

- 1 marked exhibit number 56?
- 2 A. Yes sir.
- 3 Q. The third bullet.
- 4 A. Yes sir.
- 5 Q. What affect did a bullet have pursuing that course
6 which you have described?
- 7 A. I can't be sure because I was unable to demonstrate
8 that any vital organs lay in the path of this
9 bullet. It may have resulted in death but in
10 my medical opinion I can not state that would
11 have inevitable resulted in death.
- 12 Q. With respect to bodies number 1 and 2, what was
13 your opinion?
- 14 A. That death resulted in no other outcome than
15 death.
- 16 Q. Now, you located exhibit number 57 on body number
17 3?
- 18 A. Yes sir.
- 19 Q. Would you tell us about that bullet?
- 20 A. This particular bullet as you may recall from the
21 x-rays lay in the vicinity of these double bones
22 that you had ~~me~~ describe on the x-ray picture.
23 At first I thought the bullet might be located
24 in that bone but after a careful search I could
25 demonstrate no particie in the arm, and then

1 further search I was able to find it in the
2 anterior wall of the stomach on the right hand side
3 about 2 1/2 inches to the right of the midline.

4 Q. You are pointing to the front of the stomach, is
5 that the anterior?

6 A. Yes sir.

7 Q. And were you able to find a wound of entry for
8 that bullet?

9 A. No sir.

10 Q. Were you able to trace or identify the path of
11 that bullet through body number 3?

12 A. No sir.

13 Q. And did you recover that bullet?

14 A. Yes sir.

15 Q. And that's bullet number 4?

16 A. Yes sir.

17 Q. Now, what further examination did you make?

18 A. Well, then I proceeded to try to recover the
19 particle that I identified on the xpay. The
20 first thing that I did was to remove the soft
21 tissue on top of the skull, and as soon as I
22 did that I found that there was a large protruding
23 hilt, one that projected above the skull on the
24 right posterior aspect of the skull, and what
25 I call the oxcipitol tenproe region on the right.

- 1 Q That's the back of the head?
- 2 A Yes sir.
- 3 Q Protruding means what?
- 4 A Projecting up above the skin of the surrounding
5 bone.
- 6 Q And then what did you find?
- 7 A Then I had to remove the top of the skull in an
8 effort to get into the brain cavity. The brain
9 had degenerated to a, uh, just a mass of gray
10 massive material but my searching through this
11 I was able to find a metallic particle, which I
12 removed and this is particle number 5 or bullet
13 number 5.
- 14 Q And were you able to identify the course of that
15 bullet through the skull or through the head of
16 body number 3?
- 17 A I did not find the wound of entry, but from the
18 course and the location of the fracture it had
19 to enter from approximately the region of the left
20 eye or the spot that was occupied by the eyeball.
21 It then pursued a posterior course which hit the
22 intersurface of the skull and produced this
23 explosive type of fracture on the right back side
24 of the skull. Following that it bounced back
25 into the substance of the brain.

1 Q. Now do you have a medical opinion as to the affect
2 of that bullet on the life or body?

3 A. Yes sir.

4 Q. What is that opinion?

5 A. My medical opinion, this bullet would have resulte
6 in the death of the person.

7 BY THE COURT:

8 Body number 3, was that person of the white race or
9 colored race?

10 BY THE WITNESS:

11 A negro.

12 BY MR. DOAR:

13 Q. Did you turn over any other particles of the
14 body to the Federal Bureau of Investigation?
15 To Mr. Cochran?

16 A. Yes sir.

17 Q. Could you identify those parts of the bodies?

18 A. Yes sir.

19 Q. Will you do so?

20 A. All of the clothing that was removed was turned
21 over and the terminal fingers, all ten, were
22 removed for fingerprints purposes.

23 Q. Are you referring to the first joints of the
24 fingers?

25 A. Yes sir.

- 1 Q. Of each finger?
- 2 A. Yes sir.
- 3 Q. And thumbs?
- 4 A. And thumbs.
- 5 Q. And were those identified and marked individually
- 6 for each body?
- 7 A. Each finger was marked for the specific location
- 8 and on the body.
- 9 Q. And was the clothing marked for each body?
- 10 A. Yes sir.
- 11 Q. Excuse me just a moment, Your Honor. Thank
- 12 you, Your Honor.

13 BY THE COURT:

14 How long will your examination be?

15 BY MR. BUCKLEY:

16 Your Honor, I expect it'll take several minutes.

17 BY THE COURT:

18 I believe we'll take a fifteen minute recess here

19 and I'll let the jury go to their room and then we

20 will disburse.

21 (Whereupon the Court took a fifteen minute recess

22 at 10:00 o'clock A. M.)

23 AFTER RECESS:

24 CROSS EXAMINATION

25 BY MR. BUCKLEY:

1 May I proceed, Your Honor?

2 BY THE COURT:

3 Yes sir.

4 BYMR. BUCKLEY:

5 Q. Dr. Featherstone, I believe you said you examined
6 these bodies on August the 5th, 1964?

7 A. Yes sir.

8 Q. I notice the government's exhibits 50 through 53
9 I note on there a date of August the 6th, 1964
10 would you look at those x-rays for me and see if
11 I'm correct there?

12 A. No sir, they are dated August the 4th, I wanted
13 to confirm that as I had noticed that before
14 but it is August the 4th.

15 Q. And----

16 A. I would like to say again that these people that
17 were called to perform this examination were
18 called shortly before midnight, and they did not
19 change the date of these markers even though my
20 postmortem examination began at 1:30 A. M. August
21 5. Yes, these are all on the 4th of August.

22 Q. Then the dates on the x-rays are in error then?

23 BY MR. HAUBERG:

24 We object to that, Your Honor, he has explained that.

25 BY THE COURT:

1 I sustain the objection.

2 BY MR. BUCKLEY:

3 Q. Dr. Featherstone, I believe you testified a while
4 ago that you had been practicing medicine since
5 1953? But you stated you had been performing
6 autopsies since 1949, was that correct?

