

Q What relationship had you had with Mrs. Lewis in the past, prior to that time?

A She had worked with us several times in the Sheriff's office.

Q Had your husband been a former Sheriff of Neshoba County?

A Yes sir.

Q Where did you all go from the Drug Store?

A I think then we headed around the square to see if the children were in trouble or had come through town, and then we went home.

Q Did you find out about anything when you were in town then?

A No sir.

Q When you got back home, what did you do?

A Well the children already had gotten home and in the meantime Mr. Barnette had learned of a friend of his that had died and he was in the funeral home.

Q Who was this friend?

A Mr. Alex Rich.

Q How long had you all known Mr. Alex Rich?

A Mr. Barnette had known him for years, all his life I guess.

Q How long had you known him?

2/58

1 A. Several years.

2 Q. As a matter of fact, Mr. Rich had a store there  
3 in Philadelphia, didn't he?

4 A. Yes sir.

5 Q. Did Mr. Barnette, your husband, did he stay at  
6 home or did he leave?

7 A. Well, he asked me if I would like to go to the  
8 funeral home and I told him that I didn't  
9 particularly feel like it then, and he said  
10 he felt like he should go, so he left pretty quickly  
11 it wasn't too late.

12 Q. When did you next see Mr. Barnette?

13 A. About ten, or fifteen to ten he came on back  
14 to the house.

15 Q. Did he leave anymore that night?

16 A. No sir.

17 Q. Did he and you occupy the same bedroom?

18 A. Yes sir, we did.

19 Q. Now, do you know Mr. Barnette's brother, Tommy  
20 Barnette?

21 A. Yes sir.

22 Q. Do you know his wife?

23 A. Yes sir.

24 Q. On this same day did he have anything unusual  
25 to occur in regard to his family?

A. Yes sir.

Q. What happened in his family?

A. They have a baby boy and he was real sick, and he was in the hospital.

Q. What hospital?

A. Neshoba County General.

Q. Your witness.

CROSS EXAMINATION

BY MR. DOAR:

Q. Mrs. Barnette, on June the 21st, you and your husband went over to the Cannon and spent the day?

A. Yes sir.

Q. And you stayed until four or four thirty?

A. Yes sir.

Q. And then did you go home?

A. No, not from the Cannon family's.

Q. Where did you go then?

A. We went to town.

Q. And where did you go in town?

A. We parked there in front of Mr. Hamil's Drug Store and had something to drink.

Q. Is that there on the square?

A. Yes sir.

Q. Did you see Cecil Price there?

1 A No sir.

2 Q How long were you there on the square?

3 A We parked there and talked approximately twenty  
4 or thirty minutes.

5 Q And that was about five or five thirty?

6 A Yes sir, about that time.

7 Q And then what did you do?

8 A We went home.

9 Q How long did your husband stay there?

10 A Oh, it was about six o'clock when he left to go  
11 back up town.

12 Q And you didn't go with him?

13 A No sir, I didn't go.

14 Q So you don't know where he went?

15 A No sir. I don't know of my personal knowledge but  
16 he left to go to the Funeral Home.

17 Q And what time did he get home again?

18 A About ten o'clock, maybe a quarter of ten.

19 Q So he was gone from home on that Sunday night  
20 from a little after six or six thirty until  
21 quarter of ten or ten o'clock?

22 A Yes sir.

23 Q And he went to town?

24 A Yes sir. He said he was going, I didn't see him.

25 Q He said he was going?

A Yes sir.

Q He said he was going to that funeral home?

A That's right.

Q Thank you.

(Whereupon witness excused)

LYNDA BARNETT GRAHAM, 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, this is Mrs. Lynda Barnett Graham.

Q Is that correct?

A Yes, it is.

Q Linday, who is your father?

A Ethel Glen "Hop" Barnette.

Q How old are you, please mam?

A Twenty-one.

Q I would like to ask you please mam if during the month of June, 1964 that you had any unusual thing to happen to you to make you remember that month?

A Yes, I did.

Q What happened to you?

A I fell off a horse.

1 Q Did you hurt yourself?

2 A I hurt my left leg.

3 Q The fact that you fell off of that horse did  
4 that require you to be hospitalized?

5 A Yes, it did.

6 Q And where were you hospitalized?

7 A Neshoba County General Hospital.

8 Q I believe your mother was in there too, was she not?

9 A Yes, she was.

10 Q Now, please mam, how long did you stay in that  
11 hospital?

12 A Approximately a week.

13 Q And when you got out of the hospital what had your  
14 father and your brother and your other sister done  
15 with regard to where you all lived?

16 A They had moved.

17 Q Where did you all move to?

18 A We moved out on the farm.

19 Q Where is your farm located please mam?

20 A Oh, its in the Spring Creek community.

21 Q How far is that from town?

22 A Oh, about four or five miles, something like that.

23 Q From what direction from town, is it on Highway

24 21?

25 A Yes.

1 Q How far off Highway 21 is your mother and daddy  
2 home?

3 A Oh, about a mile.

4 Q Now, please mam, when you got there, your farm  
5 home there, was it finished or under construction?

6 A It was still under construction.

7 Q And who was working on that farm home?

8 A Mr. Cole Thompson and my father.

9 Q And who else?

10 A Well really all of us, we all had a part in it.

11 Q Well, did your father say he worked on it?

12 A Yes, he did.

13 Q Did Mr. Thompson work on it?

14 A Yes, he did.

15 Q Did they work on it at day time or night time  
16 or when did they work?

17 A All the time, day and night.

18 Q Would Mr. Thompson come over there and work at  
19 night after he got off another job?

20 A Yes, he did.

21 Q And he is sorta finishing carpenter?

22 A Yes, he is.

23 Q I would like to direct your attention to the week  
24 of June the 15th and ask if they did night work  
25 that entire week?

