

1 A Well the purpose was for voting registration and
2 freedome schools.

3 Q Was anyone else with him at that time?

4 A Yes sir.

5 Q Who was with him?

6 A James Chaney.

7 Q I would like to show the witness another exhibit
8 Your Honor.

9 BY THE COURT:

10 Well you have another exhibit there, do you want
11 to offer that one in?

12 BY MR. DOAR:

13 I would like to offer it.

14 BY MR. WEIR:

15 Object, Your Honor please.

16 BY THE COURT:

17 You say this picture is a picture of reasonable like-
18 ness that you recognize of a person named what did
19 you call him, Mickey Schwerner? That sounds like a
20 nickname, do you know what his real name is?

21 BY THE WITNESS:

22 No sir, all I know is Mickey.

23 BY THE COURT:

24 Mickey?

25 BY THE WITNESS:

1 That's all I ever knew.

2 BY THE COURT:

3 Where is Mickey Schwerner now?

4 BY THE WITNESS:

5 He's dead.

6 BY THE COURT:

7 I believe I'll admit that as a reasonable like ness of
8 this fellow, Schwerner and let it be entered and
9 marked.

10 (Whereupon exhibit entered into evidence and marked
11 P-10)

12 BY MR. DOAR:

13 Q. Now, the Deputy Marshal has handed you another
14 picture, will you look at that picture and tell
15 me whether or not you can recognize it?

16 A. I can.

17 Q. And who is that a picture of?

18 A. James Chaney.

19 Q. Is that a fairness likeness of James Chaney?

20 BY MR. BUCKLEY:

21 Your Honor please I object to Counsel leading.

22 BY THE COURT:

23 I'll overrule yur objection.

24 BY MR. DOAR:

25 Q. You may answer.

1 A It is.

2 Q I would like to offer this picture into evidence,
3 Your Honor.

4 BY MR. BUCKLEY:

5 If it please the Court, we would like for the record
6 to reflect an/^{continuing}objection to these pictures until the
7 relevancy is shown by the federal government.

8 BY THE COURT:

9 Well I think you had better make your objection as
10 you seek to make them because its not in the category
11 as continuing so I'll overrule that objection and let
12 it be entered and marked.

13 (Whereupon exhibit entered into evidence and marked
14 P-11)

15 BY MR. DOAR:

16 Q When was the next time you saw Mickey Schwerner?

17 A It was in May.

18 Q And where was that?

19 A It was at Cornelius Steel's house.

20 Q And was anyone with him on that day?

21 A James Chaney.

22 Q What was the purpose of that meeting, if you know?

23 A If was for the same purpose, voting registration
24 school.

25 Q Was anyone else present at the meetings at Cor-

1 nelius Steel's house except yourself?

2 A Yes there was.

3 Q Were there a number of people there?

4 BY MR. BUCKLEY:

5 Your Honor, may it please the Court, I object to his
6 leading the witness.

7 BY THE COURT:

8 Yes, don't lead him.

9 BY MR. DOAR:

10 Q Who was at that meeting if you recall?

11 A Myself, Ernest Kirkland, Frank Kirkland, Melvin
12 Kirkland, Cornelkus Steel, Buford Cole and Ruben
13 Green.

14 Q Now, you are going to have to keep your voice up
15 so everyone can hear you. Will you do that?

16 BY MR. ALFORD:

17 Your Honor please, I didn't catch the name of that
18 last party.

19 BY THE COURT:

20 Speak into this long thing in front of you there's
21 a microphone in there in front of you. Lean up there
22 and speak through that microphone.

23 BY THE WITNESS:

24 Buford Cole and Reuben Greer.

25 BY MR. DOAR:

- 1 Q Reuben Greer?
- 2 A Right.
- 3 Q And what was the race of those people?
- 4 A Negro.
- 5 Q When was the next time you saw Mickey Schwerner?
- 6 A About the middle of May?
- 7 Q And where was that,
- 8 A Frank Kirkland's house.
- 9 Q Were there other people present?
- 10 A Yes there was.
- 11 Q And what was the purpose of that meeting?
- 12 A To find a place to hold the freedom school.
- 13 Q When did this meeting take place, was it in
- 14 the daytime or evening?
- 15 A It was after dark.
- 16 Q About how many people were present?
- 17 A About ten.
- 18 Q What were their race?
- 19 A Negro.
- 20 Q And when did you next see Mickey Schwerner?
- 21 A It was the 31st of May.
- 22 Q And what day of the week was the 31st of May?
- 23 A Monday.
- 24 Q Where did you see him then?
- 25 A Mt. Zion Church.

- 1 Q Where is the Mt. Zion Church?
- 2 A Its off of 16 on the Longdale Road?
- 3 Q Where is it off the Longdale Road from your home?
- 4 A It would be north of my home.
- 5 Q What time of day did you see him there?
- 6 A Four o'clock.
- 7 Q Can you describe the circumstance at the Mt.
- 8 Zion Church, what was going on?
- 9 A Speaking on freedom, voting registrations, the
- 10 purpose of a freedom school.
- 11 Q Were there any other persons there beside yourself?
- 12 A Yes it was.
- 13 Q About how many people were there.
- 14 A About fifty or sixty.
- 15 Q And what was the race of those people?
- 16 A Negro.
- 17 Q Was anyone with Mickey Schwerner on that occasion?
- 18 A Yes it is.
- 19 Q Who was with him?
- 20 A Dave Dennis, Jr., and James Chaney.
- 21 Q Do you know who Dave Dennis is?
- 22 A He's a negro.
- 23 Q And do you know for whom he worked?
- 24 A He worked for Cofo.
- 25 Q Do you know what kind of automobile Mickey Schwerner

1 and James Chaney were driving?

