

1 matches the other. I challenge you to look at this
 2 carefully, you are the judges, that expert is here
 3 merely to help you, you are the final judges, and
 4 I challenge you to look and see if you can find one
 5 point which is similar. You will remember that I
 6 asked him why he didn't mark the points that were
 7 not similar, and he said, I looked for the points
 8 that were similar. They are not marked here. Look
 9 at that carefully when you go in the jury room. They
 10 put this on, their own testimony, they are bound by
 11 it. It shows that James Chaney signed this on
 12 December 24, 1964. How could he have signed it if
 13 he was under that dam up there? They also show a
 14 claim that they got one fingerprint from this, and
 15 you know if it had been handled by other people there
 16 would be more prints on it. They substituted this
 17 in the record, I thought it was an exact copy with a
 18 print on it which was so dim you couldn't even see
 19 it. Yesterday I found, this is a photostat copy and
 20 that print is not even on here. I'm awfully sorry
 21 that happened.

22 This Civil Rights Attorney right here, John Doar,
 23 has been active in the Civil Rights Work in Mississippi
 24 since he put Meredith in Ole Miss, is so anxious to
 25 come in here and prove things to you, that you heard

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him mistake the facts about Mr. Akins just a few minutes ago. I got up and tried to stop him. He said Jordan testified that Mr. Akin helped him at his place of business. Taking Jordan's testimony at its best, all he said, and you will remember, was that they met down at Herndon's place, they went to Akin's place, stayed there a few minutes and then they left. I asked him on cross examination, and I remember exactly, and you will too, what he said I said now, when you went there it was all of a sudden and unexplained, and he said it is. I said when you got there Mr. Akin was busy and attending to his business, was he not, and he said yes. I said, when you were there for a few minutes and when you left, Mr. Akins was still there attending to his business, was he not? He said, yes. Could you convict a man on that kind of testimony? He's a convicted killer, he's worse than that, he is a self-confessed criminal, he's a self-confessed murderer, can you believe him, I don't believe you will. Now, why did he come there. He had a reason to come there. He was familiar with the place, maybe he did come there but he did not implicate Mr. Akins in any way. Now, who are you going to believe? You heard these respectable business people here and they

1 certainly were not paid witnesses. Lawyers, business
2 men, bankers, what did they say about Mr. Akin? They
3 said he was fair, friendly, and honest in his business
4 dealings and he was a mild mannered gentleman. I
5 believe when you take these facts, pertaining to Mr.
6 Akins alone, just for a moment when you are in the
7 jury room, and look them over, even at their best,
8 the only verdict that you can bring in is, We, the
9 Jury, find the defendant, B. L. Akin not guilty.
10 Thank you, Ladies and Gentlemen.

11 MR. BUCKLEY'S ARGUMENT:

12 Members of the Jury, due the fact that there are so
13 many defendants involved in this case, we had to
14 divide the time and I only have ten minutes to
15 talk with you, and in that ten minutes I am going to
16 attempt to cover several points. First of all,
17 Mr. Doar either has different type ears and I have
18 as he certainly heard the testimony differently than
19 I heard it. I notice one thing also that more witnesses
20 have testified from this witness stand from any other
21 place other than Washington, D. C., and I noticed
22 another thing that he told you nothing about, as well
23 as the other attorneys here for the government, and that
24 is he hasn't told you one thing about justice. Nobody
25 has asked for justice. Sure, Mr. Hauberg will get

up here now and talk about justice, but have you heard them mention that they want justice? They want a conviction, they want paid testimony, they want to spend hundred of thousand of dollars.

Ladies and Gentlemen of the Jury much of the testimony that Mr. Doar has brought to you here the Court has told you to ignore the testimony as to certain and other of the defendants and you have sworn on your oaths that you will. I tell you there is not one iota bit of testimony to involve Sam Holloway Bowers, Jr., in this case one iota, the only thing that they have in this record about Mr. Bowers are the lies that Jim Jordan Delmar Dennis told that someone else told them, no, they told me that Mr. Bowers did it and there has been no one on this witness stand to say that Mr. Bowers had cautioned against violence. The second man on this witness stand, the snake man who said the snakes were not poisonous, and his wife said they were moccasins and rattle snakes, and I will leave it to you to decide whether they were rattle snakes and moccasin, and let me call to your attention about three witnesses that the United States Government brought here, Delmar Dennis, Jim Jordan and Wallace Miller. Wallace Miller who has been married four times and left his family, that is

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the type testimony that the United States Government has asked you to listen to against these defendants. Now, Mr. Doar also mentioned something to you about a letter which he also stated was written by Mr. Bowers. I want you to read that letter. Take into consideration what has been said about that letter, and in this courtroom he said to you, there is but one conclusion that has to be led to believe. That letter certainly does not say what Mr. Doar says it does, read that letter and see what it says, I beg you to.

Now as to one of the other witnesses, Delmar Dennis, is a man as you know, a man of three types of religion, a man of three types of churches, he has framed his own religion, he has sold himself out and I asked him if he knew what the 20th Chapter of Matthew said, and he said no. Had he read it he would have see himself as Iscariot Judas as so. Had he not agreed with the oath that he took he could have gotten out. When he raised his hand, and took this oath, you read the oath, it is in there. Read the Constitution, it says in there you can get out if you want to, you will also see where it says you don't have to do anything you don't believe in. I beg of you to read that. But Members of the Jury, that's the

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type of witnesses they have brought here for you to believe.

Now, take James Jordan. James Jordan is the only person that has been here in this courtroom that there is any indication of whatsoever that he is guilty. Yes, James Jordan is guilty. He confessed his guilt. I tell you Ladies and Gentlemen of the Jury, this United States Government knows who is guilty, but that's not like the Government in Washington, D. C. to want to prosecute the guilty to prosecute an organization or what they claim to be an organization in the State of Mississippi, just sell newspaper, would they have sent someone down here from Washington, D. C., if they had wanted justice, you think about that, Ladies and Gentlemen. Thank you.

