

1 Q When you all left there what direction did you all
2 go to go to the home of Mr. Burrage, please mam?

3 A We went on West Land, my mother was at my home
4 too, and we went on West Lane, and followed her to
5 her home and we waited until she got in her drive-
6 way, and then we went on his home.

7 Q And about what time did you all get out to his
8 home?

9 A It was approximately 9:30.

10 Q And where did you spend that night, please mam?

11 A In Olen Burrage and his wife's home.

12 Q Did Mr. Burrage, was he there that night?

13 A Yes indeed, he was there.

14 Q Did he leave anytime that night?

15 A No sir.

16 Q Did you have any difficulty there in his home
17 that night?

18 A Yes sir, I got nervous, and I had become nauseated
19 when the prowler came.

20 Q Now where was this prowler that you are talking
21 about?

22 A At my home.

23 Q Did it scare you?

24 A Yes sir, it scared me, so I got nervous and I
25 became nauseated.

Q And when you became sick, did you have to go to the bathroom or anything?

A Yes sir, I had to go to the bathroom several times to vomit.

Q And who helped you?

A Olen Burrage and Dean Burrage.

Q And who is Dean Burrage?

A That's Olen Burrage's wife.

Q Is that Mrs. Audine Burrage?

A Yes sir.

Q And did Mr. Burrage have any visitors that night?

A Yes he did. When we drove in his drive way there was a car parked there, and there was some members from our church and Ray Stepps.

Q Mr. Ray Stepps?

A Yes sir.

Q Did Mr. Burrage leave or go anywhere with Mr. Stepps?

A No, he did not. He carried me into the house and then he went back and talked with Ray for 20 or 30 minutes.

Q Did Mr. Burrage get any telephone calls that night that you know of?

A Yes sir, he did. He got one around 10:30 and I heard the conversation.

1 Q But you didn't know who it was at that time?

2 A No, I didn't, but I heard him say----

3 BY MR. HAUBERG:

4 We object to any conversation, if it please the Court.

5 BY THE COURT:

6 Sustained.

7 BY MR. ALFORD:

8 Q You can't repeat the conversation. Now, please
9 mam, if Mr. Burrage had left that night would
10 you have known about it?

11 A Yes sir.

12 Q What bed did you occupy that night, please mam?

13 A The guest bedroom on the front of the house.

14 Q On the front?

15 A Yes sir.

16 Q Now is that house, what side of the house, uh,
17 what side of the highway is that house on please
18 mam?

19 A Its on the left.

20 Q Would that be the south side?

21 A Yes sir.

22 Q And where did Mr. Burrage and Mrs. Burrage, what
23 bedroom did they occupy?

24 A They slept in the back bedroom.

25 Q Would Mr. Burrage have had to pass your bedroom

to get out of the front of the house?

BY MR. HAUBERG:

We object, if the Court please, to his leading the witness.

BY THE COURT:

Overruled.

BY MR. ALFORD:

Q Uh, he would have had to come down the hall by my bedroom, yes sir.

Q Did he leave the home that night?

A No sir.

Q Did he have a telephone call later over in the night?

A Yes sir he did. He had a telephone call at approximately 1:00 o'clock.

Q Now, why would a telephone call at that time impress upon your memory, please mam?

A Well mainly because I was sick.

Q What about the telephone call?

A Oh, it was my husband and he was calling in from Evansville, Indiana.

Q Now who told you that?

BY MR. HAUBERG:

We object to who told her.

BY THE COURT:

Overruled.

BY MR. ALFORD:

The Judge says you may answer.

A. I heard him call my husband's name on the telephone and I asked him not to tell him I was sick, because he would worry and he was on a trip.

Q. Was that in the nature of a business call?

A. He had had trouble with his truck.

Q. Who told you that?

BY MR. HAUBERG:

We object to hearsay conversation, if the Court please

BY THE COURT:

Yes, I'll sustain the objection.

BY MR. ALFORD:

Q. You can't go into the conversation, but what time did you leave Mr. Burrage's home the next morning please mam?

A. Approximately 6:30.

Q. And who carried you away from there?

A. Olen Burrage.

Q. And where did he carry you please mam?

A. He carried me to 264 West Beacon Street.

Q. Was that your home?

A. That's my home, Yes.

Q. That's all.

CROSS EXAMINATION

1
2 BY MR. DOAR:

3 Q Mrs. Davis, you say you left your home at
4 8:30?

5 A Approximately 8:30.

6 Q And your foot was in a cast?

7 A Yes sir.

8 Q Add you weren't feeling well?

9 A No sir.

10 Q And you drove to your mother's house to see that
11 she got into her driveway?

12 A No sir, I didn't drive.

13 Q But you were in the car, weren't you?

14 A Yes sir.

15 Q And then you went to Olen Burrage's house?

16 A Yes sir.

17 Q And what time did you get there?

18 A Well, I would say around 9:30.

19 Q So it took you an hour to go from your house to
20 Mr. Burrage's house?

21 A Well no, we went by my mother's home first.

22 Q Did you stop?

23 A We stopped and waited until she did get in her
24 driveway and seen that she was safe in her
25 house.

- 1 Q How long did that take?
- 2 A Five or ten minutes.
- 3 Q Then you went out to Mr. Burrage's home?
- 4 A That's right.
- 5 Q And you weren't feeling well?
- 6 A That's right.
- 7 Q Did you go right to bed?
- 8 A No sir.
- 9 Q What time did you go to bed?
- 10 A Well my sister and I sat down and she fixed some
- 11 coffee while Olen Burrage was talking with Mr.
- 12 Ray Stepp.
- 13 Q Now, before 8:30 you hadn't seen Mr. Burrage that
- 14 day did you?
- 15 A No sir.
- 16 Q Youdon't know where he was before 8:30?
- 17 A No.
- 18 Q And what time did you go to bed?
- 19 A Around 10:30 or 11:00 o'clock.
- 20 Q And Mr. Burrage had gone outside to talk to some-
- 21 body around 10:30?
- 22 A Uh hum.
- 23 Q Where did you stay, which room did you stay before
- 24 you went to bed?
- 25 A In the den, right off the carport where Olen and

Mr. Stepp were standing.

