

1 because he doesn't have knowledge of where they
2 came from.

3 BY THE COURT:

4 Well we'll just let the jury waive that so I'll
5 overrule your objection. How many keys are there?

6 BY THE WITNESS:

7 Nine.

8 BY THE COURT:

9 All right, I'll let them be marked as one exhibit.
10 (Whereupon exhibit entered into evidence and marked
11 P-63)

12 BY MR. DOAR:

13 Q Would you hand the locks that you received?

14 BY MR. ALFORD:

15 That box is sealed and we have no way of seeing what's
16 in the box.

17 BY THE COURT:

18 Open the box up for them, Mr. Marshal and show them
19 what's in there.

20 BY MR. ALFORD:

21 Your Honor we object to these being offered on the
22 grounds that the authenticity has not been established
23 as this witness has no personal knowledge or couldn't
24 have.

25 BY THE COURT:

1 I believe I'll let you go over that again, I'm not
2 quite sure how you did say you came into possession of
3 those locks?

4 BY MR. DOAR:

5 Q How did you come into possession of those door
6 locks?

7 A These were turned over to me by Special Agent
8 Joseph Gormley at the Laboratory.

9 BY MR. ALFORD:

10 Your Honor please this package doesn't say door locks
11 that we're looking at here.

12 BY THE COURT:

13 That's not a package of door locks?

14 BY MR. ALFORD:

15 I would like for His Honor to see this.

16 BY THE COURT:

17 Are they door locks?

18 BY THE WITNESS:

19 I received some door locks and a gas cap lock, Your
20 Honor.

21 BY THE COURT:

22 Let's see, open it up and let's see what it is.

23 Its material of some kind, I couldn't say it was
24 a lock.

25 BY THE WITNESS:

1 A. Well Your Honor, in that moulden material I
2 found some tumblers which I placed in a box which
3 from my knowledge of locks, which from my know-
4 ledge of locks I identified it to me as being a
5 lock, and by examining those tumblers they are
6 different lengths, etc., I was able to determine
7 that the key, or one of the keys the key bearing
8 the name Myers found on the ring of keys that I
9 removed from the pocket of body number one was
10 cut for this particular lock.

11 BY THE COURT: I didn't see tumblers in the box.

12 BY THE WITNESS:
13 There should be tumblers in the box.

14 BY THE COURT:

15 Pull a tumbler out of there. There are in this pill
16 box, Your Honor.

17 BY MR. ALFORD:

18 Your Honor, I renew my objection again, to come in
19 here with this, and to say that in the presence of
20 the jury we object, Your Honor. We also object to
21 this introduction, and we also object to what has
22 been said here by Counsel.

23 BY THE COURT:

24 I'm not sure that he has shown where this material
25 came from and the material he showed me I couldn't
26 possibly recognize that as a tumbler as I know a

1 tumbler, but I don't know anything about Ford
2 locks, so I'll let him mark that for identificatio
3 (Whereupon exhibit marked P-63 for identification)

4 BY MR. DOAR:

5 Q Will you hand me another one of the locks?

6 BY THE COURT:

7 Will these other locks fall in the same category of
8 evidence?

9 BY MR. DOAR:

10 They are all the same, Your Honor.

11 BY THE COURT:

12 I believe I'll let you mark these other locks for
13 identification and if later you can button it up
14 we'll take another look at it, because I don't believe
15 on this record at this time you've got a little break
16 here, this material is not traced to this particular
17 witness or any witness that I recall on the witness
18 stand that has identified this stuff in such way
19 as I could say this was the same stuff that was
20 placed in the witness hand.

21 BY MR. DOAR:

22 Well I thought, Your Honor, that testimony had been
23 presented to you through the testimony of Agent
24 Cochran, Agent Coyle, and Agent E6rmley.

25 BY THE COURT:

1 Well I remember one of the Agents saying he sent the
2 locks and one of the agents said some locks were
3 mailed by somebody, and I don't believe that somebody
4 has even been identified or what locks he was talking
5 about.

6 BY MR. DOAR:

7 Well I'll just ask that they be marked for identifi-
8 cation.

9 BY THE COURT:

10 All right, mark those other locks for identification.
11 (Whereupon exhibits marked P-64 & P-65 for identi-
12 fication)

13 Mr. Miller, I believe if you would move those things
14 away from the microphone we wouldn't get as much static
15 from it.

16 BY MR. DOAR:

17 Q Did you say you received a wallet?

18 A I did, yes sir.

19 Q From whom did you receive the wallet?

20 A Well, I received the clothing----

21 BY MR. HENDRICK:S

22 We object, Your Honor, this is not responsive to the
23 question.

24 BY THE COURT:

25 I think he's trying to answer, let him answer or

1 try to, let's see what he's going to say, go along.

2 BY THE WITNESS:

3 A. I received clothing, as I stated before, and it
4 was personally turned over to me by Special Agent
5 Cook. When I went through the left hip pocket
6 of the trousers from body number one I found a
7 wallet. When I went through the trousers of
8 body number 2 I found another wallet.

9 BY THE COURT:

10 The question was, where you got that material from?

11 BY THE WITNESS:

12 A. It was turned over to me personally by Special
13 Agent Cook.

14 Q. Did you examine the wallet that you found in the
15 trouser pocket of body number one?

16 A. I did, yes.

17 Q. Did you find any identification there in that
18 wallet?

19 BY MR. BUCKLEY:

20 To which we object, Your Honor, as I recall the
21 testimony no one testified that they removed these
22 clothing from the bodies they have just testified
23 that they delivered packages.

24 BY THE COURT:

25 I'll overrule your objection.

1 BY MR. DOAR:

2 Q You may answer.

3 A Would you repeat the question please?

4 Q Did you find any identification data which you
5 removed from the pocket of the pants of body
6 number one?

7 A I did, yes.

8 Q What did you find?

9 BY MR. ALFORD:

10 Your Honor we want to interpose an objection unless
11 it is made available to us before he testifies about
12 it.

13 BY THE COURT:

14 What's made available to you?

15 BY MR. AEFORD:

16 Whatever he's testifying about, he's attempting to
17 testify about the identification items in this wallet
18 so he says. We would like to object until we've
19 seen what it is.

