

1 Q On the road.

2 A Well he would be closer to the courthouse, I  
3 suppose.

4 Q And he's on highway 21?

5 A Right.

6 Q Thank you.

7 BY MR. ALFORD:

8 REDIRECT EXAMINATION

9 Q About how many miles does Mr. Burrage live from  
10 Philadelphia?

11 A Oh, I would say some eight or nine miles.

12 Q And how far would you say this pond was from Mr.  
13 Burrage's house, further away?

14 A The way we went?

15 Q Yes sir.

16 Q Oh, I'd say some half a mile.

17 Q That's all.

18 (Whereupon witness excused)

19 HENRY CLIFFORD BREAZEALE, called as a witness for and  
20 on behalf of defendants, was sworn and testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MR. McINTIRE:

24 Q Tell the Court and Jury your full name, please sir?

25 A Henry Clifford Breazeale.

Q Where do you reside, Mr. Breazeale?

A Philadelphia.

Q Mississippi?

A Yes sir, Mississippi.

Q What is your address?

A 275 Byrd Avenue.

Q I call your attention to August the 5th, 1964, did you have any occasion to be empanelled for any services for Neshoba County, Mississippi?

A Coroner jury.

Q Tell the Court and Jury exactly what your duties were and your investigation?

A Well, they summoned us as a coroner jury to go out and investigate a finding that we didn't find. We went out to a pond dam and it was only a bulldozer and a dragline there, and a hole cut in the dam but that was the only thing that we saw.

Q Did you see any bodies out there that day?

A No sir.

Q Did you try to make an investigation?

A Yes sir, we did, but we couldn't get no cooperation.

Q Who wouldn't give you any cooperation?

A Well, we tried to talk to some of the Federal people that were out there, and we went back by a motel where they said we could find ----

1 BY MR. HAUBERG:

2 We object to what was said.

3 BY THE COURT:

4 Yes, you can only tell what you know, not what  
5 somebody told you.

6 BY THE WITNESS:

7 A. Well, we went back by and stopped.

8 Q. Back by where?

9 A. The motel, and stoped and talked with some of  
10 the officials.

11 Q. What kind of officials?

12 A. F. B. I. Government officials, I imagine.

13 Q. Did you get any results from your investigation  
14 at this point?

15 A. No we didn't.

16 Q. Did you get any cooperation from anybody at this  
17 time?

18 A. No sir, we did not.

19 Q. Did---

20 BY THE ATTORNEY, HAUBERG:

21 We object, Your Honor to his getting any cooperation  
22 from anybody.

23 BY THE COURT:

24 Overruled.  
25

BY THE COURT:

Who was the Coroner?

BY THE WITNESS:

Did you ask me something?

BY THE COURT:

Yes, I want to know who the Coroner was?

Who the Coroner was on August 5th, 1964 in  
Neshoba County?

BY THE WITNESS:

Jackson.

BY THE COURT:

Who?

BY THE WITNESS:

Mr. Jackson

BY MR. McINTIRE:

We have no further questions, Your Honor.

CROSS EXAMINATION

BY MR. DOAR:

Q. Whose property was that dam on that you went out  
to investigate?

A. I don't know.

Q. And how long have you lived in Philadelphia?

A. All my life.

Q. What kind of business are you in?

A. Well, I'm retired.

- 1 Q What did you do before you retired?
- 2 A Farmed.
- 3 Q Do you hold any political office?
- 4 A I do not.
- 5 Q Do you know Olen Burrage?
- 6 A Yes sir, I know him.
- 7 Q And you didn't know that that farm you went out
- 8 to look at was his farm?
- 9 A No sir, I really don't.
- 10 Q You don't?
- 11 A I know where he lives but I don't know where his
- 12 lands at.
- 13 Q When you went out there how did you get on the
- 14 property?
- 15 A How did I get on it?
- 16 Q Yes.
- 17 A Went down 21 and took the right off of 21 and
- 18 drove on in there in a car.
- 19 Q Did you approach from the southeast?
- 20 A No we went in, uh, we were going west or southwest.
- 21 Q Did you turn off the main highway there?
- 22 A I did.
- 23 Q Is that highway 15?
- 24 A No, that's highway 21, highway 15, 16 & 21 all
- 25

comes up through town.

