

A. He is not.

Q. Do you know whether he ever has been a member?

A. He never has been.

Q. When was the first time you were asked to recall what happened on June the 21st, 1964?

A. I wasn't asked to recall.

Q. When did you recall it?

A. Well the next few days.

Q. The next few days after June the 21st?

A. Yes.

Q. What was the occasion you were remembering that date?

A. Well all the news reports were out about the Civil Rights Workers disappearing that day and most of the people in Neshoba County knew where they were that day.

Q. You say most of the people in Neshoba County?

A. I imagine they did. I knew where I was at and what I was doing/

Q. Did you discuss that day with your husband at all?

A. No.

Q. Prior to June the 21st, had you heard anything about these Civil Rights Workers being around in and about Neshoba County?

A. No.

Q. Had you heard anything about on that day that

1 Civil Rights Workers had been arrested, three of  
2 them?

3 A. No.

4 Q. But it was just a few days after that day that  
5 you thought to yourself that you wanted to  
6 remember "where I was that day?" Is that right?

7 A. That's right.

8 Q. Do you say you also remembered what your husband  
9 Billy Wayne Robberts, uh, Posey, did that day?

10 A. Yes.

11 Q. Did you tell anyone where/your husband was on that day?

12 A. Oh, several months ago.

13 Q. Who did you tell?

14 A. I discussed with my husband's attorneys his  
15 whereabouts on that day and told them what I  
16 knew about his whereabouts on that day.

17 Q. Did you keep any kind of memorandum or dairy of  
18 what you did on that day?

19 A. No.

20 Q. You just remembered it because you thought about  
21 it just a few days after the workers turned up  
22 missing?

23 A. I remembered it because it was father's day and  
24 most people look back on that day and thought of  
25 where they were and what they had been doing.

Q Do you remember whether or not your husband was home or not on June 16th, 1964?

A I don't remember but I imagine he was because he's usually home at night after work.

Q But you can't say for sure he was home that night?

A I can't say for sure, but I imagine he was.

Q Have you ever heard of the Bloomo School?

A Yes, I've heard of it.

Q Has your husband ever gone out to that school to attend any kind of meeting?

A No.

Q Are you sure of that?

A Yes, I'm sure.

Q Did you ever hear of a church burning out East of Philadelphia, out in the Longdale community?

A Yes, I heard of it.

Q Did you hear about it before June the 21st, 1964?

A I don't know just exactly when I heard of that.

Q Who told you about that burning of the church?

A Well it was on the news, people at work talked about it.

Q It was the general talk and knowledge of that church burnigg in the community?

A Well sometimes after it occurred I don't remember when.

1 Q Was that after the Three Civil Rights Workers  
2 were missing?

3 A I don't remember.

4 Q Thank you.

5 BY THE COURT:

6 We'll take a fifteen minute recess.

7 (Whereupon the Court took a recess at 3:15 P. M.)

8 AFTER RECESS:

9 GERALD BRANNING, called as a witness for and on behalf  
10 of defendants, was sworn and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MOORE:

13 If it please the Court, the name of this witness  
14 is Gerald Branning.

15 Q Is that right?

16 A Right.

17 Q Mr. Branning, where do you live?

18 A I live at Philadelphia, Neshoba County.

19 Q How long have you lived there?

20 A All my life.

21 Q What official position, if any, do you hold in  
22 Neshoba County, Mississippi?

23 A I'm Chairman of the County School Board.

24 Q Do you know Billy Wayne Posey?

25 A I do.

BY MI

Q How long have you known him?

A All our lives.

Q Where does Billy Wayne Posey live?

A He lives at Pleasant Valley, Philadelphia, in Neshoba County.

Q Do you know the general reputation of Billy Wayne Posey in the community for which he lives for peace or violence?

A I do.

Q Is it good or bad?

A Good.

Q Thank you.

CROSS EXAMINATION

BY MR. DOAR:

Q How long have you been a school board county superintendent, is that right?

A No, I'm chairman of the Neshoba County School Board.

Q What's your occupation?

A Farming.

Q What part of the county do you live?

A I live in the northeastern part.

Q Where do you live in relation to the Longdale community?

A I live about two and one half miles.

1 Q Did you hear anything about some Civil Rights  
2 Workers before June the 21st 1964 being out  
3 in the Longdale community?

4 A No sir.

5 Q Were you home that year during early Spring,  
6 April, May and the early part of June of 1964?

7 A Yes sir, that's our farming season and I'm sure  
8 I was on the farm.

9 Q Just how far do you live from the Mt. Zion Church?

10 A About three miles.

11 Q Which direction?

12 A Its east from where I live.

13 Q Do you live on the main road or a back road?

14 A I live on the main road.

15 Q How long have you lived in that community out  
16 there?

17 A I was born and reared in that community.

18 Q What Supervisor's beat is that you are in?

19 A Mr. Carl----

20 Q Carl who?

21 A DeWeese. How do you spell that?

22 A D E W E E S E. District One.

23 Q Does that district one include the city of  
24 Philadelphia?

25 A Right.

Q. How far east does that district go?

A. It goes six and a half miles.

Q. Does it get out to the Langdale community?

A. No.

Q. Which supervisor's beat is the Longdale community?

A. Mr. J. P. Stokes.

Q. What number is it?

A. Two.

Q. And the line between one and two is between your farm and the Longdale community?

A. Right.

Q. Did you go into town on occasion during that Spring for supplies?

A. Yes sir.

Q. To run your farming business?

A. Right.

Q. And did you attend any school meetings of the school board that Spring?

A. Yes sir.

Q. How long have you been on the school board?

A. Four and a half years.

Q. And did you have monthly meetings?

A. About twice or three times a month.

Q. Did you hear about the burning of the Mt. Zion church on the 16th of June?

1 A. Yes, but it was possibly a week later after  
2 it had burned.

3 Q. You didn't hear about it until a week later.

4 A. No sir, something like that.

5 Q. You don't remember any discussion about white  
6 Civil Rights Workers being up in the Longdale  
7 community around Mt. Zion church having freedom  
8 schools, voter registration schools?