20 BY THE COURT:

21 Well, I don't believe he's said what it is yet, so
22 we'll find out and then hear your objection. Go
23 along.

24 BY THE WITNESS:

25 A I found numerous items in the wallet bearing the

1 name of Michael Henry Schwerner. Amongst those
2 items were a number of gas receipts signed by
3 Michael Schwerner, a Selective Service Card
4 what appeared to be a New York Operator's license,
5 a CORE card, and an American Civil Liberties
6 Card, and a number of other items in there.

7 Q. Did you examine the trousers of body number two?

8 A. I did.

9 Q. Did you find, uh, what did you find there?

10 A. I found in the trousers of body number two as
11 I stated before a wallet in the left hip pocket---

12 BY THE COURT:

13 Just a minute, let him have his objection.

14 BY MR. ALFORD:

15 Your Honor please, I interpose an objection again
16 he's testifying in detail what he found, yet there
17 has been no connection made as to these items.

18 BY THE COURT:

19 Well, I'll let him answer, overruled.

20 BY THE WITNESS:

21 A. I found a wallet in the left hip pocket of the
22 trousers from body number two. Amongst the
23 items in this wallet I found a number of them
24 bearing the name Andrew Goodman. These included
25 a Selective Service Card, a Classification Card,

1 two library cards from New York City, and as I
2 recall a driver's license and a social security
3 card.

4 Q. Now, do you have those wallets here?

5 A. I do, yes sir.

6 Q. And would you hand the wallet from body number
7 one to the Deputy Marshal, and I would like to
8 have that marked and offered into evidence,
9 likewise the other one also.

10 BY THE COURT:

11 Open that up. Move along, and show it to Counsel.
12 Cards of some kind taken from one or maybe both
13 of the wallets from these victims have already been
14 entered in this case. Was it you who took those cards
15 out of the purses of these victims?

16 BY THE WITNESS:

17 I did, Your Honor.

18 BY THE COURT:

19 You and not somebody else?

20 BY THE WITNESS:

21 I did personally, Your Honor.

22 BY MR. DOAR:

23 I don't believe, Your Honor, the witness has testified
24 accurately to the removal of the cards about which
25 you asked him?

1 BY THE COURT:

2 Well I want to be sure he does understand what I'm
3 asking him. Hand me those cards, are they selective
4 service cards or are they social security cards.

5 BY THE CLERK:

6 Selective Service cards, Your Honor.

7 BY THE COURT:

8 Selective Service Cards. That's what I thought they
9 were. That's right, hand those to Mr. Doar and
10 let him ask the witness about those.

11 BY MR. DOAR:

12 Q Mr. Berley, I would like to hand you two
13 selective service cards marked exhibit P-41 and
14 42, and tell me if you recognize those?

15 A Yes sir, I do.

16 Q What are those cards?

17 A These are two selective service cards, one bearing
18 the name of Michael Henry Schwerner and the other
19 bearing the name of Andrew Goodman.

20 Q And what did you do with those cards?

21 A I took the selective service card bearing the
22 name of Michael Henry Schwerner out of the wallet
23 that I found in the pants of body number 1. The
24 selective service card, bearing the name of
25 Andrew Goodman I took from the wallet of body

1 number two. Both of these selective service cards
2 were turned over personally by me to Special Agent
3 Jay Cochran on October 10, 1967.

4 BY THE COURT:

5 That's what I understood him to say.

6 BY MR. DOAR:

7 I'm sorry, Your Honor, I misunderstood him.

8 Q Could you hand to the Deputy Marshal that first
9 wallet that you have testified about?

10 BY MR. ALFORD:

11 We object, Your Honor.

12 BY THE COURT:

13 I'll overule your objection.

14 BY MR. DOAR:

15 Could you hand him the other wallet? Where did that
16 wallet come from?

17 A. This is the wallet that I took out of the pants
18 of body number 2.

19 BY THE COURT:

20 Those exhibits don't have any decomposed materials
21 on them I hope, have they?

22 BY THE MARSHAL

23 Yes sir.

24 BY THE COURT:

25 Sir?

1 BY THE MARSHAL:

2 Yes sir.

3 BY THE COURT:

4 Well, let's don't be fanning them around in here.

5 I don't want to get too realistic about the facts in
6 this case. All right.

7 BY MR. DOAR:

8 Q Will you hand that to the Clerk for marking?

9 BY MR. HENDRICKS:

10 If it please the Court, we interpose the same object-
11 ion.

12 BY THE COURT:

13 Yes sir, overruled. They may be entered and marked.
14 (Whereupon exhibits entered into evidence and
15 marked P-66 & P-67 into evidence)

16 BY MR. DOAR:

17 Thank you, Your Honor, that's all I have.

18 BY MR. WEIR:

19 May I proceed, Your Honor?

20 BY THE COURT:

21 T go wash your hands. Give him those two exhibits
22 and let the Marshal take them out of here. I want
23 the Marshal to take those last exhibits out of here
24 and I don't need to be worked on by them neither does
25 the jury so you can take them back where you got

- 1 Q As far as you know he's there at this time?
- 2 A As far as I know.
- 3 Q He's not in Meridian?
- 4 A No sir.
- 5 Q This body number 2 that you undertake to testify
6 about it had a hole entry in that left pocket,
7 did you say?
- 8 A That is right.
- 9 Q And at about what place on this left pocket was
10 this puncture or hole,
- 11 A In the chest area.
- 12 Q Would you point it out to the Court and Jury?
- 13 A Right up here. Now, this was the hole around
14 which I found powder residue, and as I described
15 the holes, I described those around which I
16 found powder residues. Now, there was another
17 hole in the right chest area which had the
18 appearance of a bullet hole and had what appeared
19 to be a grease ring surrounding, this is very
20 characteristic again of a bullet hole; however,
21 I ran a test around this hole and did not come
22 up with any powder residue.
- 23 Q On the right side?
- 24 A That's correct, yes sir.
- 25 Q Only hole that you know anything about being

1 made in body number 2 was the one on
2 the left side about the left pocket that was
3 shot from close range, or could have been shot
4 at close range?

