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A This small road right in here?

Q Yes.

A I would have to look at the map.

Q Would you go look please sir?

A No.

Q So, your drawing there, government's exhibit 9, does not portray all the roads does it?

A Basically all of them.

Q Just answer my question.

Q Not all of the roads, sir.

Q It does not. Now, I want to hand you here government's exhibit 6 and ask you sir to take over there and compare it and tell me the roads that you have left off that map.

A We would have to do that by a process of elimination and I would have to go through every road that is on this map and compare it with every road on this map.

Q I would like to have you do that please sir.

BY THE COURT:

I believe I'll let him do that some other time Counsel, you can ask him what questions you want to and he can give the answer to you sometime later when he's has a little more time, so just go to something else.

1 BY MR. HAUBERG:

2 We want to interpose an objection, if the Court please

3 BY THE COURT:

4 Well I'm going to let him make the comparison, but
5 that might involve a little time.

6 BY MR. ALFORD:

7 Q Now sir, do you have the aerial photograph here
8 in Court that you used to make that from?

9 A I have that available, yes sir.

10 Q Do you have it with you?

11 A I didn't bring it with me, no.

12 Q Your Honor please, we would like to have an
13 opportunity to study that aerial photograph
14 in comparison with this at sometime convenient
15 so we can question the witness about it.

16 BY THE COURT:

17 Well, you don't come here for discovery, you know,
18 that's off the board, you have to get that through
19 regular channels. Go ahead.

20 BY MR. ALFORD:

21 Q The aerial photograph that you took that from
22 is not in court is it?

23 A No sir.

24 Q And it hasn't been exhibited to the Counsel for
25 the defendants in this case to determine its

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accuracy, has it sir?

A. No sir.

Q. And that is primarily what you made this map from wasn't it sir?

A. Yes sir.

Q. That's what you testified to wasn't it?

A. Yes sir.

Q. And if its in error this map is in error, isn't it?

BY MR. HAUBERG:

We object to that, it would be a conclusion of the witness.

BY THE COURT:

I'll let him answer.

BY THE WITNESS:

A. This map is accurate to the degree that the aerial photograph is accurate.

Q. But you left off a number of the roads on this map that's on the aerial photograph that you didn't put on there, didn't you sir?

A. I wouldn't say that, a great number of roads. Probably when we check that there will be property on the aerial photograph that is not on this map.

Q. But you will check that and let us know how many

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you left of will you not?

A. Yes sir.

Q. Why did you leave that road off?

A. I have no reason why I left it off, there was no intention of leaving it off.

Q. Did you just overlook it?

A. That is probably right.

BY MR. DOAR:

Your Honor please, we have that aerial map upstairs and we will be glad to make it available this evening to Counsel, if they want to look at it.

BY THE COURT:

All right, but this is not the course we're going to follow.

BY MR. BUCKLEY:

Your Honor I have a few questions.

BY THE COURT:

All right, but you may ask your questions through the spokesman of the group, through the Counsel you have selected to examine the witness.

BY MR. BUCKLEY:

Q. Mr. Awe, how long have you been working with the Federal Bureau of Investigation?

A. As a Special Agent since 1958.

Q. And was it your responsibility or did you parti-

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cipate in the investigation in Neshoba County
the case commonly referred as Schwerner, Goodman
and Chaney?

A. Only late in the vestigation, late in 1964.

Q. By whom were you asked to prepare this map?

A. By the Department of Justice.

Q. And when sir?

A. I believe sometime in 1966.

Q. 1966, and when were you asked to prepare the small
map that you have been testifying in regard to here

A. Oh, approximately at the same time.

Q. I believe that is government's exhibit 8. Would
you tell us whether or not you testified before
the Federal Grant Jury in Jackson, Mississippi
in February of this year which returned an indict-
ment against these defendants?

A. Yes, I did.

Q. Would you tell us whether or not that testimony
was taken down in writing?

A. I believe it was.

Q. Just tell us whether or not you referred to that
testimony in preparation of your testimony here
today?

BY MR. HAUBERG:

We object to that if the Court please.

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BY MR. BUCKLEY:

Your Honor please, under Section 35 B of Title 18, United States Code, under Jinx vs. United States we would respectfully move that we be given the right to examine the testimony of this witness for the purpose of cross examination in- so far as it was taken down, if he has referred to it or studied it in relation to his testimony before this court.

BY MR. HAUBERG:

If the Court please, he has not so testified.

BY THE COURT:

I don't unde rstand him to have said that. Ask him that question again.

BY MR. BUCKLEY:

Q. Mr. Awe, have you seen that testimony in writing since you testified before the Federal Grand Jury?

A. No sir, I have not seen that testimony.

Q. Have you been talked to and briefed by the United States Attorney in preparation of this case?

A. I discussed various species of this map , dis- cussed the preparation of this map as to what size map, what the map was to include, etc.

Q. This map contains a good many figures and speeches does it not sir?

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A Yes sir.

Q And also in regard to this map and the investigation and the preparation you have made in the preparation of the map would be greatly handicapped unless you had been greatly briefed in detail by someone would it not?

BY MR. HAUBERG:

We object to the form of question.

BY THE COURT:

On what grounds.

BY MR. HAUBERG:

If the Court please, he asked him two or three questions in one.

BY THE COURT:

If the witness doesn't understand the question, I'll let, do you understand the question?

