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A. That's right, yes sir.

Q. That's all. Excuse me Judge, let me confer.
Now, isn't it to your certain knowledge that
often a dealership key will open doors and locks
of more than one vehicle?

A. That's correct, yes sir.

Q. In other words, a fellow can have a key to my
car that will work in that automobile and also
work in his own car can't he?

A. That's possible; however, in this particular case,
there were three keys on the ring and ----

BY MR. WEIR:

We object to him testifying, Your Honor, and not
being responsive to the questions.

BY THE COURT:

No sir, I'll let him answer.

BY THE WITNESS:

A. There were three keys on the ring. One of the
four keys that I found on that ring fitted the
tailgate lock, this lock here which is exhibit 76-A
The key having the square bowl fitted the door
locks and the ignition locks. Then there was
the third key on the ring that fitted the gas
cap. Now the gas cap lock on this particular-----

BY MR. ALFORD:

1 We object Your Honor he's not being responsive at
2 all to the question, he just going on in to this
3 ----

4 BY THE COURT:

5 Well, I think that's far enough, I'll let those
6 other answers stand.

7 BY MR. HAUBERG:

8 He's entitled to make an explanation, if the Court
9 Please.

10 BY THE COURT:

11 I'm not sure that's entirely an explanation, I
12 believe its more than that, I belive it is more
13 of an argument.

14 BY MR. WEIR:

15 If the Court please I believe that's all.
16 (Whereupon witness excused)

17 HENRY RASK, called as a witness for and on behalf
18 of Plaintiff was sworn and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DOAR:

21 If the Court please, this will be the government's
22 last witness and his testimony will be offered as
23 to one defendant.

24 BY THE COURT:

25 All right.

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BY MR. DOAR:

We would respectfully move the Court at the proper time to so instruct the Jury.

BY THE COURT:

About what?

BY MR. DOAR:

That the testimony of this witness given will apply to only one defendant.

BY MR. HENDRICK:

May it please the Court we would ask that this be developed out of the presence of the jury.

BY THE COURT:

I'll hear it, and you may state your objections as the testimony unfolds. Go along.

BY MR. DOAR:

Q Would you state your name please?

A. Henry Rask.

Q. And where do you live?

A. At the present time I'm living up in Hillsdale, New Jersey.

Q. What is your occupation?

A. I'm a Special Agent with the F. B. I.

Q. How long have you been a Special Agent?

A. Since April 29, 1963.

Q. Were you a Special Agent with the F. B. I. in

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the year 1964?

A. Yes sir.

Q. Were you assigned to the investigation of the missing civil rights workers in Neshoba County Mississippi?

A. Yes sir.

Q. And do you know Horace Doyle Barnett?

A. Yes sir.

Q. Can you tell me that during your course of investigation were you assigned to interview Horace Doyle Barnett?

A. Yes sir, I was assigned to interview him.

Q. And did you interview Horace Doyle Barnett?

A. Yes sir.

Q. And where did you interview him?

A. At Plain Dealing, Louisiana.

Q. When did you interview him?

A. I interviewed him on three days. November 19th, November 20th, and November 21st, 1964.

Q. Give me those dates again?

A. November 19, 20, 21st, 1964.

Q. And was anyone else present with you when you interviewed him?

BY THE COURT:

I didn't get your dates.

1 BY THE WITNESS:

2 November 19, 20th, 21st, 1964.

3 BY THE COURT:

4 November 19, 20, & 21st, 1964, is that what you said?

5 BY THE WITNESS:

6 Yes sir.

7 BY MR. DOAR:

8 Q And where did you interview him?

9 A At Plain Dealing, Louisiana.

10 Q Where?

11 A The place was at a motel located near Plain
12 Dealing, Louisiana or near Spring Hill, Louisiana.
13 This is North of Shreveport, Louisiana.

14 Q And did you, was anyone present at the time you
15 interviewed him on the 19th?

16 A Yes sir, James Wooten was with me.

17 Q Who is James Wooten.

18 A He is a Special Agent with the F. B. I. stationed
19 at Shreveport, Louisiana.

20 Q Did you obtain a signed statement from Horace
21 Doyle Barnett?

22 BY MR. HENDRICK:

23 Object Your Honor.

24 BY MR. ~~HENDRICK~~ BUCKLEY:

25 And move that this be heard out of the presence of

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1 the jury.

2 ? BY MR. WATKINS:

3 Your Honor, our motion is that we be allowed to
4 question this witness outside the presence of the
5 jury.

6 BY THE COURT:

7 All right, I'll let the Jury go to their room
8 (Whereupon jury excused at 9:26 A. M. on 10-13-67)

9 BY MR. DOAR:

10 Doyou want me to continue Your Honor.

11 BY THE COURT:

12 Yes, let's hear what it is they are objecting to.

13 BY MR. DOAR:

14 Q. On what date did you obtain a signed statement

15 A. On November 20, 1964.

16 Q. Prior to the time that you interviewed him on
17 November 19, 1964? What did you say to him
18 about the interview?

19 A. When I first met Mr. Barnett on November 19,
20 I advised him of my identity and Mr. Wooten's
21 identity, I advised him that he did not have to
22 make a statement that any statement he made could
23 be used against him in a court of law.

24 Q. What, if anything, did he say about the right
25 to have an attorney?

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A. He was advised that if he was brought before a court of law and needed any attorney and could not afford one the Court would appoint one for him.