Q Is this a two-story house or a one-story house?

A One story.

Q And does it have a front and back door?

A Yes sir, but the living room is in the middle of the house and the den is on the end that you drive in to the driveway.

Q There is an entrance into the den from the carport?

A Yes sir.

Q Does it have a front door besides that?

A Yes sir.

Q Does it have a back door?

A No sir.

Q No back door from the kitchen?

A No sir.

Q You can't get out of the kitchen outside?

A No sir.

Q How do you get out from the kitchen?

A Through the den door.

Q And after 11:30 except for the times that you went to the bathroom you were in your room?

A Yes sir, off and on, because when I came sick Olen Burrage and Dean Burrage would take me back and forth to the backroom.

Q Did you hear any unusual noise that night?

1 A. No sir, I did not.

2 Q. Were you awake most of the night.

3 A. Most of the night.

4 Q. Did you hear any cars in that area where Mr.
5 Burrage has his tractors and trailers?

6 A. No sir, I did not.

7 Q. And that's right across the road?

8 A. That's right across the road.

9 Q. You didn't hear any activities over there at all?

10 A. No sir, I did not.

11 Q. And----

12 BY THE COURT:

13 How far was your room from this site where they were
14 constructing the dam over there?

15 BY THE WITNESS:

16 Approximately 150 yards.

17 BY THE COURT:

18 Did you hear any machinery operating over there that
19 night?

20 BY THE WITNESS:

21 No sir, I did not.

22 BY THE COURT:

23 That was in June, that was in the summer time
24 was it not?

25 BY THE WITNESS:

1809
Yes sir, it was.

BY THE COURT:

Did you have air conditioning in your house?

BY THE WITNESS:

Yes sir.

BY THE COURT:

What I'm trying to find out if you windows were up
or down?

BY THE WITNESS:

They were down.

BY THE COURT:

The windows were down.

BY THE COURT:

And you couldn't hear any noise of any kind outside?

BY THE WITNESS:

No sir, I didn't hear any.

BY THE COURT:

And if any equipment had been operating over there
at that dam site, operating within 100 yards of
your room?

BY THE WITNESS:

I didn't understand the question.

BY THE COURT:

My question was, first about how far you were from
the dam site?

1 BY THE WITNESS:

2 The dam? Oh, it was approximately two miles from
3 the house, I thought you meant the shop, where his
4 business was.

5 BY THE COURT:

6 Are you telling me that the room that you occupied
7 that evening was two miles from the dam site?

8 BY THE WITNESS:

9 Yes sir.

10 BY THE COURT:

11 Where they were constructing this new pond?

12 BY THE WITNESS:

13 Yes sir, it was approximately two miles.

14 BY THE COURT:

15 All right, thank you mam.

16 BY MR. DOAR:

17 Q Did you call the police about the prowler that
18 night?

19 A No sir, I didn't.

20 Q Did you call anyone?

21 A I called my mother, Mrs. Addie Clark.

22 Q Doyou know where she called the police?

23 A No sir, she didn't call them.

24 Q When did you call your mother?

25 A Around eight, I would say.

1 A. Around eight, I would say.

2 Q. Eight?

3 A. Somewhere close to eight I would say.

4 Q. That was early in the afternoon?

5 A. Uh hum, eight P. M.

6 Q. Thank you.

7 (Whereupon witness excused)

8 MRS. AUDINE BURRAGE, called as a witness for and on
9 behalf of defendants, was sworn and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. ALFORD:

13 Q. May it please the Court, this witness is Mrs.

14 Audine Burrage, A U D I N E.

15 BY THE COURT:

16 Thank you.

17 Q. Mrs. Burrage, who is your husband?

18 A. Olen Burrage.

19 Q. Please mam, tell the Court and Jury where you
20 live?

21 A. On Highway 21 West.

22 Q. What town, please mam?

23 A. Philadelphia, Mississippi.

24 Q. About how far do you live from Philadelphia?

25 A. Three miles.

1812

1 Q I would like to direct your attention to June the
2 21st, 1964 and ask you if you remember that date?

3 A Yes sir, I do.

4 Q And why do you remember that date?

5 A Well, mainly because it was Father's Day.

6 Q And was your husband home with you on that day?

7 A Yes he was.

8 Q All day long?

9 A All day.

10 Q Did he leave either that day or that night?

11 A No he didn't.

12 Q Please mam, I would like to ask you if you had
13 any visitors on that day?

14 A Yes, we had visitors all afternoon.

15 Q Who were some of those visitors there, please mam?

16 A Well, my brother in law came, probably about 1:00
17 o'clock.

18 Q Now who is your brother in law?

19 A Willie Copeland.

20 Q Mr. Willie Copeland?

21 A That's right, and his family.

22 Q How long did they stay please mam?

23 A Oh, they left around 6:00 o'clock.

24 Q Who else came there?

25 A Bertis Sullivan came.

Q Now is that Mr. B. D. Sullivan?

A Yes sir.

Q About what time did he come?

A Probably 3:00 o'clock.

Q Well, he wasn't there too long.

Q Who else came?