BY THE WITNESS:

I think so.

BY THE COURT:

Overruled.

BY THE WITNESS:

A Any information that I have given regarding this map is information that I recall myself from preparing this map as I had to give it a great deal of study and time and those facts are

1 with me. Of course, the department attorneys
2 are interested in knowing how I prepared the map
3 and this I explained, as I have explained them to
4 the Court.

5 Q. You mean to tell us that you didn't say anything
6 before the Grand Jury in Jackson, Mississippi
7 which would be in conflict with what you have to
8 say in regard to this map, do you?

9 BY MR. HAUBERG:

10 We object.

11 BY THE COURT:

12 On what grounds?

13 BY MR. HAUBERG:

14 Testifying before the grand jury, the grand jury
15 minutes are not available anyway.

16 BY THE COURT:

17 Yes, I think that is correct, but I'm going to let
18 him answer that question.

19 BY THE WITNESS:

20 A. Would you restate the question please?

21 Q. You don't mean to tell us that you have not testi-
22 fied to anything here that would not be in con-
23 flict with what you testified to before the
24 grand jury, everything that you have testified
25 to on both occasions have been absolutely con-

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sistent or the same?

A. To the best of my knowledge, yes sir.

Q. Yes sir, I don't mean to give you the impression that your testimony is false but it has been a long time and your testimony has been detailed, that it is possible that you could easily be mistaken about it, could you not?

A. I don't think I could be mistaken in the testimony that I gave now or at a prior time. I reviewed carefully the map, studied it carefully.

Q. And you went over it too carefully with the attorney from the Department of Justice based on what knowledge they had of this testimony before the grand jury in Jackson, Mississippi, did they not?

BY THE COURT:

Counsel, we are not trying the grand jury case, we're trying these defendants on the facts here under this indictment that that grand jury brought and nothing else. The grand jury indictment is nothing but a charge against these people, its not proof of anything and you don't need to go in behind that proof.

BY MR. BUCKLEY:

Q. Nr. Awe, let me ask you this, who told you what to put on the map which is exhibit number 9 of

1 the government?

2 A. I was told to prepare a map of certain areas
3 and to locate certain areas on the map.

4 Q. Was there any good reason that you know of Mr.
5 Awe for having left off the design of depicting
6 various buildings and construction on there and
7 placing them on there as today before the Court?

8 A. Would you repeat your question, I didn't under-
9 stand it.

10 Q. Yes sir. In the making here of these drawings
11 is there any good reason that you know of for
12 having omitted the buildings or various structures
13 and having them placed up here in the form of
14 line by hand today? Do you know of any good
15 reason for that?

16 A. Omitting any other structures along that road?

17 Q. No sir, let me see if I can restate that for you.
18 Do you know of any good reason they the buildings
19 were placed on the map today by you rather than
20 when you were drawing the map?

21 A. I was asked not to place them on the map then.

22 Q. Yes, do you know the reason for that?

23 A. I was just asked----

24 BY MR. HAUBERG:

25 We object Your Honor----

1 BY THE COURT:

2 I sustain the objection, that's completely im-
3 material.

4 BY MR. FIGFORD:

5 Your Honor, I would like to ask a favor of the Court.
6 I am confused as to what Your Honor desires with
7 reference to cross examination of the witnesses.

8 BY THE COURT:

9 I think one Counsel ought to cross examine.

10 BY MR. FIGFORD:

11 For all the defendants, Your Honor?

12 BY THE COURT:

13 Yes sir. Unless there is something that you are in
14 conflict with each other, and I'm not aware of any
15 such circumstance.

16 BY MR. WATKINS:

17 Your Honor please, with not so much I submit to the
18 Court as to whether or not we be in conflict, I have
19 spent approximately three hundred hours on this case,
20 with a great portion of it having to do with cross
21 examination as to certain witnesses that I think may
22 testify, I can not possibly relate that to associate
23 Counsel, Your Honor, and I represent with my associate
24 six of the defendants, and we respectfully request
25 permission not of this witness, but to cross examine

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other witnesses.

BY THE COURT:

Well, we'll cross that bridge when we get to it,
if we get to it.

BY MR. PIGFORD:

May it please the Court, for the defendant Mr. Akin,
may I ask this witness one question which has not
been asked of this witness?

BY THE COURT:

All right.

FURTHER CROSS EXAMINATION

BY MR. PIGFORD:

Q Mr. Awe, were you present when the aerial map
was made?

A No sir.

Q Do you know who made it?

A Yes sir.

Q I'm talking now of the aerial map which you re-
ferred to as being the one copied in government's
exhibit 9, you do know who made it?

A Yes sir.

Q And you were not present?

A I was not present.

Q Yes sir. Can you tell us who made it?

A It was made by ----

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Q Let me put it this way of your own personal knowledge----

BY THE COURT:

Do you want to let him answer your question?

BY MR. PIGFORD:

Q Yes sir, I'm sorry, you may answer.

A It was made by the Personnel Department of the Navy.

Q The department of Navy?

A Yes sir.

Q Now, since you were not present at the time it was made, can you vouch for the accuracy of it?

A Yes, I studied the map in detail. I travelled the roads and made notes and notations and speedometer readings when I traveled the roads, I compare it with the official highway department map for the State of Mississippi, and I found it to be in agreement, and from all of this I can vouch that the map is accurate.

Q This is the aerial map that I am referring to.