Q. And was this in a motel room?

A. Yes sir.

Q. How did he enter the motel room?

A. We asked him to come to the motel room for a conference.

Q. Did he come alone or with someone else?

A. No, the first time he came alone.

Q. And were you and Mr. Wooten in the motel room when he came?

BY MR. BUCKLEY:

To which I object Your Honor, his leading the witness.

BY THE COURT:

Overruled.

BY MR. DOAR:

Q. You may answer.

A. Yes sir.

Q. And did you interview him on that occasion?

A. Yes sir.

Q. For about how long?

A. I'd say around two hours.

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1 Q And did you obtain a signed statement on that
 2 occasion?
 3 A No sir.
 4 Q Was any arrangement made for Mr. Barnett to return
 5 the next day?
 6 A Yes sir. Mr. Barnett was employed as a truck
 7 driver and he wished to terminate the interview
 8 because he had to make a run from the Nation's
 9 Brothers Plant to someplace in Texas overnight
 10 and then he would return to Springhill the
 11 next morning, and he said he would contact us
 12 when he returned.
 13 Q And did he contact you?
 14 A Yes sir, and then we went back to the motel
 15 and he met us there in the afternoon of November
 16 20th.
 17 Q How did he contact you?
 18 A I can't remember if Mr. Wooten called us himself
 19 or his employer called us.
 20 Q And where were you when he came to the motel
 21 room?
 22 A We were at the motel.
 23 Q Who was with you on that occasion?
 24 A Mr. Wooten.
 25 Q Had you told him prior thereto that you wanted

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1 to obtain a statement from him?

2 A No sir. When I talked to him on the 19th I just

3 talked generally with him about his being in the

4 Meridian, Mississippi area and his relationship to

5 various people in the area and to the Klan and on

6 the first occasion I never talked to him about

7 our investigation involving the three civil

8 rights workers.

9 Q And on the second interview on the 20th, did you

10 advise him that it wasn't necessary for him to

11 talk with you?

12 A Yes sir, the first thing that we did when we

13 started our interview, I advised Mr. Barnett that

14 he didn't have to talk with us and that he was

15 entitled to an attorney and advised him of his

16 rights

17 BY THE COURT:

18 And what?

19 BY THE WITNESS:

20 Advised him of his rights.

21 BY THE COURT:

22 What rights did you advise him of?

23 BY THE WITNESS:

24 I advised him that he didn't have to talk to us that

25 he had the right to consult an attorney before he

1 talked to us, that any statement he gave us could
2 be used in a court against him.

3 BY MR. DOAR:

4 Q Did you promise him anything if he talked to you?

5 A No sir.

6 Q Did you threaten him in anyway?

7 A No sir.

8 Q Was he free to leave at anytime he cared to leave?

9 A Yes sir.

10 Q And did you obtain a signed statement from him
11 on that day?

12 A Yes sir.

13 Q About how long did the obtaining of that state-
14 ment take?

15 A About five hours.

16 What time of the day was that?

17 A It was around 3:00 o'clock in the afternoon.

18 Q When did you finish?

19 A Well, around eight o'clock that night.

20 Q And was at all times during that interview was
21 Mr. Barnett free to leave?

22 A Yes sir.

23 Q Did he ever request to leave?

24 A No sir.

25 Q And after the statement was taken what happened

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then?

A. Then he went home. Oh, after the statement was completed then he read it over, made corrections, he wrote a paragraph on the back and signed it/

Q. Do you have that statement with you?

A. Yes sir, I do.

Q. Now,

BY THE COURT:

I don't see any use of going into the statement at this time. I'll let the other side cross examine him at this time to see if the statement is admissible, that's what we are considering.

BY MR. DOAR:

I just wanted to know if the statement was here so we might examine it.

CROSS EXAMINATION

BY MR. WATKINS: STILL OUT OF THE PRESENCE OF THE JURY

Q. Mr. Rask, how long have you been with the F. B. I?

A. Almost five years.

Q. And at the time you were talking to Mr. Barnett how many years had you been making investigations?

A. About a year and a half.

Q. About a year and a half.

A. Yes sir.

Q. Had you received any special instructions or

1 any training of this type?

2 A. Yes sir.

3 Q. Where and what?

4 A. Well, when I first came into the F. B. I. I
5 went through a fourteen week training court and--

6 Q. And did you----

7 BY THE COURT:

8 Let him finish his answer, Counsel.

9 BY THE WITNESS:

10 A. And in this course they teach you various laws
11 we are to enforce, the gathering of evidence and
12 the method of taking the evidence and statements.

13 BY THE COURT:

14 Are you a lawyer?

15 BY THE WITNESS:

16 A. Yes sir.

17 BY THE COURT:

18 Were you familiar with the Miranda decision at the
19 time you got that statement?

20 BY THE WITNESS:

21 Yes sir.

22 BY THE COURT:

23 All right.

24 BY MR. WATKINS:

25 Q. Primarily in this course they teach you techniques

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1 of getting this information do they not sir?

2 A. Yes sir.

3 Q. And at this particular time did you use the

4 same procedure that you had been taught in the

5 school?

6 A. In training they give you a background.

7 Q. May I interrupt you sir?

8 A. Yes sir.

9 Q. This particular time did you use the same

10 procedure that they had taught you in school?

11 A. Generally, yes.

12 Q. Yes, and that's the procedure you've been using

13 all the time?

14 A. Yes sir.

15 Q. And you made no change in that procedure from

16 what you had been using all the time when you

17 took that statement, did you?

