

1 A. Special Agent Lydle.

2 Q. Mr. who?

3 A. Lydle. L Y D L E.

4 Q. And who took exhibit P-24?

5 A. I do not know.

6 Q. I would like to ask you sir, if exhibit P-24 to  
7 the left is a circle you drew on this exhibit,  
8 state whether or not you find a stream of water?

9 A. Would you repeat the question please?

10 BY THE COURT:

11 He wants to know if you saw a stream of water in that  
12 picture?

13 BY THE WITNESS:

14 He said on the left, is that correct?

15 BY MR. ALFORD:

16 Q. Yes sir.

17 A. Left in that picture?

18 Q. Yes sir.

19 Q. Yes sir.

20 Q. Now sir, is or not there a bridge over that stream  
21 of water?

22 A. Yes sir, there is.

23 Q. On the 23rd day of June, 1967 when you were there,  
24 did or not you see some Choctaw Indians fishing  
25 there in that stream of water there?

1 A. No sir, I did not.

2 Q. You didn't see any Indians at all?

3 A. I do not recall.

4 Q. As a matter of fact, Mr. Proctor, after you

5 had gone to the scene, did you or not discover

6 that some of the hubcaps had disappeared?

7 A. I did not discover this.

8 Q. Did anyone in your organization discover this?

9 A. Yes, they did.

10 Q. Where did they turn up Mr. Proctor?

11 A. I don't know this.

12 Q. As a matter of fact, didn't you find that someone

13 had removed those at the time the station wagon

14 burned or just right after it burned?

15 A. I don't know this.

16 Q. Well wasn't that a common knowledge of your

17 organization?

18 A. No sir, not to my knowledge.

19 Q. Do you have a Mr. Shearer and a Mr. Jennings in

20 your organization?

21 A. We have a Mr. Shearer and a Mr. Jennings in our

22 organization, yes sir.

23 Q. And were they not in that area at this time also?

24 A. Agent Shearer and Agent Jennings were in that

25 area on that afternoon.

1 Q And your organization did discover that the  
2 hubcaps were missing from that station wagon?  
3 A Yes sir.  
4 Q And you later found them didn't you?  
5 A I can't recall this.  
6 Q Well, did you or not, your organization?  
7 A I just don't recall.  
8 Q You remember it being discussed?  
9 A It was discussed.  
10 Q And the question of location was brought up too,  
11 Mr. Proctor?  
12 A I just don't recall, sir.  
13 Q Now, at the time you were notified about this  
14 station wagon being in that area, did you notify  
15 Sheriff Rainey?  
16 A I did not.  
17 Q As a matter of fact, Sheriff Rainey offered you  
18 his assistance?  
19 A At what time sir?  
20 Q During the period of June 23, 1964.  
21 Q The first time I recall seeing Sheriff Rainey was  
22 at the location of the car.  
23 Q And didn't he have with him Mr. Singletary and  
24 Mr. Black with the State Fire Marshal's office.  
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Q. And isn't it a fact that you all wouldn't let them go near the scene there and examine the Station Wagon?

A. The scene at the Station Wagon was roped off in order to perserve whatever evidence might be obtained.

Q. And they weren't allowed to go hear the automobile

A. Mr. Rainey was allowed to go down where the Station Wagon was.

Q. What about the other two men?

A. I don't recall where they were or not.

Q. How long did you all keep that station wagon there in that area?

A. I do not recall when it was moved.

Q. And where did you move it to?

A. I wasn't present when it was moved.

Q. Well where was it moved to Mr. Proctor?

A. Well it was moved to Stpkes Body Shop at Philadelphia.

Q. And how long did it remain there?

A. I don't know this.

Q. It remained there for some time, did it not?

A. I don't know how long it was there.

Q. It remained there for some times did it not at Harold Stokes' garage?

1 A. It was taken there, exactly how long it stayed  
2 there, I don't know.

3 Q. Well, was it kept under security or under guard  
4 Mr. Proctor?

5 A. I don't know, I wasn't in charge of that.

6 Q. But you were out there weren't you?

7 A. I was out at the location where it was found.

8 Q. And you were at Stokes' garage were you not?

9 A. I was there one time.  
10 that

10 Q. Where is/station wagon now?

11 A. It is stored here in Meridian, Mississippi.

12 Q. Stored in Meridian, Mississippi?

13 A. Yes sir.

14 Q. Now, how close did you let Mr. Rainey get to  
15 the station wagon when he got out there?

16 A. As I recall Mr. Rainey appeared on the scene of  
17 the location of the Station Wagon was allowed to  
18 come down to the immediate vicinity of the Station  
19 Wagon.

20 Q. Did you let him open the doors and look inside?

21 A. I don't recall this.

22 Q. You don't recall. Now, did you let any persons  
23 come there besides the Federal Bureau of Investi-  
24 gation to the scene of this location of the statio  
25 wagon other than let Mr. Rainey

- 1 A. Mr. Rayford Jones came down there, down to the  
2 area of the station wagon.
- 3 Q. And who else came?
- 4 A. That's the only person that I recall.
- 5 Q. Now, Mr. Proctor you began an investigation as  
6 the result of finding this burned car, didn't you?
- 7 A. I did.
- 8 Q. And you continued your investigation in Neshoba  
9 County for some time, didn't you?
- 10 A. Yes sir.
- 11 Q. And as Special Agent in charge of that area on  
12 or about December the 3rd or 4th, to be exact  
13 on the 4th day of December, 1964, you made an  
14 affidavit in connection with this same investi-  
15 gation that you made, did you not?
- 16 A. An affidavit?
- 17 Q. Yes sir.
- 18 Q. A Complaint of this violation.
- 19 A. May I see it?
- 20 BY THE COURT:  
21 Yes sir. Show it to him Counsel.
- 22 BY THE WITNESS:  
23 I did.
- 24 Q. Is that your signature?