A Yes sir.

Q Now when you answered my question were you referring to the aerial map that you had compared it with the Mississippi Highway Department maps?

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A. Yes I compared the aerial map with the Mississippi Highway Department map and found the outlay of the roads and the measurements to one area to another agreed.

Q. Now, you ~~are~~ not an aerial photographer?

A. No sir.

Q. And have no expertise in that?

A. I am a photographer, and I have taken aerial photographs, and I am also a police school instructor in photography.

Q. Well I am referring particularly to aerial photographs.

A. I have taken aerial photographs.

Q. Are you able to take an aerial photograph and compare it with a Highway map and tell when or not it is accurate?

A. Highway map is given scale, and if the aerial photograph had been given scale, and see the contour of the roads are the same, I believe you could tell it was accurate or not.

Q. And you have training in doing that?

A. I have had no specific training in that, but I think you could easily do it.

Q. You don't mean to ^{tell} the Court and Jury that all aerial photographs are accurate, do you?

1 A. Aerial photographs I believe is the most accurate
2 photographs.

3 Q. Well, do you say that regardless of who take
4 them or regardless of how they are taken they
5 are accurate?

6 BY MR. HAUBERG:

7 We object to that, if the Court please.

8 BY THE COURT:

9 Sustain the objection.

10 BY MR. PIGFORD:

11 Q. Now, your map, P-9, which is on the exhibit board,
12 is drawn from the aerial photograph?

13 A. Yes sir.

14 Q. Which you've referred to?

15 A. Yes sir.

16 BY MR. HAUBERG:

17 We object to this, Your Honor, it's repetition,
18 its just continuing from the other testimony he has
19 already given. The same testimoney.

20 BY THE COURT:

21 I agree with that, that's the very reason I don't
22 have any intention allowing all Counsel to examine
23 each witness for the very reason that we are hearing
24 here right now. We've been into that two or three
25 different times and have heard the same answers.

1 I don't intend to try this case but one time.

2 BY MR. PIGFORD:

3 Yes sir.

4 BY THE COURT:

5 Just desist from that, you can ask him something else

6 if you want to. Something that hasn't been asked

7 already.

8 BY MR. PIGFORD:

9 That's all.

10 BY MR. ALFORD:

11 If the Court please we would like to renew our

12 motion to the inaccuracy of this map.

13 BY THE COURT:

14 Well, I think the map is admissible in evidence and

15 I'll let the jury assign its own weight to it with

16 no comment from the Court.

17 (Whereupon witness excused)

18 CHARLES JOHNSON, called as a witness for and on behalf

19 of Plaintiff, was sworn and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. DOAR:

22 Q Will you tell the Court and Jury your full name?

23 A Reverend Charles Johnson.

24 Q Where do you live?

25 A 1625-25th Avenue.

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Q In what City?
A Meridian, Mississippi.
Q How long have you lived here?
A Six years.
Q What is your occupation?
A Minister.
Q And what church are you a minister of?
A Church of the Nazarene.
Q Where is that church located?
A 1606-30th Avenue.
Q Reverend Johnson, did you know Michael Schwerner?
A I did.
Q And when did you know him?
A February, 1964, until his death in June.
Q Did you know him well?
A Yes.
Q And where did you know him, what city?
A Meridian.
Q What was his race?
A White.
Q What were the circumstances of your acquaintance with him?
A He was interested in some of the same things that I was interested in, and we worked together to try to get some of these things come to past.

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Q What things were you speaking of?

A Voter registration, better jobs, upgrading of employment and better education in some phases, also police treatment of negroes.

Q And of what organization was he a member of?

A Cofo.

Q Did Cofo have an office in Meridian?

A They did.

Q And who was in charge of the office?

A Michael Schwerner.

Q Where was the office located?

A 2505 1/2 5th Street.

Q In what City?

A Meridian.

Q And what type of neighborhood was that office?

A Negro neighborhood.

Q Did you have any occasion to observe what type of work he did while he was in Meridian?

A I did.

Q Briefly would you tell the Court and Jury what that work was?

A Voter registration, the upgrading of jobs for negroes in jobs, and also the police treatment of negroes.

Q And who did he do that work?

- 1 A As a rule through mass meetings and organizing
2 in the communities.
- 3 Q Did you participate in any of these organizations
4 with him?
- 5 A I did.
- 6 Q And did you observe how he worked during that
7 period?
- 8 A Yes, I worked on committees with him.
- 9 Q What kind of committees.
- 10 A Committees, various committees, voter registration
11 committees, and to work out and visit stores in
12 reference to hiring of negroes and upgrading their
13 jobs.
- 14 Q And were there members of both races in these
15 groups that went around?
- 16 A It was a mixed group.
- 17 Q How was he usually dressed?
- 18 A Overalls, or either blue jeans, with sometimes
19 black soft boots or tennis shoes.
- 20 Q Did he have a beard?
- 21 A He did.
- 22 Q What kind of a beard?
- 23 A Kinda a goat beard.
- 24 Q Where did he live?
- 25 A He lived with the people in the neighborhood.