MR. WEIR'S ARGUMENT:

May it please the Court and Ladies and Gentlemen of the Jury, it comes now the people from Neshoba County's time, and a great burden has been lifted from my heart after hearing that the government didn't have anymore evidence in this great talked about thing and that the tarnish has finally been removed and has been cast out that had been cast on Neshoba County, Mississippi. It has finally and at last been

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removed. Ladies and Gentlemen, I thank you from the deep of my heart for sitting here and hearing this evidence in this case, and I think the United States of America owes the people in Neshoba County an apology after they have publicized our county, and then come up here with no proof whatsoever, other than that what they hire somebody to say. Now, Ladies and Gentlemen of the Jury, in representing Neshoba County's interest in this thing in behalf of Cecil Ray Price, Mr. Olen Burrage, Reverend Edgar Ray Killen, Billy Wayne Posey, Jerry Sharpe, Andrew Willis, E. G. Hop Barnett and then Mr. Herman Tucker we have following me, Honorable Montgomery Mars, Honorable Clayton Lewis, Honorable W. D. Moore and Honorable Herman Alford, and then Honorable James McIntire of Jackson, who will also address you in reference to the defendant of Sheriff Lawrence Andrew Rainey. Then Members of the Jury, following them will be a friend of mine, Mr. Robert Hauberg. Ladies and Gentlemen of the Jury, I happen to know also that he is a brilliant man, and some of the fondest memories of my life are the good old days that use to be, when he was Dean of the Jackson School of Law, and whenever I went to Law School to that man, and the way we referred to him in Law School was, "Brother he could

1 put it on you," but Ladies and Gentlemen of the Jury,
2 don't be over persuaded by the brilliance of this
3 man because I say to you that just because he's good
4 and to come before you as Jurors and show you some
5 gruesome pictures nor show to inflame this Jury
6 somehow, is no reason to be considered as a reason
7 to convict eighteen lives here in this case. But
8 also you will find something else about our friend,
9 Mr. Hauberg in law school. He always taught us that
10 hearsay was not admissible in evidence, and I thought
11 about that when everytime he got up here and asked
12 a question just about ninety percent of it was,
13 hearsay, Did you hear about this, did you hear
14 about that? Hearsay, then I knew then that my good
15 friend had completely run out of soap. Ladies and
16 Gentlemen of the Jury, Friend Doar over here is sorta
17 like Mrs. Beatrice Cole, you will remember that she
18 was the witness that counted one, two, three, and
19 four and stopped, now I don't know just how she knew
20 to count to four and stop, but she counted this way
21 down to number four and stopped, and then she said
22 I truly believe this is the one. Mr. Owen thought
23 that the government had done, what we call up here
24 in the hills when somebody does that, we say that
25 somebody has goofed fellows, but I don't know what

1 he calls it, but she counted down one, two, three
2 and four and called it another gentlemen, but she
3 said that she truly believe it was he. Now, if
4 they truly believe this business, its gone far enough.
5 My Friend, Doar, here, when he started this trial
6 and ald the way through he truly believed Travis
7 Barnett was guilty, but now he has gotten up before
8 this Jury and he says that he is truly convinced
9 that they don't have anything on Travis Barnett,
10 but this truly believe business, won't get the job
11 done, because the point is they have to prove it
12 not just by the greater preponderance of evidence
13 or by the greater weight of the testimony, but they
14 have to prove it beyond every reasonable doubt and
15 to a moral certainty, and if any doubt arises in
16 your minds as to the guilt or innocence of these
17 defendants, whether its from the evidence or from
18 the lack of evidence, its your sworn duty to resolve
19 that doubt in favor of the defendants and vote a
20 not guilty verdict forever, whether you find it from
21 the evidence or from the lack of evidence. I can
22 tell you why Mr. Doar got up and said that Travis
23 Barnett ought to be found not guilty, because Mr.
24 Jordan, his star witness here to speak, would be
25 guilty of an inconsistency if Travis Barnett could

1 be found guilty, because Mr. Jordan admitted on the stand
2 that he had given a statement saying that Travis
3 Barnett was the one that went with him up there, you
4 know, and then he comes along and says under his
5 sworn oath that Travis wasn't anywhere around, so
6 therefore, Mr. Doar just ups and says let's just
7 forget Travis and just the others I truly believe
8 to be guilty. Gentlemen I always address the Ladies
9 first and if you'll just excuse me, I tell them about
10 the gentlemen who came in the office there and he had
11 a case that seemed to involve a lie detector, and so
12 I told him that such as that was not admissible in
13 evidence and etc., and he didn't like it too much
14 and so he said, I don't believe you've ever even
15 seen a lie detector and I said yes sir, I married one.
16 Now, Ladies, I don't know how you do it, all that I
17 know is that you can do it. I've had some years of
18 experience knowing that and my five children can
19 verify that to you. As I go through this case I
20 want you to understand that these defendants are not
21 being tried for being members of any Ku Klux Klan
22 or any other organization. They are not being tried
23 for any church burning, or some other organization,
24 or some other alleged offense. They are being tried
25 solely for this particular incident here. Now, let's

1 talk about how they want you to convict them. They
2 come in here and bring what they call oh, trained
3 witnesses, they are highly expert witnesses and they
4 are supposed to be the smartest people in the world,
5 they are alleged to be and they have all means to
6 work with, but Ladies and Gentlemen when a man like
7 Dr. Edwin Ross an expert, a medical doctor, after
8 the investigation began, and after the F. B. I. came
9 to him, and looked at my original charts and you
10 might say it became convenient for them to become
11 lost, then there is something wrong, Ladies and
12 Gentlemen. You know that doctor wouldn't have let
13 those records out under any circumstance, if the
14 F. B. I. just come to him and ask for it after such
15 a world wide publicity had been made of this incident
16 anybody would know that and you Jurors would know
17 that, and even Dr. Diamond admitted that chart over
18 there was wrong and I'm not convinced that Dr.
19 Featherstone knows just how much a millimeter is
20 either just yet, Ladies and Gentlemen, and as far as
21 that goes, talking about the official government's
22 records, by the way their evidence shows that this
23 fellow Cheney ~~was~~ signed a statement in
24 December of 1964 another six months after they say
25 this incident was to have occurred. Now, that's

1 an official government record. How would you account
2 for that? They had that thing up in Washington.
3 Where do you think that fingerprint was put on that
4 instrument at, why did they come down here so ready
5 to carry that up there? Ladies and Gentlemen of the
6 Jury, they failed to do one thing, they messed up on
7 the dates. Yes sir, I can tell you how much respect
8 the citizens of Neshoba County has for the Federal
9 Bureau of Investigation. Some may come and brag on
10 them, I used to and you would too until you see how
11 they really operate. I've seen them in action at
12 last. Ladies and Gentlemen of the Jury, they bring
13 folks like Wallace Miller over here, well there's a
14 fellow that is so lazy that he don't even know how
15 many times he's been married. Now, if he can't even
16 remember that, I'm not so sure how he could be
17 accurate about something else, but if there is any
18 doubt about whether or not he'll tell the truth or
19 not in your mind, let's see what he signed in
20 December of 1964 and he don't deny it. He said
21 the undersigned was not present when Schwerner, Good-
22 man and Chaney met their deaths, if in fact they are
23 dead, don't know anything about the death and dis-
24 appearance with no conspiracy with anyone that caused
25 any harm, and regardless of what anyone says or what

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we may have said ourselves, the truth is, they don't know, what if any fact they did or not. Wallace Miller says he signed that. Now, let's see what else our fellow Miller did. He said that Preacher Killen over here buried his folks and married him and all, and it looks to me like he just sold out for chicken feed. You know a fellow that will sell out I call that fellow a double crosser, I don't know what others would call him but my Friend Doar calls him an informer, but I believe His Honor will tell you after a while that that kind of testimony has to be weighed with caution, and you can understand that. He sold out himself for \$2400. Now, do you know why he didn't get but \$2400? Because they get paid according to what information they can deliver. Well, he admitted on the stand that Killen had nothing to do with this or the dam or the alleged killing, and he says that he never at any meetings heard where the elimination was discussed. Reckon how much he would have gotten, Ladies and Gentlemen, if at any one of those meetings extermination was discussed. He could have gotten it poured on him then. If I were him I would consider myself one of the little men in this case, but you noticed that some of his fellow police officers began to ease in