5 A. Close range, however, this hole in the right
6 side could be a bullet hole.

7 Q. But you are positive that the one on the left
8 side was a bullet hole?

9 A. That's correct, yes sir.

10 Q. And you are just as positive of that as anything
11 else you've testified about.

12 BY MR. HAUBERG:

13 We object to Counsel's statement.

14 BY THE COURT:

15 I'll overrule the objection.

16 BY THE WITNESS:

17 A. I am, yes sir.

18 Q. And there is no doubt in your mind at all about
19 that fact?

20 A. No sir.

21 Q. And as you pointed out over the left pocket of
22 body number two, a white person it seemed to
23 be fired according to the power marks at close
24 range?

25 A. Contact or near contact.

1 Q. And the skin that you examined came from that
2 same place according to your information?

3 A. It came from the chest area.

4 Q. On the left side?

5 A. I don't recall whether it was left or right, I
6 don't recall describing it.

7 Q. Well was something burned on the right?

8 A. No, I found no powder in that hole.

9 Q. It was clear.

10 Q. That's correct.

11 Q. But you did find powder burns where a bullet
12 had entered a pocket of body two on the left
13 side?

14 A. That's correct.

15 Q. And there's no doubt about it?

16 A. That is correct.

17 Q. Would the Court indulge me just one moment?

18 BY THE COURT:

19 Did any investigation reveal anything about whether
20 either one of these bodies was living when those
21 bullets entered the bodies?

22 BY THE WITNESS:

23 No, Your Honor, I made no examination as to that.

24 From the evidence that I received I couldn't determin
25 that. No sir.

1 BY MR. WEIR:

2 Your Honor, there are several attorneys here involved
3 and I would like to ask the Court's permission that
4 they be allowed to question the witness.

5 BY THE COURT:

6 All right.

7 FURTHER CROSS EXAMINATION

8 BY MR. PIGFORD:

9 Q Mr. Berley, did I understand your testimony that
10 you do not personally know about whether any of
11 these garments came off of any particular body,
12 you are simply stating that a pair of trousers
13 came off of body number two because it was labeled
14 that way when you received it, is that correct?

15 A Well it certainly had identifications on them.
16 And in their wallets there was means of identification
17 and under body number 2 there was a pair of under-
18 shorts which had the name of Andrew Goodman on
19 it.

20 Q All right, now you identified them as to body
21 numbers because they were labeled that way when
22 you receive them, didn't you?

23 A That's correct, yes.

24 Q And that's the reason you testified that the
25 trousers that came off of body number two was

1 taken off of body number two?

2 A. That's correct.

3 Q. And is that true with reference to all of the
4 garments that you received?

5 A. That's correct, that's the way they were originall
6 identified to me.

7 Q. That's all, thank you.

8 BY THE COURT:

9 Anyone else?

10 FURTHER CROSS EXAMINATION

11 BY MR. BUCKLEY:

12 Q. Mr. Berley, are .38 caliber bullets 38/100 in
13 diameter, is that correct?

14 A. Approximately.

15 Q. Could you transfer that into millimeters for
16 us and tell us how many millimeters that is?

17 A. Well thirty-eight is approximately nine milli-
18 meters.

19 Q. Approximately, could you be a little more
20 accurate say 9.5 or something like that.

21 Q. Well I would have to work it out but it would
22 be approximately nine millimeters. It is
23 often referred to or very often the .380
24 cartridge which is a .38 calibre cartridge is
25 referred to as a nine millimeter cartridge also.

1 Q Nine millimeter luger is approximately the same?

2 A Yes sir.

3 Q Thank you.

4 BY THE COURT:

5 Anything further?

6 (Whereupon witness excused)

7 BY MR. WEIR:

8 Your Honor I don't want to question him any more
9 but for the benefit of the record could I at this
10 time renew all of the objections that we also be
11 allowed a continuing objection throughout the
12 trial to show our diligence in the matter?

13 BY THE COURT:

14 Well, I don't think you need that, I've ruled on
15 them and I haven't changed my opinion.

16 BY MR. WEIR:

17 Yes sir, but we just wanted the record to show
18 our diligence.

19 BY THE COURT:

20 You don't have to just hammer at the Court, when you
21 make an objection and I rule on it you've got your
22 point made if I understand it and if your objection
23 is specific enough and I believe your objections
24 have been specific and my rulings were the best that
25 I could see them at the time, and I still see them

1 that way and I think they are in the record.

2 BY THE COURT:

3 I just wanted to ask, Your Honor.

4 BY THE COURT:

5 Call your next witness.

6 CARLTON WALLACE MILLER, called as a witness for and
7 on behalf of Plaintiff, was sworn and testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. DOAR:

11 Q. Will you tell the Court your full name please?

12 A. Carlton Wallace Miller.

13 Q. How old are you?

14 A. 43 years old sir.

15 Q. Where do you live?

16 A. Meridian, Mississippi.

17 Q. Are you married?

18 A. I am sir.

19 Q. What is your occupation?

20 A. A policeman with the Meridian Police Department.

21 Q. How long have you been a policeman with the Police
22 Department in Meridian?

23 A. Twenty years in April.

24 Q. What is your present job?

25 A. I'm a Sergeant.

- 1 Q. What responsibilities do you have as a Sergeant?
- 2 A. I am the shift man there in the absence of the
- 3 assistant chief.
- 4 Q. Do you hold any other jobs at this time?
- 5 A. Yes sir, I worked at a grocery store.
- 6 Q. And whose grocery store?
- 7 A. Its my wife.
- 8 Q. Do you know Preacher Killen?
- 9 A. I do sir.
- 10 Q. Can you identify him looking around in the
- 11 courtroom and see if you can identify him?
- 12 A. He's over here sir.
- 13 Q. How long have you know him?
- 14 A. About all my life.
- 15 Q. How do you happen to know him?
- 16 A. Well I'm from up in Neshoba County originally
- 17 and that's where Mr. Killen is from.
- 18 Q. What were the circumstances of your acquaintance?
- 19 A. Mr. Killen and I were in the same class at school
- 20 and we lived near each other and we were closely
- 21 associated and we are distantly related.
- 22 Q. Did you and Mr. Killen maintain that relationship
- 23 after you grew up?
- 24 A. Yes sir over the years.
- 25 Q. During the period of 1950 did you see him?

- 1 A In 1956, uh, 1955 I had a brother that passed
2 away and Mr. Killen conducted the services. In
3 1956 I had two children to pass away, also one
4 in 1957 and he conducted the services of those
5 children.
- 6 Q Did you see him during the 1960's?
- 7 A yes.
- 8 Q Now specifically during the period of 1963 early
9 1964, did you see Preacher Killen?
- 10 A Yes sir, I saw him several times.
- 11 Q What were the circumstances of you seeing him on
12 those occasions?
- 13 A Mr. Killen has visited in my home several times.
- 14 Q And where were those visits? Here in Meridian?
- 15 A Yes sir.
- 16 Q Have you ever been a member of the White Knights of
17 the Ku Klux Klan?
- 18 A I have sir.
- 19 Q What is the White Knights of the Ku Klux Klan?
- 20 A Its an organization called the Ku Klux Klan.
- 21 Q When were you first contacted to become a member
22 of the White Knights of the Ku Klux Klan?
- 23 A It was in the latter part of March or early April.
- 24 Q Of what year?
- 25 A In 1964.

1 Q By whom?

2 A Mr. Killen.

3 Q Were, uh, where were you contacted?

4 A At the police department.

5 Q Can you tell us in your own words what was said?

6 BY MR. BUCKLEY:

7 Your Honor if it please the Court, we object as to
8 the conversation affecting the other defendants.

9 BY THE COURT:

10 I'll let him tell what Killen said and that will not
11 be competent against any of the other defendants.

12 BY MR. KILLEN:

13 A Mr. Killen told me there was a strong organization
14 and asked me if I was interested in joining to
15 help keep the colored people from integrating
16 our schools and I told him I was definitely
17 interested.

18 Q Did you see Preacher Killen again that day?

19 A Yes sir.

20 Q Where did you see him?

21 A He came to the police station that night. I was
22 working the three til eleven at night and he
23 came to the police stataion when I got off and
24 went home with me.

25 Q What happened when you goto your home?

- 1 A We discussed this organization and I asked him if
2 he
3 it was the Ku Klux Klan and/told me it was, and
4 up until that time the name had never been called.
5 He asked me if I was still interested and I told
6 him that I was.
- 7 Q Then what happened?
- 8 A He joined me.
- 9 Q And where was that?
- 10 A In my dining room in my home.
- 11 Q And how did he join you?
- 12 A He read some papers to me, ask me some questions
13 and gave me the oath.
- 14 Q Now do you know what Preacher Killen's title was
15 with the Ku Klux Klan?
- 16 A I didn't at that time, I later learned it was
17 Kleagle.
- 18 Q What is Kleagle?
- 19 A Organizer.
- 20 Q And what happened if anything on the next day?
- 21 A I don't believe that I saw him the next day.
- 22 Q When did you see him next?
- 23 A Probably the following week end.
- 24 Q Where did you see him?
- 25 A He wither came to my home or to the police station
we would usually contact each other at my home

- 1 or the police department.
- 2 Q What did you do?
- 3 A We went to the Longhorn Drive-Inn.
- 4 Q What is the Longhorn Drive-Inn?
- 5 A Its a restuarant located down on Tom Bailey Drive.
- 6 Q And who did you see at the Longhorn Drive-Inn?
- 7 A Mr. Herndon, Frank Herndon.
- 8 Q Now will you look around the courtroom and see if
- 9 you recognize Mr. Herndon?
- 10 A Yes sir, there on the end there.
- 11 Q Could you identify him for the Court and Jury?
- 12 A He's wearing a robe.
- 13 Q And di you see anyone else there that day?
- 14 A Mr. Jordan.
- 15 Q What is his first name?
- 16 A Him, James.
- 17 Q Do you see him in the courtroom?
- 18 A I don't see him sir.
- 19 Q Then what happened on that occasion?
- 20 A We went out on the mountain and Mr. Killen swore
- 21 in Mr. Jordan and Mr. Herndon into the Klan.
- 22 Q Did you have any further meetings with Mr. Killen
- 23 about the White Knights of the Ku Klux Klan?
- 24 A Yes about a week from this date, uh, from this
- 25 time we met again down on Tom Bailey Drive at

- 1 a trailer home.
- 2 Q Can you look around here on the inside of the rail
- 3 and tell me if any of these persons were present
- 4 at that time?
- 5 A Mr. Harris and Mr. Snowden were present.
- 6 Q Can you identify them?
- 7 A Mr. Harris has on the green sweater and Mr.
- 8 Snowden has on the suit sitting next to Mr.
- 9 Harris.
- 10 Q Is Mr. Snowden sitting on the left or the right
- 11 of Mr. Harris?
- 12 A To his right.
- 13 Q On his right. And what happened at that meeting?
- 14 A That was the time I believe that he swore them
- 15 in.
- 16 Q Do you, uh, did you attend other meetings of the
- 17 White Knights of the Ku Klux Klan prior to the
- 18 21st day of June, 1964?
- 19 A Yes sir.
- 20 Q And can you tell me whether or not you can
- 21 recognize any other members of the White Knights
- 22 of the Ku Klux Klan that are in the court room?
- 23 You may look around.
- 24 A I know Mr. Akins.
- 25 Q Just identify him, which one is he?