1 BY THE COURT:

2 What kind of beard?

3 BY THE WITNESS:

4 Goat beard.

5 BY MR. DOAR:

6 Q. With whom did he live?

7 A. He lived with different families in the negro
8 neighborhood, until he got his own apartment.

9 Q. And was his own apartment in the City of Meridian?

10 A. City of Meridian, in the negro neighborhood.

11 Q. When did you last see him?

12 A. In June.

13 Q. And where was that?

14 A. Here in Meridian.

15 Q. Could you tell me whether or not he worked in
16 other surrounding areas outside the City of
17 Meridian?

18 A. He worked in Neshoba, Clarke, and Lauderdale.

19 Q. Could you tell me whether that was in connection
20 with his work as an organizer for COFO?

21 BY MR. WEIR:

22 We object to his leading.

23 BY THE COURT:

24 Yes, I'll let you rephrase that question.

25 BY MR. DOAR:

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Q Can you tell me what work he did there?

A He went to these different counties to organize for voter registration, the same kind of work he was doing here in Meridian.

Q Whom did he organize?

A The negro people.

Q That's all.

BY THE COURT:

All right, you may cross examine.

CROSS EXAMINATION

BY MR. WEIR:

Q Reverend Johnson, you are a member of the colored race yourself?

A Negro race, yes sir.

Q And did you go to these various meetings yourself with Mr. Michael Schwerner?

A In Lauderdale?

Q Yes.

A Yes.

Q Did you go to any other county with him?

A No.

Q Did you ever go into Neshoba County with him?

A No.

Q Now, you say you were interested in the same thing he was, did you ever see or hear of him advocating

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the fact that there should not be fighting in Viet Nam?

A. No.

Q. Did he advocate the burning of draft cards?

A. No.

Q. What other things did he advocate other than what you have listed and told to the jury here?

A. These were the things that he advocated that I have told the jury before, these were the basic things that he advocated.

Q. Well, he was an athesit wasn't he?

A. Was he an athesit?

Q. Yes sir.

A. I don't know.

Q. You mean, well he was a pesson who did not believe in the presence of God wasn't he?

A. I don't know that.

Q. Well, you are a Minister of the Gospel aren't you?

A. I didn't talk with him on religion.

Q. You mean you traveled to various places with Michael Schwerner during the time that he was here with you and went to various communities with him and you all were interested in the same thing, and so you were interested in something besides ministry werent you?

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A I was interested in seeing the negro race get better oppportunkties.

Q And you are just supposing behind the fact that you are a minister of the gospel when in fact your main concern is something else, isn't it?

BY MR. HAUBERG:

To which we object, Your Honor.

BY THE COURT:

Yes, I'll let your rephrase that, you can't argue with the witness.

BY MR. WEIR:

Q What is your chief interest or your chief occupation in life?

A I am a Minister and I am interested in the whole man.

Q What do you derive your income in life from?

A From the Ministry and outside work.

Q What outside work do you derive your income in life from?

A I work with the Poverty Program.

Q Who pays your wages in the Poverty Program?

A Mississippi Action of Progress.

Q Is that paid entirely from funds derived from the Federal Government?

A That' s correct.

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Q All right, what amount of money do you draw each month from the poverty program?

BY MR. HAUBERG:

We object to that Your Honor, its immaterial.

BY THE COURT:

Well, I'll let him answer that.

BY MR. WEIR:

Q What amount of money per month do you receive from the poverty program a branch of the United States Government?

A About four hundred dollars.

Q About four hundred dollars a month. Now what amount of money per month do you derive from your ministerial work?

A About two hundred dollars.

Q So you draw at least twice as much money from the federal government as you receive from your preaching work do you not?

A That's correct.

Q And you tell the court and jury here that you wer a close associate of Michael Schwerner, don't you

A That's right.

Q And over what period of months was that true? That you associated with him, over what period of months?

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A From February through June.

Q And during that time you being a preacher and he being an athesit, you never did even offer to pray with him did you?

BY MR. HAUBERG:

We object to that if the Court please.

BY THE COURT:

I'll let him answer that.

BY MR. WEIR:

Q You never did offer to pray with him a single time, did you?

A We had pray at all of our meetings.

Q All right, did he pray?

A I would always offer the pray.

Q You did the praying, and where was that at when you did that?

A Well at the meetings, and in the churches.

Q You never did talk with him at all anytime about religion, did you?

A No I didn't.

Q Well can you tell the Court and Jury then that your chief concern in life and your chief occupation in truth is that of a Minister of the Gospe

A I am a Minister of the Gospel.

Q But you don't devote most of your time to that

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occupation, do you?

A. That's a matter of opinion.

Q. Well, I'm asking you, I'm just after the facts.

A. I devote most of my time to the work of the ministry.

Q. But you draw most of your pay from the federal government, you devote most of your time to the work you do to the serving of the gospel but more than twice your income is derived from the United States Government, is that the facts?

A. (no answer)

Q. Therefore all of the time that you spent with Mr. Schwerner was in furtherance of some private interest that you had and not in the furtherance of ministerial work isn't that the fact?

A. I didn't understand that, would you repeat the question?

Q. I said that all of the time that you spent with Mr. Schwerner was working in furtherance of some private interest that you had and not in furtheran of ministerial work?

A. If you read the Bible you will see that is what Jesus taught, to teach the poor.

Q. And the povertyprogram is that?

A. During the time Mr. Schwerner was here the poverty

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program was not in existence.

Q. Would Your Honor indulge me a moment?

BY THE COURT:

Yes sir.

BY MR. WEIR:

Q. Was it you who helped to originate the poverty program, did you have an active part in that?

A. I did not.

Q. Where did you train to become a minister of the gospel?

BY MR. HAUBERG:

We object to that, if the Court please, that's going pretty far afield.