1 here in the court and say, Ladies and Gentlemen of
2 the Jury, I wouldn't believe him under oath. His
3 reputation for truth and veracity is bad, his
4 fellow police officers here on the force, and one
5 of them went too far and said that he had been suspen-
6 ded several times. That's the kind of hired fellows,
7 these hired fellows that sell out would do most
8 anything you name, and this Reverend Delmar Dennis,
9 how could you believe him when his own wife won't
10 believe him, but even he said that Reverend Killen
11 had nothing to do with him or rather nothing to do
12 with it, and he and Miller both said that no defencant
13 around this whole rail here that I know of had any-
14 thing to do with it. But I admit to you Ladies and
15 Gentlemen of the Jury, that you can't believe a
16 fellow like that. His mouth is not any prayer book
17 he lost his wife, he lost his church, he said he
18 was abanished from the Klan on the stand, and I
19 declare to you if I had over \$15000.00 I might quit
20 the Federal Government and sell out the other way
21 if I was low down enough to do it. But I won't do
22 that kind of stuff, but he's a writer and he talks
23 about it big, it takes all kinds Ladies and Gentlemen
24 and that's pretty low down. Now, Ladies and Gentlemen
25 this fellow Jordan, that confession you know, and

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that's what they were doing when they put that money
up here. Here's a check dated December 18, 1964
made out to Horace Doyle Barnett for \$200.00. You'll
have that when you go back in your jury room, look
at it, examine it, do you know what they were trying
to buy then? They were trying to buy a fellow to
get dirty, see, and then they got a statement for
\$200.00, I submit to you saying that Jordan killed
the negro. Said Jordan killed the nigger, see, and
they paid Barnett for that. Then they go to Jordan
and pay him to say it was the other way around.
Ladies and Gentlemen I say to you there is an
inconsistency in the government's own case. Got
one that says that Jordan did it and you got another
that saying Horace Doyle did it, and I say what the
truth about it is, is just like I say, if a fellow
will sell out he'll sell out lock, stock and barrel.
Now, after all is said and done, Ladies and Gentlemen
if you take these fellows away from their wives,
from their little babies, from their homes, from their
posts of responsibility, and do it on the testimony
of James Jordan, who has been to the penitentiary
at least four times, , yes, you know he went for
forgery, that fellow will even lie about who he is
Ladies and Gentlemen, forgery, signed to that effect,

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Ladies and Gentlemen if you do that on the testimony of a man that has been convicted four times and one who is paid to testified to tell things. Ladies and Gentlemen, if this fellow Hatcher couldn't be right about Reverend Killen doing anything, the dam wasn't no fifteen feet high whenever the next day that Killen came down here. If it had a been well then Ladies and Gentlemen, well Preacher Killen could have been uh, maybe it could have been true, but how could he say it was fifteen feet high when the dam was just gradually being built, just about ground low. Now, the Court will instruct you about this alibi business, its a proper defense I submit, and the Court will tell you what the alibi law is, but just because Preacher Killen told him he wasn't there and that it was his defense and that he knew where he was at, that he was at the funeral home, well I submit that's sufficient, and Ladies and Gentlemen of the Jury after all is said and done these defendants have come forward, and not only have the government failed to prove they're guilty, but these defendants have come forward and proven to you that beyond every reasonable doubt that they are innocent. Now, you take Reverend Killen himself, don't you know if there had been any doubt or any inconsistency in that old

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funeral home registry that the federal government with millions of dollars at hand, with all of their trained federal men, they would have gone out and you know they have done it, and investigated that thing right there on the line, and they know that register is right. Mrs. Homer Dearing is no liar Ladies and Gentlemen. Edgar Ray Killen is no liar. Curtis and Clara Hardy are no liars. They came here and told you in no uncertain terms when they told you where the Reverend Killen was when they said he was somewhere else. Nobody has tried to put him up there when the thing is said to have happened.

Now Ladies and Gentlemen I want to call your attention to something else. We're talking about the law in this case. Well we know that all twelve of you have to vote to find these derendants guilty before you can return a verdict of guilty. His Honor on the bench will instruct you I'm sure to that effect, he will instruct you that the mere fact that these folks have been indicted are being charged is not to be used as any reason whatever to convict, and the law presumes they are innocent and not guilty and requires you to so presume, and you must not take that to be disregarded as a form by this jury. I submit its a substantial part of the law. Ladies

1 and Gentlemen of the Jury, I submit to you that if
2 a person proves that if a person proves that a
3 persons reputation for peace or violence is good
4 and his reputation as for being a good law abiding
5 citizen is good, that that in itself, may raise a
6 reasonable doubt as to whether that defendant could
7 be guilty or not and I want you to pay careful
8 attention as I know you will to His Honor when he
9 charges you and tells you what the law is and watch
10 for that in his charge. I believe he's going to give
11 it to you. Then, whenever you determine this fact
12 and if that raises a reasonable doubt just within
13 itself, think of the fact that every man here as a
14 defendant, that these witnesses have testified to
15 you that their reputation for peace or violence and
16 as a good law abiding citizen is above approach and
17 the federal government has not brought one single
18 witness here to deny that a fact. Here is X-Sheriff
19 E. G. Hop Barnett, X-Sheriff of Neshoba County and
20 Sheriff Elect of Neshoba County, if his reputation
21 for peace or violence was not good, he wouldn't be
22 elected to that position of honor and trust, that
23 raises a reasonable doubt within itself as to that
24 good man. The only way you could convict him is
25 somebody that truly believes Hop Barnett might be

1 guilty of something, and I say this man's biggest
2 crime here is the fact that he's having to stand
3 trial Ladies and Gentlemen. Now Ladies and Gentlemen
4 of the Jury he came forward and brought witnesses
5 to prove where his whereabouts were, and this fellow
6 over here I asked him where his signed statement was
7 and he said, Oh, I haven't got any signed statement,
8 he said I dictated it myself, so that's the same
9 way they done Horace Doyle Barnett. They talk about
10 it being free and voluntary, but this F. B. I. Agent
11 said, Oh, I dictated that, they just told him what
12 to signed didn't you and he said yes. They said they
13 told him every word of it, every word of it, and
14 then I said you told him to sign it and he said yeah,
15 and he had his sidearm on and Ladies and Gentlemen
16 it was loaded, and that's what they call it a sidearm
17 see. Ladies and Gentlemen of the Jury, these other
18 derendants here came forward. Mr. Sharpe has proven
19 where he was at; Mr. Posey has proven where he was
20 at, they were not even in that scene or in that area.
21 Ladies and Gentlemen, I'm ashamed of the fact myself
22 that Mr. Willis and Mr. Burrage even have to be tried
23 here with no more evidence that my friends here have
24 been able to bring forward against them, to say the
25 least, its a pitiful excuse, I submit, Ladies and