- 1 A. Yes he did.
- 2 Q. Was your father there also during the night time
- 3 at that time?
- 4 A. Yes, he was.
- 5 Q. Did he leave the house at all during that week
- 6 at night time?
- 7 A. No, not that I know of, no sir.
- 8 Q. Now, please mam, I want to direct your attention
- 9 to another date in June and that is the 21st day
- 10 of June, 1964, do you remember that day?
- 11 A. Yes, I do.
- 12 Q. What was that day?
- 13 A. It was Father's Day. I won't ever forget that
- 14 day.
- 15 Q. Why?
- 16 A. My sister and I forgot to get him a present.
- 17 Q. You forgot to give your daddy a present?
- 18 A. Yes, we did.
- 19 Q. Did you all go anywhere that day?
- 20 A. Yes, we did.
- 21 Q. Where did you go?
- 22 A. Well in the morning, well it was about 12:30 or
- 23 1:00 o'clock we went to our aunt and uncle's,
- 24 Henry and Louise Cannon.
- 25 Q. Now please mam, did your father go with you?



A. No, he had already gone.

Q. Did you stay over at Mr. Cannon's house when you got there?

A. We didn't stay too long, maybe thirty minutes, something like that.

Q. Well, who left with you?

A. My brother, my sister and myself.

Q. And where did you all go?

A. We went to Lake Tia Kawta in Louisville.

Q. And did you leave your father and mother there at Mr. Cannon's?

A. Yes sir, we did.

Q. Now, was anyone sick at Mr. Cannon's house?

A. Yes, her father.

Q. Who was her father?

A. Mr. Shafner.

Q. And did you leave your father and mother there?

A. Yes sir, we did.

Q. And when did you next see your father?

A. That afternoon.

Q. About what time did you see your father?

A. It was between six and six thirty.

Q. Did he leave?

A. Yes sir, he did.

Q. Do you know where he said he was going?

1 A Yes, he took a bath and got dressed and Mr.  
2 Alex Rich was in the hospital---

3 Q You mean Mr. Alex Rich was in the hospital?

4 A Funeral Home, I'm sorry, excuse me.

5 Q Your father left and went to visit those people.

6 A Yes sir.

7 Q When did you next see him?

8 A Nine thirty or ten. I remember I was watching  
9 the late movie and it comes on about that time  
10 at night.

11 Q And did your father come in while you all were  
12 watching television?

13 A Yes sir, he did.

14 Q And did he leave anymore that night?

15 A No sir, he did not.

16 Q That's all.

17 BY MR. HAUBERG:

18 No questions, Your Honor.

19 (Whereupon witness excused)

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

22 DIRECT EXAMINATION

23 BY MR. ALFORD:

24 May it please the Court, this witness is  
25 Mike Barnett.

Q Is that correct?

A Yes sir.

Q Mike, what's your father's name?

A Ethel Glen Barnett.

Q Where do you all live at this time?

A Well, my parents live out on Highway 21, I live in town.

Q Are you married now?

A Yes sir.

Q And what community does your father and mother live?

A Spring Creek.

Q Spring Creek community?

A Yes sir.

Q Please sir, I would like to direct your attention to June 21, 1964, do you remember that occasion?

A Yes sir, I do.

Q What did you do on that day?

A Well, we had planned to go over to Aunt Louise and Uncle Henry to eat dinner, and after dinner we were going up to Louisville and go swimming.

Q Did your father go with you or did he go ahead of you?

A He went ahead of us.

Q What time did you all leave Mr. Cannon's house.

1 A Well we stayed long enough to eat dinner and  
2 then we left.

3 Q Who left with you?

4 A My two sisters and I as far as I can remember.

5 Q And did you you pick up anybody else other than  
6 your two sisters?

7 A No sir, we didn't.

8 Q When did you next see your father?

9 A It was between five and six in the afternoon.

10 Q Did he leave home that night?

11 A Yes sir right after he came in.

12 Q Where did he say he was going?

13 A He was going to see, uh Tommie's little baby was  
14 in the hospital.

15 Q Did he say anything about Mr. Rich being in the  
16 funeral home?

17 A At that time I didn't know he was dead.

18 Q You didn't know that?

19 A No sir.

20 Q When did you see your father again, that day?

21 A It was later on that night. We were watching  
22 T. V. when he came in.

23 Q Do you know what time it was?

24 A We were watching the late movie I don't exactly  
25 what time it was but between nine and 10:00 o'clock

2/69

Q Did he leave anymore that night?

A No sir, he didn't.

Q Did anything unusual occur on that day as well as you know?

A Not anything that I knew of at that time.

Q What did you learn later?

A Those Civil Rights Workers had been killed.

Q When did you find that out?

A In August.

Q From the publicity that was given to it?

A Yes sir, in the papers and on T. V.

CROSS EXAMINATION

BY MR. DOAR:

Q When were you asked to recall what time your father got home on Sunday night?

A Repeat the question please.