18 A. Uhh, I would say I had made some changes, yes.

19 Q. Counsel, let's get on into this question.

20 BY THE COURT:

21 It seems to me that what he said insofar as I'm

22 concerned this statement was given voluntary but

23 let's get on in this matter.

24 BY MR. WATKINS:

25 Q. Well taking the procedure that you were taught

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and that you were familiar with the Miranda case
you sought privacy in getting this statement,
didn't you? The first thing you did?

A. Uhh, its' not one of our roles to seek priacy.

Q. But you did seek that didn't you?

A. I got a motel room as being a spot to talk and
Mr. Barnett was asked if he would go there and
talked, or we would talk at any place that he
suggested.

Q. How many times did you speak to him or told him
that an investigation was focused upon him?

A. Uhh the first time that I talked to Mr. Barnett
I made inquiries about his relationship to the
Klan in Meridian and to various members of the
Klan.

Q. Yes sir, how many times did you talk with him
and told him that the investigation was focused
upon him?

A. I don't believe I ever told Mr. Barnett before
the statement that an investigation was focused
upon him.

Q. Right, but you had talked to him about this
statement in this case, you had not talked to
him about a statement but you talked to him
now about matters contained in the statement had

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you not?

A. I don't believe so.

BY THE COURT:

Let me ask you this. Was this investigation of an investigatory nature or was it of an accusatory nature?

BY THE WITNESS:

Investagorty.

BY THE COUNSEL, WATKINS:

Q. The attitude that you took at the time you took this statement and prior there to was that he knew something about what you wanted to know, is that not true sir?

A. Yes sir.

Q. And the entire time involved accumulating the information for this statement on the several occasions that you talked to him included several days?

A. You're talking about the statement now sir?

Q. You're talking about the statement now sir? Just let me repeat my question. The time involved in securing the information that ultimately went into the statement covered several days?

A. Two days.

A. Two days. At any time during the two days that you were conferring with him isn't it true that

1 you changed your procedure and perhaps offered
2 some lawful explanation as to his involvement
3 in this matter, did you not use that technique
4 that you were taught in school?

5 A. No sir.

6 Q. So you didn't use the technique you were taught
7 then?

8 A. I used some techniques that I was taught.

9 Q. Well isn't that the technique in the Miranda
10 case that you are familiar with that you
11 would give lawful explanation for his possible
12 involvement as you would proceed from questioning
13 day to day.

14 A. I don't recall a technique being used in the
15 interview?

16 Q. Well did you use it or did you not use it?

17 A. No sir, I never used it in this case.

18 Q. You didn't use it in this case.

19 BY THE COURT:

20 Counsel, it seems to me that you are trying to try
21 this case back here, and I've told you and I'm telling
22 you again that this is just a preliminary examina-
23 tion and I want a very superficial examination because
24 unless I change my mind we are going to offer all of
25 this to the jury and let the jury say whether or not

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this examination was proper. I don't want to try it back here and try it up here in front of the jury again.

BY MR. WATKINS:

Your Honor please forgive me but what I'm trying to show here is whether or not his Honor will let this go to the jury or not and I'm trying to follow the Miranda case word for word, and I ask your forgiveness Your Honor, but I would like to proceed with my witness.

BY THE COURT:

Well, We are not going to try it but one time and I want to give you a full opportunity to let you go behind that statement but I don't believe that entails quite the tedious procedure you are following.

BY MR. WATKINS:

Your Honor, I don't see how I can get at it any other way with this man's experience to ask him a blunt question, he's certainly going to say it was volunteered.

BY THE COURT:

All right, go along.

BY MR. WATKINS:

Q I ask you if you changed your pace in the examination. One day you were friendly, other day you were more curt and precised?

1 A No sir.

2 Q And on occasions when you were with him did he
3 maintain silence and you did most of the talking?

4 A No sir.

5 Q He talked all the time?

6 A No sir, we both talked.

7 Q Well, why did it take you two days to wound up
8 with a small statement there?

9 A Well, the first day when I talked to Mr. Barnett
10 I talked in generalities about his relationship
11 to various members of the Klan in Mississippi,
12 or in Meridian, Mississippi, AND about his
13 joining the Klan----

14 (Counsel interrupted)

15 BY MR. HAUBERG:

16 If the Court please, he didn't let him finish.

17 BY THE COURT:

18 You may finish your answer.

19 BY THE WITNESS:

20 On the second day, Mr. Barnett after I advised him
21 of his rights then proceeded to say that he had made
22 his trip, he had been thinking about things, that he
23 knew what we wanted and he felt he would like to
24 tell us. At this time, I told him to go ahead and
25 tell me and he proceeded to give me this statement.

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BY THE COURT:

Counsel have you see the statement he's got?

BY MR. WATKINS:

Yes, Your Honor.

Q. Now in that statement you did not tell him that that statement would be used against him in a court of law?

A. Oh yes.

Q. Oh now, you said this court just a moment ago that it might be used against you, you never did tell him it would be used against him did you?

A. I advised him that if he did make a statement that it could be used against him in a court of law.

Q. You never did tell him it would be?

BY MR. HAUBERG:

If the Court please we object to that.

BY THE COURT:

I'll let him proceed.

BY MR. WATKINS:

Q. Refer to the preliminary statement up there and use the exact terms that's written down in that statement.

BY THE COURT:

1 BY THE COURT:

2 I'll tell you this if he told him it could be used
3 he certainly wouldn't be trying this lawsuit and
4 he couldn't promise him that it would be used so
5 could be used is good enough as far as I'm concerned.