Q Now, you turned off highway 21, do you recall how you got down to the dam?

A We drove down there in a car.

Q Did you go through a fence or a gate?

A Well, I think maybe there was a fence over there and maybe gates, but I don't think the gate was shut, at least we didn't open no gate.

Q Did you go down along a gravel road?

A No it wasn't no gravel road there, after we turned off, we had to turn off on another road and circle around, and we got off on just a dirt road that had no gravel on it, looked more like just a path road.

Q I wonder if you would look at exhibit 49 and tell us if you recognize that?

A I---

BY MR. ALFORD

Your Honor please, we are going to object to his using that exhibit 49 because that does not correspond with the date he's talking about---

BY THE COURT:

Yes, I'll sustain the objection, unless the witness recognizes the scene there.

BY THE WITNESS:

1 I don't recognize the scene there, since I was  
2 out there I haven't been out there since nor be-  
3 fore.

4 BY MR. DOAR:

5 Excuse me just a moment, Your Honor. Thank you  
6 Your Honor, that's all we have of this witness.

7 (Whereupon witness excused)

8 FULTON JACKSON, called as a witness for and on behalf  
9 of Defendants, was sworn and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. McINTIRE:

12 Q Give the Court and Jury your full name, please sir?

13 A I am Fulton Jackson.

14 Q Where do you reside, Mr. Jackson?

15 A Philadelphia, Mississippi.

16 Q What's your address?

17 A Route 3.

18 Q What's your occupation?

19 A I am a funeral director and mortician at Dawes  
20 Funeral Home.

21 Q Do you hold any official capacity of Neshoba County?

22 A I am County Coroner and Ranger of Neshoba County,  
23 Mississippi.

24 Q I call your attention to August 4, 1964, did you  
25 have an occasion to make an investigation of any

any type at that time?

A. Yes sir.

Q. Tell the Court and Jury exactly what your investigation was?

A. I went out to that pond levy, that pond levy, uh, that levy, and found three bodies out there? I was carried out there rather.

Q. Who carried you to the pond levy?

A. Some F. B. I. Agent.

Q. What time was this?

A. Around eight o'clock, in the evening.

Q. And after you got out there you discovered what?

A. There were three bodies out there.

Q. Did you recognize these bodies?

A. No sir.

Q. You don't know who they were?

A. No sir.

Q. You brought a certain instrument with you today, may I have it please?

BY MR. HAUBERG:

May we see that?

BY THE COURT:

Show it to him, Mr. Marshal.

BY MR. McINTIRE:

Q. You made the inquest that day?



1 A No sir.

2 Q You made it the following day?

3 BY MR. HAUBERG:

4 If it please the Court, we object to Counsel  
5 leading the witness.

6 BY THE COURT:

7 Overruled.

8 BY MR. McINTIRE:

9 Q I hand this instrument to you and ask you  
10 whether or not this is the result of your  
11 inquest?

12 A It is.

13 BY MR. WEIR:

14 May we see that?

15 BY THE COURT:

16 Why don't you just show each other your exhibits  
17 and we can get along faster.

18 BY MR. WEIR:

19 Your Honor, I just wanted to see what it was.

20 BY THE COURT:

21 All right, but if you have any other exhibits  
22 show them to other Counsel before we come back  
23 in the courtroom, after our next break.

24 BY MR. McINTIRE:

25 Yes, Your Honor.

Q Were you able to determine the cause of death of these three individuals?

A No sir, we didn't.

Q Beg your pardon?

A No sir, we didn't.

Q Uh, who insisted you in this investigation?

A County Attorney, Rayford Jones, and Cecil Price, was acting as Sheriff, that night as I understood it.

Q Would the Court indulge me just a moment?

THE COURT:

Yes sir.

MR. McINTIRE:

Q Mr. Jackson, did anyone else assist you out there that night?

A Well, there were some F. B. I. Agents out there.

Q No further questions, Your Honor.

CROSS EXAMINATION

MR. DOAR:

Q That document, Mr. Jackson, I wonder if you would take that out and look at that for a minute. Were you investigating the death of a particular person on that day?