7 A. No sir, that's incorrect. I was licensed as a
8 physician and graduated in September of 1944,
9 I have been performing autopsies since 1947 but
10 I feel I have been qualified only since 1953 as
11 an independent practicing pathologist certified
12 by the National American Board of Pathology.

13 Q. In other words you started performing autopsies
14 before you feel you were qualified to do so?

15 A. That is right.

16 Q. Dr. Featherstone, you have no independent know-
17 ledge other than what someone told you or other
18 than what you read in the new media of who
19 these bodies were?

20 A. That is correct.

21 Q. You can not testify to this court and jury as to
22 what caused the death of these parties can you?

23 A. I can not testify as to absolute positive proof
24 as to what caused the death of these individuals.

25 Q. Dr. Featherstone, tell me whether or not you made

1 of the heart and intestinal region of these
2 individuals?

3 A. I did not.

4 Q. Did you, or then you do not know for sure
5 whether or not any of these bullets actually
6 penetrated the hearts, do you?

7 A. No sir.

8 Q. And having made no detail examination you do not
9 know as a matter of fact whether or not sodium
10 cyanmide or some other similar alien which would
11 induce death by poisoning was present in those
12 tracts would you?

13 A. No sir.

14 Q. In other words, you do not know if these people
15 died of poisoning or not?

16 BY MR. HAUBERG:

17 We object to that, if the Court please.

18 BY THE COURT:

19 Overruled.

20 BY MR. BUCKLEY:

21 Q. You may answer.

22 A. No sir, I also don't know if they were hit by
23 lightning, hit by a rattlesnake or maybe by some
24 other cause of death.

25 Q. Thank you doctor. In fact doctor, I believe you

- 1 testified that the size of the wounds in the
2 bodies were approximately 7 millimeters in diameter.
- 3 A. No sir, I testified that on body number 1 that the
4 wound was approximately eight millimeters in
5 diameter.
- 6 Q. About eight?
- 7 A. On body number 2 it was fourteen millimeters in
8 diameter.
- 9 Q. All right sir, tell me Dr. Featherstone if those
10 bullets exhibit number 54 and introduced by the
11 prosecution, do you/^{know}what calibre they are?
- 12 A. No sir.
- 13 Q. You don't know what calibre bullets they are?
- 14 A. I do not.
- 15 Q. Dr. Featherstone you testified that one of the
16 bodies, I believe body number 2, was not fully
17 clothed?
- 18 A. That is correct.
- 19 Q. Body number 1 had allclothing on? I'm sorry.
20 Body Number 1 had a portion of his clothing on and
21 was thinly clad?
- 22 A. That is correct sir.
- 23 Q. And body number 3, what extent was he clothed?
- 24 A. There was an undershirt and a cotton knitted
25 garment covering the upper part of the body, and

1 blue jeans covering the lower portion of the
2 body.

3 Q. There was no red checkered shirt on either one
4 of them was it?

5 A. No sir.

6 Q. There was no suit of clothing on either one of
7 them, other than blue jeans, in other words,
8 dress suit or pants on either one of them?

9 A. No sir. I did state that body number 2 had on
10 black pants, I did not specify whether they were
11 dress pants or work pants.

12 Q. Can you say now if they were?

13 A. I can not, I do not remember

14 Q. Dr. Featherstone you testified a while ago as
15 I recall you testified that 8 millimeters equaled
16 approximately three quarters of an inch, what
17 you meant was that it is approximately one-fourth
18 of an inch isn't it?

19 A. No sir. It takes 25 millimeters to make one
20 inch. Eight twenty-fifths is roughly the fraction
21 of three fourths of an inch, eight times three
22 is twenty four, and three times 824 the ^{equivalent} ~~equivalent~~
23 twenty-five still figures out three fourths of
24 an inch.

25 Q. Eight twenty-fifths is three fourths?

1 A Right.

2 Q I see. And this is just as much the truth as
3 everything else that you have told us?

4 BY MR. HAUBERG:

5 We object to that line of questioning, Your Honor.

6 BY THE COURT:

7 Sustained.

8 BY MR. BUCKLEY:

9 Q Dr. Featherstone, you testified that these
10 individuals were in a plastic bag and were in
11 a state of decomposition didn't you?

12 A Yes sir.

13 Q And would you describe what the state of de-
14 composition means insofar as the succateneous
15 area of the body is, what happens to that area
16 of the body?

17 BY MR. HAUBERG:

18 We object unless it is as to these three bodies,
19 if the Court please.

20 BY THE COURT:

21 Well I'll let him answer.

22 BY THE WITNESS:

23 A Decomposition to me indicates that there is
24 marked degeneration of all the self structures
25 to such a degree that histological examination

1 under microscope is unsuccessful, that it is
2 possible to still distinguish form and shape
3 but detail structure is impossible.

4 Q. Well doctor in advanced stages of decomposition
5 as in this case here , the skin would flake off
6 very readily wouldn't it?

7 A. I could very easily flake off.

8 Q. Would it mean that the skin was advanced to such
9 a state from decomposition that it would change
10 the form of a texture of the skin or the surface
11 to a considerable degree?

12 A. Very definitely sir.

13 Q. In fact it would be decomposed to the extent that
14 it would not be reasonably possible to extract
15 fingerprints in the normal mode or fashion we
16 are known to extract or use them would it?