6 BY THE WITNESS:

7 Would you like me to read the first paragraph?

8 BY MR. WATKINS:

9 Yes sir the first statement.

10 BY THE WITNESS:

11 I, Horace Doyle Barnett, do hereby make this free
12 and voluntary statement to S/A Henry Rask and S/A
13 George A. Wooten who have identified themselves
14 to me to be Special Agents of the Federal Bureau
15 of Investigation and that S/A Henry Rask has informed
16 me that I do not have to make a statement that any
17 statement made by me can be used against me in a
18 court of law and that I'm entitled to consult with
19 an attorney before making this statement and then
20 if I can not afford an attorney and I am required
21 to appear in court, the court will appoint one for
22 me. That no force, threats or promise has been made
23 to induce me to make this statement.

24 Q Now you told him he would be appointed an attorney
25 only if he was required to appear in court didn't

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1 you?

2 A Yes sir.

3 Q And you told him that his statement can be used

4 against you in a court of law?

5 A Yes sir.

6 Q Now, when you were doing this was there a custodial

7 atmosphere there. Did you have any guns or any-

8 thing of that nature?

9 A I had a gun, yes sir, but I don't know if it was

10 on me or in the suitcase or where.

11 Q Who else had a gun with you?

12 A Mr. Wooten had a gun, I don't know whefe he

13 had it on or not.

14 Q What arrangements was made in the room?

15 A It was a motel room that had two beds in it and

16 at the foot of the bed there was a wash basin

17 with a dresser or desk where you could sit and

18 write and then there was one or two chairs and

19 at the time I took the statement I sat at the

20 desk where I could write and take notes, Mr.

21 Barnett either say in one of the chairs or on

22 the bed, and Mr. Wooten say either on the

23 other chair or the bed.

24 Q Did he leave the room at any time during this

25 five hours that you were there?

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A. I don't believe he did.

Q. Now, he couldn't have possibly been there five hours and wound up with that little short statement so part of the time he was completely silent?

A. When Mr. Barnett stated that he knew what we wanted that he would like to tell us about it and I told him to go ahead, he proceeded to tell us the information we have in the statement, I then proceeded to discuss this with him point by point and I made notes of what he told us.

Q. All right, how long had you been talking with him before he decided he knew what you wanted to know and that he would talk with you?

A. Well almost immediately after we got in he told us this and proceeded to give us a statement. Now, this was on the second day.

Q. The second day?

A. Yes sir.

Q. And at any/during ^{time} did he express any reluctance to talk?

A. No sir.

Q. What expression or exact words did he use of waiver when you say he was willing to waive his counsel, what did he say, exactly?

A. I have it in writing here and I read it.

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Q. I'm asking you what he said to you before you
put that down that caused you to think he made
an intelligent waiver? Of the presence of counsel?

A. I advised him that he was entitled to counsel.

Q. Yes sir, what did he say, words that you can
remember?

A. I can not remember the exact words.

Q. Well its true that his words are not in there
in that introductory paragraph of that statement
is it?

A. I wrote that.

Q. He made some statement to you that indicated to
your mind that he made an intelligent waiver of
counsel, now tell this Court please what statement
he made?

A. I can not recall the exact words that he used in
making the waiver of counsel.

Q. All right sir. How many times did you discuss
the wavier of counsel with him?

A. At every intevview before we started our interview
he was advised of his right to counsel.

Q. Didn't you tell me a while ago that you never
advised him that the investigation had focused
upon him?

A. I believe I stated that I didn't tell him before

1 he gave the statement.

2 Q Yes sir. That's right. And that information that
3 he had volunteered, part of it at least, con-
4 cerning his said relationship with the Klan and
5 activities went into that statement?

6 A I don't understand your question sir?

7 Q The initial information that you got from him
8 for the first day or so before you advised him
9 that he was being investigated in connection
10 with this case, ultimately that information
11 with other information went into with this
12 statement when he made it, didn't it?

13 A No sir.

14 Q You mean to say there is nothing in his statement
15 about his activities with these co-defendants here?

16 A The day before we did not discuss his activities
17 that went into this statement.

18 Q Now, did you discuss with him during the five
19 hours that you were taking this statement anything
20 about his wife and her condition and how long he
21 could be there and where he needed to be?

22 A We discussed this matter on the day before because
23 I knew that his wife was expecting a child, etc.,
24 and that's one reason that he had to make a sure
25 he got away the night before to make his trip to

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hold his job.

Q. What time of day was this statement taken down?

A. It was day.

Q. It was day time.

A. Yes sir.

Q. Did he not make the statement several times to you that his wife was home expecting and crving and that he needed to go?

A. He might have mentioned that his wife was home and pregnant, but he didn't mention he wanted to go.

Q. And he was not then talking about things you were writing down in that statement. What was the occasion for him telling you that his wife was home pregnant at the time of the five hours you were taking this statement. Tell the Judge about it?

A. He told us this the day before.

Q. And didn't you say too that he said that to you during the time you were there at the motel?

A. He might have discussed it because we didn't discuss this one point at all the time.

Q. Certainly not, you changed the technique of your procedure there seven times, did you not?

A. Not while this statement was being taken.

1 A After he had read the statement and signed it
2 and signed it then we might have gotten in the
3 discussion of his family, that he was late and
4 had to go home, I don't know.