BY THE COURT:

I'll let him answer it.

BY THE WITNESS:

A. Institute of West Virginia.

Q. Did you graduate from some school of training?

A. I did.

Q. Who is head of that school?

A. It was Robert W. Cunningham.

Q. Did you ever go outside of the United States in order to promote your qualifications toward being a minister or any other thing.

A. No.

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Q. You never did go to Cuba?

A. No.

Q. Have you ever been there?

A. I haven't ever been there.

Q. You never desired to go there.

A. Never did.

Q. Now did I understand you to say that Mr. Schwerner was like Jesus or did I misunderstand that?

A. You misunderstood that.

BY MR. HAUBERG:

We object to Counsel putting in.

BY THE COURT:

Yes, I don't think you are entitled to badger this witness so conduct yourself accordingly.

BY MR. WEIR:

I did not so intend, if Your Honor please. I just wanted to make sure about that. You Honor would you indulge me just a moment, since we have a rule about opposing Counsel.

BY THE COURT:

I understand the rule, just hope you do.

BY MR. WEIR:

Q. Now you say that you and Mr. Schwerner upheld for the same thing, did you all encourage the boycotting of stores?

- 1 A. We did.
- 2 Q. What stores did you and Mr. Schwerner encourage
3 the boycotting of?
- 4 A. Various stores.
- 5 Q. Here in Meridian?
- 6 A. Meridian.
- 7 Q. And outside the city limits out into Lauderdale
8 County?
- 9 A. In Meridian.
- 10 Q. Just in the city limits.
- 11 Q. That's right.
- 12 Q. What about other counties?
- 13 A. I have no knowledge of any other.
- 14 Q. You were a member of this Cofo organization?
- 15 A. I was an interested citizen.
- 16 Q. Was Mr. Schwerner a member of this Cofo organization?
- 17 A. He was.
- 18 Q. What does that stand for?
- 19 A. Congress of Federated Organization.
- 20 Q. What is SNNC?
- 21 A. Its an---
- 22 Q. What does that stand for?
- 23 A. I don't know.
- 24 Q. Have you ever heard of it?
- 25 A. I have.

1 Q Was Mr. Schwerner a member?
2 A I don't think so.
3 Q Have you ever been a member?
4 A No.
5 Q What is Slink.
6 Q Another appreviation.
7 Q What is the by name?
8 A Snick.
9 Q And was he a member of that?
10 A I don't know.
11 Q Are you?
12 A No.
13 Q Was he a member of the NAACP?
14 A I don't think so.
15 Q You are aren't you?
16 A Sure.
17 Q Big member aren't you?
18 A That's right.
19 Q For how long?
20 A Oh about three or four years.
21 Q You're proud of it aren't you?
22 A Yes.
23 Q Very proud?
24 A Very.
25 Q Now, of course, you wouldn't know anything about

1 who may or may not be guilty in this case, were
2 you?

3 A. No.

4 Q. And you wouldn't undertake to tell the Court and
5 Jury that you know if any of the people on trial
6 were guilty of anything would you?

7 A. Right.

8 Q. Have you ever been convicted of any crime or paid
9 a fine?

10 A. No, only parking tickets.

11 Q. That's the most serious thing you've been charged
12 with?

13 A. That's correct.

14 Q. Do you have some scars on your head, have you
15 been involved in some kind of fracas?

16 A. Accidents.

17 Q. Why did you advocate the boycotting of businesses
18 here in Meridian, Mississippi?

19 BY MR. HAUBERG:

20 We object to that if the Court please, I think he's
21 gone into that sufficiently.

22 BY THE COURT:

23 I don't see the relevancy of it, what is the
24 relevancy of it?

25 BY MR. WEWR:

1 Well, Your Honor please, what we are trying, what
2 is happening, of course, we have these notes passed
3 in and in order to represent the other attorneys
4 fairly I felt I ought to ask that question. I have
5 not asked it in that manner, the reason its not connec-
6 ted I haven't pass in that stage.

7 BY THE COURT:

8 I see your reason but I don't see the relevancy of it
9 and if you don't tell me I won't know what the
10 relevancy is

11 BY MR. WEIR:

12 Q Then, let's get back to this Mrs. Schwerner. Was
13 he a married man?

14 A He was.

15 Q And did his wife stay here most of the time or
16 was she away most of the time?

17 A She stayed here.

18 Q Well, did he have some colored person to stay
19 there with him?

20 A In his apartment?

21 Q Yes sir.

22 A I don't know about that.

23 Q Who was it that worked and stayed there with him?

24 A I don't know that.

25 Q Wasn't it some colored woman who stayed there?

1 A I don't know.

2 Q Do you know Stokley Carmichael?

3 A I've heard of him.

4 Q Do you know him personally?

5 A No.

6 Q Never have met him?

7 A Never have.

8 Q Do you believe in the same principles he believes

9 in?

10 BY MR. HAUBERG:

11 We object to that.

12 BY THE COURT:

13 Sustain the objection.

14 BY MR. WEIR:

15 Q Did you and Mr. Schwerner, you said you all

16 advocated the same thing, did you all advocate

17 the same thing?

18 A The same thing what?

19 Q That Stokley Carmichael advocated.

20 BY MR. HAUBERG:

21 We object to that, if the Court please.

22 BY THE COURT:

23 I don't see the relevancy of that Counsel, sustain

24 the objection.