A Uh---

MR. BUCKLEY:

1 Your Honor, we would object to that as to the  
2 investigation of one, unless he wants to adopt  
3 all of it.

4 BY THE COURT:

5 He didn't ask him that, overruled.

6 BY MR. DOAR:

7 Q. You may answer.

8 A. Would you ask me the question again?

9 Q. I said, were you investigating the death of a  
10 particular person that day?

11 A. No.

12 BY MR. WEIR:

13 We object unless he asks him the person involved.

14 BY THE COURT:

15 Go along. Answer his question.

16 BY THE WITNESS:

17 A. Sir, I was investigating some people who they  
18 said was out there, I don't know who the people  
19 were other than what they said.

20 Q. Does any name appear on your instrument?

21 A. The name appears on here as Andrew Goodman.

22 BY MR. BUBKLEY:

23 We object, Your Honor, that's the basis of my  
24 objection.

25 BY THE COURT:

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Overruled. You asked him that instrument and had him withdraw it from his pocket and asked him a question about it and I'm going to let him ask him anything he wants to ask him about that document.

BY MR. DOAR:

Q That document reflects that you were investigating the death of Andrew Goodman?

A That's right.

BY MR. WEIR:

Your Honor, if it please the Court, let the record show that defendants, Price, Burrage, Killen, Posey, Sharpe, Willis and E. G. Barnette object.

BY THE COURT:

Overruled.

BY MR. DOAR:

Q And what date was that investigation?

A We went out on the 4th of August, that night, that the bodies were found.

Q Did you then meet again on the 5th of August?

A That's correct, we did.

Q Did you empanel an entire coroner jury?

A Yes sir.

Q And you didn't make a final determination on the 5th of August, did you?

1 A. No sir.

2 Q. And your record reflects that on the 25th of August  
3 that you made a determination that you could not  
4 determine the cause of death?

5 A. Yes sir, that's correct.

6 Q. Let me ask you this. Between the 5th of August  
7 and the 25th of August, had you received as Coroner,  
8 Dr. Featherstone's autopsy report on these bodies,  
9 Andrew Goodman, Michael Schwerner and James  
10 Chaney?

11 A. Not before the 25th, no sir.

12 Q. Are you sure of that?

13 BY MR. BUCKLEY:

14 We object, Your Honor, those bodies are not  
15 named but numbered 1, 2 and 3.

16 BY THE COURT:

17 Well, he's on cross examination.

18 BY MR. DOAR:

19 Q. And you say that Cecil Price assisted you in  
20 this investigation?

21 A. Yes sir.

22 Q. And did he tell you he was present in Jackson  
23 when Dr. Featherstone performed the autopsy?

24 A. No sir, he didn't tell me.

25 Q. Did he tell you anything about five bullets having

been removed from those bodies?

A. No sir.

Q. Did your corner's jury ever read the autopsy report from Dr. Featherstone?

A. As far as I know, they didn't.

Q. Would you read what your report shows that you made on August 25th, from that document before you?

MR. WEIR:

May we have a continuing objection, Your Honor?

THE COURT:

Yes.

THE WITNESS:

Andrew Goodman came to his death by undetermined causes, that the Circuit Court of Neshoba County, Mississippi has ordered an official autopsy of said body with instructions for the findings to be filed with the Circuit Court of Neshoba County, Mississippi, for proper disposition and action in such court, and such has been done at the information available to this jury, but as to this date such is insufficient to enable this jury to determine the cause of death.

Q. Did you ever reconvene again in connection to the Andrew Goodman case?

1 A No sir.

2 BY THE COURT:

3 Tellus again who the members of the jury, the  
4 coroner's jury were, please sir?

5 BY THE WITNESS:

6 Jack Thrash, H. C. Breazeale, A. C. Parker,  
7 Jack Welliford, Joe Coghlan, S. B. Simmons,  
8 and myself, Fulton Jackson.

9 BY THE COURT:

10 Who?

11 BY THE WITNESS:

12 Myself, I was the Coroner.

13 BY THE COURT:

14 Oh. Is that all Mr. Doar?

15 BY MR. DOAR:

16 Yes, Your Honor, that's all we have of this  
17 witness.

18 BY MR. WEIR:

19 May it please, Your Honor?

20 BY THE COURT:

21 All right, Mr. Weir, you may proceed.

22 Q Mr. Jackson, instead of the Circuit Court of  
23 Hinds County, it was in fact the Circuit Judge  
24 of Neshoba County that ordered that autopsy made,  
25 wasn't it?