5 Q You are telling this court that he had no
6 reluctance at all in talking with you about the
7 few pages that are there but it took you five
8 hours to get it on a piece of paper if that is
9 what you are telling this Court?

10 A Yes sir.

11 Q All right.

12 BY THE COURT:

13 Who represents Mr. Barnett?

14 BY MR. COVINGTON:

15 I do sir.

16 Q Now, Mr. Rask, refresh my memory, what was the
17 first date that you, yourself talked with Mr.
18 Barnett. Your Honor, this is not going to be
19 repetitious I'm trying to refresh my memory.
20 What were the dates that you talked with Mr.
21 Barnett?

22 A The first time was on the 19th.

23 Q All right, its true that another agent had talked
24 with him previous to that?

25 A I believe this is true but I wasn't there, I don't

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1 Q Yes sir, but you were told by Special Agent Wooten
2 that he had talked to him prior to the time that
3 you talked to him?

4 A I believe it was Mr. Wooten.

5 Q All right, as a matter of fact Mr. Wooten had
6 talked to him several times before you talked to
7 him?

8 A I couldn't answer that I don't know.

9 Q Well did you discuss it with him?

10 A Not about how many times he talked to him or
11 anything like that.

12 Q But you did know him he had talked to him
13 several times?

14 A I know---

15 BY MR. HAUBERG:

16 We object to that, he's answered that already.

17 BY THE COURT:

18 I'll let him answer.

19 BY THE WITNESS:

20 A I know he had talked to him.

21 Q And that he had talked to him several times
22 isn't that right?

23 A I don't know how many times.

24 Q More than one time?

25 A I don't know sir.

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Q Now, Mr. Rask at the time that you and Mr.

Wooten talked to him the first time together,
where were you the first time?

A Talked to him, uhh, the only time we talked to
him with regard to this case we talked to him at
the motel.

Q All right sir, its a fact is it not that Mr.
Wooten pointed out to you Mr. Barnett, isn t
that correct?

A Yes sir.

Q So then your statement about introducing Mr.
Wooten to him is not correct, is it?

A Well, whenever I interview anybody in case work
and I'm the Agent that is going to conduct the
interview, I always show the person my credentials
and identify myself as a Special Agent of the F.
B. I. and make reference to the other agent with
me as being an Agent with the F. B. I.

A I understand that Mr. Rask, but did you not say
a minute ago that you introduced Mr. Wooten to
Mr. Barnett?

A I believe I said that Mr. Wooten was a Special
Agent with the F. B. I. in this regard.

Q Its true is it not that Mr. Wooten introduced you
to Mr. Barnett, is that not correct?

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A Uhh, he probably did sir.

Q And also did he not inform Mr. Barnett that you were the officer working on the Neshoba County incident?

A I don't believe so sir, because Mr. Wooten allowed me to do all of the discussion with regard to this manner.

BY MR. COURT:

What was Mr. Wooten's function there?

BY THE WITNESS:

When we go to interview a subject we go in pairs so that will be two persons to testify, so there will always be someone to testify.

BY THE COURT:

Did you reduce this statement to writing or Mr. Wooten?

BY THE WITNESS:

I did sir.

BY THE COURT:

Then Mr. Wooten readly didn't do anything did he?

BY THE WITNESS:

No sir, he was not familiar with the facts of the case so he didn't, una, he was just present.

BY THE COURT:

All right.

1 Q Had you discussed the facts of this case with Mr.
2 Wooten?
3 A Somewhat, yes.
4 Q Prior to the time that Mr. Wooten had discussed
5 the case with Mr. Barnett?
6 A Uhh--
7 Q Prior to the time that you discussed it with
8 Mr. Barnett?
9 A No sir.
10 Q When did you first come to the area where Mr.
11 Barnett was?
12 A On the 19th.
13 Q On the 19th, and at the time you came had you
14 had no contact with Wooten before you went
15 there?
16 A No sir; I never knew the man before that day.
17 Q But at the time you arrived and he talked with
18 Wooten did he not tell you he had talked with
19 Mr. Barnett?
20 A Yes.
21 Q Did he not tell you everything he had learned
22 from Mr. Barnett, I say no, Mr. Wooten, as far
23 as I know, never discussed this matter with Mr.
24 Barnett, the incident of the three civil rights
25 workers being killed.

1 Q As a matter of fact Mr. Wooten was under orders
2 not to discuss this with him, is that not correct?

3 A Well, this I don't know sir.

4 Q Now Mr. Rask on the occasion that you talked to
5 Mr. Barnett, on the occasion that you took the
6 statement I believe that you met him on that
7 day out at his job, is that correct?

8 A And where had Mr. Barnett been the night before
9 if you know sir?

10 A I don't know sir.

11 Q I believe you stated a moment ago that he had
12 been out of town on the truck is that correct?

13 A On Friday, when we talked with Mr. Barnett, we
14 talked with him about two hours and he said he
15 had to make a trip and back to someplace in
16 Texas,---

17 Q Tyler, Texas, I believe, wasn't it Mr. Rask?

18 A That could have been, he said it was about 125
19 miles from there and he had to make a return
20 trip, and so that is why we terminated the
21 interview on Friday so he could make this trip.

22 Q What time did you terminate the interview
23 on Friday night so he could go on this trip?

24 A Uhh, at 7:20.

25 Q And he left immediately and went on this trip

1 Q. But he did leave and go on that trip that night?
2 and didn't return until the next morning and you
3 were waiting for him when he returned to the
4 terminal, isn't that right sir?