A Well, Lacy Murphy and his family, an uncle.

Q About what time did they come please mam?

A Oh, probably 3 or 3:30, somewhere around there.

Q And who else came?

A There was a guy that came, Leon Myers.

Q About what time did he come?

A It was somewhere along that time.

Q Now I believe you said Mr. Copeland and Mr. Sullivan were relatives of yours, was Mr. Myers a relative of yours?

A No.

Q And what was the nature of Mr. Myers' visit?

A Well, he came to see about a horse he had been trying to buy.

Q Now, who had that horse please mam?

A Olen Burrage owned the horse.

Q Did Mr. Myers see that horse?

A Yes, he went down in the pasture to see it.

Q Now, about what time was that, please mam?

1 A Oh, I would say around 4:00 o'clock.

2 Q How long did he stay if you know?

3 A Well actually I don't know. They got the horse
4 up and rode it awhile, I don't really know.

5 Did he ride the horse?

6 A Yes, he rode it and his wife and children rode it.

7 Q Did Mr. Burrage ride the horse?

8 A No, he didn't leave the house, he told him if
9 he wanted to go see the horse he could----

10 BY MR. HAUBERG:

11 We object to any conversation.

12 BY THE COURT:

13 Yes, I'll sustain the objection.

14 BY MR. ALFORD:

15 Q Did you and Mr. Burrage leave the house for any
16 occasion after supper that night?

17 A We went across the street to church.

18 Q When you say across the street, do you mean high-
19 way 21?

20 A Highway 21.

21 Q And what church did you go to?

22 A Fellowship Baptist.

23 Q How far and in what direction is that from your
24 home please mam?

25 A Oh, its on highway 21, three miles west from

Philadelphia.

Q How far is that from your home?

A Approximately a hundred yards.

Q About a hundred yards, and what time were those services over?

A Probably eight or five after.

Q After that service was over, did you and Mr. Burrage do anything or go anywhere?

A Yes sir we did. We came back to the house and my sister had called for us to come up to her house, that she had gotten frightened, so we got in the car and drove up there?

Q You and Mr. Burrage?

A Yes, and one of my sons.

Q Is that your sister, and who was she?

A Mrs. Archie Davis, Ruby Davis.

Q When you got to her house did you find anybody there with her?

A Yes, my mother was there. She had already called.

Q Now, what did you all do with reference to Mrs. Davis?

A First, we tried to calm her down, she was all shaken up, then Olen looked around the house, and then Olen asked her to go out to our house and spend the night.

1 Q Say Mr. Olen looked around the house?

2 A Yes sir.

3 Q What part of the house did he look around?

4 A Well, he drove the car up, she heard the noise in
5 the basement, so he drove the car up so he could
6 see under the house in the basement, and looked
7 all around the house and he didn't see anything.

8 Q Was that before or after you had gotten out of the
9 car?

10 A It was after we had gotten out of the car.

11 BY THE COURT:

12 Mr. Alford, we will suspend at this point for fifteen
13 minutes.

14 (Whereupon the Court took a recess at 10:55 A. M.
15 for fifteen minutes)

16 AFTER RECESS:

17 BY MR. ALFORD:

18 Q Mrs. Burrage, did Mr. Burrage and you leave the
19 home of Mrs. Davis that night after you had been
20 down there to see about her?

21 A Yes, we took her back to our home with us that
22 night.

23 Q Who carried her to the car?

24 A Olen Burrage, my husband.

25 Q What was her condition that night?

Well, she had her foot broke.

Q Was it in a cast?

A It was in a cast, she couldn't walk.

Q And what was her physical condition when you all were there with her?

A Well, she was nervous and upset from the freight she had gotten.

Q Which way did you all go from her home to your home?

A We went out highway 21, went out on Beacon Street and then on highway 21.

Q Did you or not go by your mother's home?

A Oh yes, we went by my mothers.

Q Where does your mother live?

A She lives on Main.

Q And how far and in what direction is that from Beacon Street?

A Well, its paralell with Beacon Street but its still West.

Q Is it paralell with Beacon Street?

A Yes.

Q Now, when you got home please mam, what did you do with Mrs. Davis and what did Mr. Burrage do?

A Well, he taken her out of the car and got her

1 in the house, and at the time when we got there
2 we had company.

3 Q Who did you have?

4 A Well, it was Ray Stepps.

5 Q Did he talk to you or your husband?

6 A He talked to Olen, my husband.

7 Q And about what time was this, please mam?

8 A Oh it was probably somewhere around 9:00 o'clock.

9 Q Now, where was Mrs. Davis and you at the time Mr.
10 Burrage were talking to Mr. Stepp?

11 A We were in the house.

12 Q And what room were you all in in the house?

13 A Dining room and den.

14 Q Now is that the house that you all live in now
15 or is that another house?

16 A Its another house.

17 Q What, uh, which side of Highway 21 is this house
18 that you lived in in 1964?

19 A Its on the left side?

20 Q Would that be the south side of the road?

21 A Yes.

22 Q What was on the north side of the road?

23 A Well, the shop, my husband's business.

24 Q His business, and about how close was the house
25 from the shop and office at that time?

1819

1 A. Oh, its in the neighborhood of a hundred yards,
2 something like that.

3 Q. Now, please mam, after Mr. Stepps left, where did
4 your husband go?

5 A. Well, he came in the house and had coffee with us.

6 Q. And then did anything unusual happen that night?

7 A. Well no, Ruby was sick practically all night, but
8 nothing unusual happened.

9 Q. Did you say practically all night she was sick?

10 A. Uh hum.

11 Q. Well, did that require any attention from you
12 or Mr. Burrage?

13 A. Yes, we were up and down with her off and on most
14 of the night?

15 Q. Did you all have any telephone calls that night?

16 A. Yes, I think the pastor, Reverend Leon Duncan
17 called us.

18 Q. Who else called?

19 A. Well, later my mother called to check on her,
20 and then let me see, I think about 1:00 o'clock
21 or after, one of the drivers called in.