1 Gentlemen, for the government's side to be put on
 2 as a case here, its mighty weak. Ladies and
 3 Gentlemen, talking about these character witnesses
 4 here that they bring up here against our clients
 5 here, this is not the first time that people have
 6 been betrayed, its been going on for years, and we
 7 can read that in our Good Book, if you please. Its
 8 an old thing for people to sell out for money, but
 9 Ladies and Gentlemen instead of this fellow saying
 10 that he got different people into the organization
 11 and felt that it was honorable and so on, instead of
 12 going back to them and saying, now, look boys, this
 13 is something wrong and we made a mistake here and if
 14 you all don't do something about it I'm going to go
 15 in and say something to the government about it, but
 16 he didn't do that, he just stepped out and said he
 17 was going to see what he could get for his self, to
 18 put his pocket here, and I'll keep on betraying them
 19 and then I'll just give them a signed statement saying
 20 I don't know nothing about it and things like that,
 21 that's the kind of witnesses that they have brought
 22 forward. Ladies and Gentlemen its not worthy of
 23 belief, in honor and in justice. Ladies and Gentlemen
 24 they have brought forward all of these paid witnesses
 25 and everyone of them knew how to lean forward and

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1 talk in that machine, and give those yes and those
2 no answer and put that power behind it, because they
3 testify somewhere nearly every day, but I'll tell
4 you one thing, you have heard the testimony of some
5 good people, they are the salt of the earth kind of
6 people, they live up here in the hills of Neshoba
7 County, Mississippi, but they were honorable about
8 what they were here to tell you about the peace and
9 violence reputation of these defendants and about
10 their reputation as to being good. Ladies and
11 Gentlemen, I use to read in the history books about
12 witchcraft, and how people would be tried for witch-
13 craft and so the government or somebody would want
14 to eliminate somebody they would just try them and
15 convict, and then later I read about where on in
16 later years over here in Russia you would be afraid
17 to talk to your neighbor because you would be afraid
18 they would be a government informer, and if they
19 paid him to tell something on you, you know it
20 could not be exactly that way by the time it gets
21 back to the government either, and that's the
22 dangerous part of this.

23 BY THE MARSHAL

24 Three minutes left, Mr. Weir.

25 BY MR. WEIR:

1 Thank you sir. I've always heard that the Lord
2 aimed for men to talk more than he listen, it would
3 give him two mouths and just one ear, so I will still
4 respect that Ladies and Gentlemen and I will make
5 my conclusion at this time. I do submit, Ladies and
6 Gentlemen of the Jury that whatever I may have said
7 here wasn't written down, it didn't come down from
8 Washington, D. C., it was just my own observations,
9 just what I see, I may have talked around it to you
10 but I've enjoyed it and I appreciate you listening
11 to me, but this statement made by this prosecuting
12 attorney that this case ought to stand as a precedent
13 scares me more than anything else, because Ladies
14 and Gentlemen of the Jury, I'm afraid that the
15 precedent that he's trying to start here is that
16 it will be a federal power of the government. I
17 hope you won't make this case or decide this case
18 on any kind of theory that if the precedent or
19 something that will make the federal government
20 the federal power in this country or try to intimidate
21 Mississippi, or something that can be used whatsoever
22 for any reason to return a verdict of guilty against
23 my clients and these represented by other attorneys
24 here in this case. Now Ladies and Gentlemen of the
25 Jury, they have not made any believeable case, and

1 yet any reasonable person here whatsoever, whether it
2 is my client or someone else client, and I submit
3 Ladies and Gentlemen, that the government always
4 win, whether they convict or whether they turn a loose
5 and I think His Honor on the bench will tell you that
6 that the government of the United States of America
7 never loses a case, that is all they have to do is
8 present what they have and leave it up to twelve
9 Jurors, it takes all twelve jurors to convict, and
10 if any doubt arises from the evidence or from the
11 lack of evidence, find them not guilty, that's the
12 law, and the government will have won its case
13 just as much as if you had convicted them. Its
14 just as much your duty to turn these people a loose
15 and let them go home to wives and children, if they
16 haven't proved it beyond a reasonable doubt it is
17 your duty to turn them a loose, but if they have
18 proved their case beyond a reasonable doubt then it
19 would be your duty to convitt them beyond a reasonable
20 doubt. I want you to pay careful attention to His
21 Honor's charge, I know you will, but I want you to
22 listen to something else that I believe he'll tell
23 you.

24 BY THE MARSHAL:

25 Time's up, Mr. Weir;

1 BY MR. WEIR:

2 I believe he'll tell you that the government must
3 prove that these three people who are said to have
4 been killed, I say they ain't even proved whose been
5 killed beyond a reasonable doubt, but if they are they
6 must prove that they are citizens of the United State
7 of America before you could return a verdict of guilty
8 and I haven't heard of a single witness to get up on
9 the stand and say that Schwerner, Goodman or Chaney
10 were citizens of the United States of America, and if
11 there is any reasonable doubt in your minds as to that
12 effect, you should find them not guilty. My time is
13 up, I submit this is a case that you all will meet
14 yourselves coming back with properly and completely
15 with a verdict of We, the Jury, find the defendants
16 not guilty and not have to pay to do it. I thank you
17 Ladies and Gentlemen.

18 BY THE COURT:

19 I understand you only have ten minutes now.

20 BY MR. McINTIRE'S ARGUMENT:

21 Yes, Your Honor. May it please the Court, Members of
22 the Jury, I'm limited to only ten minutes here but
23 I think ten minutes is enough time for me to rebut
24 what the government has put on here about Sheriff
25 Lawrence Andrew Rainey. Now I want to talk with you

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about the facts of this case and go into the details of what the testimony tells from the government's witnesses that have appeared on this stand, you have heard not one iota of evidence against Sheriff Lawrence Andrew Rainey in connection with June 16th or June the 21st. Now, Mr. Doar indicated that Sheriff Rainey, his Mr. Doar's argument, that Sheriff Rainey was in Neshoba County in Philadelphia at ten minutes until twelve on June the 21st, now that's not true. There has been no testimony to that effect. Now, when this incident occurred in Neshoba County, Sheriff Lawrence Andrew Rainey is the Senior Law Enforcement Officer in Neshoba County. Now, the F. B. I. came into Neshoba County on the 22nd or 23rd and completely stripped Sheriff Rainey of all of his duties in his investigation in this case. You heard the testimony of the coroner's jury how a coroner's jury went out there and tried to investigate this thing, and the F. B. I. had ropes around the dam out there, and had ropes around the burned car and wouldn't let the Sheriff down in there, and they wouldn't let the Fire Marshal down in there to investigate this matter. Sheriff Rainey went down there the next day after the church burning, went down there the next day and called a Fire Marshal from Jackson, Mississippi to come up

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to help investigate this thing. They went out and talked with Beatrice Cole and tried to get this information and they wouldn't even give any information to the Sheriff, and she was one of their witnesses up here.