5 A. Whh, I don't know if he went to Tyler Texas or
6 not, I know we did see him the next day and he
7 said he had gone there.

8 Q. And he told you had he not that he had gone there?

9 A. Yes sir.

10 Q. And he told you he had been up all night, did
11 he not?

12 A. I think when he got there that he slept before he
13 made the return trip.

14 Q. In other words he drove 125 miles in a truck
15 and slept a while and then drove 125 miles back,
16 is that what you are saying sir?

17 A. I believe that's correct sir.

18 Q. All right sir, how much sleep did he have?

19 A. I don't know sir.

20 Q. But didn't he tell you though sir he had been
21 up most of the night?

22 A. Oh yes, he had driven to Texas.

23 Q. And you kept him in this room how many hours
24 did you say a while ago?

25 A. On which day sir?

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Q The day you took this statement?
 A I believe it was , yes, 3:00 o'clock until 8:56.
 Q And during the time that he was in the room at one
 point Mr. Wooten left the room, didn't he?
 A I believe Mr. Wooten went out and got a coke at
 one time for Mr. Barnett.
 Q Is this the same time that he went and saw Mr.
 Barnett's wife? When he went to get a coke?
 A To my knowledge, Mr. Wooten never left the motel
 to go to see Mr. Barnett's wife.
 Q Now, Mr. Rask, is it not true that Mr. Wooten left
 and returned and said he had left Mrs. Barnett
 in the door crying, now isn't that the truth?
 A I don't know sir.
 Q Now isn't it a fact Mr. Rask that Mr. Wooten
 talked with Mr. Barnett's wife?
 A I don't know sir.
 Q Well weren't you there when Mr. Wooten talked
 to Mr. Barnett's wife?
 A Not when Mr. Wooten talked to Mr. Barnett's wife.
 Q You weren't there?
 A No sir.
 Q Is that what you are saying sir?
 A No I'm not, all I'm saying sir is I don't know
 if he did or not?

1 BY THE COURT:

2 Counsel, I think he's made that pretty clear, and I'll
3 tell you as I told your preceeding counsel it looks
4 to me like this statement is perfectly legitimate
5 piece of evidence at this point so far as I'm con-
6 cerned and I'm going to let you put Mr. Barnett on
7 if you want to just for this limited purpose.

8 BY MR. COVINGTON:

9 Yes sir, thank you sir.

10 Q Now, Mr. Rask how money did you offer Mr. Barnett
11 at this time?

12 A I did not offer him any money.

13 Q You did tell him that things would go easier on
14 him if he went ahead and gave you this statement
15 didn't you?

16 A No sir.

17 Q And you say you never offered him any money?

18 A Now are you discussing, uh, let me explain. At
19 the time that this statement was made no money
20 had been discussed at all; however, afterwards
21 Mr. Barnett did bring up the fact that he needed
22 money; however, we had received the statement
23 before any mention of money was mentioned.

24 Q No mention of money was made at the time you
25 received this statement?

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A. No money was mentioned, that is right.

Q. Some money was subsequently paid, wasn't it?

A. This, I don't know.

BY THE COURT:

Did you make any promise or anything to Mr. Barnett to induce him to give you this statement?

BY THE WITNESS:

No, Your Honor.

BY THE COURT:

And you are telling the Court that was a completely free will matter of Mr. Barnett's pwn decision.

BY THE WITNESS:

Yes sir. Mr. Barnett said to me, I only wish Mr. Hoover could be here so I could give it to him myself.

BY THE COURT:

Did he have any objective or purpose or reason for giving you a signed statement?

BY THE WITNESS:

Yes sir, he said it had been bothering him, and he wanted to get it off his mind.

BY MR. COVINGTON:

Q. Mr. Rask at the time you informed Mr. Barnett of his rights are the ones you read a while ago?

1 Q You put that down in writing and then you pro-
2 ceeded to take this statement in its entirety
3 is that correct?

4 A Yes sir.

5 Q And no other mention was made during the taking
6 of the statements of any rights?

7 A No sir, that's not right. I had discussed with
8 Mr. Barnett of his rights, I advised him of his
9 rights at the beginning of each interview.

10 Q And those are the rights and all of the rights
11 that you informed him of?

12 A Yes sir.

13 Q And there is no place in this statement of his
14 rights mentioned again so I assume that you did
15 not mention it to him again after you started
16 taking this statement?

17 A Thereafter, I started taking the statements, I
18 wrote the rights out and we discussed it at this
19 time and then I discussed each point as I wrote
20 down the statement. In other words, each point
21 of the statement was discussed between Mr. Barnett
22 and myself before I wrote it down to make sure
23 that everything was done as Mr. Barnett under-
24 stood it.

25 Q All right, but you didn't go into it at any other

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time during the taking of the statement?

A. No sir, just two times on this particular day.

Q. Then those were the rights that you discussed and were taking about are the ones that are listed at the top of the page.

Q. Excuse me just a moment, Your Honor. That's all I have, Your Honor.

BY MR. WEIR:

Judge I want to question him too.

BY THE COURT:

I don't see much purpose in you questioning him, you don't represent him and I'm going to tell them they can disregard the statement as far as your client is concerned.

BY MR. WEIR:

If the Court please I still request the Court to let me question on cross examination of this witness I feel it would be detrimental to my clients, Price, Burrage, Killen, Posey, Sharpe, Willie and E. G. Barnett respectfully request the Court to let me cross examine this witness on questions that have not been covered.