9 A. I don't recall anything of that nature.

10 Q. That would have been something very unusual  
11 to occur in Neshoba County, wouldn't it?

12 A. Yes sir.

13 Q. Had there been Civil Rights Workerz in Neshoba  
14 County before that Spring?

15 A. I wouldn't have knowledge of that, because I  
16 have to work for a living and I don't get out  
17 and engage in trying to find out something that  
18 don't concern me.

19 Q. But you are on the school board?

20 A. That's right.

21 Q. And you're a business man?

22 A. No answer

23 Q. Is there a public school out on the Longdale  
24 road?

25 A. There is.



Q Did you go out to that school with Cecil Price and Laurel Weir on June the 15th?

A I did.

Q What was the purpose of going out there on that day?

A The law requires us to make a visit to the schools, all of the schools in the county once a year, and this was the reason that we were out there. We had sold all the buildings except that one and one north of town and we have two that are in use now, and the law requires us to visit these schools once a year.

Q Is Mr. Weir the attorney for the school board?

A He is.

Q And Cecil Price, how did he happen to be there?

A Uh, we asked him to go along.

Q Why did you request him to go along?

A It had been reported that Longdale School had been broken in and they had knocked out all of the windows.

Q And who are they?

A Somebody, I have no knowledge who it was.

Q Did this report come to you?

A To the school board.

Q At any rate you were out there on June the 15th

1 A. That's right.

2 Q. Now, let's get the location of that school on  
3 the Langdale road?

4 A. It is north of 16 highway, it is south of the  
5 Mt. Zion Church, its north of 16 highway which  
6 16 highway runs east and west.

7 Q. And its south of the Sandtown road that runs east  
8 and west too?

9 A. Right.

10 Q. That Longdale Road is about three miles between  
11 highway 16 and the Sandtown Road?

12 A. Something like that.

13 Q. And about a mile off the road to the north is the  
14 school?

15 A. Off 16 highway.

16 Q. Then another mile off the road is this church?

17 A. That's about right.

18 Q. Do you happen to know where Ernest Kirkland lives  
19 on that road?

20 A. I don't know Ernest Kirkland.

21 Q. Do you know any of the names of any negro farmers  
22 that live on that road?

23 A. I don't recall any, I don't know.

24 Q. Who else was at the school on June the 15th?

25 A. Well there wasn't anyone at the school, we just

went by it, the door was broken open and we went in and walked around, and some of the windows had been knocked out, and we looked around and seen that they had destroyed some of the school which that is our business to look out after county property.

Q When did you receive that report?

A Well, we meet almost every Saturday but sometimes between the Saturdays we did, which I don't have any idea of the date of the month.

Q Well it was in June?

A Yes.

Q The 15th, do you remember what day of the week that was?

BY THE COURT:

Excuse me, Mr. Doar, what school is that that you are talking about sir?

BY THE WITNESS:

Longdale School. It is a school that we have abandoned and we have just one county school system there now.

BY THE COURT:

Is that school while it was operating, was it integrated?

BY THE WITNESS:

1 No sir.

2 BY THE COURT:

3 Never have been integrated?

4 BY THE WITNESS:

5 No sir.

6 BY THE COURT:

7 All right.

8 BY MR. DOAR:

9 Q Had that school been operated during the school  
10 year 1963-64?

11 BY MR. BUCKLEY:

12 Your Honor, if it please the Court, I object  
13 to his question about the school.

14 BY THE COURT:

15 I don't see the relevancy of it, go along though  
16 he's on cross examination.

17 BY MR. DOAR:

18 Q Had the school been operated during the year  
19 1963-64?

20 A No.

21 Q Thank you.

22 BY MR. WEIR:

REDIRECT EXAMINATION

23 Q Mr. Branning, tell the Court and Jury what  
24 condition that old abandoned school building  
25 was in when we got there?

BY M

BY M

1 A They had torn the doors, somebody had torn the  
2 doors off, knocked all of the windows out, and  
3 just, well, anything that could be torn off was  
4 torn off and up.

5 Q What was the condition of the floors and interior?

6 A Well, they were a mess.

7 Q Have you ever seen any worse mess?

8 A No sir.

9 Q That's all.

10 RE-CROSS EXAMINATION

11 BY MR. DOAR:

12 Q When did that school close?

13 A I wouldn't know the exact date.

14 Q Can you fix how many years approximately it had  
15 been closed?

16 A It had been closed, I think, the year before.

17 Q When was the last time you had been out there  
18 before?

19 A The year before. We visited every year.

20 Q So you hadn't been out there for a year?

21 A That's right.

22 RE-DIRECT EXAMINATION

23 BY MR. WEIR:

Your Honor please, just one other question.