MR. HAUBERG:

We object, Your Honor.

THE COURT:

I'll let him answer that.

THE WITNESS:

A. Yes sir.

Q. And did you ever hear of the fact that the Circuit Judge in Hinds County had ordered an autopsy made?

MR. HAUBERG:

We object, Your Honor.

MR. WEIR:

Well, its official, you know.

THE COURT:

Sustain the objection, Mr. Weir, you wait until I rule on the objections.

MR. WEIR:

I'm sorry, excuse me, Your Honor.

Q. Have you ever received any official report from any Circuit Court in Hinds County or anything of that nature?

A. No sir.

Q. Now then----

MR. HAUBERG:

We would like to interpose an objection to defense counsel cross examining the witness,



1 if he wants to adopt it, he should abide by the  
2 rules and not lead him, we would like to interpose  
3 that objection, Your Honor.

4 BY THE COURT:

5 I think they are on the same side, and he would  
6 not have a right to lead him.

7 BY MR. WEIR:

8 Would you let the record show that I do not re-  
9 present the defendant for whom this witness was  
10 called?

11 BY THE COURT:

12 You know, I think I have become aware of the  
13 fact this week that you do not represent all of  
14 them, but I think you would have to conform with  
15 the usual requirements, custom and practice, re-  
16 gardless of that fact, and since you are on the same  
17 side there is no conflict of any differences be-  
18 tween any of you and you can not cross examine him,  
19 and you can't lead him.

20 BY MR. WEIR:

21 I will not do that, if Your Honor please. I  
22 didn't know that was your rule until now.

23 Q Now, Mr. Jackson, according to actual knowledge  
24 did you or any member of the coroner's jury know  
25 or  
who was actually killed, /if anybody was killed?

A No sir.

Q And do you know of anyone there on that occasion who did actually know?

A No sir.

Q And do you know now?

A No sir, I don't.

Q Do you know whose body, if any, were recovered on that occasion?

MR. HAUBERG:

If the Court please, he is still leading the witness, and we would object.

THE COURT:

I don't think that's leading, overruled.

MR. WEIR:

Q Do you?

A No sir, I don't know.

Q And if in fact, bodies were found there in a deceased status, do you know what if anything caused their death?

A I don't know what caused their death.

Q And did any member of the Coroner's jury there so know? To your knowledge?

A To my knowledge, I don't know.

Q That's all Your Honor. Wait, just one moment.

Was your efforts to determine these facts as I've

1                   asked you about, hampered by anyone that was  
2                   on the grounds there?

3 BY MR. HAUBERG:

4                   We object, if the Court please.

5 BY THE COURT:

6                   Sustained.

7 BY MR. WEIR:

8                   Q    Were you hampered in any way?

9 BY MR. HAUBERG:

10                  Object, Your Honor.

11 BY THE COURT:

12                  Sustained, same question.

13 BY MR. WEIR:

14                  Yes sir.  If I might have just a minute, Your  
15                  Honor.

16                  Q    The Coroner's jury that was empanelled was it  
17                  the same day of the fourth, when it was empanelled?

18                  A    No sir.

19                  Q    Was the Coroner's jury empanelled on the date  
20                  that it was said that the bodies had been removed?

21                  A    No sir.

22                  Q    Now, when was it that they were empanelled?

23                  A    The next day.

24                  Q    Did anyone make an effort to determine where it was  
25                  said that the bodies had been carried?

A (No response from witness)

THE COURT:

Can you answer his question?

THE WITNESS:

A I don't know.

Q Did the Federal Bureau of Investigation cooperate with you, or did they refuse to tell the coroner's jury and you, as Coroner, the full information about it?

MR. HAUBERG:

We object, Your Honor.

THE COURT:

Sustained.

MR. WEIR:

I believe that's all, if Your Honor please.

THE COURT:

How many bodies did you see out there where the coroner's jury went to have its inquest?

THE WITNESS:

How many did I see?