Q When was the first time you were asked to recall what time your father got home on the night of June the 21st, 1964?

A I don't remember when I was first asked when he was home.

Q Was it a short time ago or a good while ago?

A No sir, its been a good while ago.

Q Before he was arrested in connection with this case or after?

1 A No sir, it was before.

2 Q How much before?

3 A I can't remember.

4 Q What were the circumstances?

5 A I can't remember that either.

6 Q Do you know where it was?

7 A It might have been at home. I don't remember.

8 Q Can you give us any idea when you were first  
9 recalled or when you were first asked to recall  
10 what took place on June the 21st, 1964?

11 A Yes sir, when I was told that I might have to  
12 be called in to be a witness.

13 Q When were you told that?

14 A It was over a week ago.

15 Q You weren't told before then?

16 A I don't believe so.

17 Q Then it was within the last week that you were  
18 asked to see if you could recall what took place  
19 June the 21st, 1964?

20 A Yes sir.

21 Q Thank you.

22 (Whereupon witness excused)

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

25 DIRECT EXAMINATION

BY MR. ALFORD:

May it please the Court this witness is Mr. Tommy Barnett.

Q Is that correct, Mr. Barnett?

A Yes sir, it is.

Q Mr. Barnett, what relation are you to Mr. E. G. Barnett?

A Brother.

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

A Yes sir, I sure do.

Q What causes you to remember that day?

A My baby boy was in the hospital.

Q Where was he in the hospital?

A Neshoba County General Hospital.

Q And on that occasion did you see Mr. Ethel Glen Hop Barnett?

A Yes sir.

Q Where did you see him?

A At the hospital?

Q About what time did you see him that night?

A About eight o'clock.

Q Did you later see him again?

A Yes sir, I sure did.

Q Where did you see him again?

- 1 A. McClain-Hayes Funeral Home.
- 2 Q. And when was that?
- 3 A. Around 9:00 o'clock.
- 4 Q. Around 9:00 o'clock?
- 5 A. Yes sir.
- 6 Q. And who did you see him with at the Funeral Home?
- 7 A. Mr. Grady Eakes.
- 8 Q. Now please sir, what is your son's name?
- 9 A. Mitchell Dwight Barnett.
- 10 Q. And who is your wife?
- 11 A. Geneva Mitchell Barnett.
- 12 Q. And she was there at the hospital too?
- 13 A. Yes sir, she was.
- 14 Q. That's all.

CROSS EXAMINATION

MR.  
BY/DOAR:

- 17 Q. And your brother was at the hospital about what
- 18 time that night?
- 19 A. About eight o'clock.
- 20 Q. How long was he there?
- 21 A. About thirty or thirty five minutes.
- 22 Q. Where is the hospital in Philadelphis located?
- 23 A. Highway 19 toward Meridian.
- 24 Q. Its on Highway 19 going toward Meridian?
- 25 A. Yes sir.



Q On Highway 19 going toward Meridian, and where is it located from the H & H Restuarant?

A Its to the side of it, on the east side of it.

Q Where is it from Pilgrim's Store?

A It would be West of Pilgrim's Store.

Q Are you sure it is west of Pilgrim's Store?

A Well, I'm not really sure where Pilgrim's Store is at.

Q Do you know whether your brother went over to the restuarant that night?

A No sir, I don't.

Q You didn't see him except at the hospital?

A I see him at the Funeral Home.

Q Did you see him at the hospital?

A I sure did.

Q Did you and he go directly from the hospital to the funeral home?

A I didn't follow him, I left after he did.

Q You left the hospital after he did?

A I sure did.

Q What time did you get to the funeral home?

A Well, I didn't go directly to the funeral home.

Q And did you see yu r brother at the funeral home?

A He was on the front steps when I got there.

Q What time was that?

Home?

what

ed?

- 1 Q Nine o'clock.
- 2 Q When were you first asked to recall the time you
- 3 saw your brother on June the 21st?
- 4 A A couple of weeks ago when he asked me to testify.
- 5 Q That was the first time that the subject had come
- 6 up since June the 21st, 1964?
- 7 A Well, I think we've all been reminded of it over
- 8 the past three years.
- 9 Q The times that evening, was that the first time
- 10 the times became important was that just a couple
- 11 of weeks ago?
- 12 A Oh, yes sir.
- 13 Q Now, I want to be sure and understand you. Your
- 14 brother was at the hospital about eight o'clock,
- 15 and you talked with him for fifteen or twenty
- 16 minutes?
- 17 A No sir, I talked with him thirty or thirty five
- 18 minutes.
- 19 Q Thirty or thirty five minutes?
- 20 A I sure did.
- 21 Q From eight to about what time?
- 22 A From eight to about eight thirty.
- 23 Q And then he left the hospital and you didn't
- 24 see where he went?
- 25 A No, I didn't.

Q And you left shortly thereafter and went to the funeral home?

A I sure did.

Q And about nine o'clock you arrived at the funeral home?

A I did.

Q And you saw him on the front porch of the funeral home?

A I did.

Q Now, are you sure about those times?

A I sure am.

Q Could it be off a little bit?

A Two or three minutes.

Q Two or three minutes, no more?

A No more.

Q And a couple of weeks ago is the first time you were asked to recall those specific times?

A Yes sir.

Q Did you go into the funeral home?

A No, I didn't.

Q Do you remember where your brother's pick-up truck was parked that night?

A I didn't pay any attention.