1 Q And you made that before Miss Esther Carter?

2 A I did.

3 Q Among others that you charged in this complaint  
4 was Mr. Otha Neal Burkes, Mr. Jimmy Lee Townsend,  
5 Mr. Oliver Richard Warner, Jr.,----

6 BY MR. HAUBERG:

7 If the Court please, we are going to object to this  
8 as this is not material to the issues here.

9 BY THE COURT:

10 What is the materiality?

11 BY MR. ALFORD:

12 If the Court please, the witness here is a Special  
13 Agent with the Federal Bureau of Investigation, he  
14 is testifying under oath with regards to his making  
15 an investigation of an automobile, to the location  
16 of this scene, and here, he has sworn under oath  
17 that certain persons were perpetrated in this crime  
18 then later after the indictment was brought in this  
19 same area which did not indict these individuals  
20 here and it is an inconsistency here under oath.

21 BY THE COURT:

22 Well, the grand jury wasn't hearing the case, I'm  
23 hearing it.

24 BY MR. ALFORD:

25 Well, these people were charged at this time but

1           are not being tried here.

2 BY THE COURT:

3           Well, I'll sustain the objection and let it be  
4           marked defendant's exhibit 1 for identification.

5 BY MR. ALFORD:

6           Your Honor please, may the jury be retired and let  
7           us make a record on this?

8 BY THE COURT:

9           You've got the record in the complaint.

10 BY MR. ALFORD:

11           The people in the complaint have been left out of  
12           the indictment.

13 BY MR. HAUBERG:

14           If the Court please, that is immaterial.

15 BY THE COURT:

16           That's what I'm holding and I'll let you make a  
17           proffer and let the witness remain here available  
18           to you and unless you make an offer of this I'll  
19           let him be available to you. All right. Let it be  
20           marked for identification. How many pages are that?

21 BY MR. ALFORD:

22           If the Court please, that is the original court record  
23           and I would like to ask permission to let it be  
24           introduced and marked and withdrawn and copies be  
25           made.



1 BY THE COURT:

2 We don't have a copying machine over here do we Mr.  
3 Hauberg?

4 BY MR. HAUBERG:

5 No sir, we do not have.

6 BY MR. ALFORD:

7 Your Honor please, I have a copy here that has been  
8 marked on that would suffice.

9 BY THE COURT:

10 Well I'll let Counsel's copy there be marked for  
11 identification, it is not in evidence it is just  
12 marked for identification, and let the original be  
13 handed back to the Clerk.

14 BY MR. HAUBERG:

15 If I understand him correctly, that is part of the  
16 Commissioner's records.

17 BY THE COURT:

18 Well, I think that is what Mr. Alford asked me to  
19 let the Clerk give him a record of , and I said he  
20 could give it to him. I understand that, all right.  
21 You may mark the copy and give the original back to  
22 Mr. Thomas.

23 (Whereupon exhibit marked D-1 for identification)

24 BY MR. ALFORD:

1 I may.

2 BY THE COURT:

3 You understand that it hasn't been entered into  
4 evidence, and you can't use it for that.

5 BY MR. ALFORD:

6 Yes sir, except for the record purpose.

7 BY THE COURT:

8 Well, I don't know what record purpose you are talking  
9 about, but go ahead and we will see.

10 BY MR. ALFORD:

11 If the Court please, we would like for the record  
12 to show that it is his complaint signed by Mr.---

13 BY MR. HAUBERG:

14 If the Court please, I think if Counsel is going to  
15 make any comment on that it should not be done in  
16 the presence of the jury.

17 BY THE COURT:

18 Well, Mr. Alford I have looked at these pages you  
19 are talking about and that has been made an exhibit  
20 only for identification and you can make such use  
21 of it in your part of the record that you care to  
22 make of it at the proper time

23 BY MR. ALFORD:

24 But not dictate it in the record at this time?

25 BY THE COURT:

1 That's right.

2 BY MR. ALFORD:

3 That's what I wanted to be clear about. I planned  
4 to dictate it in the record if the Court would permit  
5 it, THAT'S the reason I asked that the jury be retired.

6 BY THE COURT:

7 Well, I'll let you do that to save moving the jury  
8 back, and I'll let you make a proffer into the record  
9 out of the presence of the jury at a later time.

10 BY MR. ALFORD:

11 Very well. Does that also apply to the indictment  
12 in case number 5213 and 5216--

13 BY MR. HAUBERG:

14 If the Court please, we object to that he's talking  
15 about previous matters that have been before the Court.

16 BY THE COURT:

17 Well I'll pass on those matters when they are properly  
18 presented, I'll just pass on all of those at the  
19 same time.

20 BY MR. ALFORD:

21 Your Honor please, I have these two and I would like  
22 to get them marked.

23 BY THE COURT:

24 Well, I threw one of them out and the Supreme Court  
25 said I was wrong about it, but let's see the first

1 indictment is 5215 and 5216, 1959 and 60 which are  
2 companion cases.

3 BY THE COURT:

4 All right, those two indictments may be marked  
5 defendant's 2 and 3 for identification.

6 BY MR. ALFORD:

7 We would like to withdraw them and substitute copies  
8 since those are the originals.

9 BY THE COURT:

10 Those are the originals?

11 BY MR. ALFORD:

12 Yes sir.

13 BY THE COURT:

14 Yes, that may be done.

15 (Whereupon exhibits marked for identification only  
16 and numbered D-2 and D-3 for identification only)

17 BY MR. ALFORD:

18 Q Now in your investigation did the investigation  
19 that you made in connection with the burned station  
20 wagon point to certain individuals?

21 A At the time of discovery, no sir.

22 Q Well, since the time of discovery?

23 A The discovery of the station wagon did play a  
24 part in the investigation, yes sir.

25 Q And that is what you have testified here about

1 pointed to other parties didn't it?

2 A Yes sir.

3 Q And during the course of your investigation you  
4 made charges against others other than those at  
5 that time you made charges against certain ones  
6 later you didn't bring charges against, is that  
7 correct?