THE COURT:

Yes.

THE WITNESS:

I saw three.

THE COURT:

1 They were dead bodies, I assume?

2 BY THE WITNESS:

3 Yes sir, I would say so.

4 BY THE COURT:

5 And when was that that you saw them?

6 BY THE WITNESS:

7 On August the 4th.

8 BY THE COURT:

9 And was your entire jury present?

10 BY THE WITNESS:

11 The Coroner's jury?

12 BY THE COURT:

13 Yes sir.

14 BY THE WITNESS:

15 No sir. The F. B. I. wouldn't let me carry a  
16 jury in there.

17 BY THE COURT:

18 So you never did have an empanelled jury on the  
19 scene at any time the bodies were there?

20 BY THE WITNESS:

21 Not while the bodies were there, I carried the  
22 jury out there the next day. I wanted to carry  
23 them in that night and I was rejected on it.

24 BY THE COURT:

25 All right.

(Whereupon witness excused)

INEZ PEEBLES, called as a witness for and on behalf of Defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MCINTIRE:

Q Tell the Court and Jury your full name, please?

A Inez Peebles.

Q Would you spell your name, your last name, please?

A P E E B L E S.

Q Where do you reside, Mrs. Peebles?

A In Philadelphia, Mississippi.

Q Your street address?

A I live on Route 8, Box 25.

Q Are you a member of any church in Philadelphia?

A I'm not a member of the church but we attend the First Presbyterian Church.

Q I call your attention to 1964, were you a member of any church at that time?

A Yes, I was.

Q And what church was that?

A The First Southern Methodist Church.

Q And who was the pastor of the First Southern Methodist Church?

A Willie Dennis.

1 Q Do you know Willie Dennis?

2 A Yes, I do.

3 Q Do you know Willie Dennis' reputation for truth  
4 and veracity in the community?

5 BY MR. HAUBERG:

6 We object, Your Honor.

7 BY THE COURT:

8 Overruled.

9 BY MR. McINTIRE:

10 You may answer.

11 A I--

12 BY MR. HAUBERG:

13 If the Court please, we would like to know  
14 the time involved.

15 BY MR. McINTIRE:

16 If the Court please, we are directing the Court's  
17 attention to 1964.

18 BY THE COURT:

19 Restate your question then.

20 BY MR. McINTIRE:

21 Q Do you know Willie Dennis' reputation for  
22 truth and veracity at the time you knew him  
23 in Philadelphia, Mississippi?

24 BY MR. HAUBERG:

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

BY THE COURT:

I'll let you rephrase your question.

BY MR. McINTIRE:

Q Do you know Mr. Dennis' reputation for truth and veracity now or anytime in the past?

BY MR. HAUBERG:

We object, if the Court please.

BY THE COURT:

I'll let you inquire if she knew his reputation while he lived there and while he was pastor there.

BY MR. McINTIRE:

Q Do you know his reputation for truth and veracity at the time he was Pastor of the Southern Methodist Church?

BY MR. HAUBERG:

If the Court please, we don't think he has asked the proper question for that answer. He's asked if she knew his reputation and we don't believe that he has stated the question properly.

BY MR. McINTIRE:

Q General reputation, do you know his general reputation for truth and veracity at the time he lived in Philadelphia in 1964 and was the pastor of the Southern Methodist Church there?

A Did I know him?

Q Yes.



1 A Yes, I did.

2 Q Was it good or bad?

3 A It was bad.

4 Q Would you believe him under oath?

5 BY THE COUNSEL, HAUBERG:

6 We object, if the Court please.

7 BY THE COURT:

8 Overruled.

9 BY THE WITNESS:

10 A No, I wouldn't.

11 Q Why?

12 A I---

13 BY MR. HAUBERG:

14 We object, Your Honor.

15 BY THE COURT:

16 Yes, I'll sustain the objection.

17 BY MR. MCINTIRE:

18 Q Do you know anything about his general character?

19 BY MR. HAUBERG:

20 We object to that, if the Court please.

21 BY THE COURT:

22 Sustained.

23 BY MR. MCINTIRE:

24 Q Do you know anything about his personal habits?

25 BY MR. HAUBERG:

We object to that, if the Court please.