24 Q Mr. Branning, we also visited all of the other

school buildings at the same time?

A We did.

Q That's all.<sup>th</sup>

(Whereupon witness excused.)

GEORGE W. HERRINGTON, called as a witness for and on behalf of defendants, was sworn and testified as

follows:

BY MR. WEIR:

DIRECT EXAMINATION

Your Honor, may it please the Court, this witness is George W. Herrington.

Q Mr. Herrington, what county and state do you live in?

A Neshoba County, State of Mississippi.

Q Now, have you ever held in Neshoba County, any official position?

A Yes, I have.

Q What is that?

A I was Sheriff up there at one time.

Q Do you know Reverend Edgar Ray Killen?

A Yes, I do.

Q How long approximately have you known him?

A Well, practically all of his life.

Q Do you know his general reputation in the community in which he lives for peace or violence and for being a good law abiding citizen?

1 A Yes, I do.

2 Q Is that reputation good or is it bad?

3 A Its good.

4 Q Do you know whether or not he's a Minister of  
5 the gospel?

6 A Yes, he is.

7 Q Of what faith is he?

8 A Baptist.

9 Q Do you know whether or not he's active in that  
10 work?

11 A Yes, he is.

12 Q Have you heard him preach?

13 A Yes, many times.

14 Q Do you know whether or not he fulfills the usual  
15 duties of a pastor such as preaching funerals  
16 and things of that sort?

17 A Yes, he does.

18 Q Now, do you know Billy Wayne Posey?

19 A Yes, I know him.

20 Q And do you know his general reputation in the  
21 community in which he lives for peace or violence  
22 and as a good law abiding citizen?

23 A Yes, I do.

24 Q Is that reputation good or bad?

25 A Its good.

1 Q Take the witness.

2 CROSS EXAMINATION

3 BY MR. DOAR:

4 Q Mr. Herrington, I believe you said you use to  
5 be Sheriff of Neshoba County?

6 A That's right.

7 Q From what years?

8 A From '56 to '60.

9 Q You also operate a cafe don't you?

10 A Yes sir, well I use to but not now.

11 Q But in 1964 you operated a cafe?

12 A Yes sir, that's right.

13 Q That cafe was the H & H restuarant.

14 Q That's right.

15 Q You are friends with Edgar Ray Killen?

16 A That's right.

17 Q Did he use to come to your restuarant?

18 A Well some, he didn't stay there all that much  
19 but he did come some.

20 Q And the Sheriff and the Deputy used to come to  
21 your reatuarant for coffed frequently?

22 A Yes, I've seen them down there

23 Q It was just kinda a regular place for the law  
24 enforcement officers to come to your place for  
25 coffee wasn't it?



A Well I don't know that they came just for that, they would go to over places too.

Q Did you hear anything about any Civil Rights Workers working in Neshoba County during the Spring of 1964?

A No, I did not.

Q Not a thing?

A Not a think.

Q Did you hear anything about any Civil Rights Workers being arrested in Neshoba County on June the 21st, 1964?

A Not until several days after this occurred.

Q Do you know whether Edgar Ray Killen is a member of the White Knights of the Ku Klux Klan?

A I couldn't say he is.

Q Are you a member?

A No sir.

Q Have you ever been a member?

A No, I haven't.

Q And do you know whether or not Billy Wayne Posey is a member?

A Not that I know of.

Q How well do you know Cecil Price?

A Well I've just been knowing him since he's been Deputy.

1 Q Do you know Lawrence Rainey?

2 A Yes, well I knew him a little while before he  
3 became the Sheriff.

4 Q Hop Barnette, I believe he defeated you for  
5 Sheriff?

6 A Yes, he did.

7 Q Did you in May or June of 1964 observe or notice  
8 anything in the City of Philadelphia that would  
9 indicate there was a Klan Organization in Neshoba  
10 County?

11 A No, I didn't.

12 Q Did you ever see a cross burning on the court-  
13 house square in Philadelphia in the Spring of  
14 1964?

15 BY MR. WERT:

16 I object If the Court please and move the Court for  
17 a mistrial.

18 BY THE COURT:

19 Overruled.

20 BY THE WITNESS:

21 A I don't recall seeing one, no.

22 Q Do you remember when you were interviewed by two  
23 members of the FEderal Bureau or Investigation  
24 around the middle of July 1964, telling them  
25 you did?

A I don't deny talking to them but I don't remember telling them I saw a cross burning.

Q Do you deny telling them you saw a cross in front of Mars Brothers Store?

A I don't remember telling them that.

Q And that it was within the past two or three months that you saw that?

A I don't recall that.

Q When did you first hear about the burning of the Mt. Zion Church?

BY MR. WEIR:

May it please the Court, if Your Honor please, we ask for a continuing objection on this because its unrelated to this case.

BY THE COURT:

I don't see in the indictment where any of these people had any part or participation in the burning of their church and I don't see the relevancy of it, so I'll sustain the objection.

(Whereupon witness was excused)

EDWARD MCKEITHEN, called as a witness for and on behalf of defendants, was sworn and testified as follows:

BY MR. WEIR:

DIRECT EXAMINATION

Your Honor, may it please the Court, this witness is

the Reverend Edward McKeithen.

Q That is ;right, is it not?

A Yes sir.

Q What is your occupation?

A Pastor of the Pine Grove Baptist Church.

Q Then you are a Minister of the Gospel?