8 BY MR. HAUBERG:

9 Object, Your Honor.

10 BY THE COURT:

11 Sustain the objection.

12 BY MR. ALFORD:

13 Q At the time that you were making an investigation  
14 concerning this burned wagon you have made changes  
15 in your thinking about who-----

16 BY MR. HAUBWRG:

17 We object to that.

18 BY THE COURT:

19 Let him finish his question.

20 BY MR. ALFORD:

21 Q Who has committed any offense, is that correct?

22 BY MR. HAUBERG:

23 We object to that.

24 BY THE COURT:

25 Sustained.

1 BY MR. ALFORD:

2 Q Now Mr. Proctor while the station wagon was at<sup>th</sup>  
3 Stokes Body Shop F. B. I. Agents carried repre-  
4 sentatives of COFO organization by the shop and  
5 made pictures of it didn't you?

6 A I have no knowledge of this.

7 Q They also carried them to the scene where the  
8 station wagon was burned and let them make picture  
9 of this, did they not?

10 A I don't know this sir.

11 Q You don't deny that they let them do this, do you?

12 A I have no knowledge of it sir.

13 Q Were you in charge up there?

14 A No sir.

15 Q Who was in charge up there?

16 A Inspector Joseph L. Sullivan.

17 Q And you testified you were Special Agent in Charge  
18 what did you mean by that, sir?

19 A I said I was the Senior Resident Agent in Meridian  
20 Mississippi.

21 Q And yet at that time you were under the direction  
22 of Mr. Sullivan in 1964?

23 A I was.

24 Q When did Mr. Sullivan come to Meridian to be  
25 in charge of this investigation?

- 1 A He arrived in Meridian, Mississippi on 6-23-64.
- 2 Q On the same day this was reported to you?
- 3 A On the same day it was reported to me.
- 4 Q Was he here at the time it was reported to you?
- 5 A No sir.
- 6 Q Well, did you notify him?
- 7 A I did not.
- 8 Q Who notified him?
- 9 A I don't know sir.
- 10 Q What time did he come in to Meridian on that date?
- 11 A The first time that I saw Mr. Sullivan was on the
- 12 afternoon of June 23, 1964 while we were conducting
- 13 an investigation at the scene of the burned
- 14 station wagon on highway 21.
- 15 Q You continued in connection with Mr. Sullivan a
- 16 continuous investigation of this incident in regard
- 17 to this burned station wagon from June the 23rd
- 18 up to the present time, have you not?
- 19 A Yes sir , we have conducted an investigation.
- 20 Q And that's some three years and three months, is
- 21 that not correct?
- 22 A That is correct.
- 23 Q And you were a part of this continuous investigation
- 24 were you not?
- 25

1 Q. And during your investigation you went over various  
2 areas of Neshoba County, didn't you?

3 A. Yes sir, I did.

4 Q. And you talked to a lot of people didn't you?

5 A. Yes sir.

6 Q. And as a result of your investigation along with  
7 several others you made charges against individuals  
8 that are heretoday, didn't you?

9 BY MR. HAUBERG:

10 We object to that if the Court please.

11 BY THE COURT:

12 I'll overrule that objection.

13 BY MR. ALFORD:

14 Q. The Judge says you may answer.

15 A. Yes the Federal Bureau of Investigation made  
16 charges against certain individuals.

17 Q. And you are still investigating aren't you?

18 A. Yes sir.

19 Q. Even though we are conducting the trial you are  
20 still investigating.

21 Q. We conduct any investigation to prove our case.

22 Q. But you are still investigating this case, aren't  
23 you?

24 A. Yes.

25 Q. And you are not through with this case by any means



1 are you?

2 BY MR. HAUBERG:

3 If the Court please we object to that, we think he's  
4 going,going too far afield.

5 BY THE COURT:

6 I think he's answered your question Counsel. Sustained

7 BY MR. ALFORD:

8 Just a minute, if the Court please.

9 Q. Mr. Proctor as to your own personal knowledge  
10 do you know how this station wagon got to the  
11 scene on the northwest corner of Neshoba County,  
12 of your own personal knowledge?

13 A. Does this mean what I was told?

14 Q. I asked of your own personal knowledge, not what  
15 you were told?

16 A. No sir, I have no personal knowledge of how it  
17 got there.

18 BY MR. BUCKLEY:

19 May I ask this witness a few questions?

20 BY THE COURT:

21 Do you have something you want to ask him that you  
22 can't ask through Counsel?

23 BY MR. BUCKLEY:

24 Well it would be inconvenient.

25 BY THE COURT.

1 Well let's see what it is let's just make sure  
2 you don't duplicate that's what I'm trying to avoid.

3 BY MR. BUCKLEY:

4 May it please the Court I don't think it will be any  
5 duplication.

6 Q. Mr. Proctor, I believe You testified that this was  
7 a 1963 Fairlane Station Wagon is that correct?

8 A. A 1963 Ford Fairlane Station Wagon, that's  
9 correct.

10 Q. All right sir, I hand you exhibit number 23 and  
11 ask you to tell me what that picture shows?

12 A. This is a 1963 Ford Station as I found on June  
13 23, 1964, yes sir.

14 Q. Sir, see if you can read across the tailgate  
15 what it says on there?

16 A. It says Ranch Wagon.

17 Q. It says Ranch Wagon rather than Fairlane.

18 A. It says Ranch Wagon.

19 Q. I hand you government's exhibit number 22 and  
20 you say this is a fair and accurate representation  
21 of the scene you found there that day?

22 A. It is.

23 Q. The truth of the matter is that is on the front  
24 also, isn't it?

25 A. It is a photograph of the front part of the Ford

1 Station Wagon.

2 A And it would be extremely impossible to determine  
3 from that photograph that it was a Station Wagon  
4 wouldn't it, Mr. Proctor?

5 A It would not. There is sufficient part of the  
6 photograph showing the part back here and the  
7 rear window.

8 Q Yes sir, but that would not necessarily determine  
9 it to be a station wagon, it could be most  
10 anything couldn't it?