THE COURT:

Overruled.

MR. McINTIRE:

Q You may answer.

A Do I know his personal habits?

Q Yes.

A Yes.

Q Tell the Court and Jury about his habits?

A As to what he did while he was there?

Q Yes.

A Well, I was a member of the church that he was pastor of. He organized the First Southern Methodist Church there in Philadelphia, and he called the President of Southern Methodist Church from Orangeburg, South Carolina, he called a meeting and he had several of the members to attend the meeting, and me and my husband and different ones attended the meeting and we believed in the doctrine of the church and we went along with it. My husband----

MR. HAUBERG:

If the Court please, we object to her answer and we don't think its material to the issues here, and we do not think Counsel has the right

1 to go into it.

2 BY THE COURT:

3 He has a right to impeach him but no further than  
4 that. By way of impeachment I think he has  
5 a right to establish that, but I don't know what  
6 she's fixing to say.

7 BY MR. McINTIRE:

8 Well, I think her testimony will go to the weight  
9 of this witness that was called by the Federal  
10 Government.

11 BY MR. HAUBERG:

12 If the Court please, she has already testified  
13 about his general reputation.

14 BY THE COURT:

15 Yes, I believe that's the practice.

16 BY MR. McINTIRE:

17 Then I have no further questions of this witness,  
18 of course.

19 BY MR. HAUBERG:

20 We have no questions of this witness.

21 BY THE COURT:

22 All right, you may stand aside.

23 (Whereupon witness excused)

24 J. C. BRISTER, called as a witness for and on behalf  
25 of Defendants, was sworn and testified as follows:

DIRECT EXAMINATION

MR. WEIR:

Q What's your name, please sir?

A J. C. Brister.

Q Mr. Brister, what's your occupation?

A At the present time I'm serving as fieldman for McClendon-Cheese Company, Newton, Mississippi.

Q How long have you been in the cheese business?

A Twenty-five years.

Q Yes sir.

A Let me make this statement, before this time I worked with Pet Milk Company.

Q And you know the Reverend Edgar Ray Killen?

A I do.

Q How long have you known that gentlemen?

A Approximately all of the time that I have been in Neshoba County, which is twenty-five years.

Q Did you see him on June 21, 1964?

A I did.

Q Where was he at?

A At the funeral home.

Q Which one, please sir?

A McClain-Hayes.

Q And what city is that located in?

A Philadelphia, Mississippi.

- 1 Q Who came first, you or he?
- 2 A He was there when I got there.
- 3 Q Was it day or night time?
- 4 A Night time.
- 5 Q What time?
- 6 A I walked in the funeral home at 11:45.
- 7 Q Do you know how long he had been there?
- 8 A I do not know how long he had been there.
- 9 Q Was he asleep or awake?
- 10 A He was apparently awake at the time I walked in.
- 11 Q Did you all talk?
- 12 A I talked and he talked.
- 13 Q Who was dead?
- 14 A Beg your pardon?
- 15 Q Who was dead?
- 16 A Mr. Alex Ricks.
- 17 Q What time did the Reverend Killen leave?
- 18 A I would estimate the time to be approximately
- 19 2:30, between 2:30 and 3:00 o'clock.
- 20 Q And you are talking about in the morning?
- 21 A Right.
- 22 Q Of the 22nd?
- 23 A Right, on the morning of the 22nd.
- 24 Q Do you recall any special incident to the
- 25 fact that he was leaving?

A. Uh, his father made the statement, "wake up, Edgar Ray, and let's go home."

Q. And you know his father too?

A. I do.

Q. And that's Mr. A. L. Killen?

A. Right.

Q. And so about that time of the morning, you did see him leave then?

A. Yes.

Q. And did you remain there longer yourself?

A. I stayed until approximately 4:15.

Q. Yes sir. I believe that's all I have of this witness, Your Honor.

CROSS EXAMINATION

BY MR. DOAR:

Q. Mr. Brister, you got to the funeral home about 11:45 P. M.?

A. 11:45.

Q. P. M.?

A. Right.

Q. Just before midnight.

A. Right.

Q. And you stayed there until 4:00 o'clock in the morning?

A. 4:15.

1 Q And did you see Sheriff Rainey and Cecil Price  
2 there that night?

3 A I did not.

4 Q Would you remember if you had seen them?

5 A I would.

6 Q Is there a book there for people to sign?

7 A There was.

8 Q And generally everybody signed the book?

9 A Uh, yes. That's customary at a funeral home, for  
10 friends.

11 Q Thank you.

12 BY MR. WEIR:

13 If it please the Court, Your Honor, I have one more  
14 question.

15 REDIRECT EXAMINATION

16 Q Mr. Brister, is it customary for a person to sign  
17 the book at any particular time when he came into  
18 visit and view the body?