Now, let's go into the testimony here of the witnesses that have mentioned Sheriff Rainey. Now you've heard other attorneys here mention the credibility of these witnesses, and I want to go into this one more time and I'm sure the other attorneys here will also, because this has a big bearing on this case, the testimony of witnesses. Now, there is the Reverend Delmar Dennis. As one of the attorneys said a while ago, he just couldn't bring himself to believe one thing he says. Well, I can't either to tell you the truth. Now, Delmar Dennis stated that he didn't even know where Sheriff Lawrence Andrew Rainey was a member of the Klan or not, that he had only seen him on two occasions, and didn't know if he was a member of the Klan he had never seen him sworn in or anything. Now, there's Wallace Miller, that's the gentleman to be concerned about, I'll just tell you. He got up here on the witness and testified that he saw Sheriff Lawrence Andrew Rainey only one time, he didn't say what kind of business.

1 he just saw him one time. Well, its common for
2 law enforcement officers from different towns and
3 different counties to see each other on occasions,
4 but the credibility of his testimony is of essence.

5 Now, let's examine the testimony of another
6 witness who said he saw Lawrence Andrew Rainey. Now
7 that was the Reverend Willie Dennis, and he's a
8 brother of Delmar Dennis, and both of them are
9 Preachers, rather supposed to be. Now, Sheriff Rainey
10 was a member of the church of Willie Dennis, the
11 First Southern Methodist Church in Philadelphia. Now
12 he stated under oath that he came back to see Sheriff
13 Rainey in his office about church business, and on
14 cross examination we tried to find out what kind of
15 church business that was, and what did he say? He
16 just said it was church business, and on cross
17 examination again I asked him if it was not a fact
18 that he came to see Lawrence Andrew Rainey about
19 a warrant out for you because you ran off with some
20 of the church money? And you heard the Secretary
21 and Treasurer of the church testify, up here under
22 oath. The Treasurer was asked if she knew his
23 reputation in the community in which he lived and
24 she said she did, and she said it was bad and she
25 said she wouldn't believe him under oath. I wish

1 we could have gone further into the details about
2 that fellow.

3 Now, we get down to the reason that Sheriff
4 Andrew Rainey was arrested anyway. I wonder why on
5 this flimsy evidence that the government has come
6 forward with. I can tell you why, it was for
7 publicity. They had to get some publicity on this
8 thing here, and as the Senior Law Enforcement Officer
9 the Sheriff had to be arrested, and they came up
10 flimsy case here against Sheriff Lawrence Andrew
11 Rainey, and I believe from the evidence that you
12 people have heard that you will find Sheriff Lawrence
13 Andrew Rainey not guilty, but they had to have some
14 publicity on this matter. Have you ever heard of so
15 much publicity in all your life? I ask you, have you?
16 In California, the Watts area, where there were riots,
17 killings, there wasn't near as much publicity there
18 as there has been in this case right here, and I'll
19 tell you why, because the Sheriff has been arrested
20 for a conspiracy. The whole testimony of the
21 United States Federal Government is from paid in-
22 formers. Paid. I don't need to go into that with
23 you anymore Ladies and Gentlemen of the Jury, you
24 heard that, every one of them told you they were
25 paid to get up there and testify, and would you be-

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lieve them under oath, and the salt of the earth
people made that statement too and they weren't
paid to get up here. Now Ladies and Gentlemen,
you've heard about the reasonable doubt. I don't
think there's anything but a reasonable doubt in
your minds as to Sheriff Lawrence Andrew Rainey. It
couldn't be, his name was never mentioned in
connection with June the 21st nor June the 16th,
1964. I took notes all during the trial and never
one time was his name mentioned except on these
three witnesses here that were paid informers, and
were paid to get up there and testify. Now, if
there is a reasonable doubt that arises in your
mind, which I know it will, I feel confidently and
I know it will, you will find that the defendant,
Lawrence Andrew Rainey, is not guilty. If the
Sheriff, Lawrence Andrew Rainey is convicted of this
crime, Neshoba County will be convicted, and it
Neshoba County is convicted, the State of Mississippi
will be convicted, and why..because the people of
that county elected him, and I know in your own minds
that there is a reasonable doubt from this flimsy
evidence and I know that your verdict will be for
Sheriff Lawrence Andrew Rainey, not guilty. Thank
you, Members of the Jury.

1 BY THE COURT:

2 We'll take a recess for lunch until 1:00 o'clock
3 and the Jury will be kept together for lunch and
4 will be brought back promptly at 1:00 o'clock.

5 (Whereupon the Court took a recess for lunch at
6 12:00 o'clock until 1:00)

7 BY MR. MARS, ARGUMENT:

AFTER NOON RECESS

8 If it please the Court, Members of the Jury
9 therehas been a lot said here this morning about
10 the lawyers representing the defendants in this
11 case about paid informers. It seems that the
12 principal paid informers that they talk about is
13 Wallace Miller, who received \$3000; Delmar Dennis
14 who received in excess of \$15,000.00; James
15 Jordan who received in excess of \$10,000.00;
16 Reverend Willie Dennis who receives \$400.00. I'll
17 not elaborate or add anything with respect to trying
18 to tell you what I think of those type witnesses
19 but I would like to adopt what the other attorneys
20 have said about them with the exception of one or
21 two things. I would like to ask the Jury in their
22 consideration how they were paid. They were paid
23 according to their own testimony, according to
24 the information they gave the government and by their
25 own admission if they didn't come up with the evidence

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the government wanted they didn't get paid. I think you should examine this testimony with care, with caution, and distrust, and I think the Judge will so instruct you in his instructions to you after the arguments.

Members of the Jury, a man can not be in two places at one time. The defense of an alibi is the strongest defense known to law, and in representing the Reverend Edgar Ray Killen, Billy Wayne Posey, Jerry Sharpe, Cecil Ray Price, Richard Andrew Willis, Ethel Glen Hop Barnett, and Olen Burrage, I would like to discuss them with you for just a few minutes, and ask you to consider at all times what has been said concerning the paid informers by the other attorneys and what I have said concerning paid informers in addition to what they have already said. The Reverend Edgar Ray Killen is one of the defendants in this case and the only thing that the government has introduced in the way of proof as to him is what somebody else said that somebody else heard, together with that proof that they have put on or that testimony that they have put on with respect to the paid informers. Members of the Jury, we submit to you that Edgar Ray Killen did on June 21st, 1964 did just what any other normal person would do on

1 that day, and he has brought Mr. and Mrs. Curtis
2 Hardy and other members of his family and other
3 witnesses from Neshoba County to testify in his behalf
4 and if you will remember they testified that Edgar
5 Ray Killen was home all day, on this father's day.
6 Up until around 8:30 at which time he and his father
7 Philadelphia
8 traveled to/Mississippi, where one of their friends
9 lay a corpse in McClain Hayes Funeral Home and that
10 he stayed there until 2:00 o'clock in the morning.
11 The Reverend Edgar Ray Killen certainly was not where
12 they said he was.