1 A He's this gentlemen right here sir, second one
2 from the end.

3 Q Sitting next to whom?

4 A Mr. Killen.

5 Q Do you recognize anyone else?

6 A I know Mr. Barnette sir.

7 Q And who is Mr. Barnette?

8 A He's the ex-shariff and sheriff-elect of Neshoba
9 County.

10 BY MR. BUCKLEY:

11 Your Honor, if it please the Court, as I understand
12 the answer its not responsive to the question----
13 counsel mumbling and unable to understand.

14 BY THE COURT:

15 I don't believe it was responsive so ask him that
16 question again.

17 BY MR. DOAR:

18 Q Which ones of defendants did you meet at meetings
19 of the White Knights of the Ku Klux Klan between
20 that date that you have heretofore described and
21 of June 21st, 1964?

22 A I met Mr. Roberts, Mr. Barnette, and the second Mr.
23 Barnette and Mr. Arledge, Mr. Harris and Mr.
24 Snowden, Mr. Herndon, Mr. Bowers, Mr. Akin, Mr.
25 Killen.

Q And where were those meetings unusually held?

1 A Usually they were held out at Key Field at a
2 warehouse.

3 Q Who was head of the White Knights of the Ku Klux
4 Klan?

5 A Sam Bowers, do you mean over the State?

6 Q Yes sir.

7 A Mr. Sam Bowers.

8 Q Can you identify Mr. Bowers for us?

9 A He's sitting over there sir.

10 Q Do you know where he lives?

11 A Laurel.

12 Q What discussion were there at these meetings as
13 to the programs of the White Knights of the Ku
14 Klux Klan?

15 BY MR. PIGFORD:

16 We object, Your Honor, there hasn't been any dis-
17 cussion testified to about any specific defendant.

18 BY THE COURT:

19 Well, I'll overrule your objection, go along.

20 BY THE WITNESS:

21 A I didn't understand your question.

22 Q Was there any discussion about the program of the
23 White Knights of the Ku Klux Klan?

24 A Yes sir, we were opposed to integration, we
25 were opposed to the colored going to white schools

1 that was the main thing we were opposed to, and
2 usually that was the topic of our discussions
3 mostly.

4 Q What discussion was there with respect to----

5 BY MR. HENDRICKS:

6 We object to his leading question, Your Honor.

7 BY MR. WATKINS:

8 And we object further to the fact there has been no
9 showing that any particular defendant was present at
10 any particular time the generalized knowledge of this
11 man or what he may have learned by membership in an
12 order without these boys being present would not be
13 admissible at all, Your Honor.

14 BY THE COURT:

15 I think that's correct, but I'll overrule the first
16 objection, as to the second objection I will sustain
17 that unless and until this witness has tied these
18 defendants or some of them in with those discussions.

19 BY MR. DOAR:

20 Q Did you prior to June 21st, 1964 ever hear
21 Preacher Killen discuss methods of controlling
22 negro citizens of Mississippi?

23 BY MR. ALFORD:

24 Your Honor please, I would like to interpose an
25 objection to that question, its a generalized question

1 and it goes back prior to June 21, 1964 and we think
2 we are entitled to specific time and place and the
3 names of persons present, therefore, we respectfully
4 object to these generalized questions.

5 BY THE COURT:

6 Yes, I think we are interested in and concerned with
7 the time about the 21st or the 22nd of June, 1964
8 or some date in reasonable proximity to it and you
9 will ask your question in such way to illicit specific
10 answers.

11 BY MR. DOAR:

12 All right, Your Honor.

13 Q In May, 1964 did you have any discussion with
14 Preacher Killen with respect to methods of con-
15 trolling negro citizens in the State of Mississippi?

16 BY MR. PIGFORD:

17 We object to his leading, Your Honor.

18 BY THE COURT:

19 Overruled.

20 BY MR. ALFORD:

21 Your Honor, we would raise an objection to the date
22 of May. Your Honor please, that's thirty days or
23 thirty-one days and no specific time or place.

24 BY THE COURT:

25 Yes sir, I think that's in reasonable proximity so

1 I'll overrule that objection.

2 BY MR. DOAR:

3 Q You may answer.

4 A Yes sir, we were to apply pressure.

5 BY MR. WEIR:

6 We object unless he names some place or persons
7 that were present.

8 BY THE COURT:

9 Well, he can't tell us everything he knows in one
10 breath, and its hard, and you gentlemen are going to
11 have a chance to cross examine and I'm sure you are
12 going to avail yourself of that rather extensively
13 so, I'll overrule your objection.

14 BY MR. DOAR:

15 Q Now then, was there to be various types of pressur

16 A Yes sir, to begin with we were to call them up
17 or go to see them and threaten them on their
18 jobs and things of that nature.

19 BY THE COURT:

20 Go to see whom?

21 BY THE WITNESS:

22 Their bosses.

23 BY MR. DOAR:

24 Q Was there any other kind of pressure that was
25 discussed?

1 A Whippings and beatings.

2 Q Was there any kind of procedure whereby such type
3 of action would have to be proved by the White Knights
4 of the Ku Klux Klan.

5 BY MR. ALFORD:

6 Just a minute Your Honor, we object to that question.
7 Its leading and suggesting, and he's still asking
8 those generalized questions, and we respectfully submit
9 that is not admissible.

10 BY THE COURT:

11 I'll overrule the objection.

12 BY THE WITNESS:

13 A After the pressure was applied and they didn't
14 respond then we were to resort to physical pressure
15 if we wanted to whip someone the lodge would vote
16 on it and then the lodge president or the E. C.---
17 would-----

18 BY MR. WEIR:

19 Your Honor please, we object to that unless it is
20 referred to the three particular people that is said
21 to have been involved in the indictment, rather than
22 just what was to be done to somebody else.