11 A Looking at this picture alone this is true.

12 Q All right, now you testified as to photographs  
13 being made by of this vehicle, do you recall  
14 you or any of your associates allowing two  
15 Senators photographing that vehicle?

16 A I know nothing of this sir.

17 Q If it happened you are not familiar with that?

18 A I have no knowledge of this.

19 Q Now having worked with the Federal Bureau of  
20 Investigation are you familiar with the fact  
21 that there is a paint identification number on  
22 a vehicle identifying the type of paint that  
23 comes on the vehicle when it comes from the  
24 factory?

25 A Certain vehicles have serial numbers which you

1 can determine paint numbers from.

2 Q. Does this model or type vehicle, this Ford  
3 1963 Station Wagon, does it have this type  
4 serial number on it?

5 A. I don't know this.

6 Q. Did you make any effort to determine if it did?

7 A. I did not.

8 Q. Do you know whether one was made or not?

9 A. I'm unable to answer that.

10 Q. That's all.

11 BY THE COURT:

12 I believe this microphone over here it the best. This  
13 witness has been the first one that his voice has  
14 not died away everyone else just dies away. Mr.  
15 Proctor you are probably a little more experience  
16 than some of them.

17 BY MR. PROCTOR.

18 I just talk louder.

19 (Whereupon witness excused)

20 BY MR. OWEN:

21 We would like to mark and introduce a certified  
22 copy of a road and privilege tax of this State  
23 bearing license tag number H-25503, Hinds County.

24 BY THE COURT:

25 Is that a certified copy?

1 BY MR. OWEN:

2 Yes, Your Honor.

3 BY THE COURT:

4 All right, that certified copy may be entered and  
5 be marked.

6 (Whereupon exhibit entered into evidence and marked  
7 P-25)

8 T. HUDSON, called as a witness for and on behalf of  
9 Plaintiff, was sworn and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. DOAR:

12 Q. Would you tell the Court and Jury your name?

13 A. Yes.

14 Q. What is your name?

15 A. T. Hudson.

16 Q. Mr. Hudson would you speak up in a loud voice so  
17 everyone in the courtroom can hear you?

18 A. Yes, I will.

19 Q. What is your name again?

20 A. T. Hudson.

21 Q. Where do you live?

22 A. I live in Wiggins now.

23 Q. Where is Wiggins located, what county?

24 A. Stone County.

25 Q. Did you live in Neshoba County in 1964?

1 A. I lived in Kemper County.

2 Q. In 1964?

3 A. In 1964.

4 Q. Where in Kemper County did you live, on what  
5 Highway?

6 A. Twenty-one.

7 Q. How close to the Kemper-Neshoba County Line did  
8 you live?

9 A. Well, it was around eight or ten miles, about  
10 eight miles I imagine.

11 Q. Were you on the early morning of June 21st,  
12 1964 travelling on Highway 21 near the Neshoba County  
13 Line?

14 BY MR. BUCKLEY:

15 Your Honor please, I object to that, Counsel is  
16 testifying.

17 BY THE COURT:

18 I don't believe that's testifying Counsel.

19 BY MR. DOAR:

20 Q. Now what happened on that night, what did you  
21 see on that night of June 21st, 1964?

22 A. I saw a fire.

23 Q. Where did you see the fire?

24 A. Just across Bogue Chitto bridge.

25 Q. Which direction were you going?

1 A I was going South.

2 Q Going toward what town?

3 A Philadelphia.

4 Q On what side of the road was the fire?

5 A On the right side.

6 Q About what time was that?

7 A About 1:30 when I seen hit.

8 Q Were you in a car or walking?

9 A I was in my car.

10 BY MR. ALFORD:

11 Just a minute, if the Court please, we object to his  
12 leading the witness.

13 BY THE COURT:

14 Don't lead him, I question where that's leading or  
15 not but let him testify.

16 BY MR. DOAR:

17 Q Could you describe what you saw?

18 A Well, I couldn't tell what kind of car it was, all  
19 I know it was just a car I couldn't tell you, it  
20 was burned black, I couldn't tell you what kind  
21 it was, I didn't stop dead still I just slowed  
22 down.

23 Q Where was the car?

24 A It was off on the gravel road.

25 Q When you say right, was that going toward or

1 away from Philadelphia?

2 A Going toward.

3 Q Can you tell me approximately how far off the  
4 road the car was located?

5 A Well, it just wasn't in the road, it was off  
6 a good piece from the highway.

7 Q Was it in a group of trees or outside the trees?

8 BY MR. ALFORD:

9 Your Honor please, we object to that question, its  
10 leading and suggesting.

11 BY THE COURT:

12 Well I'll let you rephrase your question. Listen  
13 to me witness. Speak like you were speaking into a  
14 telephone. That box there in front of you is  
15 just like a telephone for you. Talk like you are  
16 talking on a telephone in that box.

17 All right.

18 BY MR. DOAR:

19 Q Can you describe any better as to where the car  
20 was with relation to the side of the road?

21 A Well, I would say it was just a little den to  
22 drive up in it looked like.

23 Q How many bridges was it across the road at that  
24 point?

A It was two



1 Q And where was the car located with relation to  
2 the bridges?

3 A It was just before you cross Bogue Chitto bridge  
4 off to the right?

5 Q Which bridge is that?

6 A That's the Bogue Chitto bridge, the first bridge.

7 Q Q On the Kemper County side or---

8 A That was in Neshoba County.

9 BY MR. ALFORD:

10 If the Court please, we object to his leading.

11 BY THE COURT:

12 It doesn't sound like he's leading, he answered him  
13 in another county, go along.

14 BY MR. DOAR:

15 Q Can you tell us on which side of the two bridges  
16 the car was located?

17 A It was located on the right side.

18 Q Could you tell us whether it was closer to the  
19 Kemper County Line or closer to the Neshoba County  
20 Line? Or to the City of Philadelphia?