17 A. You are correct sir.

18 Q. Dr. Featherstone, you can not tell us how these
19 bullets came to be in the bodies of these
20 three individuals?

21 A. No sir.

22 Q. I believe you testified that you do not know
23 the calibre of these bullets?

24 A. No sir.

25 Q. Could you tell us what the calibre appeared to be

- 1 A. Roughly a 38 calibre.
- 2 Q. Roughly a .38 calibre, which is approximately
3 what millimeter in diameter?
- 4 A. About seven to eight millimeters in diameter.
- 5 Q. Approximately seven to eight?
- 6 A. Yes sir.
- 7 Q. Dr. Featherstone, a nine millimeter bullet fired
8 out of a 9 millimeter luger is the same as a
9 38 bullet isn't it?
- 10 A. No sir.
- 11 Q. That's not right?
- 12 A. No sir. I would like to explain one thing if
13 I may. I am not dor do I pretend to be a
14 ballistic expert.
- 15 Q. That's ail, Your Honor.
- 16 BY MR. PIGFORD:
- 17 May I cross examine, Your Honor?
- 18 BY THE COURT:
- 19 Yes sir.
- 20 FURTHER CROSS EXAMINATION
- 21 BY MR. PIGFORD:
- 22 Q. Dr. Featherstone, after examining body number 1
23 can you know say to any medical certainty as
24 to how long that body had been deceased?
- 25 A. No sir.

1 Q As to body number 2, Dr. Featherstone, can you
2 now state after your examination to any medical
3 certainty how long body number 2 had been deceased

4 A No.

5 Q The same question with reference to body number
6 3?

7 A No sir.

8 Q Thank you sir.

9 BY MR. WEIR:

10 May I question the witness your Honor briefly?

11 BY THE COURT:

12 Yes sir.

13 FURTHER CROSS EXAMINATION

14 Q Dr. Featherstone, I would like for the Marshal
15 if he would hand you those x-ray pictures for
16 you to look at them and then I would like to see
17 them myself when you finish looking at them. Dr.
18 Featherstone, did I understand your testimony to
19 be that the round objects that shows up in these
20 x-rays besides what you've testified are purported
21 to be bullets?

22 A Yes sir.

23 Q Do you know what those round objects are?

24 A Would you point out which one you specifically
25 have in mind, sir?

1 Q Well sir, I'm looking at, it looks like----
2 BY THE MARSHAL!

3 P-51.

4 Q P-51, what's that round object in there?

5 A If I remember correctly sir that is a rock.

6 Q What?

7 A A rock or a pebble or piece of stone.

8 Q Did you find any markings that you didn't know
9 what it was?

10 A No sir.

11 Q Now, did you say that these were somewhat distorted
12 or inaccurate in anyway?

13 A Yes sir.

14 Q They are inaccurate?

15 A Yes sir.

16 Q Thank you. If the Court please, I move to exclude
17 these.

18 BY THE COURT:

19 In what respect are the x-rays inaccurate?

20 BY THE WITNESS:

21 Just as a shadow is cast by a light it may show some
22 distortion, Your Honor, but these x-rays were taken
23 specifically for one purpose and I do not pretend
24 that they are accurate in every detail. These
25 x-rays were taken to demonstrate metallic particles.

1 which could be bullets, and they greatly aided me
2 in my examination because if I know there are
3 bullets present I will proceed to examine and
4 continue to examine until I locate those bullets.

5 BY THE COURT:

6 Well a lawyer speaks of a distorted picture, and
7 he's speaking of one that somebody has tried to
8 deceive somebody with a picture, is that the
9 nature you are talking about?

10 BY THE WITNESS:

11 No sir. The distortion that I speak of is
12 the scientific distortion occurs when an x-ray
13 is taken from a position which does not allow
14 parallell x-rays to render a true shadow of the
15 part which is being photographed. This is not
16 intended to deceive or to be a false representatiou

17 BY THE COURT:

18 I'll overrule your motion Counsel.

19 BY MR. WEIR:

20 Q. Dr. Featherstone, what color of hair was it that
21 you said the first body had?

22 A. Brown.

23 Q. Brown hair?

24 A. That is correct.

25 Q. Light brown, dark brown, medium or what?

- 1 A. I only recorded that it was brown hair.
- 2 Q. And what color hair did the second body have?
- 3 A. Brown.
- 4 Q. Was it light brown, medium brown or dark brown?
- 5 A. I only recorded brown.
- 6 Q. It was plain to see that there was a distinction
7 between brown and black, it was plainly visible
8 that there was a distinction wasn't it?
- 9 A. Yes sir.
- 10 Q. So if one of the two that purported to be deceased
11 had black hair then it wasn't that person's body,
12 was it?
- 13 A. I don't think that is a reasonable conclusion, sir
- 14 Q. Why not?
- 15 A. Because death, or exposure to various chemicals
16 in the soil can change hair color.
- 17 Q. All right, what exposure to the soil might there
18 be?
- 19 A. Bacteria, chemicals.
- 20 Q. You don't know where there was any exposure there
21 or not?
- 22 A. You see, I don't know what color their hair was
23 originally, I had no way of knowing all I can
24 record are my findings that I have served at the
25 time of my examination.

1 Q. You are positive of the color of the hair whenever
2 you made the autopsy?

3 A. I was positive that it was brown otherwise I would
4 not have said brown.

5 Q. Did you notice any chemical changes or deteriorati
6 that might have changed the hair color in your
7 examination?

8 A. No sir.

9 Q. So in your opinion/was the same color then as
10 it was on the day of their death?

11 A. I did not so state. I said all I could record
12 was the color of the hair that I noted and recorded
13 in my report.

14 Q. These chemicals that you mentioned that might
15 change the color of a person's hair or dye such
16 as colorback that changes the color of greyheaded
17 men to black or turns a lady's hair maybe to
18 a different color, is that some of the change
19 that you mention?

20 BY MR. HAUBERG:

21 We object to that, Your Honor.

22 BY THE WITNESS:

23 A. There are many things that can change, bleaches,
24 dyes, chemicals of various sorts.

25 BY THE COURT: He's answered.

1 Q Soils don't generally change the color of a per-
2 son's hair does it?

3 A Well it depends upon the chemical composition,
4 now, I did not examine the chemical composition
5 and again I would like to state that I don't know
6 what the color of the hair was originally, all I
7 can state was that it was brown when I examined it

8 Q Now, let's talk about red clay dirt, you're
9 familiar with that, aren't you?

10 A Oh yes, there's a lot of it around Philadelphia
11 as I understand.

12 BY MR. HAUBERG:

13 If it please the Court, we object to this line of
14 questioning.

15 BY THE COURT:

16 I'll see what his question is, let's don't get off
17 on something that is completely foreign. We've
18 got to get rid of this case one of these days.