Q How far is the hospital from the courthouse?

A From the courthouse?

- 1 Q Yes.
- 2 A Its two blocks. Oh, the hospital?
- 3 Q Yes.
- 4 A Oh, its about a mile or a mile and a half.
- 5 Q Is it out on Highway 19?
- 6 A It sure is.
- 7 Q And how far is the funeral home?
- 8 A From the courthouse?
- 9 Q Yes.
- 10 A Its about two blocks.
- 11 Q Is it east or west from the courthouse?
- 12 A Its north of the courthouse.
- 13 Q So the funeral home is on the other side of the
- 14 courthouse from the hospital?
- 15 A No, its in between.
- 16 Q Pardon?
- 17 A Its kinda in between the hospital and the court-
- 18 house.
- 19 Q So then that would be south of the courthouse
- 20 rather than north?
- 21 A Are you talking about the funeral home?
- 22 Q Yes.
- 23 A Its north of the courthouse.
- 24 Q Is the hospital north or south of the courthouses?
- 25 A The hospital is kinda northeast from the court-

house.

Q Thank you.

REDIRECT EXAMINATION

BY MR. ALFORD:

Q Mr. Barnett, where do you live at the present time?

A 905 Richman Road, Texarkana, Texas.

Q How long have you been living there?

A Two years.

Q Now, as a matter of fact the funeral home is about two blocks east of the courthouse isn't it?

BY MR. HAUBERG:

If it please the Court, we object.

BY THE COURT:

Sustain the objection.

BY MR. ALFORD:

Well I'm trying to----

BY THE COURT:

Sustain the objection, Counsel, we don't have argument between Counsels, not yet at least.

BY MR. ALFORD:

Q What direction is the funeral home from the courthouse?

A It would be east.

Q And what direction is the hospital?

1 A Would be east.

2 Q That's all.

3 (Whereupon witness excused)

4 MRS. NELLIE J. EAKES, called as a witness for and on  
5 behalf of defendants, was sworn and testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. ALFORD:

9 May it please the Court, this witness is Mrs. Nellie  
10 J. Eakes, and also known as Mrs. Grady Eakes.

11 Q Mrs. Eakes, where do you live?

12 A Oh, I live five and a half miles northeast of  
13 Philadelphia, just past the Spring Creek, or  
14 rather in front of the Spring Creek Baptist  
15 parsonage.

16 Q And about how far is that from town?

17 A Five and a halfmiles.

18 Q Do you know Ethel Glen "Hop" Barnett?

19 A Yes, I know him.

20 Q Does he live in your community?

21 A Yes, he lives just below my house.

22 Q And who was your husband in his lifetime, please  
23 mam?

24 A Grady Eakes.

25 Q And when did he pass away, please mam?

1 A This past February, uh, February, 1966.

2 Q Please mam, I would like to direct your attention  
3 to June 21, 1964 and ask you if you remember that  
4 occasion?

5 A Yes sir, I well remember it.

6 Q Did you see Mr. Barnett on that occasion?

7 A Yes sir, I saw him.

8 Q Where did you see him?

9 A In front of my house.

10 Q About what time of the day did you see him?

11 A About 6:00.

12 Q And was your husband with you?

13 A Yes, we were just getting out of the car coming  
14 in from Jackson.

15 Q And did Mr. Barnett have a conversation with you  
16 all at that time?

17 A Yes, a short one.

18 Q And what was that conversation about?

19 A He asked us if we knew Mr. Alex Rich was dead.

20 Q And did you all tell him you did or did not?

21 A We didn't.

22 Q And did Mr. Barnett stay there and talk very long  
23 or did he leave?

24 A He stayed just a few minutes.

25 Q And which way did he go?

2180

1 A He went out and took the highway back toward  
2 town.

3 Q Now, did you husband go to Philadelphia also that  
4 evening?

5 A He went later.

6 Q And when did he go?

7 A About an hour later when he got through taking care  
8 of his stock, we had just gotten in from Jackson.

9 Q And did your husband tell you where he was going?

10 A Well, we came on in the house and he asked if I  
11 thought we should go up there, but I had to ----

12 BY THE COURT:

13 We don't need any conversation any further.

14 BY MR. ALFORD:

15 Q Well, did you go with him?

16 A No, I didn't go.

17 Q Did he leave to go?

18 A Yes sir, he went to the funeral home.

19 Q Now, please mam, when did you see your husband  
20 again?

21 A He came in after church between nine and ten.

22 Q Did you see anyone pass going toward the home  
23 of Mr. Barnett?

24 A I saw Mr. Barnett's pick-up going in right  
25 behind my husband after he drove in.



Q Did your husband come in ahead of Mr. Barnett?

A He came in ahead of Mr. Barnett.

Q And did your husband leave anymore that night?

A No, I was already to go to bed and he went to bed.

Q That's all.

CROSS EXAMINATION

BY MR. DOAR:

Q When was the first time that you were asked to recall the times on June the 21st, 1964?

A Well, what do you mean?

Q When was the first time you were asked to recall what time your husband got home from the funeral home on the night of June 21st, 1964?

A I was just asked that.

Q I know that, but before the time you got on the witness stand. Did Mr. Alford ask you that?

A Not in those words.

Q Did he ask you if you happened to see Mr. Hop Barnett driving home that night? I am just trying to find out when you were first asked to remember about that.

A When I was first contacted?

Q Yes.