21 A It was nearer the Kemper County line, it was  
22 not nearer the Neshoba County Line.

23 Q Thank you.

24 BY MR. ALFORD:

25 May I proceed?

1 BY THE COURT:

2 When you were going toward Philadelphia and saw this  
3 fire on your right, in what direction were you looking  
4 when you were looking at that fire?

5 BY THE WITNESS:

6 I was looking West.

7 BY THE COURT:

8 Looking West?

9 BY THE WITNESS:

10 Yes sir.

11 BY MR. WEIR: CROSS EXAMINATION

12 Q T. Hudson, what day of the year did you say this  
13 occurred on?

14 A What date?

15 Q Yes sir.

16 A It was around the 22nd of June.

17 Q Did you say awhile ago that it was the 21st?

18 A No, it was the 22nd.

19 Q Where was you going at that time of the morning?

20 A I was going to work.

21 Q Where at?

22 A Wiggins, Mississippi.

23 Q Where had you been?

24 A I had left home.

25 Q Have you been convicted or paid a fine for any

- 1 offense during your lifetime?
- 2 A. Well, no sir, may one time, I've been in jail one
- 3 time.
- 4 Q. What for?
- 5 A. For speeding.
- 6 Q. Anything else?
- 7 A. No sir.
- 8 Q. When did you report that you had observed this
- 9 incident?
- 10 A. When did I report it?
- 11 Q. Yes.
- 12 A. Well, when the F. B. I. come to see me.
- 13 Q. They came to you and told you about it or did
- 14 you go to them and tell them about it?
- 15 A. They come and ask me about it.
- 16 Q. When was that?
- 17 A. One morning after daylight, they come down there
- 18 to Wiggins after me.
- 19 Q. Do you know how they found out that you passed
- 20 there?
- 21 A. Well, somebody seen me and met me and they traced
- 22 me. I was driving a 59 black Chevrolet and
- 23 somebody told me about a 59 Chevrolet and they
- 24 traced it up.
- 25 Q. Do you know who that person was?

- 1 Q Do you know who that person was?
- 2 A Well, Mr. Dallas told me that he told them he
- 3 met me.
- 4 Q Where had Mr. Dallas been?
- 5 A I don't know. I didn't ask him.
- 6 Q Did he live up in that country somewhere?
- 7 A No that I knows of.
- 8 Q Did Mr. Dallas know your car?
- 9 A I don't think he did, he just told them about a
- 10 1959 Chevrolet and they traced it up and it was
- 11 me.
- 12 Q You didn't bother to report about you having
- 13 seen this vehicle burning up in that country, did
- 14 you?
- 15 A Well I got down there where I was working at and
- 16 I just told them I had seen a big fire down on
- 17 Bogue Chitto creek.
- 18 Q Who did you tell that to?
- 19 A I told Mr. Woodrow Spped.
- 20 Q He didn't bother to telephone the authorities
- 21 about it?
- 22 A No sir, he asked me that Tuesday morning about it
- 23 He asked me what time did I leave home, I didn't
- 24 know what he wanted and he said did you know
- 25 there was two white fellows and one colored fello

- 1 driving that car and I said I sho didn't. He said  
2 why didn't you stop and I said well I didn't have  
3 no business there. I wasn't looking for that.
- 4 Q. Didn't you know there was a search on and there  
5 was a widerange publicity about the fact that  
6 some incident had in all probability occurred?
- 7 A. I didn't know about it.
- 8 Q. You don't listen to television?
- 9 A. Yes sir, but I didn't look at it I didn't hear  
10 nothing about that.
- 11 Q. So, the first you knew about it to report it you  
12 didn't tell them they came and contacted you about  
13 it?
- 14 A. I told Mr. Woodrow and they come there and got in  
15 contact with me.
- 16 Q. Well, did Mr. Woodrow call them?
- 17 A. I don't think so, I don't know who called them  
18 or just how they got it but they got it.
- 19 Q. Well, you are positive then how the F. B. I.  
20 got your name?
- 21 A. Nothing other than what Mr. Dallas told me that  
22 he met me, and that's how they got me.
- 23 Q. Who else did you tell about it besides Mr.  
24 Woodrow Speed?
- 25 A. I didn't tell anyone

- 1 Q You just told your boss man.
- 2 A I told the boss man. He asked me if I seen it
- 3 and I said yes I seen it.
- 4 Q What organizations do you belong to, have you been
- 5 in civil rights work yourself?
- 6 A No, not anything.
- 7 Q Do you belong to the NAACP?
- 8 A No sir.
- 9 Q Have you ever?
- 10 A No sir.
- 11 Q What about CORE or COFO organization?
- 12 A No, I never did belong to it.
- 13 Q Do you drawn anything under the poverty program?
- 14 A No sir.
- 15 Q Have you been paid anything by any agent of the
- 16 federal government?
- 17 A No sir.
- 18 Q Either in money or in clothing or any other way?
- 19 A No sir.
- 20 Q No monetary gain to you then?
- 21 A No sir.
- 22 Q Your Honor please, would you indulge me just a
- 23 moment?

24 BY THE COURT:

25 All right

1 BY MR. WEIR:

2 Q T. Hudson, can you see the map that is facing  
3 you there?

4 A Yes sir, I sees it.

5 Q You couldn't spot on that map at approximately  
6 the location of where that vehicle was, could you?

7 A It was on 21.

8 Q Could you find that on the map?

9 A I can't see over there that far from here.

10 Q You know some of these defendants here don't you?

11 A I've seen them but I don't know their names.

12 Q You don't undertake to tell the Court or Jury that  
13 you have any reason to know or believe that any  
14 one of them is guilty of anything, do you?