2 A. They were driving a blue station wagon, 63 or 64
3 Ford.

4 BY THE COURT:

5 What model?

6 BY THE WITNESS:

7 A 1963 Ford.

8 BY MR. DOAR:

9 Q. When did you next see Michael Schwerner?

10 A. It was in June.

11 Q. What time of day?

12 A. I can't recall the time of day.

13 Q. Was it in the day time or night time?

14 A. It was in the day time.

15 Q. What date, do you remember that?

16 A. No I can't.

17 Q. Do you remember what day of the week it was?

18 A. No I can't.

19 Q. Where did you see him then?

20 A. Mt. Zion Church.

21 Q. What was the purpose of that meeting?

22 A. Same thing, voter registration and freedom school

23 Q. And when did you see him again?

24 A. It was in June.

25 Q. Do you remember the day you saw him?

- 1 A No I don't remember.
- 2 Q Do you know what day of the week it was⁴?
- 3 A No sir.
- 4 Q Where did you see him that time?
- 5 A My house.
- 6 Q What was the purpose of that meeting?
- 7 A To find out where we had found a place for the
8 freedom school.
- 9 Q Did you see him again after that?
- 10 A No, I didn't.
- 11 Q On that last time that you saw him, who was with
12 him?
- 13 A James Chaney and Andrew Goodman.
- 14 Q And do you recognize the picture that the Deputy
15 Marshal has handed you?
- 16 A Yes.
- 17 Q And who is that a picture of?
- 18 A Andrew Goodman.
- 19 Q And is that a fair representation of what Andrew
20 Goodman looked like?
- 21 A Yes sir.
- 22 Q I would like to offer that exhibit into evidence,
23 Your Honor.

24 BY MR. BUCKLEY:

25 Your Honor please, I object to this for the same

1 reason.

2 BY THE COURT:

3 Let me see that photograph. All right, I'll overrule
4 your objection and let it be entered and be marked.
5 (Whereupon exhibit entered into evidence and marked
6 P-12)

7 You don't need to wait for her to mark the exhibits,
8 Mr. Doar.

9 BY MR. DOAR:

10 Q What did you do then, did you go anywhere with
11 Mickey Schwerner?

12 BY MR. BUCKLEY:

13 We object to that, Your Honor, he's leading the wit-
14 ness.

15 BY THE COURT:

16 Overrule your objection.

17 BY MR. DOAR:

18 Q Tell the Court and Jury just what you did?

19 A I went to J. R. Cole, and I went to Cornelius
20 Steel's house and then down to George Lewis.

21 Q You went to Cornelius Steel and who else?

22 A Georgia Rushing.

23 Q And what was the third place?

24 A J. R. Cole.

25 Q And what was the purpose of those visits?

1 A We went to Mr. Cole's and asked him if he would
2 come to Meridian----

3 BY MR. ALFORD:

4 We object Your Honor to what he said and what he
5 asked him.

6 BY THE COURT:

7 Overruled.

8 BY MR. DOAR:

9 Q You may answer.

10 A And asked him if he would come to Meridian on
11 Monday to sign an affidavit.

12 Q Do you know what the affidavit was about?

13 BY MR. BUCKLEY:

14 To which I object, Your Honor.

15 BY THE COURT:

16 I'll sustain the objection.

17 BY MR. DOAR:

18 Q What, if anything, had happened at the Mt. Zion
19 church at that time?

20 A It had been burned.

21 Q And do you know the date of the burning?

22 A It was on the 16th day of June, 1964.

23 Q And about what time of day was it that you had
24 this visit from Mickey Schwerner and the other
25 two boys?

1 A It was around 1:00 o'clock.

2 Q Did they tell you what their purpose was to the
3 Longdale Community that day?

4 BY MR. BUCKLEY:

5 Your Honor, if it please the Court, the defendants
6 would object to any questions regarding the purpose,
7 as I understand that does not violate any civil rights
8 because of the attempt to exercise any of their
9 civil rights in violation of the whole section of
10 the United States Code that this would not be
11 relevant testimony.

12 BY THE COURT:

13 Overruled.

14 BY MR. DOAR:

15 Q You may answer.

16 A I forgot your question.

17 Q Did Michael Schwerner tell you the purpose for
18 this visit to the Longdale community.

19 BY MR. FIGFORD:

20 Your Honor we object on the grounds of hearsay.

21 BY THE WITNESS:

22 A Investigating the church burning.

23 BY THE COURT:

24 Just a minute witness, let me rule on their objection.
25 I'll overrule that objection.

1 Q Now, after you visited the homes of the three
2 persons that you named, what did you do then?

3 A We went to Mr. Cole's house and he stated he
4 wasn't feeling too well.

5 BY MR. PIGFORD:

6 We object to what he said, Your Honor.

7 BY THE COURT:

8 Yes, let's stay away from hearsay. That's a pretty
9 close question and answer of this kind, I'll overrule
10 it because I don't think that makes too much
11 difference as to what he said, but let's stay away
12 from hearsay testimony.

13 BY MR. DOAR:

14 Q After you left Georgia Rushing's house, where did
15 you go?

16 A Back to my father's house.

17 Q About how long did you stay your father's house?

18 A Thirty minutes.

19 Q And is your father's house the house that you
20 live in?

21 A Right.

22 Q Then, what did the three boys do then?

23 A They came in the house, had a glass of water,
24 Andrew Goodman was in the house talking to my
25 father, James Chaney was outside talking to my

1 sister.