19 A No, some sign and I have often signed myself when  
20 I first go in, and sometimes as I go to leave.

21 Q What about in the meantime, between the time  
22 you go in and the time you leave, have you ever  
23 signed in between times?

24 A Well, there is no stated time that you sign that  
25 thing, you sign it when you want to I guess.

Q Well it wouldn't be anything unusual or un-  
customary for someone to sign in the middle of  
his visit would it?

A Certainly not.

Q Would it or would it not be anything unusual?

A It would not be unusual.

Q Thank you. Your Honor please, if it please the  
Court, could this witness be finally excused?

BY THE COURT:

Yes sir.

(Whereupon witness excused)

CATHERINE TUCKER, called as a witness for and on behalf  
of Defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. LEWIS:

Q State your name please?

A Mrs. Catherine Tucker.

Q Do you know the defendant, Herman Tucker?

A Yes I do.

Q What is his relation to you?

A He's my husband.

Q Mrs. Tucker, I want to ask you how long you and  
the defendant, Herman Tucker, have been married?

A Fourteen years, this past August.

Q How many children do you have?



1 A We have six.

2 Q Where do you live in Neshoba County, Mrs. Tucker?

3 A Out in the Hope Community.

4 Q Mrs. Tucker, what kind of work does your husband  
5 do?

6 A He is in construction. He's a bulldozer owner  
7 and operator.

8 Q I want to ask you if in June of 1964 if he was  
9 in this type of construction work?

10 A Yes sir, he was.

11 Q What does his work consist of mostly?

12 A He digs ponds, he does some clearing, he does  
13 grading for houses.

14 Q Do you remember on about the 21st day of June, 1964  
15 what kind of work he was doing?

16 A Yes sir.

17 Q Go ahead and tell the Court what he was doing.

18 A He was working on a pond.

19 Q Where was he working on this pond dam Mrs. Tucker  
20 if you know?

21 A On Mr. Olen Burrage's property.

22 Q I want to ask you, Mrs. Tucker, if on the 21st  
23 day of June, 1964 was that a Sunday?

24 A It was.

25 Q Did he work that Sunday?

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- A He did.
- Q How do you know he worked that Sunday?
- A Because it was Father's Day and my father was sick and I carried him his lunch that day which is not unusual for me to do wherever he is working?
- Q Do you recall who was working with him or assisting him on the job that day?
- A Yes sir, I do.
- Q Who was helping him?
- A Mr. Odell Wilcher.
- Q When you carried the lunch that day who was there with your husband besides his helper, Mr. Odell Wilcher?
- A No one.
- Q They were the only two there?
- A They were.
- Q How long did you remain there where you had carried your husband's lunch that day?
- A Just long enough for them to eat their lunch.
- Q Where did you go when you left there?
- A Home.
- Q Now, Mrs. Tucker, do you recall what time your husband came in that Sunday night from work?
- A Approximately 9:00 o'clock.
- Q When he came in from working where did he go or

1 what did he do that night, if you know?

2 A He didn't go anywhere. He took a bath and we ate  
3 supper and he went to bed.

4 Q And Mrs. Tucker, did anyone else work with him on  
5 this job that you know of?

6 A Yes sir.

7 Q Who else?

8 A Mr. W. H. Pettis.

9 Q Mr. W. H. Pettis, was he a bulldozer operator  
10 or what kind of work did he do?

11 A Yes sir, he was a bulldozer operator.

12 Q Did he work that Sunday that we were talking about?

13 A No sir.

14 Q Now, I want to ask you what time you said your  
15 husband went to bed that night, what time did he  
16 get up the next morning?