15 A Well, I don't know about that.

16 Q Well, do you have information that you haven't  
17 divulged here?

18 A Yes.

19 Q You haven't told the government attorney about it  
20 have you?

21 A No.

22 Q Are you hiding it?

23 A I ain't hiding it, I ain't got nothing to hide.

24 Q Then you haven't been asked?

25 A No sir, I don't know nothing.

1 Q Then its true that all you know----

2 A All I know is that I seen a fire, that's all I  
3 know, I seen a fire.

4 Q But whether or not the law was violated or who  
5 did it-----

6 A I knows nothing about that.

7 Q Thank you.

8 (Whereupon witness excused)

9 JAY COCHRAN, JR., called as a witness for and on behal  
10 of Plaintiff, was sworn and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. OWEN:

13 Q Would you state your name please?

14 A Jay Cochran, Jr.

15 Q Who do you work for?

16 A I am employed as a Special Agent with the Federal  
17 Bureau of Investigation.

18 Q In 1964 what was <sup>your</sup>/job?

19 A I was assigned to the F. B. I. Laboratory in  
20 Washington, D. C., as an examiner in firearms  
21 tool marks, explosives, and dertain related sub-  
22 jects.

23 Q Now, in connection with your work there, were you  
24 asked to come to Meridian in connection with an  
25 investigation?



- 1 A. I was.
- 2 Q. Now in that investigation that, uh, did you make  
3 an investigation in regard to a Ford Station Wagon?
- 4 A. I did.
- 5 Q. Where did you make that examination?
- 6 A. In a garage, the property of the Stokes Body Shop  
7 in Philadelphia, Mississippi.
- 8 Q. Now, can you remember when you made it?
- 9 A. The first examination was on the 24th of June, 1964.
- 10 Q. What did you do?
- 11 A. I examined the interior of the station wagon,  
12 recovered the debris from it, removed the ignition  
13 lock and the two door locks from the station wagon.  
14 and in general made observation of the condition  
15 of the station wagon and took some photographs.
- 16 Q. Do you recognize that?
- 17 A. I do.
- 18 Q. What is it?
- 19 A. This is a photograph of the dash board and front  
20 seat area of the station wagon which I previously  
21 testified.
- 22 Q. We would like to have that marked and offered into  
23 evidence.

24 BY THE COURT:

25 Show it to Counsel.

1 BY MR. ALFORD:

2 Your Honor please, we object to the introduction of  
3 this photograph at this time, as he hasn't laid the  
4 proper predicate to connect it up.

5 BY THE COURT:

6 You may further authenticate it.

7 BY MR. OWEN:

8 Q. Is that fair, uh, is that photograph a fair  
9 representation of that portion of the vehicle  
10 which you described in your testimony?

11 A. It is.

12 Q. I would like to offer it.

13 BY MR. ALFORD:

14 We object again your Honor as it has not yet been  
15 proper authenticated as to the proper vehicle in  
16 question.

17 BY MR. OWEN:

18 Let me ask him a few more questions, Your Honor.

19 BY THE COURT:

20 All right.

21 Q. Would you tell us what that photograph describes?

22 A. This photograph is of the 1963 Ford Station Wagon  
23 that I examined in connection with this case.

24 Q. Could you tell us what color it was?

25 A. Yes sir, it was a medium blue.

1 Q Do you recall the license number plate?

2 A Yes sir.

3 Q What was it?

4 A 1964 Mississippi H-25503.

5 BY THE COURT:

6 What county is that from?

7 BY THE WITNESS:

8 I'm sorry, Your Honor, I'm not familiar with the  
9 designation of the counties of the Mississippi license  
10 tags.

11 BY THE COURT:

12 You didn't see it on the tag?

13 BY THE WITNESS:

14 I don't recall seeing it on the tag, Your Honor.

15 BY MR. ALFORD:

16 Your Honor please, we object to his showing him the  
17 tag.

18 BY THE COURT:

19 I'll overrule your objection to showing him the tag.

20 You may show him the tag if you want to.

21 BY MR. OWEN:

22 Q I hand you exhibit 19 and ask you what this is?

23 Have you seen or do you know what that is?

24 A I do.

25 Q What is that?

1 A. This is the license that I removed from this  
2 vehicle in this photograph on the 26th of August,  
3 1964.

4 Q. What date of that?

5 A. On the 26th of August.

6 Q. Of August?

7 A. On the 26th of June, 1964.

8 BY THE COURT:

9 Do you want to make any further objections, Mr.  
10 Alford?

11 BY MR. ALFORD:

12 Yes sir, I will continue my objection.

13 BY THE COURT:

14 All right, I'll overrule your objection and let  
15 that photograph be entered and be marked.

16 (Whereupon exhibit entered into evidence and marked  
17 P-26)

18 BY MR. OWEN:

19 Q. Now, I hand you another photograph, could you tell  
20 us what that is?

21 A. This is a photograph that I took of that back  
22 seat area of that station wagon, approximately  
23 at the time the previous photograph was taken.

24 Q. Now, is that a fair and accurate representation of  
25 that back seat of that station wagon?

1 A. It is.

2 Q. I would like to offer that into evidence.

3 BY MR. ALFORD:

4 We would like to see it first, Your Honor.

5 BY THE COURT:

6 Show it to him.

7 BY MR. ALFORD:

8 If the Court please, we would like to interpose the  
9 same objection to the introduction of this photograph  
10 as we did to the previous one.

11 BY THE COURT:

12 You say that vehicle this photograph was made at the  
13 same time the other photograph was made of that  
14 vehicle, what are you talking about?

15 BY THE WITNESS:

16 The 1963 Ford Station Wagon, Your Honor.

17 BY THE COURT:

18 I'll overrule your objection and let that second  
19 photograph be entered and marked.

20 (Whereupon exhibit entered into evidence and marked  
21 P-27)

22 BY MR. OWEN:

23 Q. In making your examination of that vehicle, did  
24 you find anything in it?

25 A. I did.

1 A. ~~Wha~~t did you find?

2 A. We found a watch?

3 Q. Where is that watch?

4 A. I have it in my possession at this time.

5 Q. Will you take it out? Can you identify that?

6 A. I can.

7 Q. Will you state where you found that?

8 A. The watch was found among the debris that I re-  
9 moved from this station wagon, in the station  
10 wagon in the photographs that I have previously  
11 identified.