22 Q. Did you know from what place that truck called,
23 and did you hear Mr. Burrage talk?

24 A. Yes, the call came from Evansville, Indiana, he
25 said-----

1820

1 BY MR. HAUBERG:

2 We object to any conversation.

3 BY THE COURT:

4 Yes, sustain the objection. You can't tell what
5 anybody said.

6 BY MR. ALFORD:

7 Q Do you know who the call was from?

8 A Well it was from my brother in law, R. P. Davis.

9 Q What relation is he to Mrs. Davis?

10 A He's her husband.

11 Q Now, did Mr. Burrage leave that night after you
12 all brought Mrs. Davis to your house?

13 A No, he didn't.

14 Q Where did Mrs. Davis stay in your home that
15 night?

16 A She stayed in the guest bedroom which is on the
17 front.

18 Q And where did you and Mr. Burrage stay?

19 A Just down the hall from her.

20 Q And during the night time if your husband had
21 left, would you have known about it?

22 A Certainly I would have.

23 Q Did you all stay in the same room that night?

24 A Yes, we did.th

25 Q As a matter of fact, were you all up and down with

1891

1 your sister that night?

2 BY MR. HAUBERG:

3 We object to leading, Your Honor.

4 BY THE COURT:

5 Overruled.

6 BY MR. ALFORD:

7 Q Please mam, did your husband leave tne next morning?

8 A Yes, he did. He got up as usual and went to get
9 the mail, probably about 6 or 6:30.

10 Q Did he carry anybody with him?

11 A He carried my sister back home, yes.

12 Q And I believe you all received a telephone call
13 that morning?

14 A Yes, my mother called before she went to work,
15 just before we were through eating breakfast.

16 Q Now, I want to ask you Mrs. Burrage if anything
17 unusual or out of ordinary occur across the road
18 at your husband's shop that you heard?

19 A No, not a thing.

20 Q If a truck had cranked up or anything would you
21 have heard it?

22 A Yes.

23 Q Did you all have any dogs around the house that
24 night?

25 A Yes, the boys have two.

1 Q Did you all have any dogs around the house on
2 the night of June 21st, 1964?

3 A Yes, we had two.

4 Q And do your dogs make a noise if anybody comes
5 around late at night?

6 A Yes, they do.

7 Q Did they make a noise that night?

8 A No, I didn't hear them.

9 Q Now please mam, this home you lived in, what
10 entrances did you have?

11 A Well we had a door that comes into the den on the
12 north, and then we had a front door facing the
13 road.

14 Q Were those the only doors that you had?

15 A Yes.

16 Q You may cross examine.

17 CROSS EXAMINATION

18 BY MR. DOAR:

19 Q Mrs. Burrage, your memory is quite clear as to
20 the events of June the 21st, 1964, is that a
21 fair statement?

22 A Yes.

23 Q When did you first report the events of the 21st?

24 A Oh well probably, oh, well, on later after my
25 husband was arrested for this.

1 Q After your husband was arrested?

2 A Yes sir.

3 Q Then you started thinking back and recalled just
4 what happened on that particular day?

5 A Yes.

6 Q And I suppose you talked to your husband about it?

7 A Well, yes sir.

8 Q And you talked to your sister about it?

9 A Well, I talked to my lawyer about it.

10 Q You talked to your lawyer about it. Now, when those
11 Civil Rights Workers showed up missing after being
12 in the jail over in Neshoba County, there was a
13 matter of lot of interest up there in that county
14 wasn't it?

15 A Well, yes it was.

16 Q And it was talked about a lot?

17 A It sure was.

18 Q And you knew that a search was going on through
19 that county for those bodies?

20 A Yes.

21 Q And, as a matter of fact, everybody was interested
22 and talking about those Civil Rights Workers, were
23 they not?

24 A Yes sir, that's right.

25 Q So you had that Sunday prettyin mind immediately

1894

1 A No, I did not, well actually when the officers,
2 after they were found, then the officers they
3 came and asked us about it and then we begin to
4 discuss it.

5 Q Some of the F. B. I. people came and talked to
6 you about it?

7 A Yes, uh hum.

8 Q Now, you have testified here today that you had
9 some company that day?

10 A Yes sir.

11 Q And I wonder if you could again give us the names
12 of that company in order and running on through
13 the evening?

14 A Well, let's see. My mother came by that morning
15 from church in the morning, Mrs. Addie Clark.

16 Q What time was that?

17 A Well, it was just after church was over.

18 Q Just after church was over for her?

19 A Yes, I didn't go that morning.

20 Q Then around 1:00 o'clock, my husband's sister
21 and her husband came, Mrs. Ruby Copeland, Willie
22 Copeland, and their children, Wanda Copeland,
23 Ann and Pete Copeland, Aletha Copeland, they
24 were the children, then later Bertis Sullivan
25 came.

1 Q When did Bertis Sullivan come?

2 A Somewhere around 3 or 3:30 probably.

3 Q Is that a man or woman?

4 A That's a man.

5 Q And how long did he stay?

6 A Probably around 15 or 20 minutes

7 Q Is he a relative?

8 A No, just a friend.

9 Q Was this business or just a personal call?

10 A Well, he had some cows over on our pasture over
11 on the big farm, and he wanted Olen to go with
12 him to see about the cows.