19 BY MR. WEIR:

20 Q Now, this red clay dirt that you are familiar
21 with in Neshoba County is not such dirt that
22 contains chemicals would it?

23 A I don't know.

24 BY THE COURT:

25 That disposes of that. Let's get back on this case

1 let's try this lawsuit for a little while.

2 BY MR. WEIR:

3 All right sir.

4 Q Now, did during the course of this autopsy, was
5 it necessary, during the autopsy it was stopped
6 until some official order was presented from
7 someone for the autopsy to proceed?

8 A Would you please ask that again, I did not quite
9 understand your question sir.

10 Q All right, I ask you if the county prosecuting
11 attorney of Neshoba County, Mississippi, Walter
12 Rayford Lamar Jones, was present when the autopsy
13 was made?

14 A Yes sir, he was.

15 Q Was he in the autopsy room?

16 A He was.

17 Q And was F. B. I. Agent Jay Cochran in the room?

18 A Yes sir.

19 Q And was Sheriff Rainey in the room?

20 A No sir.

21 Q But the County Attorney, Mr. Jones, of Neshoba
22 County was?

23 A Yes sir.

24 Q And Mr. Cochran knew he was in the room?

25 BY MR. HAUBERG:

1 We object to that, that would be conclusion on the
2 part of the witness.

3 BY THE COURT:

4 I sustain the objection.

5 BY MR. WEIR:

6 Q. Is there any reason that Mr. Cochran would have
7 know he was in the room?

8 BY MR. HAUBERG:

9 We object to that.

10 BY THE COURT:

11 Sustained.

12 BY MR. WEIR:

13 Q. Well let's see now Mr. Jones the County Attorney
14 was there and you the pathologist was there
15 and who else, you, Mr. Cochran and Mr. Jones,
16 who else was there?

17 A. I don't have a complete list of everyone who was
18 there, I do happen to know a few other people
19 who were there in and out, some people did not
20 stay for the entire period, others did.

21 Q. Did Mr. Cochran talk with the county attorney,
22 Mr. Jones, there in that room?

23 A. I do not recall.

24 Q. Now, during the course of investigation I meant
25 the autopsy, did it become necessary that the

1 Circuit Judge of the Eighth District of
2 Mississippi be contacted? About this matter?

3 A. No sir. Not during the determination.

4 Q. Was it before the autopsy began?

5 A. No sir.

6 Q. Well, was the Coroner of Neshoba County, Mississippi
7 contracted?

8 A. I do not know.

9 Q. Did you have orders from any official agency to
10 make this autopsy?

11 A. Yes sir.

12 Q. And what was your authority?

13 A. I had verbal permission and an order from the
14 Judge of the First Judicial District, Hinds
15 County.

16 Q. And who obtained that authority for you?

17 A. Mr. William Waller, the District Attorney for
18 the District.

19 Q. Did any official or person claiming to represent
20 the NAACP undertake to stop the autopsy?

21 A. No sir.

22 Q. And did any official or attorney from that group
23 ask you to wait until they could get a doctor
24 down here to represent them in the autopsy?

25 A. I had a request that a specific doctor be allowed

- 1 to come in and observe the examination.
- 2 Q Who made that request?
- 3 A The physician himself.
- 4 Q Who was it?
- 5 A I do not recall his name right now.
- 6 Q Where is he from?
- 7 A I do not know.
- 8 Q Is he from Mississippi or from some other state?
- 9 A I think he is from some other state.
- 10 Q Was it a long distance request or did he come in
- 11 person?
- 12 A He called me on the telephone. Incidentally, I
- 13 do remember his last name now. It was a Dr.
- 14 Goodman.
- 15 Q Dr. Goodman, from what town?
- 16 A I do not know.
- 17 Q Was Mr. Cochran made aware of this fact?
- 18 A Yes sir.
- 19 Q By whom?
- 20 A Dr. David Wilson, the Administrator of the
- 21 University Hospital.
- 22 Q He advised Mr. Cochran that some other physician,
- 23 did in fact want to come in?
- 24 A That is correct.
- 25 Q What did Mr. Cochran do then?

- 1 A He had a conference with Mr. Wilson and Mr. Bill
2 Hood, with the Mississippi State Highway Patrol.
- 3 Q Did he talk with the County Attorney, Mr. Jones?
- 4 A I do not recall.
- 5 Q Did he talk with Sheriff Rainey or any of the
6 officials of Neshoba County?
- 7 A I do not recall.
- 8 Q Did Mr. Cochran then advise that it would be
9 necessary to obtain a court order before the
10 autopsy could proceed?
- 11 A No sir.
- 12 Q Then why did you obtain a court order in the first
13 place.
- 14 A Because it is an assault if you perform an autopsy
15 without the proper permission.
- 16 Q Did you request it yourself?
- 17 A Who requested the authority for you to proceed?
- 18 A Mr. William Waller.
- 19 Q Well, who requested him to do it?
- 20 A That, I do not know.
- 21 Q Will you, well you've already answered that, so
22 I guess I had not better ask that. May I proceed
- 23 BY THE COURT:
- 24 Yes sir.
- 25 BY MR. WEIR:

- 1 Q. These things that you obtained which you say
2 were bullets, whose custody were they in right
3 after they were removed?
- 4 A. I gave them to Mr. Jay Cochran, a Special Agent
5 with the F. B. I. who was in charge of this
6 investigation.
- 7 Q. The same day?
- 8 A. Yes sir, at the time I removed I marked each one
9 of them and handed them to him.
- 10 Q. And after that you have not seen them until when?
- 11 A. Yesterday at 1:10 P. M.
- 12 Q. During all that time they have been out of your
13 custody and sight haven't they?
- 14 A. That is correct sir.
- 15 Q. You haven't even known where they were at?
- 16 A. No sir.
- 17 Q. And there has been some changes that you also
18 have already told this Court and Jury in those
19 bullets since you last saw them?
- 20 A. In four out of the five sir.
- 21 Q. You said something about making markings on those
22 object, what markings are there?
- 23 A. I put my initials in a special manner which is
24 characteristic for me and also marked them with
25 a roman numeral indicating the number of the bulle

1 at the time I recovered them.