25 BY MR. WEIR:

- 1 Q What State are you a notice of?
- 2 A Florida.
- 3 Q What place in Florida?
- 4 A Orlando.
- 5 Q And were you born and raised there?
- 6 A I was.
- 7 Q And then did you move to Virginia, did you say?
- 8 A That's right.
- 9 Q How long were you in Virginia?
- 10 A Four years.
- 11 Q And then you came to Mississippi?
- 12 A Correct.
- 13 Q And while you were in Virginia did you ^{take}/special
14 education or courses or training in order to
15 further the cause that you testified you are so
16 very interested in?
- 17 A Just the ministry.
- 18 Q Well ministry and also ~~thse~~ things that you told
19 the prosecutor attorney here about this voting
20 proposition, your training, and the upgrading
21 etc., did you take special courses and training
22 along those lines?
- 23 A I trained for the ministry.
- 24 Q Well was that the real purpose that you took
25 the training was to learn these things that you

1 are so interested in and come to Mississippi and
2 advocate them?

3 A. I took my training to help the whole man.

4 Q. Did you ever, uh, did Mr. Schwerner ever advocate
5 that white women should be raped?

6 BY MR. HAUBERG:

7 We object to that, if the Court please.

8 BY THE COURT:

9 I didn't understand the question.

10 BY MR. WEIR:

11 Q. I say, you told about some of the things that
12 Mr. Schwerner and yourself advocated, I believe
13 when you first talked with the prosecuting attorney
14 and testified you left off the fact that you
15 advocated boycotting, didn't you? But you told
16 me later that you did do that too, you remember
17 that don't you?

18 A. No answer.

19 Q. Now, let me ask you if you and Mr. Schwerner didn'
20 advocate and try to get young male negroes to
21 sign statements agreeing to rape a white woman
22 once a week during the hot summer of 1964?

23 BY MR. HAUBERG:

24 We object to that if the Court please.

25

1 BY THE COURT:

2 I am going to let him answer that.

3 BY THE WITNESS:

4 I believe you will have to repeat that sir?

5 BY MR. WEIR:

6 Q I ask you if it is not true and I want your
7 answer, that you and Mr. Schwerner didn't try
8 to get young negro males to sign statements that
9 they would rape one white woman a week during
10 the hot summer of 1964 here in Mississippi?

11 A No, never.

12 BY THE COURT:

13 Counsel, you ought to have a good basis for a question
14 like that. It would be highly improper I hope that
15 you know to ask such a question without a basis for
16 it. I'm going to look forward to seeing some basis
17 for that question in this record.

18 BY MR. WEIR:

19 Your Honor please, its a note that was passed to me
20 by someone else.

21 BY THE COURT:

22 Well, who is/author of that question?
the

23 BY MR. WEIR:

24 I don't know sir.

25 BY THE COURT:

1 Well I want to find out right now who the author
2 of that question is? Which one of you passed that
3 question up?

4 BY MR. ALFORD:

5 It was passed to me, Your Honor and I passed it on to
6 him.

7 BY THE COURT:

8 Who wrote the question? Whose question is it?

9 BY MR. ALFORD:

10 Brother Killen wrote the question, one of the
11 defendants.

12 BY THE COURT:

13 One of the defendants wrote the question? All right,
14 I'm going to expect some basis for that question
15 since Counsel has adopted one of the defendant's
16 questions and if there is no basis for it when we get
17 through I'm going to say something about that.

18 BY MR. WEIR:

19 Your Honor please--

20 BY THE COURT:

21 I'm not going to allow a farce to be made of this
22 trial and everybody might as well get that through
23 their heads including everyone of these defendants
24 right now.

25 BY MR. WEIR:

1 Your Honor please, I will be more careful from now
2 on about the questions I ask and I do beg the Court
3 to understand that on this particular occasion I was
4 trying to be diligent in obeying the Court's orders
5 you know.

6 BY THE COURT:

7 I don't understand such a question as that, and I
8 don't appreciate it, and I'm going to say so before
9 I get through with the trial of this case. So you
10 can govern yourselves accordingly and you can act
11 just as reckless as you want to in asking questions
12 like that. Go along.

13 BY MR. WEIR:

14 Your Honor please, may I confer with associate
15 counsel to see if there are any additional questions
16 that they want to ask?

17 BY THE COURT:

18 Yes sir. I'm surprised at a question like that
19 coming from a preacher too, I'm talking about Killen,
20 or whatever his name is.

21 BY MR. WEIR:

22 Q Reverend Johnson, as we said we listed over some
23 of the things that you and Mr. Schwerner were
24 interested in. Was the integration of the schools
25 something that you were interested in and trying

1 to promote?

2 A. No.

3 Q. Have you signed a statement to officials of the
4 Justice Department or anyone else, any Agent of
5 the Federal Government in regard to what your
6 testimony would be or not be in this case, have
7 you ever given a statement to any officer of
8 the Justice Department?