13 Q Did your husband go?

14 A No, my husband was ailing that day, his back was
15 giving him trouble.

16 Q Was he in bed?

17 A Well not really, he was up and down.

18 Q Then who came next?

19 A Well then the Murphys came, that's an aunt and
20 uncle, Lacey Murphy, Charlotte Murphy, his wife,
21 and June Murphy, their daughter, and Joy Murphy
22 another daughter.

23 Q What time was that?

24 A Probably 4:00 o'clock, somewhere around that.

1 Q. Who came next?

2 A. Then Leon Myers came to see about a horse.

3 Q. What's his name?

4 A. Leon Myers.

5 Q. Where does he live?

6 A. Highway 16, I believe it is.

7 Q. Did Mr. Burrage talk to him about the horse or did
8 you talk to him about the horse?

9 A. My husband talked to him about the horse.

10 Q. Well where were you when they were talking about
11 the horse?

12 A. I was in the den with my guests.

13 Q. Which guests?

14 A. The relatives and friends.

15 Q. And who were they?

16 A. Well, the Copelands and Murphys

17 Q. Well were the Copelands and Murphys there together
18 at this time?

19 A. Yes, this was around 3:00 o'clock.th

20 Q. I see. Then this man that came to see about the
21 horse, what was his name?

22 A. Leon Myers.

23 Q. Leon Myers came to see about the horse, was he
24 on the outside of the house?

25 A. No, he came to the door or the den.

Q And they talked right at the door?

A Yes.

Q Could you hear what they were saying?

A Yes, he had already been to see about the horse several times, he told him he could ride it if he wanted to and if he wanted to buy it all right if not all right.

Q And that was all the conversation they had?

A Yes.

Q Then who came next?

A Let me see. I think that was about all the company that we had.

Q Until your sister came?

A Yes. We went and brought her to our house.

Q And you went to church that evening you say?

A Yes, we went to church.

Q That was the first time you went to church?

A That day, yes.

Q And then what time did you go to bed?

A Probably somewhere around 1:00 o'clock or a little after.

Q That late?

A My husband and I were up with my sister, she was sick.

Q You went to bed at about 1:00 o'clock or later.

1828

1 Are you sure of that?

2 A Yeah, let me see, yes, my husband laid down but
3 I didn't. I was up.

4 Q And you are sure about going to church that evening?

5 A Yes, I'm positive.

6 Q And you are positive about all that company?

7 A I'm positive.

8 Q No doubt in your mind?

9 A No, not any whatsoever.

10 Q And you are positive that your sister came that
11 night?

12 A Positive.

13 Q How were you feeling that day?

14 A Well, I had a headache.

15 Q How late had you slept?

16 A Probably eight o'clock or something like that.

17 Q You mean you got up at 8:00 o'clock in the morning?

18 A Probably was.

19 Q Now it was father's day, what did you do about
20 that?

21 A Well, I fixed dinner for one thing.

22 Q And you have some boys?

23 A Yes.

24 Q How many boys?

25 A Two boys.

Q. Were the boys there?

A. Yes, they were there.

Q. Did they do anything for their father that day?

A. They gave him a gift.

Q. A watch?

A. No, they had a cigarette lighter.

Q. Did you go anywhere with the boys that day?

A. I did go up to the store to get a loaf of bread that day.

Q. Did you go anywhere with the boys?

A. No.

Q. Are you sure of that?

A. I'm positive.

Q. Now, do you remember when the bodies were recovered?

A. The bodies?

Q. The bodies of the three Civil Rights Workers?

A. Uh hum.

Q. What day was that?

A. Let's see, I believe that was August the 4th.

Q. And you knew they were found on your property?

A. I knew they said they were, yes.

Q. Did you talk to your husband about the deep pond where they were buried fifteen feet in the dam on your property?

1 A Well naturally we talked it over, yes sir.
2 We were concerned.

3 Q Well I would think you would.

4 BY MR. BUCKLEY:

5 We are going to object to that statement, Your Honor.

6 BY THE COURT:

7 Yes, sustain the objection.

8 BY MR. DOAR:

9 Q Then after the bodies were found two F. B. I. Agents
10 came and talked to you that day?

11 A That's right.

12 Q And they asked you some questions?

13 A Yes, that's right.

14 Q And you gave them some information?

15 A thThat's right.

16 Q And the information that you gave them, were you
17 trying to be as accurate as you could?

18 A Well, I tried to. I don't know. I was so shook
19 Qp, but I tried my best.

20 Q Well, do you remember whether or not you told
21 them that on father's day you slept until nearly
22 noon on that day which you recalled as father's
23 day, remember telling the F. B. I. Agents that?

24 A No, I don't think so.

25 Q Would you deny that you told them that?

1 A. No, I wouldn't deny it.

2 Q. Do you remember telling them, let's see, I believe
3 the agents were there on the day the bodies were
4 found, is that right?

5 A. I think, yes, that's right.

6 Q. And there were two of them?

7 A. That's right.

8 Q. Where were they?

9 A. I think on the porch in the swing.

10 Q. How long were they there?

11 A. Probably two hours, somewhere about there.

12 Q. Did you have a pleasant conversation?

13 A. Yes, we did.

14 Q. Was it in the morning or the afternoon?

15 A. It was in the afternoon.

16 Q. Do you remember telling them you had a migraine
17 headache that day, on father's day, that you were
18 suffering from a migraine headache on father's day?