23 BY THE COURT:

24 I'll overrule the objection.

25 BY THE WITNESS:

1 A The lodge would take a vote on it and then the
2 President or the E. G. of the lodge either had
3 the power to reject it or to okay it, to okay
4 the beating?

5 Q Now, was there any other action?

6 A There was elimination.

7 Q What does elimination mean?

8 A Murder.

9 Q Within the Klan structure?

10 A That's a term for murdering someone, killing them.

11 Q And how did that have to be approved if at all?

12 A That had to be approved by the Imperial Wizard.

13 If the Klan unit wanted them disposed of would
14 turn that over to the Kleagle in this area or the
15 organizer and then he would carry it to the
16 Imperial Wizard.

17 Q Now, can you tell me whether or not there was a
18 unit or Klavern of the White Knights of the Ku
19 Klux Klan in Neshoba County?

20 A I understand it was.

21 BY MR. ALFORD, PIGFORD, WEIR: (BASIS NOT RECORDED BY REPORTER

22 AS ALL COUNSEL TALKING AT ONE TIME) We object.

23 BY THE COURT:

24 Sustained.

25 BY MR. ALFORD:

1 BY MR. ALFORD:

2 We request that the Jury be instructed to disregard
3 the answer, Your Honor.

4 BY THE COURT:

5 That answer is not competent Members of the Jury,
6 you will not consider it.

7 BY MR. DOAR:

8 Q During the month of May, did you ever go to
9 Neshoba County on Klan visits, during May of
10 1964?

11 A I went up there but I didn't go to a Klan meeting.

12 Q Who did you meet, if anyone, up there?

13 A Preacher Killen, I met him at a little restuarant
14 just this side of town.

15 Q And what was the purpose of your meeting with him?

16 A To keep some negroes from playing baseball in
17 Philadelphia.

18 Q Did you meet anyone else up there?

19 A Preacher Killen called someone and he told me
20 that Sheriff Rainey and Deputy Price were coming
21 out.

22 BY MR. ALFORD:

23 We object to that.

24 BY THE COURT:

25 Overruled.

1 BY MR. DOAR:

2 Q Did the Sheriff and Cecil Price come out?

3 A Yes sir.

4 Q And did you meet them?

5 A Yes sir.

6 Q Do you know if they are members of the White
7 Knights of the Ku Klux Klan?

8 A Sir, I don't know.

9 Q You don't know that?

10 A No sir.

11 Q Now, what if any discussion were had at meetings
12 of the White Knights of the Ku Klux Klan during
13 the latter part of April and May, 1964 in Meridian
14 Mississippi about Michael Schwerner?

15 A The meeting that I attended---

16 BY MR. BUCKLEY:

17 Your Honor, if it please the Court, I object to the
18 question unless it is shown that one of these defen-
19 dants was present.

20 BY THE COURT:

21 Let me get that question again please?

22 BY MR. DOAR:

23 Q At the meetings in late April and May of 1964
24 at the White Knights Klavern, the White Knights
25 of the Meridian Klavern, what if any discussion

1 was had among members about Michael Schwerner?

2 BY THE COURT:

3 Now that would not be proper unless and until some
4 of these eighteen defendants were tied in with that,
5 and I'll let you tell if there were and if there
6 weren't I'll sustain the objection.

7 BY MR. DOAR:

8 Q Do you understand the question?

9 A Yes sir, I think I do. Some of the members wanted
10 to whip Schwerner.

11 Q Let me ask you this, who was in charge of that
12 meeting?

13 BY MR. BUCKLEY:

14 Your Honor if it please the Court I think the Jury
15 should be asked to disregard his answer.

16 BY THE COURT:

17 Well, I'm not sure, I'll let you develop this a little
18 bit, and I think he understands my ruling, he says
19 he does and I hope he does and I wouldn't think he
20 would answer it like that if he didn't when he says
21 he does understand.

22 BY MR. DOAR:

23 Q Who was in charge of that meeting?

24 A Mr. Killen and Mr. Herndon.

25 Q And what others of the defendant were present at

- 1 that meeting, if you recall?
- 2 A I don't recall.
- 3 Q What was said in Mr. Killen and Mr. Herndon's
- 4 presence about Michael Schwerner?
- 5 A Prior to the meeting of this particular one, they
- 6 wanted to go whip Schwerner, at this meeting,
- 7 they reported that they hadn't been able to see
- 8 him. Mr. Killen told us to leave him along that
- 9 another unit was going to take care of him, that
- 10 his elimination had been approved.
- 11 Q Did he say by whom it had been approved?
- 12 A By the Imperial Wizard.
- 13 Q Who is the Imperial Wizard?
- 14 A He didn't use his name at that time, he just
- 15 said by the Imperial Wizard.
- 16 Q Do you know who the Imperial Wizard is?
- 17 A Yes sir, Mr. Bowers.
- 18 Q What if anything did Mr. Killen say about, I'll
- 19 withdraw that question. Did Mr. Killen or any
- 20 of the other members of the White Knights of
- 21 the Ku Klux Klan have any particular name for
- 22 Michael Schwerner?
- 23 A They called him "Goatee."
- 24 Q What if anything did Mr. Killen say about whether
- 25 or not Michael Schwerner had visited Neshoba County

1 A He told me they were working with the Cofo in
2 Philadelphia.

3 Q Did anyone from Meridian go with you up to
4 Philadelphia to meet Preacher Killen, any of
5 these defendants?

6 A Mr. Roberts went with me.

7 Q Can you identify him?

8 A He's sitting rightdown there.

9 BY MR. HENDRICKS:

10 May it please the Court, we don't know what time he's
11 talking about.

12 BY MR. DOAR:

13 Q Can you fix the time of that trip to Philadelphia?

14 A I don't remember the date.

15 Q Can you fix the month?

16 A It was April or May, I believe it was around
17 May.

18 Q Of what year?

19 A Sixty-four.

20 Q Now, have you been paid any money for any infor-
21 mation that you have given by the Federal Bureau
22 of Investigation?