2 Q And then what happened?

3 A They left, I rode up with them up the road to
4 General Wells house and I got out of the station
5 wagon.

6 Q Where is Mr. Well's house located?

7 A Its on the Longdale Road.

8 Q Is it toward Highway 16?

9 A Yes sir.

10 Q South of your house?

11 A Yes---

12 BY MR. BUCKLEY:

13 Your Honor, if it please the Court, we object to
14 Counsel leading the witness.

15 BY THE COURT:

16 Yes, don't lead him, let him testify.

17 BY MR. DOAR:

18 Q Could you, are you able to tell the Court and
19 Jury how the three boys were dressed that day?

20 A Yes.

21 Q Would you start with Mickey Schwerner?

22 A Mickey Schwerner had on a blue demin shirt with
23 khaki pants, with a ball cap with grey suede
24 book-type shoes.

25 Q And James Chaney?

1 A James Chaney had on a white T-shirt with green
2 trousers, sleeveless, Andrew Goodman had on----

3 BY MR. WEIR:

4 We object, if Your Honor please as to how they were
5 dressed.

6 BY THE COURT:

7 Overruled.

8 BY MR. DOAR:

9 Q And Andrew Goodman?

10 A Andrew Goodman had on askhaki shirt, blue jeans
11 and brown boots.

12 Q And do you remember what day of the week this was?

13 A It was on Sunday.

14 Q Do you remember seeing the thre boys again?

15 A No, I didn't.

16 Q Could you tell me how many Sundays it was that
17 you saw the boys that Sunday after the church had
18 burned?

19 A There hadn't a Sunday passed, I believe it was on
20 the 21st of June.

21 Q Thank you.

22 CROSS EXAMINATION

23 BY MR. BUCKLEY:

24 May it please the Court.

25 Q Who all did you see on this latter date?

- 1 A At the meeting?
- 2 Q On the date that you saw Goodman, Chaney and
3 Swiner, the people you have referred to here before
4 the Court and Jury, how many other people did you
5 see on that day.
- 6 A I saw Cornelius Steel, Georgia Rushing.
- 7 Q And who else?
- 8 A Frank Kirkland.
- 9 Q Your father?
- 10 A Yes.
- 11 Q And who else?
- 12 A Mr. Wells.
- 13 Q Wells?
- 14 A Yes sir.
- 15 Q And who else?
- 16 A Well I saw a number more of people.
- 17 Q Can you name any of them?
- 18 A Yes, Gwendolyn Kirkland.
- 19 Q Your sister?
- 20 A Yes.
- 21 Q Who else?
- 22 A Joe Kirkland.
- 23 Q Is that your brother?
- 24 A Right.
- 25 Q Do you recall anyone else?

1 A No, not really.

2 Q All right now, you have testified in detail with
3 regard to the time that you saw these people, what
4 they were doing, the way they were dressed and
5 where they went, have you been over this testimony
6 when anyone before you entered into this courtroom
7 today?

8 A No, I haven't.

9 Q You have not talked to the United States Attorney
10 with regard to your testimony?

11 A Yes, I talked to them.

12 Q Have you ever given them a signed statement?

13 A No.

14 Q You've never given them a signed statement re-
15 garding what you've testified to today?

16 A No I haven't given them a statement.

17 Q I think you understood my question and I think
18 you answered it but I'm talking about regarding
19 your testimony today?

20 A No.

21 Q Did you testify before the federal grand jury?

22 A Yes.

23 Q Did you use the notes that you gave there in
24 going over and preparing your testimony here to-
25 day?

- 1 A. No, I didn't.
- 2 Q. In going over with you about your testimony here
3 today, did the United States Attorney use any
4 kind of notes or anything to refresh your memory?
- 5 A. No.
- 6 Q. In other words, what you are telling the Court and
7 Jury here is that you are testifying exactly what
8 you remember?
- 9 A. Right.
- 10 Q. And what you are remembering is independent of
11 any briefing or anything else?
- 12 A. Don't quite understand you.
- 13 Q. In other words, I'm asking you did you remember
14 this, did this come in your head independently
15 of what anyone else has said, in other words
16 this is all of your own personal knowledge and
17 not based upon what anyone has suggested to you
18 or what anyone else knows about what happened
19 or anything of that nature?
- 20 A. No.
- 21 Q. And this is just as true as everything else
22 you have told?
- 23 A. Right.
- 24 Q. All right, can you tell me on the date that the
25 last time you saw Chaney, Goodman and Swinner,

1 can you tell us on that date how your sister was
2 dressed?

3 BY MR. HAUBERG:

4 We object to that if the Court please, as being
5 immaterial.

6 BY THE COURT:

7 I'll let him answer.

8 BY MR. BUCKLEY:

9 Q The Judge says you may answer.

10 A I can't recall.

11 Q You can't recall how she was dressed.

12 A Right.

13 Q All right, tell me how Steel was dressed?

14 A I can't recall that either.

15 Q All right, tell me how your father was dressed?

16 A He had on a blue suit, white shirt, black shoes.

17 Q What kind of socks?

18 A I don't know.

19 Q You don't recall. How was Rushing dressed?

20 A I don't recall.

21 Q How was Wells dressed?

22 A I can't recall.

23 Q Can you recall how anyone else was dressed that
24 day that you saw was dressed?

25 A No, I can't.

1 Q Now, these people were good friends of yours
2 were they not?

3 A Right.

4 Q And it grieves you very much that they are
5 dead, if they are dead, doesn't it?

6 A Beg pardon?

7 Q Chaney, Goodman and Swinner, it grieves you
8 very much that they are dead, does it not?

9 BY MR. HAUBERG:

10 We object to that, if the Court please, that's
11 immaterial.

12 BY THE COURT:

13 I'll let him answer it.

14 BY THE WITNESS:

15 A Yes.

16 Q And you would do anything in your ability and
17 in your power to assist the federal government
18 in prosecuting anyone the federal government
19 believes to be responsible for their deaths.