19 A. Yes, that's right.

20 Q. You did tell them that?

21 A. Uh hum.

22 Q. Do you remember telling them the boys had pur-
23 chased a watch for their father?

24 A. I don't believe I told them a watch.

25 Q. You don't believe you told them a watch?

- 1 A No I don't believe I told them a watch.
- 2 Q Are you sure of that?
- 3 A He's got a watch.
- 4 Q Are you sure you didn't tell them a watch?
- 5 A Well I don't think I did, I'm not sure.
- 6 Q Do you remember telling them that Mr. Burrage had
- 7 told the family that you would go out for dinner,
- 8 for the noonday meal?
- 9 A Yes, I remember that distinctly.
- 10 Q That was true.
- 11 Q That was true.
- 12 Q And you decided that you would prepare dinner?
- 13 A That was true.
- 14 Q Do you remember telling the F. B. I. Agents of
- 15 having the boys to awaken their father for a
- 16 surprise dinner?
- 17 A That was right.
- 18 Q That was true?
- 19 A That was true.
- 20 Q Do you have any girls?
- 21 A Yes, I have a daughter.
- 22 Q Was she home that day?
- 23 A No, she was off, she wasn't home that day.
- 24 Q Just the two boys?
- 25 A Two boys.

1 Q How old are the boys?

2 A Thirteen and Fourteen.

3 Q And do you remember telling the F. B. I. Agents
4 that you did have dinner that day?

5 A Yes.

6 Q And that afternoon after dinner, you and Mr.
7 Burrage drove the boys into Philadelphia to the
8 pool for swimming.

9 A Well, I don't recall telling him that.

10 Q Do you deny telling the Agents that you and your
11 husband drove the boys to the pool in Philadelphia?

12 A Well no, I wouldn't deny it now, because it would
13 take me a while to find out just what I did that
14 day, I wouldn't deny it.

15 Q But you spent two hours with the Agents and they
16 were interested in finding out----

17 A Yes and I was scared and shook up too.

18 Q But they were interested in finding out as much
19 as they could what you did that day.

20 A I might have told him but I probably told them
21 too that I wasn't sure.

22 Q But this was only six or seven weeks after the
23 21st of June?

24 A Yes, that's right.

25 Q And would you say generally your memory is better

1 of events that happened in the distant past
2 than in the present past.

3 A Well they came and questioned us and natrually
4 everyone wanted to know where they were at the
5 time and everything was going on, and I didn't
6 see a thing but naturally you would want to know.

7 Q You would want to know what?

8 A Well if you meant anything strange, if anything
9 was supposed to have happened that day.

10 Q But you were trying as hard as you could on the
11 4th of June to remember just what you did and
12 saw, is that correct?

13 BY MR. ALFORD:

14 We object, Your Honor, to the date of June the 4th.

15 BY THE COURT:

16 Yes, I sustain the objection, you may ask your
17 question over, Mr. Doar.

18 BY MR. DOAR:

19 Q When the F. B. I. Agents were there on August
20 the 4th you were trying as hard as you could to
21 remember what you saw and what you could, and
22 what your husband did on June the 21st?

23 A That's right.

24 BY MR. ALFORD:

25 We object to that if the Court please, that's four

times he's asked that.

BY THE COURT:

Overruled.

BY MR. DOAR:

You may answer the question.

A. Yes, I tried to.

Q. Do you remember/telling the two F. B. I. Agents that you didn't go to church because you weren't feeling well?

A. Yes, I told them that.

Q. Now you say you did go to church.

A. I went to church in the evening, I didn't go to church in the morning.

Q. But you just told the F. B. I. Agents that you didn't go to church.

A. Well, I didn't in the morning, that morning.

Q. But before the F. B. I. Agents asked you about what you did that day, did you start going through in the morning and then in the afternoon and then in the evening?

A. Well, we probably did.

Q. And do you remember whether you had the discussion with the F. B. I. Agents about going to church after you discussed with them about the swimming pool, and the dinner for Mr. Burrage?

1 A. Yes.

2 Q. And, do you remember telling the F. B. I. Agents
3 that you specifically recall that you retired
4 early on Sunday evening June the 21st, 1964?

5 A. No, I don't remember telling them that.

6 Q. Would you deny it?

7 A. No, I wouldn't deny it, certainly not.

8 Q. But you don't recall telling them that?

9 A. No, I don't recall it.

10 Q. Do you remember telling them that your husband
11 retired either at the same time or shortly after
12 she did?

13 A. Well, I don't remember that.

14 Q. You don't remember telling them that?

15 A. No.

16 Q. Do you remember telling them that you did not
17 recall having any company on June the 21st, 1964?

18 A. No, I don't remember telling them that.

19 Q. Do you deny it?

20 A. No, I don't deny.

21 Q. Did you try to do your best when you were telling
22 them of the events of June the 21st?

23 A. Well, naturally I did, but since all of this had
24 happened there on our place, well naturally I
25 was all shook up.

1 Q Then after your husband was arrested, you talked
2 to your lawyer about it and reviewed the day again
3 more carefully?

4 A Yes, that's right.

5 Q And do you remember telling the F. B. I. Agents
6 that you could have had many callers since you
7 have many friends and relatives in the area?

8 A Yes, I don't recall it but I could have told it.

9 BY THE COURT:

10 What was this date that you were talking to the F.

11 B. I.?

12 BY THE WITNESS:

13 Well, let's see, I don't recall the date.

14 BY MR. DOAR:

15 Q Can you fix the date in your mind with relation
16 to the day the bodies were found on your property?

17 A I think it was that night after they were found.

18 Q That night or could it have been the following
19 morning?

20 A No, I believe it was that night.

21 Q And you were on the swing in your porch?

22 A In the evening.

23 Q They were there for two hours?

24 A Yes.

25 Q And they asked you a number of questions?

1 A Yes, that's right.

2 Q And they were there for two hours?

3 A Yes, that's right.

4 Q Is that your best recollection?

5 A Yes, it is.

6 Q What is the distance of your house from Philadel-
7 phia?

8 A Three miles.

9 Q And what is the distance of your house to the
10 dam pond out on the old Jolly farm?

11 A Oh, I would say two or two and one half miles,
12 something like that.

13 Q Before you talked to the, uh, I'll withdrawn that
14 question. When did you first learn that the
15 bodies had been recovered on your property?