A The first time that Mr. Alford talked to me and I found out about it was Friday a week ago.

1 Q Friday was a week ago, and you were able to re-  
2 member the time that your husband came home and  
3 the time that Mr. Barnett's truck went by?

4 A Yes sir.

5 Q Do you remember that, it happened over three years  
6 ago?

7 A Yes sir.

8 Q Could you have been off one way or the other on  
9 the time?

10 A No sir, I don't think so. I have a reason. Just  
11 before we got home from Jackson, we spent the night  
12 in there and we were trying to make it home around  
13 six o'clock in order to take care of the stock, and  
14 we did make it home. When we drove in our drive-  
15 way, we saw Mr. Barnett's truck coming down the  
16 road, we pulled in and got the suitcases, we didn't  
17 expect him to stop, but as we got out the suitcases  
18 and started to leave the truck, he pulled not out  
19 of the road completely but over to the side and  
20 we asked him to get out and he said he was going  
21 up to the funeral home and asked us if we knew  
22 Mr. Rich was dead and we didn't know it.

23 Q Well, when you say you saw Mr. Barnett's truck  
24 coming back, could you have been off about the  
25 time then?

21P3

A. No the reason I know what time it was because my son was there and he went to church and church is over at nine and he came in from church and he had gone to bed, and shortly my husband came in.

Q. How far do you live off the road?

A. I live right in the forks of the road, right by the side of the road.

Q. Had you heard anything before June 21st about any Civil Rights Workers working up in Neshoba County?

A. Not working in Neshoba County, I had heard of Civil Rights Workers, yes.

Q. You had heard about Civil Rights Workers?

A. Yes sir.

Q. Had you heard about them being in Neshoba County?

A. Well, I had heard they were everywhere.

Q. Did you hear they were in the Longdale community?

A. No, I didn't know anything about that community.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. ALFORD:

If the Court please, this witness is Mrs. Myrtis

2184

- 1 also known as Mrs. Lacey Lewis.
- 2 Q Is that correct, Mrs. Lewis?
- 3 A That's right.
- 4 Q Mrs. Lewis, where do you live?
- 5 A At Dixon, in Neshoba County about 12 miles out
- 6 of Philadelphia.
- 7 Q Do you know E. G. "Hop" Barnette?
- 8 A I do.
- 9 Q Do you know Mrs. Barnette?
- 10 A I do.
- 11 Q I want to ask you please mam if along about June
- 12 the 21st, 1964 you saw them in the city of
- 13 Philadelphia, Mississippi?
- 14 A I did.
- 15 Q About what time did you see them?
- 16 A Around five o'clock, it could have been a little
- 17 before or a little after, but it was around that
- 18 time.
- 19 Q Where had you seen them?
- 20 A I had been to the hospital to see my husband, to
- 21 see my husband, and on the way back, I had two
- 22 of my nephews from Texas and they are interested
- 23 in the work that I do and they wanted to see Mr.
- 24 and Mrs. Barnett and we met them and they passed
- 25 us and went on and parked in front of Hamil

Drug Store and we parked just below them there on the square there in Philadelphia.

Q Please mam, had or not you worked in the Sheriff's office for Mr. Barnett while he was in office?

A I did.

Q And how long did you talk to them that afternoon?

A I imagine ten or fifteen or thirty minutes, something like that.

Q I want to ask you please mam whether or not Mr. Barnett has been elected Sheriff for the next term?

A He has.

Q He's the Sheriff elect of Neshoba County?

BY MR. HAUBERG:

We object to that, if the Court please.

BY THE COURT:

Overruled, go along.

BY MR. ALFORD:

That's all.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. ALFORD:

1 May it please the Court, the name of this witness is  
2 Mr. Code Thompson, C O D E.

3 Q Is that right, Mr. Thompson?

4 A That's correct.

5 Q Mr. Thompson, where do you live?

6 A I live at Philadelphia out at Route 6 at a place  
7 called Burnside.

8 Q What direction is that from Philadelphia?

9 A North.

10 Q How far north?

11 A Six miles.

12 Q Please sir, what occupation did you follow in 1964?

13 A Construction, carpenter, mainetnance.

14 Q Do you know Ethel Glen "Hop" Barnett?

15 A I do.

16 Q Did you do some work for him in 1964?

17 A I did.

18 Q What kind of work did you do for him?

19 A I took an old house and repaired it from the bottom  
20 to finishing out, cabinets and all.

21 Q Did you work at his home during the night time  
22 during the week of June 15, 1964<sup>th</sup>

23 A I did.

24 Q Who helped you work there?

25 A Hop Barnett and Otis Richardson and Hop's boys

2/87

helped me some. I was working on the cabinets then.

Q Did his girls work there too?

A They did.

Q Now I want to direct your attention specifically to the week of June 15th and ask you whether you and Mr. Barnett worked there every night that week?

A All but Friday night, I believe Friday night I didn't work, I worked there Monday, Tuesday, Wednesday, and Thursday nights, skipped Friday night and worked there Saturday.

Q Now about what hours did you put in on Tuesday night, June 16, 1964?

A Three and a half hours.

Q What was those hours?

A Started at six, ten thirty I think.

Q Was Mr. Barnett there that night?

A Yes he was until I left I know.

Q You left first?

A Yes.

Q Mr. Thompson, what official position have you held in Neshoba County?

A I was Constable up there for 12 years.

Q What district?