A Yes sir.

Q Of what faith?

A Baptist.

Q How long have you been a Minister of the gospel?

A 1946.

Q Do you know the Reverend Edgar Ray Killen?

A Yes.

Q Does he reside in the same community that you  
reside in?

A Yes.

Q Is he a member of the same church you are a  
member of?

A Yes.

Q And do you know his general reputation in the  
community in which he lives for peace or violence  
and for being a good law abiding citizen?

A Yes, its good.

Q And do you know if he is also a Minister of the  
gospel?

Q Yes.

Q And of what faith?

A Baptist.

Q Do you know whether or not he is active in the work of the ministry of the gospel?

A Yes.

Q Do you know whether or not he does or conducts marriages and preaches funerals?

A Yes, he does.

Q Does he also preach?

A Yes.

Q Take the witness.

BY MR. HAUBERG:

We have no questions.

(Whereupon witness excused)

J. Q. JOINER, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. WEIR:

May it please the Court, Your Honor, this is Mr.

J. Q. Joiner.

Q Mr. Joiner, are you about to become a judge yourself?

A I was elected in the last election.

Q To what office?

1 A Justice of the Peace.

2 Q Of what district?

3 A District three, Neshoba County.

4 Q What State?

5 A Mississippi.

6 Q Do you know the Reverend Edgar Ray Killen?

7 A I do.

8 Q How long have you known him sir?

9 A Forty-two years.

10 Q Do you reside in the same community he does?

11 A Yes.

12 Q Do you know the general reputation of the Reverend  
13 Edgar Ray Killen in the community in which he  
14 lives for peace and violence and as being a good  
15 law abiding citizen?

16 A I do.

17 Q Is that reputation good or is it bad?

18 A Good.

19 Q Take the witness.

20 BY MR. HAUBERG:

21 No questions.

22 (Whereupon witness excused)

23 MARVIN ROEBUCK, called as a witness for and on behalf  
24 of defendants, was sworn and testified as follows:

25 DIRECT EXAMINATION

BY MR. WEIR:

May it please the Court, Your Honor, this is Mr.  
Marvin Roebuck.

BY THE COURT:

Marvin what?

BY MR. WEIR:

Roebuck, R O E B U C K, like Sears-Roebuck.

Q Is that your name, Mr. Marvin Roebuck?

A Yes it is.

Q Mr. Roebuck, what official position do you hold  
in Neshoba County, Mississippi.

Q Constable.

Q Of what district?

A Beat five.

Q How many times have you served as Constable in  
District Five?

A This is the first time, four years.

Q Have you been re-elected recently?

A Yes sir.

Q In the Democratic primary?

A Yes sir.

Q Mr. Roebuck, do you know Cecil Ray Price?

A Yes sir.

Q Do you know the general reputation in the community  
of Mr. Cecil Ray Price, as to peace or violence

and as to being a good law abiding citizen?

A. He's a good law abiding citizen.

Q. First of all, do you know his reputation?

A. Yes sir.

Q. And is it good or bad?

A. Its good.

Q. Take the witness.

CROSS EXAMINATION

BY MR. HAUBERG:

Q. Mr. Roebuck, do you recall June the 21st, 1964?

A. Yes sir.

Q. What makes you recall that date in particular?

A. Well, I just heard about this here Civil Rights business, these men coming up to Philadelphia.

Q. Did you learn on that date that they had been arrested?

A. No, I just heard.

Q. When did you learn they had been arrested?

A. Oh, it was when the papers came and the news come out. I don't know how many days it was before I heard it.

Q. Well you heard it on the June 21st news?

A. Yes sir.

Q. Well, prior to June the 21st of that year had you learned anything about the Civil Rights Workers



being in that area?

A. No I didn't.

Q. Well, did you learn anything about the discovery of the missing bodies?

A. Not until they were found and it come out in the papers, that's all.

Q. Now, wasn't there general talk in that area about these people being missing up there?

A. It was just general talk.

Q. Did you discuss this with anyone up there?

A. Nobody that knowed anymore than I did.

Q. Did you discuss it with Deputy Sheriff Price?

A. No, I don't believe I did, not in a long time. I don't recall that we ever did or not.

Q. Where is your Beat with reference to where the station wagon was located?

A. Well my Beat is five and that was in Beat 3 wasn't it?

Q. Well where was your Beat located with reference to where the dam is where the bodies were found?

A. I, my Beat is north.

Q. North of the dam, is your Beat in the northwestern section of the county?

A. Yeah.

Q. Does it go any over in the northeastern portion of

it?

A Yes, I reckon it would lay North of the county.

Q Well, how close to Kemper County do you go?

A No sir, I go up toward Winston, Attala and Leake.

BY THE COURT:

Do you know the Beat the bodies were found in?

BY THE WITNESS:

Beat four, wasn't it?

BY THE COURT:

You don't know?

BY THE WITNESS:

I think it was in Beat four, at least that's where  
I thought it was.

BY MR. HAUBERG:

Q Are you and Mr. Price good friends?

A Well, we've been working together for four years.

Q Well, were you working with him in June of 1964?

A Yes sir.

Q Do you, as Constable, do any kind of investigation  
when you learned the Civil Rights Workers were  
missing?

A No sir.

Q Did anyone contract you and try to get you to go  
and investigate?

A No.