2 Q. Where did you mark them at?

3 A. On the base of the bullets.

4 Q. Now, you had to move the bullets out to examine
5 them to see and look at it since they left you
6 have you?

7 A. Yes sir.

8 Q. Did you take them out of those bags?

9 A. No sir, I put them in those bags. Those are not
10 the original containers that I received them in
11 yesterday.

12 Q. Now, you told us the first body had brown hair
13 and the second body had brown hair, what color
14 hair did the third body have?

15 A. Dark brown.

16 Q. Dark brown?

17 A. Yes sir.

18 Q. Was that a colored male or black male there?

19 A. It was a negro male.

20 Q. The third body?

21 A. Yes sir.

22 Q. Just a moment Your Honor. During the time of the
23 autopsy you didn't let any chemicals be used
24 in the room, noteven a deodorizer is that correct

25 A. I don't recall that sir.

- 1 Q. Well would you say positively that you refused to
2 do that?
- 3 A. I wouldn't say positively, but I can assure you
4 that there was a distinct odor in that room and
5 someone may have a deodorizer, I don't know.
- 6 Q. Well, would it have been any reason not to use it?
- 7 A. No sir.
- 8 Q. It would have been perfectly all right with you
9 as long as it didn't interfere with the autopsy?
- 10 A. Yes sir.
- 11 Q. Do you deny that you refused to let anyone in there
12 to do that?
- 13 A. No sir, I do not deny that I denied anyone the
14 right to use a deodorizer. I'll say this, is
15 immaterial with me where a deodorizer is used. I
16 was closer to the source of odor and a deodorizer
17 would not have helped me, and I would not have
18 specifically refused anyone permission to use it.
- 19 Q. What I'm asking you though is did you refused
20 anyone that right to use it?
- 21 A. I can not recall that particular answer.
- 22 Q. Then you can't say you did and you can't say you
23 didn't?
- 24 A. No sir.
- 25 Q. Now, do you know Sheriff Lawrence Rainey over here

1 Q Yes sir.

2 Q How long have you known Sheriff Rainey?

3 A I can't give you any specific time but I can tell
4 you that I do know the Sheriff because he and I
5 have worked together on cases autopsy, medical
6 examinations or something like that.

7 Q And you knew him on August 4th and August 5th of
8 1964?

9 A Yes sir.

10 Q And recognized him quickly, didn't you?

11 A Yes sir.

12 Q And you are just as positive that Sheriff Rainey
13 was not in the autopsy room as everything else
14 that you have testified to here today?

15 BY MR. HAUBERG:

16 We object to the form of question, Your Honor.

17 BY THE COURT:

18 Overruled.

19 BY THE WITNESS:

20 A Sir, I think I can make a specific point that
21 Sheriff Rainey was not in the autopsy room when
22 the examination began. I think I can also state
23 with reasonable certainty that he was there
24 during the course and toward the end of the
25 examination.

1 Q He was not there?

2 A He was there?

3 Q Oh, he was there?

4 A Yes sir.

5 Q When did he come in?

6 A I don't know.

7 Q So then, Sheriff Rainey was in the room some of
8 the time?

9 A Yes sir.

10 BY THE COURT:

11 Doctor you said that this operation started about
12 1:30 in the morning, how long did it last?

13 BY THE WITNESS:

14 I think I finished it up around 6:00 o'clock in the
15 morning, sir.

16 BY THE COURT:

17 Was your operation continuous throughout that entire
18 period of time from 1:30 until 6:00 o'clock?

19 BY THE WITNESS:

20 Yes sir.

21 BY MR. WEIR:

22 Q So you couldn't say the bullets were put in the
23 bodies before death or after death or when could
24 you?

25 A I can't say that all I can say is that I found

- 1 them there.
- 2 Q And you couldn't even tell the course that the
- 3 bullet on the first body went in or how it went
- 4 through the body?
- 5 A. I have a point where it went into and I have a
- 6 point where it left the chest cavity on body number
- 7 1.
- 8 Q But you don't know the course it followed in the
- 9 body?
- 10 A. No sir.
- 11 Q So you can't say whose bodies they were or what
- 12 caused their death, can you?
- 13 A. I'm sorry, I don't understand that question, sir.
- 14 Q You can't say whose bodies they were, can you?
- 15 A. I can say that it was body number 1.
- 16 Q I'm talking about the names of the people?
- 17 A. No sir, I can not say whose name was attached to
- 18 any specific body.
- 19 Q And you can't say what caused the deaths of anyone
- 20 of them can you?
- 21 A. I think I've testified to a reasonable medical
- 22 opinion.
- 23 Q I'm talking about just actually saying, can you?
- 24 A. I have a medical opinioi, sir.
- 25 Q Would the Court indulge me just a moment?

1 Q I noticed whenever Mr. Buckley questioned you and
2 I understood you told him you couldn't tell whose
3 bodies they were or what caused their deaths. Is
4 that still your testimony?

5 A Who is Mr. Buckley?

6 Q This gentlemen sitting right here.

7 A Yes sir, I said that.

8 Q That's all, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. DOAR:

11 Q Doctor, what is your medical opinion as to the
12 cause of death?

13 A My medical opinion is-----

14 BY MR. BUCKLEY:

15 Your Honor, we object to that. As I recall he has
16 not given a medical opinion as to the cause of death.

17 BY THE COURT:

18 Well I think he's stated what his medical opinion is
19 and I think there is some distinction between his
20 medical opinion and his actual knowledge and I'll
21 let him clarify that. O_verruled.