20 BY MR. HAUBERG:

21 We object to that, if the Court please.

22 BY THE COURT:

23 Overruled.

24 BY MR. BUCKLEY:

25 Q In fact, you would do anything in your power

1 would you not?

2 BY THE COURT:

3 Now, let's don't badger the witness, I don't invite
4 you to do that.

5 BY MR. BUCKLEY:

6 Yes sir. Sorry Your Honor.

7 Q Now, for the benefit of the Jury, I didn't
8 understand your answer to it I don't think,
9 would you describe again the vehicle that they
10 were driving on the 31st day of May?

11 A It was a Blue Ford Station Wagon.

12 Q Did you see a 63 or about a 63?

13 A I said 1963.

14 Q And did you say something about it having a
15 luggage rack on top of it?

16 A I don't think I stated.

17 Q All right and do you know what kind of tag this
18 vehicle had on it this particular day?

19 A No.

20 Q You are sure that on this date it was not a
21 Chevrolet Wagon?

22 A No.

23 Q And you are sure this wagon wasn't white?

24 A No.

25 Q Are you saying no you are not sure or are you

- 1 saying yes you are not positive?
- 2 A. You asked me---
- 3 Q. I just didn't understand your answer, are you
4 telling me, no, it wasn't a white station wagon?
- 5 A. No, it was not a white station wagon.
- 6 Q. All right. Now, you tell the Court and the Jury
7 that these were true and accurate representation
8 of these people that you have identified as
9 Chaney, Goodman and Swinner, that have been shown
10 you, is that correct, and do you know when these
11 pictures were taken?
- 12 A. No I don't.
- 13 Q. It's been how long since you've seen them, its
14 been a little over three years, is that right?
- 15 A. About that.
- 16 Q. And you remember them and saw them on approximately
17 five occasions?
- 18 A. Correct.
- 19 Q. And you have or had never been acquainted with
20 them or familiar with them prior to that time
21 prior to April or March of 1964?
- 22 A. March? I didn't see them in March.
- 23 Q. Well, had you ever seen any of them prior to
24 March of 1964?
- 25 A. No.

- 1 Q In other words you became familiar with them over
2 a period of approximately three to four months
3 or less, and on five occasions, the meetings were
4 brief except for one when you went to several
5 people's house and several people were around
6 wasn't it?
- 7 A That's right.
- 8 Q And yet you tell both this Jury and this Court
9 that those are the people depicted in those
10 pictures that you saw on those occasions?
- 11 A Yes. I didn't say that Andrew Goodman was with
12 them all the time.
- 13 Q Well, how many times did you see him?
- 14 A I only saw him once.
- 15 Q You only saw him once, yet you tell this Court
16 and Jury that you recognize a man that you've
17 seen only once?
- 18 A Right.
- 19 Q And this was just briefly around a bunch of people?
- 20 A Well it wasn't around a bunch of people.
- 21 Q Well around others.
- 22 A Right.
- 23 Q All right, and under the sponsorship or under
24 the guidance of an organization, these schools
25 that you were attending...

- 1 organization sponsored it?
- 2 A. Cofo.
- 3 Q. Congress of Racial Equality.
- 4 Q. Oh, its Core and not Cofo then?
- 5 A. Well, that's what we call it.
- 6 Q. Which one was it. Was it C O R E, Core of
- 7 Racial Equality, or COFO, Congress of Federated
- 8 Organization?
- 9 A. It was COFO.
- 10 Q. All right, were you a member of this organization?
- 11 A. Yes.
- 12 Q. Are you a member of this organization?
- 13 A. Its not in existence now.
- 14 Q. Are you now, or have you ever been a member of
- 15 any other organization other than a church group?
- 16 A. I didn't understand you, other what church group?
- 17 Q. Other than your church group in your community?
- 18 A. No.
- 19 Q. And what community church do you belong to?
- 20 A. Poplar Springs Baptist Church.
- 21 Q. You were not a member of the church of Mt. Zion?
- 22 A. No.
- 23 Q. And what denomination is the church to which you
- 24 belong to?
- 25 A. Baptist

1 Q. And what denomination is the Mt. Zion Church?

2 A. Methodist.

3 Q. Methodist Church. All right, would you tell me
4 in what regard, or what was your purpose in
5 being with these people?

6 A. Well, they asked me to go with them.

7 Q. What was your objective with them, what was your
8 purpose, what did you attempt to achieve or
9 what did you hope to achieve by being with them?

10 A. Friendship.

11 Q. Friendship, you sought their friendship, the
12 friendship of these people, did you know where the
13 were from?

14 A. James Chaney was from Meridian.

15 Q. I'm asking if you knew then, not now, go ahead.

16 A. Did I know then? No, I didn't know then.

17 Q. You didn't know then. People just come into your
18 community and you sought their friendship and in
19 order for you to secure their friendship you
20 went with them did what they asked you?

21 A. Right.

22 Q. Now, in visiting Cole's house, what was his
23 first name again?

24 A. J. R. Cole.

25 Q. And was your purpose on that visit there the

1 same purpose as the other visits made?

2 A. Right.

3 Q. And did J. R. Cole cooperate with you?

4 A. Right.

5 Q. Rushing?

6 A. Right.

7 Q. And Cornelius Steele also?

8 A. Right.

9 Q. Do you know what organizations Chaney, Andrew
10 Goodman and Swinner belonged?

11 A. No, I don't.

12 Q. Tell me if any one of these people advocated
13 violence at all?

14 A. Did they ever advocate violence?

15 Q. Yes, if you know.

16 A. No, they did not.

17 Q. That's all.

18 BY MR. WEIR:

19 If the Court please, on behalf of defendants, Price,
20 Burrage, Killen, Posey, Sharpe, Willis and E. G.
21 Barnett, we would like to cross examine the witness
22 very briefly.