12 Q. I would like to have the watch marked and entered  
13 into evidence.

14 BY MR. BUCKLEY:

15 Your Honor, if it please the Court, we would object  
16 to the introduction of this watch, until this watch  
17 is connected up with this crime that has been committe  
18 this has not been connected up with the charges set  
19 forth in the indictment.

20 BY THE COURT:

21 Well, I'll let the jury evaluate the evidence, I'll  
22 overrule your objection.

23 (Whereupon exhibit entered into evidence and marked  
24 P-28)

25 BY MR. OWEN:

- 1 Q At the time you found that watch, did you  
2 make a time watch and determine the hand setting?
- 3 A I did.
- 4 Q What did that determination show?
- 5 A The setting on the watch at the time it was sub-  
6 jected to fire was 12:45.
- 7 Q Now, is that setting the same now?
- 8 A It is.
- 9 Q Now, you indicated that you took certain locks  
10 off the vehicle?
- 11 A I did.
- 12 Q Can you identify what locks that you did take off?
- 13 A The ignition lock, and the left and right door  
14 lock.
- 15 Q What did you do with those locks?
- 16 A I caused them to be transmitted to the F. B. I.  
17 Laboratory in Washington, D. C. for examination.
- 18 Q What did you do with them, or who did you give  
19 them to?
- 20 A I turned them over to Special Agent Vincent Coyle.
- 21 Q Were there other locks which you subsequently  
22 sent to that lab?
- 23 A There was.
- 24 Q What was that?

1 Q. Did you find anything else in the Station Wagon?

2 A. Yes.

3 Q. What?

4 A. I found a ring of keys.

5 Q. What did you do with those?

6 A. These were also turned over with Special Agent  
7 Coyle, along with the locks.

8 BY MR. ALFORD:

9 Your Honor, I didn't understand the name.

10 BY THE WITNESS:

11 Coyle. C O Y L E.

12 BY MR. OWEN:

13 Q. Now, in making your examination of this vehicle  
14 did you come to any conclusion as to whether or  
15 not an accelerarant was used in the fire?

16 BY MR. PIGFORD:

17 We object, Your Honor, the man has not been qualified.

18 BY THE COURT:

19 I don't believe he's been qualified for that, I'll  
20 sustain the objection on that.

21 BY MR. OWEN:

22 Q. In connection with your work with the F. B. I.  
23 have you done any kind of work relating to fires?

24 A. Yes.

25 Q. Tell the Court and Jury what kind of work you have



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done?

A. The principal endeavor in this regard was the assignment to the disaster squad in the F. B. I. Laboratory in connection with airplane crashes where frequently fires are involved, and the chance from this experience on the scene of these major crashes to observe fire patterns and the general condition of the aircraft.

Q. How many of those air crashes have you been involved in?

A. Seven major air crashes.

Q. Now, in connection with those crashes have you made any analysis to determine, I'll withdraw that. What do you mean by fire patterns?

A. Well primary concern here is to offer what technical assistance we can to the Aeronautics Board, assisting them in determining the probable cause of the crash. This is done by making observations of the conditions of the wreckage and arriving at conclusions.

Q. Now, was there any fire patterns on this station wagon that you examined?

A. Yes there was.

Q. Can you describe them?

1 We object, Your Honor, we don't think he's amply  
2 been qualified to testify on this fire.

3 BY THE COURT:

4 We need to try and find out from this witness before  
5 he qualifies as an expert about his training or what  
6 he has done with respect to the subject matter of  
7 the special inquiry. I believe he's gone into that  
8 more to tell us he has been present on these several  
9 occasion.

10 BY MR. OWEN:

11 Q. Would you tell the Court and Jury what training  
12 you've had in preparing yourself in this kind of  
13 examination?

14 A. I received my formal training through a Bachelor  
15 of Science Degree in mechanical engineering,  
16 and specialized training in various fields which  
17 I have worked in the F. B. I. Laboratory was  
18 afforded to me in the Laboratory subsequent to  
19 my assignment there, which consisted of the  
20 making of various examinations, in the fields  
21 I've already discussed, namely firearms identifi-  
22 cation, explosives, and toolmark work, and these  
23 subsequent numerous examinations in these fields  
24 which I have conducted on actual evidence. Fre-  
25 quently in these cases arson was a factor, and

1 from physical evidence was examined.

2 BY MR. PIGFORD:

3 Your Honor, we interposed a further objection as to  
4 his testifying as an expert on the grounds there has  
5 been no showing of his training prior to or after  
6 this incident.

7 BY THE COURT:

8 Go along.

9 BY MR. OWEN:

10 Your Honor, I would like to ask him to describe the  
11 fire pattern he found on the vehicle.

12 BY THE COURT:

13 All right, you may ask him.

14 BY MR. OWEN:

15 Q. Would you describe----

16 BY MR. ALFORD:

17 May the record show our objection, Your H<sup>O</sup>nor?

18 BY THE COURT:

19 I believe this witness has testified to practice  
20 and experience in the field to qualify him to testify  
21 and of course you gentlemen has a right to cross  
22 examine when he's turned over to you, and I believe  
23 his testimony is competent and as to the weight we  
24 will leave that to the jury. You may proceed.  
25

1 BY MR. ALFORD:

2 If it please the Court, I believe he talked about  
3 firearm, explosives and toolmarks.

4 BY THE COURT:

5 Yes.

6 BY MR. ALFORD:

7 About what he has gotten from it.

8 BY THE COURT:

9 Yes. Well, you gentlemen can go into that at your  
10 time.

11 BY MR. OWEN:

12 Q Would you describe the firearm pattern you saw  
13 on this particular vehicle?

14 A The interior of the vehicle was completely  
15 consumed by fire, that is all the combustible  
16 material, and all of the alloys of non-perish or non-  
17 iron containing metals were either distorted  
18 or melted out of recognizable shape. This of  
19 course includes the plastics that were in the  
20 vehicle also. The exterior of the vehicle showed  
21 areas of the paint which were almost completely  
22 untouched by fire. The unusual pattern of the  
23 blistering of the paint was on the exterior of  
24 the vehicle. These blisterings and burning  
25 patterns were directly adjacent to the areas

1 that were completely undamaged.