22 BY THE WITNESS:

23 A Its my medical opinion that these gunshot wounds
24 resulted in death, due to the fact that the
25 course of the bullets would have had to pass

1 through the heart.

2 Q Doctor why were you not able to examine and find
3 a course through the heart of the bodies number 1
4 body number 2 and body number 3?

5 A Well, again let me clarify it. It is my medical
6 opinion that bodies number 1 and number 2, died
7 as a result of gunshot wounds which passed through
8 the heart. Body number 3 died as a result of a
9 gunshot wound of the head. Now, as to the reason
10 why I can not state with positive certainty that
11 gunshot wounds of the heart existed is the fact
12 that advanced decomposition of the heart and
13 shrinkage and distortion and in view of these
14 factors makes it impossible for me to state that
15 there was a definite injury to the heart in bodies
16 number 1 and body number 2.

17 Q Were you able to examine it?

18 A I could not examine it with absolute certainty.

19 Q Doctor with respect to the size of the entry
20 wound on body number 1, you testified that that
21 was eight millimeters or nine?

22 BY MR. WEIR:

23 We object Your Honor, he's leading the witness.

24 BY THE COURT:

25 Yes, let him testify.

1 Q Could you again transfer that size to a portion
2 of an inch?

3 BY MR. BAUCKLEY:

4 Your Honor, if it please the Court, I object to
5 this, this man has testified to this on cross
6 examination and I believe it is improper to let
7 him testify again.

8 BY THE COURT:

9 Well, if he wants to clarify his arithmetic, as it
10 may not be in accordance with everybody else' arithme-
11 tic, so I'll let him clarify it if he wishes to do so.

12 BY THE WITNESS:

13 A Most of my measurements that I make in the course
14 of my business or my profession are made on the
15 metric scale. It is not always possible to
16 directly transpose that metric measurement to
17 the english measurement. Most of my measurements
18 are qualified further by saying approximately, be-
19 cause the measurement of the instrument that I
20 used as measuring are to an approximate and when
21 I say it measures approximately eight millimeters
22 I do not intend to convey the fact that it
23 measures precisely one third or one fourth of
24 an inch. In calculating eight millimeters trans-
25 posed into the English measurement I again made a

1 statement that 25 millimeters is roughly
2 equivalent to one inch. Eight millimeters con-
3 verted into the equivalent English measurement
4 would be roughly one-third of an inch. Eight
5 millimeters times three equals twenty-four.

6 BY THE COURT:

7 That's a little better airthmetic, Doctor.

8 BY THE WITNESS:

9 Sir?

10 BY THE COURT:

11 That's a little bit better arithmetic.

12 BY THE WITNESS:

13 Thank you.

14 BY MR. DOAR:

15 Thank you.

16 FURTHER REGROSS EXAMINATION

17 BY MR. BUBKLEY:

18 Q. Doctor, you testify now that eight millimeters
19 equals one third rather than three fourths of
20 an inch, don't you?

21 A. Yes sir.

22 Q. You use this method of measurement all through
23 medical school and all through your medical
24 practice, didn't you?

25 A. You are talking about the metric system, yes sir.

1 Q. That puts you to a fine hair, doesn't it?

2 A. I hope so sir.

3 Q. You also testified that twenty-five millimeters
4 are approximately one inch, didn't you?

5 A. Yes sir.

6 Q. The truth of the matter was that in the year 1963
7 -----(Court Reporter did not get
8 as Counsel was mumbling.)

9 A. No sir.

10 Q. You are positive of that?

11 A. Yes sir.

12 Q. Absolutely positive?

13 A. Yes sir.

14 BY THE COURT:

15 Counsel, I don't think the Court reporter is getting
16 what you are saying, and I'm quite sure I don't
17 know what you are saying, I guess the witness does
18 because he's answering you.

19 BY MR. BUCKLEY:

20 I'm sorry Your Honor, I'll slow down.

21 A. I'm positive of this. I know that one meter
22 is equivalent to thirty-nine inches and a yard
23 is till 36 inches, that has not been changed to
24 thirty-nine inches, sir.

25 Q. Sir, I didn't ask you that. I asked you if

1 25 millimeters now is not exactly one
2 inch?

3 A. I do not think so sir.

4 Q. You don't think so?

5 A. No sir.

6 Q. All right, you are thinking again.

7 BY MR. HAUBERG:

8 We object to Counsel's remarks.

9 BY THE COURT:

10 Yes, I'll sustain the objection.

11 BY MR. BUCKLEY:

12 Q. You testified as I recall a while ago that you
13 did not know whether these bodies were dead or
14 alive when these bullets were placed in there?

15 A. That is correct, wait a minute, I didn't quite
16 understand your question, you said when the
17 bullets were placed?

18 Q. When the bullets entered these bodies, you do
19 not know where these bodies were dead or alive
20 do you?

21 A. No sir.

22 BY MR. HAUBERG:

23 Your Honor, we object to his going back into this
24 that is not part of recross examination.

25 BY THE COURT:

1 I don't think it is but I'll let him go along
2 without pursuing that any further.

3 BY MR. BUCKLEY:

4 I didn't understand you, Your Honor.

5 BY THE COURT:

6 I don't think this is rebuttal testimony, I don't
7 know of anything that has occurred on direct or re-
8 direct that excuses your course of examination

9 BY MR. BUCKLEY:

10 May I ask him one more question?

11 BY THE COURT:

12 All right.

13 BY MR. BUCKLEY:

14 Q You testified as I recall that you do not know
15 whether or not these evils arose
16 when these bulls like that
17 phraseology between them when they
18 entered, but yet you testified that
19 caused the death? what is it?

20 A Yes sir.

21 (Whereupon witness e:
22 EARL ROBERT POE, call
23 of Plaintiff, ws swo

DIRECT EX

24 BY MR. OWEN:

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Q State your name please?