9 A. Oh, I have talked to the Justice Department.

10 Q. Did they write down what you said?

11 A. They were writing something.

12 Q. Did you sign the statement?

13 A. I didn't sign anything.

14 Q. Have you ever seen the statement after it was
15 turned over to them?

16 A. No.

17 Q. Do you know who has the statement?

18 A. I sure don't.

19 Q. If the Court please, I believe that's all.

20 BY THE COURT:

21 All right.

22 (Whereupon witness excused)

23 FRANCES RUBY MAY, called as a witness for and on
24 behalf of Plaintiff, was sworn and testified as
25 follows:

DIRECT EXAMINATION

1
2 BY MR. OWEN:

3 Q State your full name please?

4 A Frances Ruby May.

5 Q Where do you live, Mrs. May?

6 A Phildelphia, Mississippi.

7 Q How long have you lived there?

8 A Twenty years.

9 Q Do you recall when these three boys turned up
10 missing a few years ago?

11 A Yes.

12 BY MR. BUCKLEY:

13 Your Honor, I object to the form of his questions,
14 these three boys turned up missing.

15 BY THE COURT:

16 I'll overrule the objection.

17 BY MR. OWEN:

18 Q Did you ever see three boys out by your house one
19 afternoon?

20 A I did.

21 Q Would you tell the Court and Jury just what you
22 say and what you heard?

23 BY MR. BUCKLEY:

24 If it please the Court I would respectfully object
25 to Counsel's question to these three boys.

1 BY THE COURT:

2 Yes, I think you should be a little more specific
3 and connect it with somebody or something connected
4 with this case, Counsel.

5 BY MR. OWEN:

6 Q Do you recognize that picture?

7 A Well I don't know if is him or not but it resemble
8 him.

9 Q You saw a person who looked like that picture----

10 BY MR. BUCKLEY:

11 Your Honor, if it please the Court, we object to
12 his leading the witness.

13 BY THE COURT:

14 Don't lead your witness.

15 BY MR. OWEN:

16 Q When did you see that person?

17 BY MR. BUCKLEY:

18 To which I object when did she see this person?

19 BY MR. OWEN:

20 Q When did you see the person that you believe
21 resemble that picture?

22 A In June, 1964.

23 Q Where?

24 A Out in front of my house.

25 Q Would you tell the Court and Jury just exactly

1 what you saw?

2 A. Well, the first thing I heard, I heard this racket
3 and I turned and looked and this hub cap was
4 rolling down the street and this station wagon
5 was stopping and behind the station wagon was Cecil
6 Price's car right behind it.

7 Q. Do you know Cecil Price?

8 A. I do.

9 Q. Can you point him out here in the courtroom, look
10 around and see if you can find him? Just which
11 person are you pointing to, could you describe
12 the tie he has on?

13 A. He has on a red tie.

14 Q. What, you say you saw him out the window that day,
15 uh, tell the Court and Jury what else you saw?

16 A. Well, this station wagon was coming to a halt
17 and Cecil's car was right behind him, and they
18 got out of the car---

19 Q. How many people were in the car?

20 A. No one but Cecil.

21 Q. In the other car?

22 A. There was two white boys and a colored boy in the
23 station wagon, and they got out and this colored
24 boy fixed the flat, but in the meantime, this
25 Highway Patrolman's car came up and the Highway

1 Patrolman and they all just stood there and they
2 just stood there and watched the colored boy fix
3 the flat.

4 Q Then what happened?

5 A Well, the colored boy put the tools back in the
6 station wagon and the colored boy and one of the
7 patrolmen got back in the station wagon, and Cecil
8 got in his car, and the other Highway Patrolman
9 got in their car, the Patrol car, and the two
10 white boys got on the back seat of the Highway
11 Patrolman's car.

12 Q And which way did they go?

13 A They went on west, on toward town.

14 Q Toward town?

15 A Yes sir.

16 Q Do you recal~~a~~ the time of day?

17 A I could only guess, but I would say that it was
18 between three and four o'clock.

19 Q Do you remember the day?

20 A It was on Sunday.

21 Q Do you remember the month?

22 A I think it was June, I couldn't say for sure.

23 BY MR. ALFORD:

24 If the Court please, we move to exclude this testi-
25 mony, she hasn't said who they were, and it doesn't

1 HAVE ANY CONNECTION.

2 BY THE COURT:

3 Well, I'll overrule your objection. Did you know
4 any of these parties in this automobile which you
5 say was occupied by two white people and a colored
6 man?

7 BY THE WITNESS:

8 Yes sir, the station wagon was occupied by two
9 white people and a colored boy.

10 BY THE COURT:

11 My question was, did you know any one of them?

12 BY THE WITNESS:

13 No sir, I didn't know them.

14 BY THE COURT:

15 Do you know who they are now?

16 BY THE WITNESS:

17 No, I don't know them.

18 BY MR. AFLROD:

19 May I renew my objection to her testimony?

20 BY THE COURT:

21 What do you say about that, Mr. Owen?

22 BY MR. OWEN:

23 Well Your Honor, I think she has described generally
24 the picture, and of course, this is the first witness
25

1 and of course, we will have to connect up this event.

2 BY THE COURT:

3 Let me see that picture?

4 (Picture handed to Court)

5 BY MR. PIGFORD:

6 That's not in evidence yet, Your Honor.

7 BY THE COURT:

8 Well, no use in showing me the picture, I'm going
9 to sustain her, uh, sustain the objection and strike
10 her testimony. All right. Anything further?