13 Billy Wayne Posey. Other than testimony from
14 these paid informers that we've talked about, one
15 man, a Highway Patrolman from Philadelphia, Mississippi
16 testified that he thought Billy Wayne Posey was
17 driving an automobile at such and such a time. We
18 submit to you that this proof has no probative value
19 that he didn't even know Billy Wayne Posey at the time
20 and he wasn't sure what he said, and we think that
21 you should disregard that.

22 Jerry McGrew Sharpe is in the same boat as Billy
23 Wayne Posey. What testimony has been taken on the
24 witness stand from people other than paid informers.
25 We submit to you that Billy Wayne Posey by testimony
from the witness stand of Paul Townsend, Mrs. Ebb

1 Posey, his mother, and Mrs. Kate Posey, told you that
 2 he did nothing that day other what he would normally
 3 done on any other Father's Day. He ate dinner with
 4 his wife's mother and father, he came home, went to
 5 work and came home for supper that night and ate
 6 supper with his mother and father and stayed there
 7 all night, according to his wife. Billy Wayne Posey
 8 was certainly not where the government has tried to
 9 place him.

10 Jerry Sharpe, whose father is dead and whose
 11 mother lives away from Philadelphia, Mississippi,
 12 spent the afternoon, beginning around 3:00 o'clock
 13 with his sister and her husband, where he stayed
 14 at all times, ate supper and watched television
 15 and went to bed at approximately 11:00 o'clock and
 16 stayed there all night. Jerry Sharpe just simply
 17 was not where they tried to place him that night.

18 With reference to Cecil Ray Price, the testimony
 19 shows that Cecil Price made an arrest. It shows that
 20 Cecil Price released those people that he arrested.
 21 There is nothing illegal about making an arrest and
 22 there is nothing illegal whatsoever about the release.
 23 The government has Cecil Price in this law suit and
 24 we submit to you because they can't travel without
 25 they have to have a law enforcement officer in a

1 lawsuit such as this or they can't travel and we
 2 say to you that's why they have Cecil Price in this
 3 lawsuit. Cecil Price's witnesses, Mr. and Mrs. Finis
 4 McAdory, and Mrs. Dave Watkins testified that some-
 5 where around 10:00 o'clock or a little thereafter
 6 he was called out to their place to investigate a
 7 family matter, which included two boys and a young
 8 lady and didn't get back to the police station until
 9 somewhere in the neighborhood of midnight. We simply
 10 submit to you that Cecil Price was not at the place
 11 where the government has tried to place him.

12 With respect to Richard Andrew Willis, Members of
 13 the Jury, his name has never been mentioned in this
 14 trial with the exception of maybe one time. Nobody
 15 ever identified him. The government asked their
 16 witness to identify him and I submit to them they pointed
 17 out a person that was not Richard Willis and testified,
 18 James Jordan testified that it was another person and
 19 called the name of Burkes.

20 With respect to Hop Barnett. He is the number
 21 four defendant. He's the man that Beatrice Cole
 22 testified when she was asked to identify him that he
 23 was number four and she truly believed that, yet
 24 it was Mr. Arledge that she pointed out. He is
 25 sitting in the same chair today that Ethel Glen Hop

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Barnett was asked to be identified, and, of course, you will remember from the testimony and also from what Mr. Weir told you, Mr. Owen then had to straighten her out and direct her attention to the back. She still counted down four and picked out Mr. Ethel Glen Hop Barnett, and then she truly believed it Mr. Hop Barnett that was at the scene and she began to talk about it at that time. If you will notice, Members of the Jury, he's number four from the left and he's number four from the right. We suggest to you that somebody told her he was number four.

We also request that you not consider anything to any other offense that the government has tried to talk about in this case. Something that happened prior to June 21, 1964, and if you do consider an event prior to June 21, 1964, Mr. Ethel Glen Hop Barnett was working on his house on June 16, 1964, as was proven by the witness, Mr. Thompson. On June 21st, 1964, Ethel Glen Hop Barnett's name was not mentioned except one time by one of these paid informers and he testified that he was at the funeral home, hospital, back to the funeral home and back at home by a little after nine o'clock and where his wife testified that he stayed all night. He simply was not where the government tried to place him.

1 As to Olen Burrage, Members of the Jury, this man's
2 has never been mentioned in this case except insofar
3 as he owns the land where the damsite is located
4 where they allegedly found three bodies. This
5 damsite was two and onehalf miles from his house
6 on a piece of land that he owns completely disconnect
7 from his homesite. Mr. Burrage, according to the
8 testimony in this case, was at home all the day,
9 stayed up half the night with his sick sister-in-law,
10 and after he finally got his sister in law in bed,
11 and he got to bed, stayed there the rest of the night.
12 Mr. Burrage simply wasn't there.

13 With respect to the testimony that you all have
14 heard with regard to paid informers I would like to
15 ask you to consider this question in view of all the
16 circumstances regarding these paid people, paid by
17 the Federal Bureau of Investigation. Do you believe
18 that these paid informers told the E. B. I. exactly
19 what they wanted to hear? If your answer to that
20 question is yes, then that is the reasonable doubt
21 as to the guilt of these men. We submit to you that
22 as defendants Killen, Posey, Sharpe, Price, Willis
23 and Barnett and all other of these defendants in this
24 case that you should render a verdict of not guilty.
25 Thank you.

MR. LEWIS' ARGUMENT:

1 May it please the Court, Members of the Jury,
2
3 I want to extend to you my appreciation along with
4 the attorneys for the attentive interest you have
5 shown here during this trial. You know our Constitu-
6 tion and our country is founded upon our juris-
7 prudence that you have witnessed here during the
8 past nine days and I want to state to you that I
9 hope our government never fails to where a person
10 accused by accusation or charged filed against him
11 twelve citizens of that state or community can't
12 determine whether or not he's guilty or innocence.
13 I also want to commend you for the interest you have
14 shown, I know you have also tried to get the facts
15 of this long case, I believe there has been a total
16 of around 160 or 165 or 170 witnesses testified and
17 I know you are going to take that evidence as you
18 have heard from the witness stand and the law that
19 His Honor gives you, the law and all of the testimony
20 in this case, I know that you are going to decide
21 your verdict on those two things and those two things
22 along. I also want to call your attention to some
23 things that probably have already been mentioned
24 during the summary or the evidence that you have
25 heard here. You have heard the various lawyers for