16 A Oh, it was that night, probably about seven or
17 eight o'clock.

18 Q Who told you about it?

19 A Well, some of the neighbors began to come in and
20 tell us.

21 Q Where was your husband?

22 A My husband and myself were sitting down out on
23 the back.

24 Q So your husband learned of this the same time
25 you learned of it?

1 A Yes.

2 Q And it was after that that the F. B. I. Agents
3 came and talked to you?

4 A Yes, after that.

5 Q Was your husband there when the F. B. I. Agents
6 came?

7 A Yes, he was. Oh no, not the time they came, no.

8 Q He was away?

9 A He was away.

10 Q Are you sure it was that night or could it have
11 been the next morning?

12 A No, it was that night.

13 Q Do you remember what time that was?

14 A It was probably seven or eight o'clock, somewhere
15 in that neighborhood.

16 Q But it was after you had learned about the bodies
17 being recovered on your property?

18 A Well, just a few minutes, yes.

19 Q Thank you. Oh excuse me, just a moment, Your

20 (Honor, I would like to ask her another question.

21 BY THE COURT:

22 All right.

23 BY MR. DOAR:

24 Q Do you know where your husband went that night
25 after he learned about the bodies?

1 A. He got in the truck and went over there and
2 asked them if he could go in.

3 BY THE COURT:

4 Drove where?

5 BY THE WITNESS:

6 He got in the truck with some friends, the friends
7 that had told us about it, they had heard it on
8 the radio and he went over to the place to see if
9 he could go in and see what was going on.

10 BY MR. DOAR:

11 Thank you.

12 REDIRECT EXAMINATION

13 BY MR. ALFORD:

14 Q. Mrs. Burrage, as a matter of fact, on the
15 4th day of August, 1964, did or not the F. B. I.
16 Agents try or attempt to try and serve a search
17 warrant on you and asked if you were not Mr.
18 Burrage?

19 A. Yes, they did.

20 BY MR. HAUBERG:

21 We object, Your Honor, this is not redirect.

22 BY MR. ALFORD:

23 Your Honor please, they raised the question of August
24 the 4th and she said she was shook up about it and
25 I want to go into it.

1 BY THE COURT:

2 I'll sustain the objection, I don't think anything
3 like that came out on cross examination.

4 BY MR. ALFORD:

5 Q Please mam, I would like to ask you if and in
6 fact you went to church on Sunday night?

7 A Yes, I did go to church on Sunday night.

8 Q And did your husband go with you?

9 A My husband went with me.

10 Q And as a matter of fact, did you or not have
11 company that afternoon?

12 A We did, all afternoon.

13 Q And did not your sister spend the night with you?

14 A She certainly did.

15 (Whereupon witness excused)

16 ED WILKINS, called as a witness for and on behalf of
17 defendants, was sworn and testified as follows:

18 BY MR. WATKINS:

19 If it please the Court, this witness name is Ed
20 Wilkins, W I L K I N S.

21 BY THE COURT:

22 Thank you sir.

23 BY MR. WATKINS: DIRECT EXAMINATION

24 Q Do you know Frank Herndon, Mr. Wilkins?

25 A I do.

1 Q How many years have you known Frank Herndon?

2 A Ten or twelve years.

3 Q Are you a Deputy Sheriff now?

4 A I was a County Patrol Officer.

5 Q Are you a County Patrol Officer now?

6 A I was up until last month.

7 Q And how long were you a County Patrol Officer?

8 A Right close to three years.

9 Q How long have you known Frank Herndon in
10 Lauderdale County, how long have you known him
11 in Lauderdale County?

12 A Well, I think Frank left about a year and a
13 half or two years ago and went down to the Coast.

14 Q Now prior to that time when he lived in Lauderdale
15 County did you know his reputation here
16 for peace or violence?

17 BY MR. HAUBERG:

18 We object, if the Court please, the man has been
19 gone for a couple of years.

20 BY MR. WATKINS:

21 Well, I'm trying to prove it by peace-meal, Your
22 Honor, I've got other witnesses.

23 BY THE COURT:

24 Well, you can show whether he knows whether or
25 not where he lives and what his reputation is where

1843
1 he lives.

2 BY MR. WATKINS:

3 Q Did you know him in Lauderdale County?

4 A I did.

5 Q And for how many years before he left did you
6 know him?

7 A About fifteen years.

8 Q I will ask you if you know his general
9 reputation in that county before he left for
10 peace or violence?

11 BY MR. HAUBERG:

12 We object, if the Court please.

13 BY THE COURT:

14 Overruled.

15 BY MR. WATKINS:

16 Q The Judge says you may answer.

17 A It was good.

18 Q Did you know it?

19 A I knew it.

20 Q Was it good or bad.

21 A Good.

22 BY MR. HAUBERG:

23 CROSS EXAMINATION

24 Q Mr. Wilkins, you don't know what Herndon's
25 reputation is where he lives now, do you?

1 A Well, I haven't been down to the coast.

2 Q Have you seen him any during the last two years?

3 A Yes sir.

4 Q Have you been on the Coast to see him?

5 A No sir.

6 Q On the occasions when you would see him is that
7 when he comes up here?

8 A When he comes to Meridian.

9 Q Does he come up here pretty regularly?

10 A Well, frequently, I wouldn't say how often and
11 he stops by to see me. I own a service station.

12 Q Did you ever talk to Herndon about his difficulties
13 in connection with this case?

14 A No sir, I never discussed that.

15 BY THE COURT:

16 Do you know what Mr. Herndon's general reputation
17 for peace and violence was when he lived here in
18 June, 1964, at that time?