1 A District Five.

2 Q Was Mr. Barnett Sheriff during any of those years  
3 you were Constable?

4 A Four years.

5 Q And I would like to ask you whether or not he has  
6 been elected as the Democratic nominee for Sheriff  
7 for the next four years?

8 A He has.

9 Q That's all.

10 CROSS EXAMINATION

11 BY MR. HAUBERG:

12 Q Mr. Thompson, have you done a good bit of work  
13 for Mr. Barnett out there?

14 A The whole house, yes sir.

15 Q And do you know when it was finished?

16 A Well, I finished them cabinets on Saturday, I  
17 believe it would be about June 20th. I've been  
18 back one time since then.

19 Q But you were not working on those cabinets on  
20 June 21st then?

21 A No sir.

22 Q Now, at the time you were working on these cabinets  
23 on Tuesday, June 16th?

24 A Yeah, I was there, I didn't work on Friday night  
25 but I worked on Saturday. You see the way I



2/89

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was doing it, I was working on three jobs and I was trying to keep them all going, Mrs. Sam Long and two for George Green, I was doing some work for all of them and I was sorta hooked then was the reason I was working a little overtime.

Q How did you determine the date of June the 16th as being the date you worked on it?

A Well, I went back to the time books I had. When all this come up after he got arrested away over in the Fall, I believe he asked me and I said I didn't know what date it was but I will go back and see and he said you are going to have to see because you were over there, and I went back and looked and there was no way for me to get out, I was there.

Q Now, you looked in your time books?

A I sure did.

Q And did your time book show when you started on that job?

A I started on Monday evening.

Q How many hours did you work on Monday?

A Three and a half.

Q How many hours did you work on the 16th?

A Three and a half.

Q And then on the 17th you worked how many?

2190

- 1 Q Was there anytime that you worked more than  
2 three or three and a half hours?
- 3 A No sir, I worked about eight hours on Saturday,  
4 that was the day that I was off of these other  
5 jobs.
- 6 Q But on Tuesday, you worked three hours.
- 7 A Three and a half, from six until ten thirty.
- 8 Q Well, I believe on your direct examination you  
9 said that you worked from six until ten that  
10 night.
- 11 A Ten thirty, I believe is what I said.
- 12 Q Well would that be three and a half hours?
- 13 A No, four and a half.
- 14 Q You worked four and onehalf hours that night, did  
15 you work four and a half hours on any other night  
16 except Saturday?
- 17 A I worked from six until 9:30 some times, and  
18 Saturday, I know I worked eight hours.
- 19 Q Can you be positive?
- 20 A Yes sir, I can be positive.
- 21 Q Well can you be positive that you worked ah,  
22 four and a half hours on Tuesday night?
- 23 A Yes I can be positive. I worked from six until  
24 10:30, and I can count it up. I think its four  
25 and a half, I'm pretty sure its four and a half.

2/9/

Q Do you have your time book with you?

A No I haven't.

Q When was the first time you looked in your time book as to the time on that date?

A Well, it was when he got arrested and about a week later he called me and said he wanted to see me and I thought it was something about the work on the cabinets, but he asked me about this and I said I would have to get the book to see about it, and sure enough it was. I checked the book and I checked the book I had with Mrs. Long and the one I had for George Green and that was the way it tallied out.

Q So you say it was about a week after he got arrested that you referred to your book?

A Well he asked me about it and said I was over there and I got to checking to see if I was over there for sure or not on that date.

Q But you did refer to your book?

A I did.

Q After he contacted you?

A I did, I sure did.

Q And do you recall any other date that week where you worked four and a half hours?

A No sir, I don't believe I did. I believe I

worked the other nights from six til nine thirty.

Q Did you look at the time on it for the other days of that week?

A I looked at it. I didn't look at all of them, I just looked at the amount of hours that I started at six and quit at nine thirty, two times I know and one time ten thirty. I quit at ten thirty and I knew what time I had quit and I sat my time down from that.

Q What other day that week did you work as late as ten thirty?

A It would be Thursday night.

Q You worked four and a half hour that Thursday night?

A I think so.

Q And then you worked eight hours on Saturday?

A I think so.

Q Thank you, that's all.

(Whereupon witness excused)

JOE HENRY JARRELL, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

Your Honor please, this witness is Joe Henry Jarrell.

J A R R E L L.

Q Is that correct, Mr. Jarrell?

1 A. That's correct.

2 Q. Mr. Jarrell by whom are you employed?

3 A. Neshoba County General Hospital.

4 Q. And as an employee of Neshoba County General  
5 Hospital, do you have custody of the Hospital  
6 records of patients who have been admitted and  
7 hospitalized in Neshoba County General Hospital?

8 A. I do.

9 Q. And do you not have with you at this time hospital  
10 records pertaining to Michael Dwight Barnett?

11 A. I do.

12 Q. Would you look at those records please sir and  
13 tell me if on those records there appears the  
14 name of the father of Michael Dwight Barnett?

15 A. Mr. and Mrs. Tommie Barnett is listed as mother  
16 and father.

17 Q. Does your records show the date that child was  
18 admitted to the hospital?

19 A. June 18, 1964.

20 Q. And do you have the record there of the date he  
21 was discharged from the hospital?

22 A. The date of discharge is June 22nd, 1964.

23 Q. Mr. Jarrell are these records maintained in the  
24 normal course of business in the hospital?

25 A. Yes sir.

1 Q Your Honor please, these are the original records  
2 and I do not desire to introduce them, but I did  
3 want him to testify about them.