1 Q Did you offer your services to anyone to help in  
2 an investigation?

3 A No.

4 Q That's all.

5 (Whereupon witness excused)

6 TALMADGE SMITH, was called as a witness for and on  
7 behalf of defendants, was sworn and testified as follows:

8 BY MR. PIGFORD:

DIRECT EXAMINATION

9 May it please the Court, this is Mr. Talmadge Smith.

10 Q Mr. Smith, where do you live?

11 A Pine Springs community.

12 Q And about how far is the Pine Springs Community  
13 from the city of Meridian?

14 A About seven and a half or eight miles.

15 Q Now Mr. Smith, do you know a great deal of the  
16 people in that community there?

17 A Yes sir.

18 Q What church were you a member of in 1963, 1964 and  
19 1965?

20 A Somewhere in that time we withdrew from the  
21 Methodist Church and joined the Southern Methodist  
22 Church.

23 Q But in 1963 you were a member of the Pine Springs  
24 Methodist Church?

25 A If we had not withdrawn at that time, I was.

1 Q Well, you were a member of that church until the  
2 other one was organized were you?  
3 A Yes sir.  
4 Q Now, do you recall the occasion when Mr. Delmar  
5 Dennis was the Pastor at that Church?  
6 A Yes sir.  
7 Q Could you tell us about what years it was?  
8 A He was the Pastor of our church I believe about  
9 two or two and a half years. Maybe three.  
10 Q And where did he live at the time he was the  
11 pastor? With reference with Pine Springs.  
12 A Well we built a parsonage on the church property  
13 for him to live in.  
14 Q And what kind of work do you do, Mr. Smith?  
15 A Electrical work.  
16 Q And were you doing that kind of work at that time?  
17 A Yes sir.  
18 Q Did you hold any official position in the Pine  
19 Springs Methodist church?  
20 A Yes sir, I was a member of the Board of Stewarts  
21 and Chairman of the Board of Stewarts.  
22 Q Now did you occupy any other official position in  
23 the Pine Springs Methodist Church?  
24 A I was a member of the relationship committee.  
25 Q Now, when that Pine Springs Methodist church was

reorganized who reorganized it, do you know?

A. The people who was already in it.

Q. And it was then named Pine Springs Southern Methodist Church, was it not?

BY MR. HAUBERG:

We object to Counsel leading.

BY THE COURT:

Yes, don't lead him.

BY MR. PIGFORD:

Q. Well, what was the name of the church after it was reorganized?

A. Pine Springs Southern Methodist Church.

Q. I'll ask you please sir, if you held any official position in that church?

A. Yes, Chairman of the Board of Stewards and also member of the Pastoral Relation Committee.

Q. I ask you if you hold any official position in that church now?

A. I do sir.

Q. What?

A. Treasurer.

Q. Now Mr. Smith, do you recall the occasion when Reverend Dennis handed in his resignation?

A. Yes sir.

Q. And when was this supposed to be effective?

1 A The 31st of July or the first of August.

2 Q What year?

3 A No answer.

4 Q May I refresh your memory, was it or not in 1965?

5 BY MR. HAUBERG:

6 We object to Counsel leading the witness.

7 BY THE COURT:

8 Overruled.

9 BY MR. PIGFORD:

10 Q Was it or not in 1965?

11 A Yes sir.

12 Q Do you recollect that?

13 A Yes sir.

14 Q Do you recall after that resignation was handed  
15 in, if you had any conversation with Mr. Dennis  
16 about remaining or leaving the community?

17 A Yes sir.

18 BY MR. HAUBERG:

19 We object, as this is immaterial if the Court please.

20 BY MR. PIGFORD:

21 Your Honor, they laid the predicate for this on  
22 cross examination of Mr. Dennis.

23 BY THE COURT:

24 ~~XXXX~~ Overruled.

BY MR. PIG

Q

A

Q

A

Q

A

Q

A

Q

A

Q

A

Q

BY MR. HAUB

If

BY THE COURT

Over

BY MR. PIG

Q

BY MR. PIGFORD:

Q You say you recall such an occasion?

A Yes sir.

Q Who talked to him, if you know?

A Mr. Rogers and myself, two members of the Pastoral Relations hip Committee.

Q Was that an official visit?

A Yes sir.

Q And what request did you make of him?

A We asked him being that he was going to move in about a month, we asked him if he would go ahead and move on at that time.

Q When was this?

A This being about a month before his resignation was effective.

Q Did he do that?

A Yes sir, he did.

Q Was there any reason that you made that request of him?

BY MR. HAUBERG:

If the Court please, we object to that, its immaterial.

BY THE COURT:

Overruled.

BY MR. PIGFORD:

Q The Judge says you may answer the question.

1 A The Pastoral Relationship Committee served as a  
2 go between the Pastor and the people, and vice  
3 versa.

4 Q You mean the member of the church?

5 A Members of the church and the Pastor, and the  
6 Pastor and the Members of the Church.

7 We had received some grumbling and we decided  
8 since he had resigned and was going to leave  
9 in about a month we would just go ahead and ask  
10 him to leave at that time.