A Earl Robert Poe.

BY THE COURT:

How do you spell your last name?

BY THE WITNESS:

P O E.

Q Where do you live?

A Philadelphia, Mississippi.

Q What's your job?

A Highway Patrolman.

Q In 1964 what was your job?

A Highway Patrolman.

Q And where was your beat on the patrol?

A Philadelphia, Neshoba County.

Q Now, on the afternoon of June 21, 1964 were you on duty?

A I was.

Q Do you recall when you went on duty?

A I went in service at 12:56.

Q Did you bring any certain highway patrol records with you?

A Radio logs and radio book.

Q Of the Mississippi Highway Patrol?

A Right.

Q And do you have the radio log for the day of the

1 21st day of June?

2 A. I do.

3 Q. Would you look at those logs?

4 A. Okay.

5 BY THE COURT:

6 Ask him specifically what you want, he's got a whole
7 book there.

8 BY MR. OWEN:

9 Q. June the 21st, is that the day you are looking at?

10 A. Right.

11 Q. Is that log kept in the official course of business
12 of the Mississippi Highway Patrol?

13 A. It is.

14 Q. I would like to have it marked, the pages of
15 June 21st, of the Mississippi Highway Patrol
16 radion log and have it introduced in evidence.

17 BY THE COURT:

18 Well of course, Counsel doesn't object to it unless
19 you prove a few necessary indispensable about it
20 pre-requisite of it so I'll let you start right
21 now. Ask him something about it I don't want to
22 tell you how to try your lawsuit.

22 BY MR. OWEN:

23 Q. That log is kept in the ordinary course of
24 business of the Mississippi Highway Patrol?

25 A. It is.

1 BY MR. ALFORD:

2 We object to his leading.

3 BY THE COURT :

4 Sustained.

5 BY MR. ALFORD:

6 And move it be excluded.

7 BY THE COURT:

8 Excluded.

9 BY MR. OWEN:

10 Q. That afternoon, do you recall where you went after
11 you went on duty?

12 A. I sent south, Highway 19.

13 Q. And what did you do then, was there any particular
14 thing that you did while you were on 19?

15 A. We wrote a citation at 2:05 to Tucker, which
16 is about five miles south on 19.

17 Q. Now, on that afternoon, were you ever on highway
18 16?

19 A. We were.

20 Q. East or west of Philadelphia?

21 A. East.

22 Q. Do you recall about where you were on that highway

23 A. We were parked out under a shade tree about four
24 miles east.

25 Q. East of Philadelphia?

- 1 A. Right.
- 2 Q. Do you remember about what time you parked under
3 the shade tree?th
- 4 A. Somewhere in the neighborhood of 3:00 o'clock.
- 5 Q. Now, did you know Cecil Price?
- 6 A. I do.
- 7 Q. Could you point him out in the courtroom?
8 Count from the end and tell us which person he
9 is?
- 10 A. Number four.
- 11 Q. Fourth person from the left?
- 12 A. Right.
- 13 Q. While you were out there on Highway 16 did you
14 see Cecil Price?
- 15 BY MR. BUCKLEY:
- 16 To which we object to his leading his witness.
- 17 BY THE COURT:
- 18 Overruled.
- 19 BY THE WITNESS:
- 20 A. I did.
- 21 Q. Can you describe what you saw?
- 22 A. Well, he passed by going east on 16.
- 23 Q. And what kind of a vehicle was he in?
- 24 A. In a blue '56 chevrolet.
- 25 Q. I would like to show you a picture and see if

1 you can identify it?

2 A. That looks like his car.

3 Q. You can recognize that?

4 A. From the tag number on it it looks like the car,
5 yes.

6 Q. Is that a fair and accurate representation of the
7 car that Cecil Price passed you on highway 16
8 that day.

9 A. It is.

10 Q. I would like to have that marked and entered into
11 evidence.

12 BY THE COURT:

13 Show it to Counsel. Just go on with your questions
14 while they are looking at it.

15 BY MR. OWEN:

16 Q. Did you see Cecil Price again that afternoon?

17 A. I did.

18 Q. Can you tell the Court and the Jury under the
19 circumstances under which you next saw him?

20 A. Well, some few minutes after then he called and
21 said he had a good one or chasing a good one.

22 Q. How did he call you?

23 A. What did you mean?

24 Q. How did he communicate with you?

25 A. By radio.

- 1 Q. Did he indicate to you who it was?
- 2 A. He said something about George Raymond.
- 3 Q. Over the radio?
- 4 A. Right.
- 5 Q. And do you know who George Raymond is?
- 6 A. I didn't at that time, but I've found out since.
- 7 Q. Now, did you have any knowledge, uh, do you have
- 8 any knowledge that Mr. Price knows who George Ray-
- 9 mond is?
- 10 A. Well, in talking after that he did.
- 11 Q. He did?
- 12 A. Yes sir.
- 13 Q. And who did he indicate to you who George Raymond
- 14 was?
- 15 A. He was a Civil Rights Worker and had been in
- 16 that area and over around the Canton area.
- 17 Q. How long was it after he passed you going east
- 18 before you got this call?
- 19 A. About ten or fifteen minutes.
- 20 Q. Did you see him after he made that call?
- 21 A. I did.
- 22 Q. Which way was he going?
- 23 A. Travelling west on 16.
- 24 Q. And where were you at that time?
- 25 A. Still under the shade tree.