23 BY THE COURT:

24 All right sir.

25 BY MR. WEIR:

FURTHER CROSS EXAMINATION

1
2 Q The question I wanted to ask you, Mr. Ernest
3 Kirkland, did you recall the Sheriff Rainey and
4 Mr. Singletary an officer of the State of
5 Mississippi, came out and investigated this
6 church incident on June 23, 1967? Do you know
7 of that?

8 A No.

9 Q Did they ever ask you about signing charges or
10 making charges against anyone?

11 A No.

12 Q Never did?

13 A No.

14 Q Do you know of anyone else that they asked to do
15 that?

16 A (No answer)

17 BY THE COURT:

18 Did you get his answer?

19 COURT REPORTER:

20 No sir.

21 BY THE COURT:

22 Don't shake your head you answer the questions.

23 BY MR. WEIR:

24 Q Do you receive any money or benefits from the
25 United States government?

- 1 A. No.
- 2 Q. Do you receive any funds from the poverty program
3 yourself?
- 4 A. No.
- 5 Q. Is this what was known as a freedom school that
6 you mentioned that these three were coming into
7 Neshoba County to operate or to teach?
- 8 A. Right.
- 9 Q. That's what you call a freedom school, and some
10 of the things that they attempt to undertake in
11 those freedom schools are better jobs for colored
12 people?
- 13 A. Well, they said the most was to keep us from
14 having trouble in school to have someone there
15 to help us that there would be someone to help
16 us.
- 17 Q. Well, in the line of these schools did they
18 teach integration of races and in the races of
19 the school system?
- 20 A. Was they teaching that?
- 21 Q. Yes.
- 22 A. I don't know.
- 23 Q. Well, you worked with them, didn't you?
- 24 A. Right.
- 25 Q. And the fact of the business is they did advocate

1 that didn't they?

2 A. Not to me.

3 Q. Did they advocate the boycotting of stores?

4 A. No.

5 Q. Do you know whether or not Michael Schwerner
6 was an athesit?

7 A. I don't know.

8 Q. Did he ever go to church?

9 A. Yes, he went to church.

10 Q. Did he take part in the religious services?

11 A. Well, the times he went the services were going
12 on.

13 Q. In other words at the times he went they were
14 having some other kind of meetings in the church
15 house?

16 A. I only recall the times that he came up to Neshoba
17 County.

18 Q. Did they meet at the church?

19 A. Right.

20 Q. And when they met at the church, did anyone pray?

21 A. Yes.

22 Q. Did they have a religious service or some other
23 kind of meeting?

24 A. No, they didn't have a religious service.

25 Q. Well, what kind of meeting did they have?

1 A Well, it was based on freedom schools and voter
2 registration?

3 Q Do you know what all kinds of organizations that
4 Michael Schwerner belonged to?

5 A No, I don't.

6 Q Would you mind naming the ones that you do know
7 that he belonged to?

8 A Cofo.

9 Q Well, what other?

10 A I don't know.

11 Q If the Court please, indulge me one moment.
12 That's all if Your Honor please.

13 REDIRECT EXAMINATION

14 BY MR. DOAR:

15 Q Can you describe the station wagon that the boys
16 were in on the 21st day of June?

17 BY MR. BUCKLEY:

18 To which I object, Your Honor, the Station wagon
19 referred to as I recall it was on the 31st of May
20 and not on the 21st of June.

21 BY THE COURT:

22 Your question is to describe it at what time?

23 BY MR. DOAR:

24 On the 21st of June.

25 BY MR. BUCKLEY:

1 I may be wrong, Your Honor, because I believe he
2 refered to the Station Wagon on May 31st.

3 BY THE COURT:

4 Is there more than one 1968 Blue Station Wagon
5 involved in this case?

6 BY MR. DOAR:

7 There is not, Your Honor, we just wanted to
8 establish that.

9 BY THE COURT:

10 Well, I'll let you ask him about it, I'm doubt about
11 this being in rebuttal, though.

12 BY MR. DOAR:

13 Q. Doyou understand the question?

14 A. Yes.

15 Q. Can you tell us what kind of car it was?

16 A. What kind it was?

17 Q. Yes.

18 A. It was a Ford Blue Station Wagon, with a luggage
19 rack on the top.

20 Q. Thank you.

21 BY MR. BUCKLEY:

22 Your Honor, I would like to ask him one other
23 question.

24 BY THE COURT:

25 All right.

FURTHER CROSS EXAMINATION

1
2 Q He asked you about June the 21st, 1964, his
3 last question, did you understand that?

4 A Right.

5 Q Tha's all.

6 (Whereupon witness excused)

7 MRS. NELSON CHISOLM, called as a witness for and on
8 behalf of Plaintiff, was sworn and testified as follows

DIRECT EXAMINATION

9
10 BY MR. HAUBERG:

11 Q Will you state your name please?

12 A Mrs. Nelson Chisolm.

13 Q Where do you live?

14 A Phildealphia, Mississippi.

15 Q How long have you lived there?

16 A All my life.

17 Q Do you work for anyone up there?

18 A I work for the Sheriff, Lawrence Rainey.

19 Q How long have you worked for him?

20 A Since January the 1st, 1964.

21 Q How long have you been in the office of the Sherif

22 A January the 1st, 1964.

23 Q That is the first time you have worked in the
24 Sheriff's office?

25 A Yes.

- 1 Q. Do you know Sheriff Rainey?
- 2 A. Yes sir.
- 3 Q. Point him out please.
- 4 A. There.
- 5 Q. He's the gentlemen sitting over the last one in
6 the front row there?
- 7 A. Right.
- 8 Q. Now, Sheriff Rainey, is he your boss?
- 9 A. Yes sir.
- 10 Q. Do you know Mr. Cecil Price?
- 11 A. Yes sir.
- 12 Q. How long have you known him?
- 13 A. Well, a number of years.
- 14 Q. Do you know how long he has lived in that area?
- 15 A. Not really I don't.
- 16 Q. Does he hold any official position up there?
- 17 A. Yes sir, he's a deputy sheriff up there.
- 18 Q. Do you know how long he has been deputy sheriff?
- 19 A. Yes sir, since January, 1964.
- 20 Q. I see. Does he work there under the direction of
21 Sheriff Rainey?
- 22 A. Yes sir.
- 23 Q. Now, in the nature of your duties there, what are
24 your duties?
- 25 A. I'm an office deputy, I keep the books, collect

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the tax.