11 Q What do you mean by grumbling, Mr. Smith?

12 BY MR. DOAR:

13 We object to that, if the Court please.

14 BY THE COURT:

15 Yes, I'll sustain the objection. I don't think we  
16 need to go into the details.

17 BY MR. PIGFORD:

18 Q Mr. Smith, did you know that Mr. Bennis was a  
19 member of the Ku Klux Klan?

20 A No sir.

21 Q And when did you learn that if you ever learned  
22 it?

23 A I didn't learn it, its brand new news.

24 Q Did you know he was a F. B. I. informer at that  
25 time?



1 A No sir.

2 Q That's all.

3 BY MR. WATKINS:

4 Your Honor, may I question the witness?

5 BY THE COURT:

6 Yes sir.

7 BY MR. WATKINS:

8 Q Mr. Smith, I will ask you if you were familiar  
9 with a publication written by Reverend Delmar  
10 Dennis, entitled, "The Unconquerable Land," wherein  
11 he states on the cover, "God bless the right-wing  
12 organization?" Were you familiar with that  
13 publication?

14 A I read it, Mr. Watkins, but I don't remember any-  
15 thing about it.

16 Q I show you this publication copyrighted by Delmar  
17 Dennis and ask if you recognize that as the  
18 publication that he wrote that came to your  
19 attention?

20 A Yes sir.

21 Q Your Honor, we offer it into evidence.

22 BY MR. HAUBERG:

23 May we look at it?

24 (Instrument handed to Counsel opposite)

25 BY MR. BUCKLEY

1 Your Honor, we previously offered some exhibits  
2 tendered by the defendants and the Court waited  
3 until the defendants started their part of the  
4 case before they would be allowed to go into  
5 evidence. We again tender those exhibits and  
6 ask that they be admitted into evidence at this  
7 time.

8 BY THE COURT:

9 Well, you had better pick out your exhibits and  
10 show us the ones that you intend to put in, that  
11 is the rule and unless you put it in the evidence  
12 it wouldn't get into evidence at all, but I would  
13 like to see what you are talking about. We  
14 will see about those a little bit later.

15 BY MR. HAUBERG:

16 If the Court please, we would object to this  
17 publication because it has markings on it.

18 BY MR. WATKINS:

19 If the Court please, the markings that he is  
20 referring to are some pencil markings and I  
21 have no knowledge as who put the pencil markings  
22 on various paragraphs, but it does not change  
23 the contents thereof.

24 BY THE COURT:

25 That may be entered and be marked.

(Whereupon exhibit entered into evidence and marked D-10 into evidence)

BY THE MARSHAL

Any further questions of this witness?

BY MR. HAUBERG:

We have no questions of this witness.

(Whereupon witness excused)

SAM KELLER, called as a witness for and on behalf of defendants, was sworn and testified as follows:

BY MR. WATKINS:

DIRECT EXAMINATION

Q Is that right, Mr. Keller?

A That's right.

Q And where do you live, Mr. Keller?

A I live here in Meridian.

Q And what do you do?

A I work with the Police Department?

Q And how long have you been with the Police Department?

A Twenty-one years.

Q And in addition to being with the Police Department, do you have another position, employment in which you get paid?

A I'm a radio announcer for WOKK radio.

Q How long have you been in that position?

1 A Ten years.

2 Q Do you know Frank J. Herndon?

3 A I do.

4 Q And in Lauderdale County, how many years did you  
5 know him, when he was in Lauderdale County?

6 A About eight or ten years.

7 Q Did you have an occasion to become acquainted with  
8 him and with other people who spoke of him in<sup>th</sup>  
9 Lauderdale County during that ten years?

10 A Yes sir.

11 Q Do you know his general reputation in Lauderdale  
12 County for peace or violence?

13 A I do.

14 Q State whether its good or bad.

15 Q Its good.

16 Q Other than being by the Meridian Police Depart-  
17 ment, are you Assistant Chief of Police?

18 A Yes sir.

19 Q That's all.

20 BY MR. HAUBERG:

21 We have no questions of this witness.

22 (Whereupon witness excused)

23 RAY O. SMITH, called as a witness for and on behalf  
24 of defendants, was sworn and testified as follows:

25 BY MR. ALFORD:

DIRECT EXAMINATION

Your Honor, this witness is Ray O. Smith.

Q Is that correct, Mr. Smith?

A Right.

Q Mr. Smith, where do you live?

A Philadelphia, Mississippi.

Q How long have you lived at Philadelphia, Neshoba County, Mississippi?

A All my life.

Q Do you Jerry McGrew Sharpe?

A I've known him since he was a child, yes sir.

Q What business are you engaged in in Philadelphia?

A I'm in wholesale petroleum, retail petroleum and cotton business.

Q I'll ask you sir if you know the general reputation of Jerry McGrew Sharpe in the community in which he lives for peace or violence?

A I know his reputation very well sir.

Q Is it good or bad?

A Its good.

Q I would like to ask you sir, if you know Olen Burrage?

A I've know Mr. Burrage approximately thirty years.

Q Do you know his ganeral reputation in the community in which he lives for peace or violence?

1 A I do.

2 Q What is it?

3 A Its good.

4 BY MR. WEIR:

5 Judge can I ask him about one question?

6 BY THE COURT:

7 All right.

8 BY MR. WEIR:

9 Q Mr. Smith, do you know the Reverend Edgar Ray  
10 Killen?

11 A Yes.

12 Q Do you know his general reputation in Neshoba  
13 County, Mississippi for peace or violence and  
14 to be a good law abiding person.