1 Q. Did you see him again either emmediately prior
2 or immediately after he passed you?

3 A. There was traffic on the highway.

4 Q. Did you see any vehicle in front of Price.

5 A. I did.

6 Q. What kind of vehicle was that?

7 A. Station Wagon.

8 Q. Do you remember the color?

9 A. I would say blue.

10 Q. Now when Price passed you did he see you?

11 A. Well, I'm sure he did.

12 Q. Did he make any indication that he saw you?

13 A. Well, as far as talking to us he didn't.

14 Q. Uh, did he make any kind of gestures or anything
15 like that?

16 A. Well, he might have nodded his head, or look
17 around at us.

18 Q. Now, uh, how far in front of Price's car was
19 this station wagon?

20 A. That would be hard to say.

21 Q. Could he see it?

22 A. Well, he probably could at times, of course there
23 are hills in there.

24 BY MR. HENDRICKS:

25 We object to that.

1 BY THE COURT:

2 Yes, I'll sustain the objection.

3 BY MR. OWEN:

4 Q. Now were any of these vehicles traveling at such
5 a rate of speed that you would take off and go
6 after them?

7 A. Well---

8 BY MR. ALFORD:

9 Just a minute Mr. Poe, we object.

10 BY THE COURT:

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

12 BY MR. OWEN:

13 Q. Do you know how fast any of these vehicles were
14 traveling, the Station Wagon and Price?

15 A. Well I can't say the speed, but I do say the
16 Station Wagon seemed to let off when it topped the
17 hill where we were in sight, he could see us.

18 Q. Is that a usual thing for people to do, what kind
19 of car were you in?

20 A. White Pontiac.

21 Q. Highway Patrol car. Is that a common occurrence
22 when people sees a patrol car?

23 BY MR. BUCKLEY:

24 If it please the Court, we object asit is calling
25 for a conclusion and is not relevant to this case.

1 BY THE COURT:

2 Yes, I sustain the objection.

3 BY MR. OWEN:

4 Q. About, uh, did you make any effort to stop that
5 station wagon?

6 A. I did not.

7 Q. And why didn't you?

8 A. Well, I didn't have any reason to. It let off
9 its speed when it came over the hill and was
10 in eyeview of us.

11 Q. Did you have any further communications with
12 Cecil Price?

13 A. We did.

14 Q. When did that occur?

15 A. Oh some four to five minutes after the station
16 wagon and he passed us.

17 Q. Would you tell us what those communications were?

18 A. He wanted us to come up and assist him with them.
19 He said he had a speeder stopped.

20 Q. And did you go?

21 A. I did.

22 Q. And who was with you?

23 A. Patrolman Wiggs.

24 Q. And where did you go?

25 A. We went to the intersection of Beacon and Main

- 1 Streets.
- 2 Q. What city?
- 3 A. Philadelphia.
- 4 Q. What did you see when you got to the intersection
5 of Beacon and Main Streets?
- 6 Q. Well the station wagon was stopped, Price was
7 stopped behind it and there were three people
8 changing a tire on this station wagon.
- 9 Q. Was this the same station wagon you had seen on
10 16?
- 11 A. It looked like the same one.
- 12 Q. And were these people in that station wagon white
13 people or negroes?
- 14 A. One negro and two whites.
- 15 Q. I would like to hand you this and ask if you
16 recognize that picture?
- 17 A. I do.
- 18 Q. Tell us what that picture is?
- 19 A. Its the intersection of Beacon Street and Main
20 Street or highway 16 and Main Street.
- 21 Q. Now, is that a fair and accurate representation of
22 this intersection of those streets?
- 23 A. It is.
- 24 Q. I would like to have that marked and introduced
25 into evidence.

1 BY THE COURT:

2 It may be entered and be marked.

3 (Whereupon exhibit entered into evidence and marked
4 P-59)

5 BY MR. OWEN:

6 Q. When you arrived what was happening?

7 A. They were changing the wheel on the station wagon,
8 they had a flat.

9 Q. Who was?

10 A. The negro and the two whites.

11 Q. Did you have any conversation with Price or did
12 he have any conversation with you?

13 BY MR. WATKINS:

14 Your Honor, we object on behalf of the clients that
15 I represent for the reason that the government has
16 made no showing so far concerning any conspiracy
17 extra judicial statements of one of these defendants
18 as against my defendants, not now is admissible.

19 BY THE WOUT:

20 I think that's the rule and I'll sustain the objection
21 as against your client?

22 BY MR. BUCKLEY:

23 Your Honor if it please the Court, I understood this
24 applied to all the defendants?

25 BY THE COURT:

That's right.

1
2 BY MR. OWEN:

3 Q. Will you answer?

4 A. What was the question?

5 Q. What conversation did you have with Price while
6 you were there?

7 A. He said he had arrested the negro for speeding,
8 he was the driver, and the other two for investi-
9 gation, and he asked us if we would help him
10 take them to jail.

11 Q. Now, did he determine or did he indicate to you
12 he had determined who the car belonged to at that
13 time?

14 A. There wasn't anything said about the car.

15 Q. Did he indicate to you what the names of these
16 three individuals were?

17 BY MR. HENDRICKS:

18 He's leading, Your Honor, he's just trying to put
19 the words in his mouth.

20 BY THE COURT:

21 I'll overrule your objection.

22 BY MR. OWEN:

23 Q. Did he indicate what the names of these people
24 were?

25 A. He did not.

Q.

- 1 Q. Then what did you do?
- 2 A. They got their tire changed, I carried the two
3 whites in my patrol car to jail.
- 4 Q. And what happened to the negro?
- 5 A. Patrolman Wiggs carried him in the station wagon.
- 6 Q. And what happened to Price?
- 7 A. We drove up to the jail about the same time.
- 8 Q. And who took them to jail?
- 9 A. Price.
- 10 Q. And then what did you do?
- 11 A. We left and went around to the police station.
- 12 Q. Can you give us your best estimate as to the time
13 they were placed in jail?
- 14 A. I would say between 3:30 and 4:00 o'clock.
- 15 Q. And you went back to the police station?
- 16 A. Right.
- 17 Q. What did you do there?
- 18 A. Nothing.
- 19 Q. Was Price there?
- 20 A. He was.
- 21 Q. Did you obtain any information as to the identity
22 of these three people?
- 23 A. I got their names.
- 24 Q. From whom?
- 25 A. From Price.