Q. You keep the books there?

A. Yes sir.

Q. That's part of your duties there?

A. Yes sir.

Q. And would you be considered the custodian of those books?

A. No, I think the Sheriff would be considered the custodian.

Q. And who do you get your instructions from as to what to do with the books?

A. From the Sheriff.

Q. I believe you were served with a subpoena to bring certain books with you, did you not?

A. Yes sir.

Q. What books did you bring?

A. The ticket books and the jail docket.

Q. I see. Would you refer to the ticket book, please you have in your hands there certain books, how many do you have?

A. Do you want to know the number or how many?

Q. Yes, I would like to know the number, see how many you have?

A. There are eight books and they are from 676 to 1000 I believe.

- 1 Q You saw they are numbered?
- 2 A Yes, each book is numbered 676 to 700, and 751
3 to 757, etc.
- 4 Q Would you give us in sequence the numbers of the
5 books that you have there?
- 6 A All right, 676 to 700; and 751 to 775; 776 to
7 800; 851 to 875; 876 to 900; 901 to 925; and 986
8 to 1000; and 801 to 825.
- 9 Q Over what period of time does those books contain
10 tickets?
- 11 A This one starts I believe 7-31-66, I don't believe
12 they come in order, I never have looked at these
13 books.
- 14 Q Let me ask you this question. Are these books
15 from the official records there in the Sheriff's
16 office?
- 17 A Well these are the only books that we have of the
18 tickets, we don't do anything but keep these
19 books until the auditor comes by and checks these
20 and he checks these from the date of each docket.
- 21 Q Well, then could you say whether or not then they
22 are part of the records there?
- 23 A Yes sir, they are.
- 24 Q And could you tell us whether or not made in
25 the course of your business there or the county

1 records that you have?

2 A. Well, I'm sure they are.

3 BY MR. HENDRICKS:

4 We object to what she's sure of.

5 BY THE COURT:

6 Overruled.

7 BY MR. HAUBERG:

8 Now, if the Court please, we offer into evidence
9 these eight books, ticket books as one exhibit.

10 BY MR. WATKINS:

11 If it please the Court, the only ticket in those
12 books, we respectfully submit that would pertain
13 to this charge would be a ticket that was given
14 concerning that one incident related in the indict-
15 ment, and not a set of books covering six or eight
16 months, two years, three years, has not been identifie
17 at all as being official in any course.

18 BY THE COURT:

19 I think it's been identified as being official all
20 right but I agree with you that all these eight
21 books shouldn't be entered into evidence, if you
22 have something you want to refer to in one of these
23 books I'll let those be entered.

24 BY MR. HAUBERG:

25 Yes Your Honor.

1 Q Can you tell by the books there whether there is
2 one ticket in them or more than one ticket in
3 them, do you have them in series, 1, 2, 3, or
4 how many copies do they come in?

5 A Four.

6 Q Four, do you know what those four tickets are
7 used for?

8 A Well, the number one copy is given to the violator
9 and the number two copy is the office copy and
10 the number 3 copy is the search copy and the
11 other copy stays in the book.

12 Q I believe you said something about the auditors
13 check these books?

14 A Yes sir, that's right.

15 Q Now, can you tell by looking at those books
16 whether or not any of those tickets were pre-
17 pared by any one of these defendants, the
18 Sheriff, Cecil Price or anyone?

19 A Well, they have a name on them.

20 Q Will you look and see if any of them have Cecil
21 Price's name to any of the pages?

22 A Yes sir.

23 BY THE COURT:

24 Counsel, I think you should keep it confined to a
25 date material to the issues here instead of asking

1 her a question so sweeping here.

2 BY MR. HAUBERG:

3 Q Then, I will ask you about two particular tickets
4 then. Would you refer to the book that contains
5 ticket number 823 in connection with James Chaney?

6 A Yes sir.

7 Q What does that ticket contain please mam?

8 BY MR. BUCKLEY:

9 Your Honor, we would object to this, the best evidence
10 is the contents rather than what Mr. Hauberg says.

11 BY THE COURT:

12 Yes, I'll sustain the objection.

13 BY MR. HAUBERG:

14 Q Do you have a ticket there in the name of James
15 Chaney?

16 A Yes sir.

17 Q Do you know what the date of the ticket is?

18 A June the 21st, 1964.

19 Q And how many copies of that ticket to James
20 Chaney are in that book?

21 A Three.

22 Q Are those the carbon copies?

23 A Yes sir.

24 Q And do you also have a ticket number 699 as to a
25 Layman Calloway?

1 Calloway?

2 BY MR. HAUBERG:

3 Calloway. C A L L O W A Y.

4 BY THE COURT:

5 Yes sir.

6 BY MR. HAUBERG:

7 Q. Does it?

8 A. Yes sir.

9 Q. What is the date of that ticket?

10 A. 7th of June, 1964.

11 Q. Is that one in the same book that 823 is in or
12 is it in a different book?

13 A. No sir, its a different book.

14 BY MR. HAUBERG:

15 If the Court please, we offer these two different
16 books containing these two tickets into evidence.

17 BY THE COURT:

18 Have you gentlemen seen these tickets?

19 BY MR. ALFORD:

20 We would like to see them.

21 BY THE COURT:

22 You couldn't possibly find that much interest in
23 all that stuff that you've had all this time. Let's
24 go along.

25 BY MR. HAUBERG:

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If the Court please, we offer those two books into evidence.