15 Q Mr. Weir, I would say it was good, he's a  
16 Minister.

17 Q Is he active in preaching?

18 A As far as I know he does. He's been preaching  
19 for many years.

20 Q Baptist preacher?

21 A Baptist preacher, right.

22 BY MR. DOAR:

CROSS EXAMINATION

23 Q Mr. Smith, how long have you known Mr. Sharpe?

24 A Mr. Sharpe?

25 Q Yes sir.

1 A I've known him since he was a very small child.

2 Q Do you know whether or not he's a member of the  
3 White Knights of the Ku Klux Klan?

4 A No sir, I couldn't answer that.

5 Q Do you know whether or not in June of 1964 there  
6 was any type of Klan organization in Neshoba  
7 County?

8 A Sir, I didn't understand your question, would you  
9 restate it?

10 Q Surely. I said, do you know whether or not there  
11 was any type of Klan organization in Neshoba  
12 County in June, 1964?

13 A I have no knowledge of the Klan whatsoever,  
14 personal knowledge.

15 Q How long have you know Edgar Ray Killen?

16 A I've known him practically all my life.

17 Q How long have you lived in Neshoba County?

18 A All my life.

19 Q Do you have any or have you had any business deal-  
20 ings with any of these defendants in this case?

21 A Well, let's see, I would say, yes. One of  
22 your defendant, Mr. Burrage, I have some business  
23 dealings with him and have for the last year to  
24 year and a half. Nothing prior to that.

1 Q Are you related to any of the defendants?

2 A No.

3 Q By marriage?

4 A No.

5 Q That's all.

6 (Whereupon witness excused)

7 MRS. HENRY CANNON, called as a witness for and on  
8 behalf of defendants, was sworn and testified as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. ALFORD:

12 If the Court please, this witness is Mrs. Henry Cannon.

13 Q Is that correct, Mrs. Cannon?

14 A That's right.

15 Q Mrs. Cannon, where do you live in Neshoba County?

16 A I live out close to Sandtown Church.

17 Q Do you know Mr. E. G. "Hop" Barnette?

18 A I do.

19 Q Do you know his family?

20 A I do.

21 Q I would like to direct your attention to June 21st,  
22 1964, and ask you if you remember that day?

23 A I do.

24 Q What day of the week was that?

25 A Sunday.



Q Was there anything unusual occur in your home about that time?

A Yes, my dad was sick, he had a stroke.

Q Who was your father?

A T. J. Shafner.

Q Did you see Mr. E. G. Barnette on that day?

A I did.

Q Tell the Court when you first saw him on that day, please mam.

Q He came to my house about 8:30 on Sunday morning and spent the day with us.

Q And did any other members of his family come to your house on that day?

A They did.

Q Who came, please mam?

A His wife, Carolyn, Lynda, Mike and Tommy, his children.

Q Did his children spend the rest of the day?

A They left and went to Lake Tia Kawta after lunch.

Q Did, uh, when did Mr. and Mrs. Barnette leave your home, Mrs. Cannon?

A They left around 4:00 o'clock in the afternoon.

Q Who was at your home besides your family, and the Barnette family and your father?

1 Q Jess Branning came over about 8:00 o'clock before  
2 he went to church.

3 Q Did you talk with anyone else about this case  
4 other than the attorneys and others there?

5 A No.

6 Q As a matter of fact, did you talk with the  
7 Agents of the Federal Bureau of Investigation?

8 A I did.

9 Q And when did you talk to them, please mam.

10 A Well, I don't remember the date but they came  
11 over there and talked to me about it.

12 Q Did anything unusual happen at your place or did  
13 anyone come to see Hop Barnette that day while  
14 he was at your place?

15 A No.

16 CROSS EXAMINATION

17 BY MR. HAUBERG:

18 Q Mrs. Cannon, have you been in the courtroom during  
19 the trial?

20 A No, I haven't.

21 Q I believe you testified that Mr. Hop Barnett left  
22 your around at 4:00 o'clock that afternoon?

23 A Yes, I would say between four and four thirty  
24 or five o'clock.

25 Q Well it would be closer to which time?

1 A Well I would say four.

2 Q Uh huh, and the children left after lunch?

3 A Uh hum.

4 Q Now, who was there at the time he left?

5 A My husband and my kids and my dad.

6 Q Was there anyone else there during the afternoon?

7 A No.

8 Q Who was that that came about 8:00 o'clock that  
9 night?

10 A That morning.

11 Q Oh, that morning?

12 A Hess Branning.

13 Q And how long did he stay there?

14 A Oh, he stayed I imagine about an hour.

15 Q Was he there when Mr. Barnett came?

16 A Yes, uh hum.

17 Q But he didn't stay there all day.

18 A No.

19 Q Thank you.

(Whereupon witness excused)

20 HENRY CANNON, called as a witness for and on behalf  
21 of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

22 BY MR. ALFORD:

23 May it please the Court, this is Mr. Henry Cannon.

1 Q Is that right, Mr. Cannon?

2 A That's right.

3 Q Where do you live, Mr. Cannon?

4 A I live in Neshoba County.

5 Q What community do you live in?

6 A Sandtown Community.

7 Q Do you know E. G. "Hop" Barnette?

8 A I do.

9 Q How long have you known him?

10 A About fifteen years.

11 Q I would like to direct your attention to the 21st  
12 day of June, 1964 and ask you if you recall that  
13 occasion?

14 A I do.

15 Q Did anything unusual in existence in your home  
16 on that occasion?

17 A You mean about Hop bombing over there?

18 Q Yes sir.

19 A Well my daddy in law had a stroke and we had  
20 just brought him home a few days before then  
21 and he come over there.