23 A I have sir.

24 Q And when did you start furnishing information to
25 Federal Bureau of Investigation?

1 A. About the middle of September of sixty-four.

2 Q. How long did you remain a member of the White
3 Knights of the Ku Klux Klan.

4 Q. Until December of 1964.

5 Q. And did you have following June 21st a conversatio
6 with Frank Herndon about the three COfo workers
7 who were missing in Philadelphia on June 21st?

8 BY MR. BUCKLEY:

9 To which I object, Your Honor, this would be after
10 the conspiracy if there was any conspiracy, and it
11 would not be admissible as to these defendants, other
12 than Mr. Herndon.

12 BY THE COURT:

13 I think that is correct and I'll let him answer and
14 the jury will understand that his answer will only
15 be chargeable to defendant Herndon and will be
16 completely disregarded and removed from your minds
17 isofar as the other defendants are concerned.

18 BY MR. WATKINS:

19 Your Honor, on behalf of Mr. Herndon, I object further
20 unless he states time, and place, otherwise Mr.
21 Herndon would not have an opportunity to refute it at
22 all.

23 BY THE COURT:

24 Yes, you may be as specific about that as you can.
25

1 BY MR. DOAR:

2 Q Officer Miller, can you fix the time and place
3 and persons present when that conversation took
4 place?

5 A I returned from Summer Camp in the National
6 Guard on June 21st, 1964 and that was on Sunday
7 and I saw Mr. Herndon on Tuesday, that would be
8 about June 23, 64.

9 Q Where were you?

10 A We were at his restuarant.

11 Q And who was present?

12 A Mr. Jordan.

13 Q And what, if anything, was said about the missing
14 three civil rights workers?

15 BY MR. WEIR:

16 Your Honor please, may we have a continuing objection
17 to this?

18 BY THE COURT:

19 With respect to this line of questioning, and with
20 respect to this particular incident you may have a
21 continuing objection and its overruled.

22 BY MR. WEIR:

23 Thank yuu.

24 BY MR. ALFORD:

25 Just a minute, Your Honor, I don't want to belabor

1 the Court, but I wanted to understand the Court's
2 ruling. As I understand it this witness testimony
3 is not to pertain to anybody but Mr. Herndon and
4 anybody that he names, is that correct?

5 BY THE COURT:

6 That's correct, insofar as I know understand, I've
7 heard nobody else's name mentioned up to this point.

8 All right.

9 BY THE WITNESS:

10 A. Mr. Herndon and I and Mr. Jordan were discussing
11 the civil rights workers being missing, and Mr.
12 Herndon asked me, if anything, the police depart-
13 ment was doing about it and I told him we had a
14 missing person report on them was all that we
15 had done, that we were looking for them.

16 Q. Did you have a further conversation with Mr.
17 Herndon about the missing civil rights workers?

18 A. After that I saw Mr. Herndon practically every day.

19 Q. Can you tell me whether or not you had further
20 or did he tell you anything further about the
21 missing civil rights workers?

22 BY MR. WATKINS:

23 Your Honor please, we respectfully object because
24 every conversation he's asking about is after the
25 date of June 21, 1964.

1 BY THE COURT:

2 Yes, I'll overrule your objection as I understand it
3 you are making it on behalf of Mr. Herndon, and I'll
4 overrule it but I think anytime he makes a statement
5 about anything that Mr. Herndon is said to have said
6 to him that he'll give us the time, the place and the
7 date as nearly as he can.

8 BY THE WITNESS:

9 A The next thing I remember was the date that the
10 car was recovered. Mr. Herndon told me that
11 someone goofed up they were supposed to carry that
12 car to Birmingham.

13 Q What car?

14 A The civil rights worker's car.

15 Q Would you repeat that entire answer, I interrupted
16 you and the reporter might not have gotten all of
17 it.

18 A Mr. Herndon told me the day that they recovered
19 the car, the burned car, that they were supposed
20 to carry that car to Birmingham, that somebody
21 had goofed up that it was supposed to be carried
22 to Birmingham and disposed of.

23 Q And where did that conversation take place?

24 A At the Longhorn.

25 Q Do you remember the date of that?

- 1 A I believe it was on the day they recovered the
2 car, probably on a Wednesday or Thursday.
- 3 Q Who was present?
- 4 A I don't recall anyone being present at this time.
- 5 Q Did you have any further conversation with Mr.
6 Herndon about the three missing civil rights
7 workers?
- 8 A Mr. Herndon would question me about the infor-
9 mation that I had about the operations going on
10 in Neshoba County and I didn't know anything, he
11 would ask me if they were digging or dredging the
12 rivers or things along that line and I didn't know
- 13 Q Did you have any further conversation with him
14 about the missing civil rights workers?
- 15 A He told me one time he figured they had gone to
16 Cuba or some place like that.
- 17 Q What if anything did he say about what happened
18 at the Longhorn restuarant on the night of June
19 21, 1964?
- 20 A He told me that Mr. Killen came down and they got
21 together and made some phone calls and got some
22 boys together and went to Neshoba County.
- 23 Q Did he place the time and place of that happening.
- 24 A You mean where we were?
- 25 Q Yes.

1 Q We were at the Longhorn Restuarant.

2 Q Could you tell me about how long after June 21st
3 that was?

4 A About the 23rd or 24th?

5 Q Where is the Longhorn Drive-Inn?

6 A Down on Tom Bailey Drive, sir.

7 BY THE COURT:

8 Is that a restuarant?

9 BY THE WITNESS:

10 Yes sir.

11 BY THE COURT:

12 Whose restuarant is it?

13 BY THE WITNESS:

14 Its Mr. Garrett, Mr. Herndon was the Manager of it.

15 BY THE COURT:

16 All right.

17 BY MR. DOAR:

18 Q Now, did you have any conversation with Mr. Killen
19 after June 21 about the three missing civil rights
20 workers?