BY MR. BUCKLEY:

To which we object, if it please the Court, Your Honor, especially ticket number 669, with reference to Layman Calloway, I mean 699, there is no evidence so far as to this ticket.

BY THE COURT:

What is the relevancy as to Galloway, I don't understand that either. Calloway.

BY MR. HAUBERG:

We will connect that up a little later with some other testimony. We thought while we had Mrs. Chisolm on the stand we would introduce both of these at this time.

BY THE COURT:

Well, I will let those particular ticket numbers be entered into evidence, I will overrule the objection of statement of Counsel and let those particular ticket numbers be marked but not the book.

BY MR. HAUBERG:

If the Court please, I think the books may have some significance in connection in determining the series of events at this particular time, is why we offer them.

1 BY THE COURT:

2 The pertinency, or the relevancy or the importance
3 of these in this case haven't been made to appear up
4 to this time, so that'll be my ruling.

5 BY MR. HAUBERG:

6 If we may offer the two tickets into evidence at
7 this time we will make up the evidence as we go along
8 and offer the others at another time.

9 BY THE COURT:

10 All right, those two tickets may be entered and marked
11 and photostatic copies may be made by the government
12 at its expense and the original returned to the
13 Sheriff.

14 BY MR. HAUBERG:

15 Yes, Your Honor.

16 ¶Whereupon exhibit entered into evidence and marked
17 P-13)

18 BY MR. HAUBERG:

19 Q Mrs. Chisolm, I believe we also asked you to bring
20 the jail docket book with you?

21 A Yes sir.

22 Q Did you bring that and do you have it with you?

23 A Yes sir, I have it here.

24 Q Will you please refer to it? What book do you
25 have there in your hand?

1 A. Its from March 1959 through August the 13th, 1964.

2 Q. Now is that book, do you know where it came from?

3 A. It came from the jail, but we've had in the vault
4 since 1964.

5 Q. Tell us whether or not it was kept in the vault
6 there?

7 A. Yes, it is.

8 Q. Is it kept there while it is being used or is it
9 kept there when it is used?

10 A. Well, after it has been completed we then turn
11 them over to the Chancery Clerk.

12 Q. But they are in the Sheriff's vault now, that is
13 where that came from, and are part of the records
14 that are officially kept by the Sheriff?

15 A. Yes sir, until we turn them over to the Chancery
16 Clerk.

17 Q. And that is kept there in the course of your
18 regular business?

19 A. They keep this at the jail, and make the docket
20 entries at the jail.

21 Q. But then when the jail has finished what do
22 they do with it?

23 A. Well, its brought to us and we t
24 the Chancery Clerk's office.

25 Q. Is that the docket which you

ENCLOSURE

1 in concerning James Chaney on or about June 21,
2 1964?

3 A Yes it is.

4 Q Would you turn to that entry?

5 A Yes sir.

6 Q If the Court please, we offer the jail docket
7 in evidence, with the request that we be allowed
8 to make photostatic copies of the pertinent pages?

9 BY THE COURT:

10 Which pages are those that you are asking to be
11 treated as pertinent?

12 BY THE WITNESS:

13 That is page 179.

14 BY THE COURT:

15 Just one page?

16 BY THE WITNESS:

17 Yes sir, well it goes all the way across.

18 BY THE COURT:

19 All right, show it to opposing Counsel.

20 BY MR. BUCKLEY:

21 Your Honor, may it please the Court, I don't believe
22 it has been shown that this witness is the keeper
23 or the custodian of the records, as I understood her
24 answer this record was kept in the jail.

25 BY THE COURT:

1 You may ask her about that?

2 BY MR. HAUBERG:

3 Q That particular page that contains the entry
4 in connection with James Chaney does it not?

5 A Yes sir.

6 Q Does it contain any names of any individual other
7 than James Chaney?

8 A Yes sir. Michael Schwerner and Andrew Goodman.

9 Q And that is contained on what page of the record?

10 A Page 179.

11 BY THE COURT:

12 Mr. Hauberg, the objection was made to the authenticity
13 and you are permitted to establish the authenticity
14 to elaborate on that a little further.

15 BY MR. HAUBERG:

16 Yes, Your Honor.

17 Q I believe I asked you a little earlier who kept
18 those records?

19 A They are kept at the jail.

20 Q And do you know who maintain the records at the
21 jail?

22 A Well, the jailer.

23 Q And do you know, or can you tell who made those
24 entries on that page there?

25 A No sir. I can't.

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Q. Were there any other jailers in the service of the Sheriff's Office on or about June 21, 1964?

A. No.

Q. Do you know what time of day this docket entry was made?

A. It shows the time of day they were released.

Q. Does it show any time where they were either docketed in the jail or the time they were released?

BY MR. BUCKLEY:

Your Honor, if it please the Court, we object to this witness testifying from this record until it has been properly authenticated by her.

BY THE COURT:

I'll overrule your objection.

BY MR. HAUBERG:

Q. Can you tell when the entry was made from that book, if it was made by the jailer on duty at the time?

A. No sir, I wouldn't know that.

Q. But you do know when you got that book from the jailer to be kept in the Sheriff's office.

BY MR. BUCKLEY:

Your Honor, we object, he's leading his witness.