4 BY THE COURT:

5 You don't desire to introduce them?

6 BY THE WITNESS:

7 No sir.

8 BY THE COURT:

9 Does the Government wish to make any use of those  
10 records?

11 BY MR. DOAR:

12 No, Your Honor.

13 BY THE COURT:

14 All right.

15 BY MR. ALFORD:

16 Q Now sir, I would like to ask you if you have a  
17 hospital record there pertaining to Mrs. E. G.  
18 Barnett?

19 A Yes sir, I do.

20 Q And would you look at that record and tell me  
21 the date she was admitted to the Neshoba County  
22 General Hospital during the month of June, 1964?

23 A The date of admission was June 7, 1964.

24 Q And what was the date of discharge?

25 A The date of discharge was June 12, 1964.

Q And are these records kept in the regular  
course of business by this hospital?

A They were.

Q Mr. Jarrell do you have any records there from  
the Neshoba County General Hospital showing  
if Lynda Barnett was a patient there during  
the year 1964?

A I do.

Q What was the date that she was admitted to  
the Neshoba County General Hospital?

A June 2nd, 1964.

Q And what was the date your record shows was  
the date of her discharge?

A The date of discharge was June 12, 1964.

Q Are those records maintained in the normal course  
of business at this hospital?

A They are.

Q That's all.

BY MR. HAUBERG:

We have no questions of this witness.

(Whereupon witness excused)

HENRY A. KENNEDY, called as a witness for and on behalf  
of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

1 May it please the Court the name of this witness  
2 if Mr. Henry A. Kennedy. K E N N E D Y.

3 Q Is that right, Mr. Kennedy?

4 A That's right.

5 Q Where do you live, Mr. Kennedy?

6 A Philadelphia.

7 Q How long have you lived in Philadelphia?

8 A Oh, possibly thirty years.

9 Q By whom are you employed?

10 A By the State Tax Commission.

11 Q I would like to ask you sir if you remember the  
12 occasion of June 21st, 1964?

13 A I do.

14 Q On that occasion did you, strike that please sir.  
15 Did you know Ethel Glen "Hop" Barnett?

16 A I do.

17 Q And on the 21st day of June, 1964 did you see  
18 Mr. Ethel Glen Hop Barnett?

19 A I did.

20 Q Where did you see him?

21 A At McClain Hayes Funeral Home.

22 Q About what time did you see him?

23 A Between 7:30 and 8:00 o'clock that night.

24 Q Who was dead at the funeral home?

25 A Mr. Rich, Alex Rich, I had gone there to visit



the family.

Q That's all.

CROSS EXAMINATION

BY MR. DOAR:

Q What time was it that you say you saw Hop Barnett at the funeral home?

A Sometimes between 7:30 and eight that night.

Q Did you stay there very long?

A Who me?

Q Mr. Barnett.

A I don't know how long he stayed, I just met him in the hallway that night.

Q Did you talk to him?

A Possibly just hello, but as to me saying anything to him, I don't recall.

Q Are you certain it was between 7:30 and eight?

A Somewhere in that neighborhood. It could not have been earlier than 7:30 and I would say it would be impossible for it to have been later than 8:15, but I think it was between eight and eight thirty.

Q I thought you said it was between seven and eight?

A Beg your pardon, I did see between 7:30 and 8:00 that is what I meant.

1 Q So sometimes between 7:15 and 8:15 you saw  
2 him?

3 A Right.

4 Q Did you see him again that night?

5 A No sir.

6 Q Do you know where he came back to the funeral  
7 home later on?

8 A I do not.

9 Q Did you happen to see Edgar Ray Killen at the  
10 funeral home that night?

11 A I don't recall seeing him at that time.

12 Q How long were you there?

13 A Oh, twenty to thirty minutes.

14 Q You would have seen Edgar Ray Killen if he had  
15 been in the funeral home?

16 A He could have been there and I may not have seen  
17 him because I think there was at least two bodies  
18 there and could have been possibly more. I  
19 only visited the family of one I didn't visit  
20 the families of the other bodies.

21 Q When were you first asked to recall if you saw  
22 Mr. Barnett there that night?

23 A Oh, sometimes, a short time back, I don't recall  
24 the date exactly.

25 Q Well would it be a month?

A No, it hasn't been a month.

Q Two weeks?

A Possibly two weeks.

Q Who asked you?

A Mr. Barnett asked me first.

Q Did you check to see whether or not you signed the book that night at the funeral home?

A No, I didn't check to see if I signed the book.

Q Would you have signed the book?

A Usually I would have, I don't know where I did or not, I don't always sign the book.

Q And you were there because Mr. Rich's body was there?

A That's right. I was a friend of the family and I visited the family.

Q Were you alone?

A Yes.

Q How far do you live from the funeral home?

A Oh, a matter of blocks.

Q Did you walk?

A I drove over there. I guess it would be about a half mile from my home to the funeral home?

A Did you see or hear anything that afternoon about three Civil Rights Workers?

A No sir, I did not.