BY THE COURT:

All right, go ahead.

BY MR. WEIR:

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Thank you.

Q Now,

BY THE COURT:

I'm not going to permit the slightest bit of duplication and I'm going to watch you carefully.

BY MR. WEIR:

I appreciate that fact Your Honor, but I feel I'm under duty to my---

BY THE COURT:

Go ahead, you certainly are and I don't need a lecture about that.

BY MR? WEIR:

Q Mr. Rask, how long was it after this statement was taken until you paid Horace Doyle Barnett?

A I never paid Mr. Barnett any money.

Q Isn't it a fact that you, yourself issued a check made payable to Mr. Barnett?

A I never paid Mr. Barnett any money.

Q Did you sign a check to him?

A I never paid him any money by check, cash or otherwise.

Q Did you know that some Agents, or Agent Wooten issued a check to him?

A I have no personal knowledge of any money being paid to Mr. Barnett.

1 Q Where is Mr. Wooten at now?

2 A He's in the building somewhere.

3 Q What's his first name?

4 A James.

5 Q Now, you said a while ago that some money had been
6 paid to Horace Doyle Barnett, when did you first
7 know that to be so?

8 A I don't know that any money was paid to Mr.
9 Barnett, and I don't recall saying it, and if I
10 did say it I was in error.

11 Q Isn't it a fact that you issued a check yourself
12 and signed it and made it payable to Horace
13 Doyle Barnett?

14 BY MR. HAUBERG:

15 We object, he's asked that question.

16 BY THE COURT:

17 Sustained.

18 BY MR. WEIR:

19 Q And that you issued two checks and one of them
20 was cashed and he still holds one of the checks
21 uncashed?

22 BY MR. HAUBERG:

23 We object to that.

24 BY THE COURT:

25 Sustained and don't ask him that anymore.

1 BY MR. WEIR:

2 Q How many statements did you take from Horace
3 Doyle Barnett?

4 A Written statements or oral statements?

5 Q Written statements.

6 A One.

7 Q You had him in custody for some ten hours on the
8 19th of November or how long?

9 BY MR. HAUBERG:

10 We object.

11 BY THE COURT:

12 Let him finish his question.

13 BY MR. WEIR:

14 Q How long did you have him in custody or in
15 your company on November 19th?

16 BY MR. HAUBERG:

17 If the Court please, we object to the form of the
18 question.

19 BY THE COURT:

20 You may restate your question.

21 BY MR. WEIR:

22 Q How long did you have him with you on November
23 19th?

24 A I had Mr. Wooten, uh, Mr. Barnett with me

25 ----

1 BY MR. HAUBERG:

2 Excuse me from interrupting, Mr. Rask, we object
3 this has already been asked several times.

4 BY THE COURT:

5 I think so, sustain the objection.

6 BY MR. WEIR:

7 Q How long now on the 20th of November?

8 A I talked with Mr. Barnett from 3:00 o'clock until
9 8:56 on the 20th.

10 BY THE COURT:

11 That was the day you got the statement?

12 BY THE WITNESS:

13 Yes sir.

14 BY MR. WEIR:

15 Q And you kept him for about six hours one time,
16 didn't you?

17 A Yes sir.

18 Q And that was just before the making of the
19 statement?

20 A That was during the preparation and the signing
21 of the statement.

22 Q And is it your understanding that some Agent of
23 the F. B. I. did in fact give a check to Horace
24 Doyle Barnett?

25 BY MR. HAUBERG:

1 We object to that, that's been asked and answered.

2 BY THE COURT:

3 Sustained.

4 BY MR. WEIR:

5 If the Court will indulge me.

6 BY MR. PIGFORD:

7 Your Honor, may I approach the bench?

8 BY THE COURT:

9 Sure.

10 (Counsel Pigford at Bench)

11 BY MR. PIGFORD:

12 May I be excused, I need to take some medicine?

13 BY THE COURT:

14 All right. (Counsel Pigford excused for just a
15 moment) Associate Counsel Hendrick in courtroom.

16 BY MR. WEIR:

17 Q He did not in fact have an attorney present
18 at the time this statement was taken?

19 A No sir.

20 Q And had not talked to any attorney to your
21 knowledge?

22 A This, I don't know if he talked to an attorney or
23 not.

24 Q I believe that's all, but I would like to have
25 the right to re-cross examine the witness at the

proper time, of course.

1
2 BY THE COURT:

3 Which witness?

4 BY MR. WEIR:

5 This witness, if the Court lets it in we may want
6 to ask him some questions in the presence of the
7 jury.

8 BY THE COURT:

9 All right. Any further questions of this witness
10 that hasn't bee asked? All right, I'll allow the
11 attorney for Mr. Barnett to put Mr. Barnett on the
12 the stand for the limited purpose of going in this
13 question of the competency of this statement.

14 BY MR. COVINGON:

15 May it please the Court, our position on that question
16 is this sir. That anything that Mr. Barnett would
17 testify to would only create a question of fact,
18 and, therefore, I do not desire to have him take
19 the stand at this time.

20 BY THE COURT:

21 All right. Any further question of this witness.

22 BY MR. WEIR:

23 If the Court please, I happen to know of some
24 information of my own personal knowledge that has
25 not been brought to the attention of the Court and

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I feel its my duty to bring it to the attention
of the Court and I ask the Court to respectfully
grant me time to so prepare.

BY THE COURT:

What kind of time are you asking for?