19 BY THE WITNESS:

20 Well, I know he WAS running the Longhorn and I went
21 down there to eat quite frequently.

22 BY THE COURT:

23 My question was did you know his general reputation?

24 BY THE WITNESS:

25 Uh, good, mighty good.

1845

1 BY MR. HAUBERG:

2 Q Did you say it was good now or then?

3 A Good then.

4 Q Have you heard his reputation discussed down there
5 at the Longhorn?

6 A Oh just through general discussion not by any
7 particular one, but he was well liked.

8 Q Did you know whether or not he was a member of
9 the Ku Klux Klan?

10 A No sir.

11 Q Do you if he had ever been a member of it?

12 A No sir.

13 Q Have you ever been a member of it?

14 A No sir.

15 Q You haven't been a member of it at any time?

16 A No sir.

17 Q You are sure about that?

18 A Yes sir.

19 Q Have you ever been approached to join it?

20 A No sir.

21 Q Do you recall being interviewed by an Agent
22 of the F. B. I. on February the 15th, 1965
23 in connection with your Klan membership?

24 A Yes sir.

25 Q Do you recall telling the F. B. I. Agent at that

1846

1 time that you had been approached to join but
2 declined to do so?

3 A Well, I don't remember that. I do remember talkin
4 with him but I don't remember that I was approached
5 to join.

6 Q Do you deny that you were asked such questions?

7 A Well I don't recall it.

8 Q Do you deny that you admitted that you had been
9 approached to join?

10 A To my knowledge I haven't, as far as I remember.

11 Q Well think back and see if you can recall an

12 F. B. I. Agent by the name of Arthur F. Pittenger?
(Interrupted by Counsel)

13 BY MR. WEIR:

14 Your Honor please, I object because it has no
15 bearing on this case-----

16 BY THE COURT:

17 Just a minute Counsel, let him finish his question
18 and then make your objection.

19 BY MR. HAUBERG:

20 Q Do you recall having been approached on or about
21 February 15th, 1965 by Special Agent Arthur F.
22 Pittenger in connection with your Klan member-
23 ship and do you deny that you told that F. B. I.
24 Agent that you had been approached to join
25 and you had declined to do so?

1 BY THE COURT:

2 You may make your objection.

3 BY MR. WEIR:

4 Your Honor please, I object because it has no
5 connection with the case involved, and it has
6 no possible probative value in this case.

7 BY THE COURT:

8 Overruled.

9 BY THE WITNESS:

10 A I don't recall. I don't even recall the Agent's
11 name that called on me, I don't even remember
12 the date because I was busy, I have a business
13 there and I don't recall it because actually it
14 is the farthest thing from my mind.

15 Q Well you would remember something like that
16 would you not, Mr. Wilkins?

17 A No sir, because I was busy at my station at the
18 time they called on me.

19 Q What was Herndon doing at the time of June the
20 21st, 1964, what business was he in?

21 A As as far as I know he was still in business
22 operating the Longhorn Restuarant, drive-inn
23 restuarant, cafe or whatever you wanted to call it.

24 Q Did you go to his place of business there?

25 A Occasionally I would go out and eat.

- 1 Q Now, when did he leave the Longhorn?
- 2 A I think, now I won't be positive on this, but I
- 3 remember that they were re-working out there, he
- 4 sold out or something, I don't even know if he
- 5 owned the building or not because that was no
- 6 interest of mine,
- 7 Q Had you information about the three missing
- 8 Civil Rights Workers, Schwerner, Goodman or Chaney?
- 9 A No sir, I never had any information on them, I
- 10 do know at times Schwerner came into my station
- 11 and bought gas.
- 12 Q You had seen him?
- 13 A I had seen him, yes sir, but I only knew him just
- 14 when I would see him. Also, I believe that his
- 15 wife came into my station and bought gas.
- 16 Q You knew what type of work the Schwerners were
- 17 engaged in?
- 18 A I never questioned them. He was using a credit
- 19 card to my knowledge.
- 20 Q Did you ever learn what kind of work he was en-
- 21 gaged in?
- 22 A No sir, because I didn't ask, I was just merely
- 23 operating a service station and he came into
- 24 buy gas.
- 25 Q Did Frank Herndon ever ask you to ~~xxxxxx~~ join the Ku

Klux Klan?

A. No sir.

Q. Do you know any of the other defendants in this case?

A. Well, I know Mr. Price, Sheriff Rainey, Pete Harris, Wayne, because I've lived in Meridian for 53 years and I know most of the people that live here.

Q. When you say Wayne, who are you referring to?

A. Wayne Roberts.

Q. All right, and do you know any of the rest of them?

A. And I know Mr. Akin also.

Q. And have you ever been to Mr. Akin's place of business, I believe that's trailer homes is it not?

A. Yes sir, I have stopped by there once or twice talking to Mr. Akin, and that was just recently, in other words, I would say three or four weeks ago, but not pertaining to this business.

Q. And have you been by the Longhorn after you learned of the missing three men?

A. I don't believe that I have.

Q. So you haven't been by the Longhorn since June of 1964?

A. I don't think that I have.