11 BY MR. ALFORD:

12 We have no questions.

13 (Whereupon witness excused)

14 BY THE COURT:

15 Members of the Jury, I instructed you very
16 particularly and very carefully and very purposefully
17 when we took out for out late afternoon recess for
18 lunch, but I want to caution you again because of
19 the importance of you doing exactly what I asked you
20 to do then, that you not talk to anybody, not even
21 a member of the panel, not even to each other, let
22 nobody talk to you or in your presence or hearing about
23 this case, will each of you so promise? (Jurors
24 polled and received a yes answer)

25 BY MR. PIGFORD:

1 Your Honor, we would suggest, Your Honor, that
2 the newspaper accounts of this trial be avoided by the
3 jury, if you see fit?

4 BY THE COURT:

5 Yes, I want to ask the jury to desist from reading
6 any newspaper accounts of this trial or looking at
7 any television about the trial or anybody's statement
8 that might be brought to your attention because you
9 as members of the jury are sworn to try this case from
10 the evidence from this witness stand and completely
11 uninfluenced, and I want you to keep it that way and
12 with that understanding each time, I am going to allow
13 you to disburse, but don't let it come to my attention
14 that there is any infraction of this, or that there
15 be any appearance of any infraction because I will
16 then require you to stay together, and I don't believe
17 that would be desirable or convenient for some of you,
18 but I'm sure you are going to do what I tell you but
19 I'm just telling you what is in my mind, so we'll
20 take a recess until 9:00 o'clock in the morning and
21 when the jurors come back on these premises come
22 immediately and straight into the building and go to
23 your jury room. We'll take a recess until 9:00 o'clock
24 in the morning.

25 (Whereupon the Court took a recess at 6:00 P. M. on
 10-9-67)

1 OCTOBER 10, 1968:

2 BY MR. BUCKLEY:

3 If it please the Court, I would respectfully move
4 that the Court instruct the jury to disregard the
5 testimony of Mrs. May on yesterday, I don't recall
6 where I made this motion at the conclusion of the
7 testimony or not, but I would move the Court now to
8 do so that.

9 BY THE COURT:

10 I don't know where you did or not, but anyway Members
11 of the Jury, Mrs. Ruby F. May, I believe her name was,
12 she was the fourth witness on the stand yesterday
13 testified, or undertook to testify, and her testimony
14 was not connected up with any facts or issues in the
15 case, it was so vague and so indefinite the Court
16 thought her testimony was meaningless and I sustained
17 a motion for the defendants to exclude her testimony
18 so you will just disregard everything she said. All
19 right, you may proceed.

20 ERNEST KIRKLAND, called as a witness for and on
21 behalf of Plaintiff, was sworn and testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MR. DOAR:

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

- 1 A Ernest Kirkland.
- 2 Q How old are you?
- 3 A Thirty-three.
- 4 Q Where do you live?
- 5 A Philadelphia, Neshoba County. Ten miles east of
6 Philadelphia on the Longdale Road.
- 7 Q Now, will you speak in a loud and clear voice
8 so everyone can hear you?
- 9 A Yes sir.
- 10 Q Where do you work?
- 11 A Georgia-Pacific, Louisville, Mississippi.
- 12 Q Now---

13 BY THE COURT:

14 I didn't hear what you said sitting right here. Speak
15 distinctly, we can hear you all right but I can't
16 understand if you don't speak distinctly.

17 BY THE WITNESS:

- 18 A I said I worked for Georgia-Pacific, Louisville,
19 Mississippi.
- 20 Q What kind of a job do you have there?
- 21 A I'm a press helper.
- 22 Q Where do you live in Neshoba County?
- 23 A I live out highway 16 on the Longdale Road.
- 24 Q About how far off of 16 do you live?
- 25 A Two miles.

1 Q How long have you lived there?

2 A All my life.

3 Q Did you know Michael Schwerner?

4 A Yes.

5 Q When did you first come to know him?

6 A I'm not sure of the date. About the middle of April

7 Q I would like to hand the witness an exhibit,
8 Your Honor. Can you identify the picture that the
9 Marshal just handed you?

10 A Mickey.

11 Q Mickey who?

12 A Schwerner.

13 Q I would like to offer that picture and have it
14 marked into evidence.

15 BY THE COURT:

16 Show it to Counsel.

17 BY MR. WEIR:

18 Your Honor, I object if the Court please.

19 BY THE COURT:

20 You don't want to see the picture?

21 BY MR. WEIR:

22 Oh, I thought he was offering it into evidence.

23 Yes sir, I would like to look at it.

24 BY THE COURT:

25 You object on what grounds, Mr. Weir?

1 BY MR. WEIR:

2 Your Honor please, it hasn't been competently quali-
3 fied by competent evidence.

4 BY THE COURT:

5 I'll let him identify it a little more definitely
6 and a little more specifically if he wishes to do so.

7 BY MR. DOAR:

8 Q Can you tell me if that's a fair and accurate of
9 Mickey Schwerner?

10 A Yes sir.

11 Q How many times did you see him during the months
12 of April, May and June of 1964?

13 A About five times.

14 Q And what were the circumstances of you seeing him?

15 A Well, the first time I met him was over at
16 Cornelius Steel's house.

17 Q Could you tell the Court and Jury where Cornelius
18 Steel's house is?

19 A His house is off the Sandtown road about two miles
20 off the Sandtown Road.

21 Q Is it closer or further away from the City of
22 Philadelphia than the Longdale Road?

23 A Its further.

24 Q What was the purpose of the meeting you had at
25 Cornelius Steel's house?