2 Q. Now in connection with your prior experiences  
3 in air crashes, have you seen somewhat the same  
4 pattern?

5 A. Yes, I have.

6 Q. And what were your conclusions about what caused  
7 such a fire pattern?

8 BY MR. BAICKLEY:

9 Your Honor, to which we object, it hasn't been shown  
10 that he has any experience in determining arson or  
11 origin of fire.

12 BY THE COURT:

13 I'll let you ask him about that Counsel.

14 BY THE WITNESS:

15 Would you repeat the question please?

16 BY MR. OWEN:

17 Q. Would you, I didn't understand your ruling, Your  
18 Honor.

19 BY THE COURT:

20 Well, he said he had had some experience in some  
21 rather limited fields of practice and neither one  
22 of them specifically or clearly or distinctly seem  
23 to me to embrace this particular field in telling  
24 us that he had any real experience or made any real  
25 study about the origin or causes of field, and that's

1 what you are asking him about, and I think you  
2 had better qualify him a little bit more specifi-  
3 cally in that particular field to answer that  
4 particular question.

5 BY MR. OWEN:

6 I'll withdrawn the question, Your Honor.

7 BY THE COURT:

8 All right.

9 BY MR. OWEN:

10 Q. I hand you a photograph and ask if you recognize  
11 it?

12 A. I do.

13 Q. Would you describe it?

14 A. It is a colored photograph that I took of the  
15 front portion of the 1963 Ford Station Wagon that  
16 I examined in this case.

17 Q. Do you remember when you took it?

18 A. Yes I took it on approximately the 10th of July,  
19 1964.

20 Q. Is it a fair and accurate representation of the  
21 vehicle which you handled in this case?

22 A. With one exception.

23 Q. What is that exception?

24 A. The front bumper has been removed.

25 Q. I would like to have this marked into evidence.

1 BY MR. ALFORD:

2 Your Honor, we would like to interpose an objection  
3 to the introduction of this photograph on the grounds  
4 that it hasn't been properly authenticated, and its  
5 colored, and it was made sometimes after June, and  
6 all of the testimony in this record is June the 21st.

7 BY THE COURT:

8 °When was the picture made?

9 BY THE WITNESS:

10 July 10th, Your Honor.

11 BY THE COURT:

12 What year?

13 BY THE WITNESS:

14 1964.

15 BY THE COURT:

16 Is that picture a fair and reasonable representation  
17 of the subject of the picture?

18 BY THE WITNESS:

19 Yes sir, I believe it to be.

20 BY MR. ALFORD:

21 May I make a comment, if Your Honor please, in support  
22 of my objection?

23 BY THE COURT:

24 Yes sir.

1 He has admitted by his volition that the bumper has  
2 been removed from this automobile and I would like to  
3 say to the Court that this is a colored picture which  
4 shows far afield in depicting automobiles or any  
5 other object than in black and white and we submit  
6 at this time under the predicatethat has been made  
7 this shouldn't be admitted.

8 BY THE COURT:

9 Is any exaggeration of any kind in that picture by  
10 reason of it being a colored picture?

11 BY THE WITNESS:

12 No sir, Your Honor.

13 BY THE COURT:

14 Are the colors and tones in that picture accurate?

15 BY THE WITNESS:

16 To the best of my recollection Your Honor.

17 BY THE COURT:

18 I'll let it be entered and be marked.

19 BY MR. HENDRICKS:

20 May it please the Court, may I make a comment?

21 BY THE COURT:

22 Yes sir.

23 BY MR. HENDRICKS:

24 Also there is no proof that that car is in the same  
25 condition as it was when it was found, we don't know



1           how many times its been burned, therefore we offer  
2           that objection because there's not proof of that in  
3           the record.

4 BY THE COURT:

5           Yes sir, all right, overruled, go along.

6           (Whereupon exhibit entered into evidence and marked  
7           P-29)

8 BY MR. OWEN:

9           Q. Mr. Cochran, in connection with your work, did you  
10           conduct another search?

11          A. Yes, I did.

12          Q. What was that?

13          A. Well I conducted several other searches and I'm  
14           not sure of the one you are referring to.

15          Q. Did you conduct a search involving three bodies of  
16           three individuals?

17          A. I did.

18          Q. Could you tell the Court and Jury when you did that

19          A. On August 4, 1964.

20          Q. Do you recognize that picture?

21          A. I do.

22          Q. Did you take it?

23          A. I did.

24          Q. And what is the picture of?

25          A. Its a photograph of a point in Neshoba County,

1                   Mississippi, southwest of Philadelphia,  
2                   Mississippi and shows in the upper center portion  
3                   of it an earthern dam.

4                   Q    What is that-----

5                   BY MR. ALFORD:

6                   Your Honor please, may I interpose an objection to  
7                   any testimony with reference to anything being  
8                   testified to in regard to an earthern dam on the  
9                   grounds that this is the result of a search and a  
10                  search warrant which we assert to the Court and charge  
11                  it to be an illegal search.

12                  BY THE COURT:

13                  That matter was presented first to me and I ruled  
14                  on that question and it was submitted finally to Judge  
15                  Russell and he ruled on that question, did he not?

16                  BY MR. ALFORD:

17                  That's correct, sir.

18                  BY THE COURT:

19                  Well, I'm familiar with your point and it may be  
20                  treated as a very specific objection on your part  
21                  as I understand it and I'll overrule your objection.

22                  BY MR. ALFORD:

23                  Sir, may we have a continuing objection.

24                  BY THE COURT:

25                  For anything that was revealed by this search?