22 Q And who was your father in law?

23 A Mr. T. J. Shafner.

24 Q And where did you bring him from?

25 A We brought him from Oxford, Mississippi.

Q What time, if you know, did Mr. Barnett come to your house on that Sunday morning?

A It was between eight and nine o'clock, it was pretty early in the morning.

Q And how long did he stay at your house?

A Until about four o'clock.

Q Did any other members of his family come over there that day?

A Yes.

Q Who, in his family came besides him?

A His wife and two daughters.

Q Did the children stay the entire day or did they leave?

A They left.

Q About when they leave?

A It was right after dinner.

Q When did Mr. and Mrs. Barnette leave?

A About four thirty.

Q What kind of vehicle did they leave in please sir?

A They left in a pick-up truck.

Q Did you have any other visitors that day?

A I had one that I could recall.

Q And who was that?

A Mr. Jess Branning.

Q Did anything unusual occur at your home out of

the ordinary at your home that day?

A. No.

Q. Did you see Mr. Barnette on the following day after June the 21st, 1964?

A. I did.

Q. Where did you see him?

A. Oh, it was at the Barry Transmission Shop.

Q. And where is the Barry Transmission Shop?

A. It was then just off the square in Philadelphia.

Q. And did you or him have any association together on that day?

A. Yes, he carried me home.

Q. What time did he carry you home?

A. Around eight o'clock.

Q. That's all.

BY MR. HAUBERG:

We have no question.

(Whereupon witness excused)

MRS. E. G. BARNETT, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

May it please the Court, the name of this witness is Mrs. E. G. Barnette.

Q Is that right, Mrs. Barnette?

A That's right.

Q Who is your husband?

A Mr. Ethel Glen Barnette.

Q Is he also known as Hop Barnette?

A Yes sir.

Q Please mam, I would like to direct your attention to the early part of June, 1964, and ask you if anything unusual happened to you along about the first part of June, 1964?

A Yes sir, it did.

Q What did happen to you?

A I was admitted to the Neshoba County Hospital.

Q And how long did you stay in the hospital?

A A week or about.

Q And what did your family do that was unusual about the time you were in the hospital or about the time you got out of the hospital?

A They picked up and move from our house in the City to our house in the country that we were working on.

Q Now, let me see. They moved from your home in town back out in the country. Now where is this home out in the country?

A Its in a community called Spring Creek.

1 Q. And how far from Philadelphia is that?

2 A. Roughly about six miles.

3 Q. And when you got out of the hospital where did  
4 you go?

5 A. I went to the house in the country.

6 Q. Was that house completed?

7 A. No sir, it wasn't.

8 Q. Who was doing the finishing work on his home?

9 A. Well, Mr. Barnette did some and then Mr.  
10 Thompson, Colen Thompson was helping him .

11 Q. Please mam, I would like to direct your  
12 attention to the week of June 15th, that entire  
13 week there, and ask you did, uh, what work  
14 went on in your home out there?

15 A. They had a good bit to do. They lacked the  
16 cabinets in the kitchen, the doors and hinges  
17 they weren't up.

18 Q. Did they work day or night time?

19 A. Well mostly at night.

20 Q. Did they work on June the 16th also?

21 A. Yes sir.

22 Q. And who was present there working?

23 A. Mr. Barnette, the boys, and Colen was there  
24 that night.

25 Q. And I believe you have a daughter too?



1 A I do.

2 BY THE COURT:

3 Who is Mr. Barnette?

4 BY THE WITNESS:

5 He's Ethel Glen Barnette.

6 BY MR. ALFORD:

7 Q Is that your husband?

8 A Yes sir.

9 Q Now, please mam, I would like to ask you if your  
10 husband left home during the night time of that  
11 entire week?

12 A No sir, he didn't.

13 Q Now, I would like to direct your attention during  
14 June, 1964, the 21st day of June, 1964, do you  
15 remember that occasion?

16 A Yes sir, I do.

17 Q Did you go anywhere that day?

18 A We went over to Henry Cannon's house to visit her  
19 father, who was ill.

20 Q Who went with you over there?

21 A The children, I believe. Lynda, Mike and maybe  
22 Carolyn.

23 Q Did Mr. Barnett go with you and why didn't he  
24 go with you?

25 A No sir, he had gone on about 8:30 or 9:00 o'clock.

1 Q And when you all got over there to Mr. Henry  
2 Cannon, what did you all find there, is he a  
3 neighbor of yours?

4 A Yes he is.

5 Q Did they have sickness or anything in their family?

6 A Well, Louise's, uh, Mrs. Cannon's father had had  
7 a stroke and he was there, and we visited him  
8 while we were there.

9 Q How long did the children stay over there?

10 A Just long enough to get the car and go back.

11 Q And do you know where they went?

12 A They were going to Lake Tia Kawta up from Louis-  
13 ville.

14 Q And how long did you and Mr. Barnette stay there?

15 A We stayed on over in the afternoon, probably  
16 four thirty or five.

17 Q And then where did you go?

18 A We went through town, up about Hamil's Drug  
19 Store and got something to drink there.

20 Q Did you see anybody there?

21 A Yes sir.

22 Q Who did you see?

23 A Mrs. Lewis came by and parked by us and talked  
24 to us for a while.

25 Q Now, what Lewis is that?