BY THE COURT:

1 I'll overrule your objection.

2 BY MR. HAUBERG:

3 Q Do you have any idea when you got the book?

4 A Yes sir, when they had the hearing in Biloxi
5 when they first subpoenaed the book and it was
6 brought back to us we put it in the vault.

7 Q Has it been in the Sheriff's custody since that
8 time?

9 A Except when it was in the Court.

10 Q Is that, or can you tell us whether or not that
11 is one of the normal records that the Sheriff's
12 office keeps?

13 A Yes.

14 Q Can you tell us whether or not it is kept in
15 the ordinary course of the business of the
16 Sheriff to keep up with the people that are in
17 jail?

18 A Yes sir.

19 Q If the Court please, we would now offer that into
20 evidence.

21 BY MR. ALFORD:

22 If the Court please, I believe the lady testified that
23 it has been in Biloxi and out of the custody of
24 the Sheriff and jailer, and this lady here too, and
25 I would like to raise that objection to it

1 BY THE COURT:

2 I'll overrule your objection. It may be entered and
3 be marked.

4 (Whereupon exhibit entered into evidence and marked
5 P-14)

6 BY MR. ALFORD:

7 May we see that?

8 BY THE COURT:

9 Oh I thought you had seen it, show it to Counsel.

10 BY MR. BUCKLEY:

11 We would object further Your Honor I believe she
12 testified that she did not make these entries
13 or did not know where these entries were accurate or
14 not.

15 BY THE COURT:

16 Well, she is the Chief Office Deputy and she said
17 the book was used in the usual course ordinary
18 course of business and I will let it be entered under
19 the shop-----

20 BY MR. BUCKLEY:

21 May our objections still be noted.

22 BY THE COURT:

23 Well I am only letting the double page be entered
24 in the book.

25 BY MR. BUCKLEY:

1 My objections, Your Honor, go to the three entries
2 other than what we are talking about here.

3 BY THE COURT:

4 I don't believe I understand.

5 BY MR. BUCKLEY:

6 As I understand the jail docket there are only three
7 entries which are relevant to this issue here, and
8 the whole page as I see it would be confusing if the
9 other parties were not blanked out.

10 BY MR. HAUBERG:

11 I don't think so, Your Honor.

12 BY THE COURT:

13 I don't believe that's a confusing item, so it will
14 be entered and marked.

15 BY MR. HAUBERG:

16 I believe that's all the questions, we have, Your
17 Honor.

18 BY THE COURT:

19 All right.

20 CROSS EXAMINATION

21 BY MR. WEIR:

22 Q Mrs. Chisolm, in reference to the tickets that
23 you told the United States Attorney about I ask
24 you if the officers involved, Mr. Price and Mr.
25 Rainey according to your records and your own

1 knowledge, did in fact, keep separate ticket
2 books in the various units that they operated?

3 A. I don't know.

4 Q. Did you know that they used more than one vehicle
5 in the enforcement of the law there in Neshoba
6 County?

7 A. Yes, I do.

8 Q. Do you know what I mean by unit?

9 A. Yes, I do.

10 Q. What do you understand unit to be?

11 A. Vehicles.

12 Q. Yes, and Mrs. Chisolm, do you know that the
13 Deputy Sheriff Price operated one vehicle and
14 that Sheriff Rainey operated another vehicle,
15 during this time that you testified about?

16 A. Well, I don't know where they were together or
17 in one vehicle.

18 Q. Well, in the year 1964, did they have in use
19 two vehicles?

20 A. Yes.

21 Q. And during 1964 did sometimes the Sheriff use
22 the unit ordinarily used by Mr. Price and vice
23 versa.

24 A. Sometimes, I would say, I don't recall exactly.

25 Q. And did you---

1 BY THE COURT:

2 Lady, did he let you finish your answer, he's in
3 such a hurry, did you finish?

4 BY THE WITNESS:

5 Yes sir.

6 BY MR. WEIR:

7 I'm sorry, Judge, I'll slow down.

8 BY THE COURT:

9 You cut your witnesses off and you don't need to
10 hollow so loud either.

11 BY MR. WEIR:

12 I'm sorry, Judge.

13 BY MR. WEIR:

14 Q Mrs. Chisolm, do you know that each unit has a
15 separate book and the arrest made while that unit
16 was being used would be written up in one ticket
17 book, and the other unit would be writing up
18 tickets too?

19 A No, I don't. I don't know how they write those
20 tickets.

21 BY THE COURT:

22 Mr. Weir, do you represent the Sheriff?

23 BY MR. WEIR:

24 No sir.

25 Q This unit number is such because there is a radio

- 1 unit number, isn't it?
- 2 A. That's right.
- 3 Q. And this unit number 50 that you saw on the ticket
- 4 there that you testified about the ticket alleged
- 5 to have been given to James Chaney, that corres-
- 6 ponds to a radio unit don't it?
- 7 A. That's right.
- 8 Q. And then another ticket that you testified about
- 9 that has unit number 64 on it, now whose unit
- 10 is that?
- 11 A. That's the Sheriff's car.
- 12 Q. And does that corresponds to a radio unit number?
- 13 A. Yes, it does.
- 14 Q. Is that the purpose of it?
- 15 A. Yes sir.
- 16 Q. Would the Court indulge me just a moment please?
- 17 May I ask one other question, if Your Honor please?
- 18 Q. Mrs. Chisolm, you don't know of your own personal
- 19 knowledge any person whose name appears in that
- 20 jail docket was actually placed in jail, do you?
- 21 A. No sir, I don't.
- 22 Q. You would have no earthly idea as to where it was
- 23 accurate or not?
- 24 A. No sir, I wouldn't.
- 25 Q. And you would have no earthly idea whether or not