BY MR. WEIR:

I don't think it would take long, if Your Honor please,
but its just a matter of a few minutes to determine
what is necessary. We are caught by surprise here.

BY THE COURT:

Caught by what?

BY MR. WEIR:

Itha caught by surprise here in reference to a matter
and its going to take just a few minutes to find out
what needs to be done.

BY MR. HAUBERG:

If the Court please, they've had this statement for
several months.

BY THE COURT:

Yes, I don't know what kind of time you are asking
about, you say just a few minutes. Five minutes
will that be long enough?

BY MR. WEIR:

Well Judge, perhaps grant me fifteen minutes.

BY THE COURT:

I'll grant you five minutes to find out what you want to do.

1
2 BY MR. WEIR:

3 I need to confer with the attorneys involved, could
4 we go outside or something?

5 BY THE COURT:

6 I think you can just sit right there.

7 BY MR. ALFORD:

8 I don't believe, Your Honor, we can do justice here
9 around the table.

10 BY THE COURT:

11 Well, I'll give you ten minutes, but I'm looking for
12 you back in here in ten minutes.

13 BY MR. WEIR:

14 We'll go up on third floor then, Your Honor.

15 BY THE COURT:

16 All right. You can go in my library if you want
17 to.

18 Ten minute recess at 10:10 A. M.

19 BY MR. WEIR:

20 May it please the Court, I want to call this witness,
21 Mr. Wooten, very brief.

22 BY THE COURT:

23 All right.

24 (JURY STILL OUT OF COURTROOM)
25

(Whereupon witness Rask excused from witness stand)

JAMES A. WOOTEN, called as an Adverse Witness by Defendants, was sworn and testified as follows:

CROSS EXAMINATION

BY MR. WEIR:

Q What is your name please sir?

A James A. Wooten.

Q I see. Mr. Wooten, have you ever paid Horace Doyle Barnett any money?

A Yes sir, I have.

Q And in what official capacity were you when you paid that money?

A I was a Special Agent of the Federal Bureau of Investigation.

Q And how much did you pay?

A A total of three hundred dollars.

Q And did you pay it by check cash or money order?

A By personal check.

Q And did you issue the check yourself?

A I did.

Q And it bears your signature?

A Yes sir.

Q Is it one check or more than one check?

A Its more than one check.

Q Did you give the check to him on the same day

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or different days?

A. Different days.

Q. How many checks in all have you issued as an agent of the Federal Bureau of Investigation to Horace Doyle Barnett?

A. Two checks.

Q. How much was the first one?

A. Two hundred dollars.

Q. How much was the last one?

A. One hundred dollars.

Q. Just a minute Your Honor please mam.

BY THE COURT:

Were these checks given within the time of the execution of his statement?

BY MR. WOOTEN:

The two huddred dollar one was about one month later and the one hundred dollar one was two weeks after that, December 18, 1964, and January 6, 1965.

BY THE COURT:

When was money first mentioned with relation to the time that he gave you this statement?

BY MR. WOOTEN:

The first time I mentioned money was the day before I paid him, which would be December 16.

BY THE COURT:

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BY THE COURT:

My question was not as to when you paid him but the time in relationship to the time of the statement?

BY THE WITNESS:

Almost one month later.

BY MR. WEIR:

Q Do y'all generally go around just giving away money?

A We do not.

Q Well was it some special reason for you to just donate some money to Horace Doyle Barnett?

A There was a reason.

Q Do y'all help people in general or just special people?

A Not people in general.

Q All right well why did you help Horace Doyle Barnett?

A The way I justified the expense was for services rendered and wages lost in making himself available for continued interviews by me.

Q How many interviews did you make?

A I have a total of twenty-seven that I know of?

Q When was the first one?

A November 16, excuse me, November 17, 1964.

Q When was the next one?

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A November 18th.

Q When was the next one?

A November the 19th.

Q When was the next one?

A November the 20th.

Q When was the next one?

A November the 21st.

Q When was the next one?

A Later on November 21.

Q You talked to him twice on November 21?

A That's correct.

Q Did you go to see his wife?

A On one occasion I talked with his wife.

Q That was at first, wasn't it?

A I believe it was.

Q And at that time he was in the motel room wasn't he?

A I believe that would be right.

Q And his wife was home pregnant and crying wasn't she?

A She was not.

Q She was pregnant wasn't she?

A He told me his wife was expecting.

Q And you knew it didn't you?

A Well, she was up there with him the same day.

1 Q Why did you go the house and knowing that he
 2 wasn't even there?
 3 A Well, I can't remember exactly, but if I did go on
 4 that day it was no doubt to explain to her that he
 5 was not coming home as soon as he thought he would
 6 have. Now, I'm not sure I left on that day. As
 7 I remember it Mr. Rask and I both went to the
 8 house but I have documents which I can refer to
 9 and get that straight.
 10 Q Well, would you bring them please sir? Let me
 11 see them? Let me see your documents.

12 BY THE COURT:
 13 What will your document show when you find it?

14 BY THE WITNESS:
 15 As I recall, Mr. Rask and I both were there, and
 16 we asked Mrs. Barnett if she was aware of the fact
 17 that her husband was involved in the case in question
 18 and what she knew about it. The document is about
 19 two paragraphs long.

20 BY MR. WEIR:
 21 May I see it Your Honor?

22 BY THE COURT:
 23 No, just tell him what it says.

24 BY MR. WEIR:
 25 I would like to read it Your Honor, read the whole