1 the government, I believe only one right now has
2 given a resume of the witnesses and evidence for the
3 government, but you have heard the attorneys for the
4 defendants. Many of them have gone over the testimony
5 that you've heard here several times but I shall
6 endeavor to stay within what you've heard from the
7 witness stand and what I believe His Honor will give
8 you to be the law in this case. Now, we have a group
9 of defendants here and there have been quite a few
10 comments made about Neshoba County. I believe Mr.
11 Doar in his summary to you this morning, he mentioned
12 about this heinous crime or whatever it might have
13 been, or whatever statement he referred to, that
14 it happened there. Now, you have heard the evidence
15 of all the witnesses who have testified. Whether
16 you believe this evidence or whether you don't,
17 you understood from the witness stand how this
18 evidence was obtained. I know that when he mentioned
19 Neshoba County and when those witnesses would testify
20 many of them wanted to know why they could remember
21 June the 21st of 1964, well if, uh, I say to you that
22 if anyone lived in Neshoba County and they don't
23 remember it they should be at Whitfield, because
24 immediately after June 21st, they were, these F. B. I
25 Agents, I would say with all sincerity, I would tell

1 you that they contacted and actually talked with half
 2 of the people in Neshoba County. Then they come up
 3 here with this same testimony that you have heard
 4 from the witness stand here, I don't know where this
 5 is the type of testimony the F. B. I. gets in every
 6 case, I had always had a lot of respect for them,
 7 that they were people who were efficient, they knew
 8 what they were doing, but I say to you that we have
 9 Game Wardens in Mississippi that could have acquired
 10 the testimony that they acquired if they had the money.
 11 The witnesses that have testified here that would
 12 connect any of these defendants were paid, now
 13 whether they could have been paid more to have given
 14 a different testimony if the defendants could have
 15 paid them maybe it would have been different testimony.
 16 Now when we think about all of this testimony that
 17 you have heard here, whether its worthy of belief,
 18 of course, that's up to you, its up to your
 19 discretion to determine the testimony that you believe
 20 is worthy or trustworthy to be considered. Now
 21 there is one thing, the defendant have been mentioned
 22 here that the lawyers from Neshoba County are repre-
 23 senting, the man who just preceeded me, mentioned all
 24 of them, and he told you that there was no evidence
 25 as good as alibi evidence and you heard those alibis

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1 testified about as to their whereabouts, as to where
2 they were. Now there was one defendant that he didn't
3 mention, Mr. Tucker, that I represent, and I know you
4 Ladies and Gentlemen of the Jury remember that he
5 was put on the witness stand, and he told you that
6 he lived about seven miles west of Philadelphia, which
7 was beyond where this site or pond was located. I
8 believe its called the earthern dam, but anyway, he
9 tell you that on the 21st day of June, 1964 he and
10 a boy by the name of Odell Wilcher worked there all
11 day there that day, that they quit about sundown or
12 late in the afternoon, he drove up to Philadelphia
13 to his brother's who ran a service station, I believe
14 he testified, if I'm wrong, correct me, but anyway
15 he tells you they stayed there until close to time
16 to close the service station and then Mr. Odell
17 Wilcher carried him home and put him off at his home,
18 that he lived on beyond where he lived. He tells you
19 that he spent the night there at his home with his
20 wife and six children, I believe that's the number of
21 children that he says he has, when he testified from
22 the witness stand, and he testified that the next
23 morning he carried him back to this pond site or this
24 earthern dam that they are talking about. She tells
25 you that when they arrived at the pond site that there

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was a waitress that testified here was there at the pond levy working, Mr. W. A. Pettus, and he was put on the witness stand here by the government and you heard him testify, and he told you that he was working on this pond at the time, that he had been working there when Mr. Tucker arrived, and I say to you that there is no one iota of evidence here where any of the witnesses, any of the paid witnesses or informers or whatever you want to call them have even identified Mr. Tucker with this crime that is being charged here, so if you take the testimony of the witnesses that you have heard; then another witness testified too that a question on cross examination by the government, I believe Mr. Lofton, was put on there as an alibi witness for Mr. Sharpe and he told the government on cross examination that he worked some on the pond. Well, can you see where they would be anymore guilt of W. A. Pettus, one of the government's witness who has testified there about which they are being charged with, it is just as possible to have charged Mr. Pettus or Mr. Lofton as it would Mr. Tucker, because Mr. Tucker's name was not mentioned by any of the witnesses that have testified. As you know as far as the witnesses in this case, you can not use any alleged statement of

1 this Horace Doyle Barnett. The confession that has
2 been introduced here that is blanked out, either
3 Tucker or Price or anyone else. In other words, the
4 only one that you can use that against is the defen-
5 dant himself. Any statement made or purported to have
6 been made by one of the defendants is not evidence
7 against any one of the other defendants, its agAInst
8 his own self. So I say to you that the evidence
9 that has been presented to you here during the trial
10 and that's all we can go by, we can't go by these
11 newspaper reports flowing throughout the nation and
12 the world after this happened, I have had people to
13 call me there in Philadelphia and wanted to know what
14 I knew about it. I told them to turn on T. V. at
15 6:30 in the afternoon and Walter Kronkite could tell
16 them all about it. He knew more about it than we
17 knew about it there in Neshoba County, that's where
18 we got our news, was from the news, we didn't know
19 what was going on. As I say, the evidence in this
20 case is not worthy of belief, if you believe that
21 sold testimony, in other words they sold this testi-
22 mony, they didn't get out and get this, they paid
23 him according to what kind of testimony they delivered
24 to them, so I say to you this type of evidence I don't
25 believe, I know you are going to give that evidence

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some consideration as it needs in your deliberation
and I assure you that whatever verdict that you bring
back will be satisfactory to the defendants because
I know you are going to take that evidence and analyze
it and determinewhich ones of these defendants are
guilty. I thank you.

MR. MOORE'S ARGUMENT:

If it please Your Honor, Members of the Jury,
I'm from Neshoba County. In as much as this case
has been labeled the Neshoba County case, I want to
talk with you a little about Neshoba County. Neshoba
is taken from an Indian name meaning "wolf". Philadel-
phia is taken from a word that means "brotherly love."
We people that live in Neshoba County and Philadelphia
are very much like you, we love our children, we love
our grandchildren, we love one another just like you.
We have neighbors, we have good neighbors, and if
you lived there you would have good neighbors. We
help each other. I want to talk to you about Neshoba
County on June 21, 1924. It was Sunday, and the
people of Philadelphia and Neshoba County were cele-
brating Father's Day. It was a good day for Fathers,
a lot of people didn't have a living father, but
those that were living it was a great day. Children
and grandchildren brought presents to Fathers but

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the greatest thing they brought to Fathers were themselves. It was a happy day for most people in Neshoba County, for some it was a sad day. We had a funeral, like they do in Lumberton, and the people gathered around the funeral home to try to comfort the bereaved, and then they went to bed on Sunday night, June 21st, 1964. Now, Members of the Jury, if you will, travel with me to another place. Washington, D. C. There was great confusion around Washington D. C. at that time. They said it was dangerous for a woman to walk the streets of Washington D. C. Anything could happen to her. One named Lyndon Baines Johnson was the President of the United States at that time, and it was common knowledge that he would be a candidate for re-election. Hubert Humphrey was a candidate for Vice President at that time, and it was common knowledge that he would be LBJ's running mate. Robert Kennedy was the Attorney General at that time, he was head of the Justice Department which includes the Federal Bureau of Investigation. It was Monday morning, the news broke that the three Civil Rights Workers were missing in Neshoba County, Mississippi. When that broke the word Neshoba was heard around the world. Robert Kennedy marshalled together some of the greatest talent on