1 Q Had you heard anything before that time about  
2 some Civil Rights Workers being in add around  
3 Philadelphia?

4 A No, I did not.

5 Q Does your work take you out of Philadelphia?

6 A Oh, yes.

7 Q All around the State?

8 A No, I have three counties.

9 Q Which counties do you have?

10 A Newton, Neshoba and Kemper.

11 Q You were working in those three counties that  
12 Spring?

13 A Yes sir.

14 Q Did you see the Sheriff around town around 8:00  
15 o'clock that night?

16 A No sir.

17 Q You don't recall that?

18 A No sir.

19 Q Thank you.

20 (Whereupon witness excused)

21 J. E. WILLIAMS, called as a witness for and on behalf  
22 of defendants, was sworn and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. ALFORD:

25 May it please the Court, the name of this witness

is Mr. J. E. Williams.

Q Is that correct, Mr. Williams?

A That's right.

Q Mr. Williams where do you live?

A 325 Cherry Avenue, Philadelphia, Mississippi.

Q How long have you lived at Philadelphia?

A Since 1958.

Q And where did you live prior to 1958?

A Southeast Neshoba County.

Q Are you not a native of Neshoba County?

A Yes sir.

Q By whom were you employed in June of 1964?

A Philadelphia Motor Company, Incorporated,  
Philadelphia, Mississippi.

Q How long have you been working for Philadelphia  
Motor Company?

A Eleven years and eleven months.

Q I would like to ask you sir if you remember or  
recall on or about the 22nd day of June, 1964  
that you saw Mr. E. G. Hop Barnett in your place  
of business?

A Yes sir.

Q What was the date and approximately what time  
did you see him there on the 22nd day of June?

A It was approximately 8:00 o'clock in the morning,

1 and his car was running hot.

2 Q Did he or not have a Ford automobile that he had  
3 purchased from your company?

4 A Yes sir.

5 Q And how long did he stay there in your place of  
6 business that morning?

7 A I couldn't say how long he stayed but the car  
8 stayed approximately two hours.

9 Q Your Honor please, I have no further questions.

10 BY MR. HAUBERG:

11 No questions.

12 (Whereupon witness excused)

13 ARNOLD BARRIER, called as a witness for and on behalf  
14 of defendants, was sworn and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MOORE:

17 May it please the Court, the name of this witness is  
18 Mr. Arnold Barrier. B A R R I E R.

19 Q Mr. Barrier, where do you live?

20 A Neshoba County.

21 Q How long have you lived in N<sup>E</sup>shoba County?

22 A Fifty-seven years. All my life.

23 Q Do you know Jerry Sharpe?

24 A Yes sir.

25 Q How long have you known him?

A Well every since he was around 12 years old

he moved in our community.

Q Where does Jerry Sharpe live?

A In Philadelphia.

Q Do you know how long he's lived there?

A Well, he's, well when he left from up around my house, he's been there every since.

Q Mr. Barrier, do you know the general reputation of Jerry Sharpe in the community for which he lives for peace or violence?

A Yes.

Q Is it good or bad?

A Its good.

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:  
BY MR. WEIR:

Your Honor, may it please the Court, I would like to ask this witness a few questions.

BY THE COURT:

s is  
All right.

Q Do you know the defendant, Cecil Ray Price?

A Yes sir.

Q How long have you known Mr. Price?

A Well ten or twelve years.

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

1 A Yes sir.

2 Q Is it good or bad?

3 A Its good.

4 Q Thank you.

5 BY MR. ALFORD:

6 Your Honor, I would like to ask this witness a  
7 question or two.

8 BY THE COURT:

9 All right.

10 Q Mr. Williams, do you know E. G. "Hop" Barnett?

11 A I do.

12 Q How long have you known him?

13 A All his life.

14 Q Do you know his general reputation in the  
15 community in which he resides for peace or  
16 violence?

17 A I do.

18 Q Is it good or bad?

19 A Its good.

20 Q Thank you.

21 BY MR. HAUBERG:

22 No questions, Your Honor.

23 (Whereupon witness excused)

24 J. P. STOKES, called as a witness for and on behalf  
25 of defendants, was sworn and testified as follows:



DIRECT EXAMINATION

BY MR. MOORE:

Your Honor, the name of this witness is Mr. J. P. Stokes.

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

A I'm a member of the Board of Supervisors.

Q What Supervisor's district are you from?

A District two.

Q Mr. Stokes how long have you lived in Neshoba County?

A Forty years.

Q Doyou know Jerry Sharpe?

A I did.

Q How long have you known him?

A Since 1957.

Q Do you know where he lives?

A Yes.

Q Is that in Neshoba County, Mississippi?

A It is.

Q Mr. Stokes, do you know the general reputation for Jerry Sharpe in the community for which he lives for peace or violence?

A I do.

Q Is it good or bad?

1 A. Its good.

2 Q. Thank you.

3 BY MR. WEIR:

4 Q. Mr. Stokes, who is President of the Board of  
5 Supervisors of Neshoba County, Mississippi?

6 A. Johnny McCraw.

7 Q. Have you been re-elected to your ~~past~~ as Super-  
8 visor?

9 A. I have.

10 Q. In the Democratic nomination?

11 A. I have.

12 Q. And how long have you already served as Super-  
13 visor in District Two of Neshoba County?

14 A. This will be my third term.

15 Q. Do you know Cecil Ray Price?

16 A. I do.

17 Q. And do you know his general reputation in the  
18 community in which he lives?

19 A. I do.

20 Q. As for being a law abiding citizen and for peace  
21 and violence?

22 A. I do.

23 Q. Is it good or bad?

24 A. Its good.

25 Q. Thank you.