

4 Q Oh you don't know. Do you recall what, you recall
5 the fifth Sunday of May but not the date, you recall
6 the 16th day of June but not the Sunday, is that
7 right?

8 A It wasn't on Sunday.

9 Q Oh the 16th wasn't on Sunday, you were not going to
10 church on Sunday that day?

11 A That wasn't Sunday.

12 BY MR. BUCKLEY:

13 All right. I see.

14 BY THE COURT:

15 All right. Anything further, gentlemen?

16 (Witness excused.)