God's green earth. He dispatched them to Neshoba County, Mississippi, and one of those he sent to Mississippi was the crack leader, organizer, lawyer, investigator, one John Doar. He came to Mississippi along with all this other talent. Mr. Rasberry, they opened up the coffin to the money of the United States. All the money that they needed, and the word was, "bring me a conviction." They came to Mississippi, they commenced to disburse money the lack of which I never heard of in my life. In itself, but to have paid on the amount of the information that they bought, but the greater temptation to be misled. Now, these investigators that came to our county, Neshoba and Mississippi, your Mississippi, they came and they were trained. You've heard talk about technique. Now, one of the techniques is that of confidence. Now, I want to talk to you about confidence a little bit. Somebody has sold some information to the F. B. I. I suppose about Travis Barnett. Now then, Mr. Doar and his associates put all of the evidence that they had on this case and rested Friday afternoon. IF they know today, they knew Friday afternoon, that he did not have a case against Travis Buckley. Now, Members of the Jury, why didn't he, at that time, say we have not made a case against Travis Buckley.

1 BY MR. HENDRICKS:

2 You mean Travis Barnett.

3 BY MR. MOORE (CONTINUING ARGUMENT)

4 Travis Barnett. Why did he withhold that information.
5 Because he wanted to come today in the closing of his
6 argument and tell you that he had not made a case
7 against Travis Barnett. Why did he want to do it?
8 He wanted to win your confidence. Now, Members of
9 the Jury, if that is not a technique, if that is not
10 an intent of the prosecution in this cause, Mr.
11 Robert Hauberg will end up this argument. I challenge
12 him here and now, if that was not a technique to gain
13 your confidence when he takes the stand where I stand
14 now to tell you that we have not made a case against
15 Richard Andrew Willis, we have not made a case against
16 Olen Burrage, we have not made a case against Hop
17 Barnett, we have not made a case against Sheriff
18 Rainey, because Members of the Jury, they have fallen
19 flat on their face, they have not and you know they
20 have not and they know they have not, and if they
21 are not using their technique, and if they are not
22 trying to gain your confidence, I challenge the
23 gentlemen to do it.

24 Now, much has been said about weak cases, and
25 witnesses. Let's take the case of Billy Wayne Posey.

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Now, as I've said before, it was Father's Day. It is in evidence here that they had lunch with Mrs. Posey's parents. They had supper with Mr. Posey's parents. Now, is there anything unusual about that? Who would be the most unlikely person, Mrs. Dedeaux, to know where your husband is on Father's Day other than you. At night time, who would know? Mrs. Posey said that he was home with the children. Mr. Sharpe, was not married, he had supper that Sunday afternoon with his sister, Mrs. Lofton. Was there anything unusual about that? They even went into details and told about eating the watermelon, was anything unusual about that? Members of the Jury, you are reasonable people, and we ask you to reasonable, and the Court, I believe, will instruct you that if there is a reasonable doubt in your mind as to the guilt of any of these defendants, that doubt should be resolved in favor of that defendant. If, there is a doubt in your mind could it be caused by the fact that they have already made one mistake? How would it be to be picked up by the F. B. I. caused to be indicted by a Federal Grand Jury, investigated, humiliated, caused to come to trial, caused to loose time and worry, and then at the last minute say, "no, we've made a mistake."

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1 Now, Members of the Jury, the liberty of these
2 defendants is in your hands, you can't delegate it to
3 somebody else. You've got to do it yourselves. I
4 hope you will do what I believe you will do and that
5 is to tell the whole world that as strong as the
6 Federal Bureau of Investigation is that they ought
7 to be careful, somebody could get hurt. If you send
8 Cecil Price to the penitentiary or whatever his
9 punishment may be, who knows that six months from
10 now they will come back and say, "we were mistaken."
11 If you send Lawrence Rainey to the penitentiary---

12 BY MR. HAUBERG:

13 We object---

14 BY THE COURT:

15 Overruled.

16 BY MR. MOORE (CONTINUING)

17 If you convict him, when they haven't one iota of
18 evidence to place him anywhere near the conspiracy,
19 the so-called conspiracy, what will your Sheriff say,
20 I'll tell you what he'll say, he's to say I wonder
21 about my county. Members of the Jury, be careful.

22 BY MR. ALFORD...ARGUMENT:

23 May it please the Court. Ladies and Gentlemen of
24 the Jury, today I come before you again as I have been
25 through the entire several days, last week and this

1 week on behalf of half of the defendants in this cause.
2 But let me say to you Ladies and Gentlemen, before I
3 go any further that I appreciate from the bottom of
4 my heart you twelve people here and you two alternate
5 jurors who gave of your time and left your home and
6 your business to come here and took an oath to
7 Almighty God that you were going to sit here and
8 try this case. Ladies and Gentlemen of the Jury, I
9 say to you that so long as we have people like you
10 to come into a court of law and sit in judgment of
11 your fellow man we'll have liberty in this country.
12 You know, Ladies and Gentlemen of the jury, the
13 most sacred bulwark and jewel in this country is
14 the right to be tried by a jury in a court of law
15 by your peers. We could destroy this courthouse, it
16 would be a loss but we could rebuild it, we could see
17 our Capitol destroyed in Washington, it would be a
18 great loss but we could rebuild it, but when the right
19 of trial by jury is destroyed then Ladies and
20 Gentlemen our liberties forever will be in the dust.
21 The stars of liberty in our flag would be washed out.
22 Ladies and Gentlemen I don't say this here to trifle
23 with your feelings, but I say this here to get your
24 attention about this case. This is the most important
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1 case that you will ever be called upon to try, to
2 sit in judgment of. This is the most important case
3 that Herman Alford will ever have the opportunity to
4 address a jury about. Why do you say that? There'll
5 be cases tomorrow and cases day after day, but I'll
6 say to you Ladies and Gentlemen that this is a case
7 where the Federal Government reached down and told
8 their Chief, Civil Rights Attorney, do down into
9 Mississippi, down there and make an example of Neshoba
10 County. Make an example of them all over the world,
11 He's an expert. Bring us back liberty in the blood
12 of these defendants so that we can nail upon the
13 barn door their hides. My friends, this is a serious
14 case here that you have been called to sit upon. He
15 would have you believe that Neshoba County is a closed
16 society, there's a ring around it and a man can walk
17 in there, and they have places in Neshoba County where
18 the men walk around during the night time and do
19 heinous crimes. Ladies and Gentlemen, you are fellow
20 Mississippians, the same blood that flows through
21 the veins of your county flows through the veins of
22 Neshoba County. In Neshoba County we have white
23 people, we have negroes, we have choctaw Indians, and
24 they all live side by side in harmony and peace, and
25 prosperity. I would like to call to your minds that