21 A Yes sir.

22 Q And can you tell me if you can what conversation
23 you had with him?

24 BY MR. BUCKLEY:

25 If Your Honor please if it please the Court, may we

1 interpose the same objection (Counsel mumbling
2 and court reporter did not get)

3 BY THE COURT:

4 I'll make the same ruling, that is it will be
5 chargeable only to him and will be completely dis-
6 regarded by the jury other than to the defendant,
7 Killen.

8 BY MR. ALFORD:

9 Your Honor please, representing Mr. Killen we object
10 to any testimony by this witness in regard to Reverend
11 Killen unless the dates, time, place and names of
12 persons present is given.

13 BY THE COURT:

14 Mr. Doar, they are entitled to know that so ask
15 him specific questions to illicit those specific
16 answers.

17 BY MR. DOAR:

18 Yes, Your Honor.

19 Q. Did you have any such conversation and I ask
20 you just to answer yes or no?

21 A. Yes.

22 Q. And as to the first conversation where did that
23 take place?

24 A. At my home.

25 Q. And who was present?

1 A. Just Mr. Killen and I.

2 Q. When was that?

3 A. June.

4 Q. And what did Mr. Killen say?

5 A. He told me that he wanted to talk to me and he
6 and I went back to my back room and we sat on the
7 bed, and we were discussing the civil rights
8 workers. Mr. Killen told me that they had been
9 shot, that they were dead, and that they were
10 buried in a dam about fifteen feet deep, and he
11 told me that Deputy Price told the F. B. I. the
12 truth about what time he turned them out.

13 BY MR. ALFORD:

14 We object, this is hearsay.

15 BY THE COURT:

16 Overruled.

17 BY MR. DOAR:

18 Q. What else did he say?

19 A. He told me that they got in a chase down highway
20 19 at about a hundred miles an hour and he
21 overtaken them and he said he thought that the
22 car tried to turn and go toward Union from House
23 and that's where they overtaken them in that
24 area there.

25 Q. What if anything did he say about a church burnin

- 1 A This was later on.
- 2 Q Did you have a conversation with him about the
3 church burning?
- 4 A Yes sir, he told me---
- 5 Q Just a minute. Where was that conversation?
- 6 A At the same time.
- 7 Q Was it that evening?
- 8 A Yes sir.
- 9 Q And who was present?
- 10 A No one.
- 11 Q What did he say?
- 12 A He told me they burned the church to get the
13 civil rights workers up there, referring to
14 Schwerner.
- 15 Q Now, which of the persons in this room do you
16 know of your own knowledge are members of the
17 White Knights of the Ku Klux Klan before June
18 21st?
- 19 BY MR. ALFORD:
- 20 Your Honor, we object to this being repetitious
21 he's already asked him that.
- 22 BY THE COURT:
- 23 I'll let him answer, overruled.
- 24 BY THE WITNESS:
- 25 A Mr. Roberts, Mr. Barnette---

1 BY THE COURT:

2 Call their first names, so we'll know who you are
3 talking about.

4 BY THE WITNESS:

5 Mr. Wayne Roberts, Mr. Travis Barnette, Mr. Doyle
6 Barnette, Jimmy Arledge, Mr. Harris, Pete Harris;
7 Jimmy Snowden, Mr. Herndon, Mr. Bowers, Mr. Akins,
8 and Mr. Killen.

9 BY MR. DOAR:

10 Q After June 21st, did you have any conversation
11 with Mr. B. L. Akin about the three missing civil
12 rights workers?

13 A Yes sir.

14 Q Can you tell me the time and place of that con-
15 versation?

16 A I talked to Mr. Akins down at the Longhorn drive-
17 inn and I've talked to Mr. Akins at his place
18 of business, I talked to Mr. Akins in my car,
19 and I also talked to him in his car, we were just
20 riding around.

21 Q And what if anything did he say anything on any
22 one of these occasions about-----

23 BY MR. HENDRICKS:

24 May it please the Court we object to these leading
25 questions, he can ask him what he said but he can't

1 ask him what they talked about.

2 BY THE COURT:

3 Well, we are just interested in what he said about
4 a very specific subject matter, and I think his
5 question would have to be limited and I'll overrule
6 your objection.

7 BY MR. MILLER:

8 A Mr. Akins told me----

9 BY MR. BUCKLEY:

10 Your Honor may it please the Court, I don't believe
11 he's given us a date

12 BY THE COURT:

13 Yes, just tell us specifically when it was, where
14 it was and who was present and then tell us if
15 one or more of these defendants accused said?

16 BY THE WITNESS:

17 A This was in the latter part of June of '64, Mr.
18 Akins and I were together and he told me-----

19 BY MR. BUCKLEY:

20 Your Honor, if it please the Court, I would like to
21 interpose an objection the same as before that this
22 is actually a continuation of the conspiracy--

23 BY THE COURT:

24 Yes, I make the same ruling.
25

1 BY THE WITNESS:

2 A Mr. Akins told me they had went up and burned
3 the Mt. Zion Church for the purpose of getting
4 Michael Schwerner up there.

5 Q What if anything else, did he say anything else
6 about the three civil rights workers?

7 A Mr. Akins told me that the night it happened that
8 did not go, but that he and Mr. Lyde stayed
9 together and waited until they got back, and
10 he said he gased up the men cars that went up
11 there.

12 BY MR. HENDRICKS:

13 Your Honor please, we object he didn't name a place
14 or date or who was present, and we object unless
15 he does.

16 BY MR. DOAR:

17 Q Can you give us a time, place and the ones
18 that was present during that conversation?

19 A At this conversation no one was with Mr. Akins
20 and myself. We were sitting in the car drinking
21 some coffee?

22 Q What time was that?

23 A It was the latter part of June.

24 Q What year?

25 A 1964.