17 A We got up about five o'clock.

18 Q And after he got up where did he go, if you know?

19 A We ate breakfast and then I carried him to work.

20 Q Where did you take him to work?

21 A Back to the pond dam on Mr. Olen Burrage's property.

22 Q When you arrived at the pond dam site was any  
23 operation going on there or was anyone working?

24 A Yes sir.

25 Q Who was working on the morning that you arrived

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back at the dam site, the morning after the  
Sunday that your husband worked?

A. Mr. W. H. Pettis.

Q. Did you remain there at the site for a while?

A. No sir, I went straight back home.

Q. Was anyone else there that you know of on this  
morning that you carried your husband to work?

A. No sir, nobody but Mr. Pettis.

BY THE COURT:

Who was that individual that you said was working  
there?

BY THE WITNESS:

I beg your pardon?

BY THE COURT:

You said there was someone else working there on  
that Monday morning that you carried your husband  
to work, who was that?

BY THE WITNESS:

Mr. W. H. Pettis.

BY MR. LEWIS:

Q. Say you left there and went back home to your  
children?

A. Yes sir.

Q. I believe that's all Your Honor.

BY MR. WATKINS:

1 Q I want to ask you please mam, a little something  
2 about Mr. Pettis. Do you know whether he worked  
3 there all night or whether he worked there just  
4 a little before your husband?

5 A Well, I think he started just a little before  
6 Herman did.

7 BY MR. HAUBERG:

8 We object to that Your Honor.

9 BY THE COURT:

10 Yes, I'll sustain your objection. I think that's  
11 the proper procedure to follow. The defendants  
12 putting on their testimony and if any defense  
13 counsel wants to ask the witness anything you  
14 can get your questions in and then the Government  
15 can ask theirs or be permitted to cross.

16 BY MR. WATKINS:

17 That's all I have, Your Honor.

18 CROSS EXAMINATION

19 BY MR. DOAR:

20 Q You did say that Mr. Pettis got to the Olen  
21 Burrage property, or was there at the dam on  
22 Olen Burrage's property when your husband got  
23 there on Monday morning?

24 A That's correct.

25 Q And was he working at the time?

A. Yes sir, he was on the tractor.

Q. Where was he on the tractor?

A. It wasn't running at that time.

Q. Do you remember where it was?

A. No sir, I don't.

Q. Do you remember whether they were working on the far side of the dam or the near side of the dam?

A. I don't know, I just drove up there and Herman got out and I turned around and went back home.

Q. How do you get down there?

A. There's a road that goes down in there.

Q. What highway did you go down?

A. It turns off 488.

Q. And about how far from Philadelphia is it?

A. The pond dam?

Q. The pond dam.

A. I wouldn't know just how far it was.

Q. How far would you say it was off 21?

A. I would guess about a half a mile, but I couldn't be sure.

Q. On the 22nd when you got there, just the base of the dam was constructed, is that right?

A. I'm not sure about that. I didn't look at it that close.

Q. You're not sure where Mr. Pettis was working when

1           you got there?

2           A. Mr. Pettis was working when I got there.

3           Q. But you are not sure where?

4           A. No sir, I just saw the tractor going and Mr.  
5           Pettis on it.

6           Q. Do you know who your husband's employees were? BY

7           A. Who his employees were?

8           Q. Yes, do you know who else worked on that particular BY  
9           project?

10          A. Mr. Odell Wilcher. BY

11          Q. And just the three of them. Odell Wilcher, Mr.  
12          Pettis and your husband? B

13          A. Yes sir, I believe that was all.

14          Q. Thank you. F

15          (Whereupon witness excused)

16          HERMAN TUCKER, one of the defendants, called as a  
17          witness, sworn and testified as follows: 1

18                                   DIRECT EXAMINATION

19 BY MR. LEWIS:

20          Q. State your name please? 20

21          A. Herman Tucker. 21

22          Q. Mr. Tucker, are you one of the defendants in this 22  
23          case? 23

24          A. Yes sir. 24

25          Q. How old are you Mr. Tucker? 25

A. Thirty-nine.

Q. What kind of work do you do, or what is your profession?

A. Dirt moving.

Q. I want to ask you----

BY THE COURT:

I didn't understand the witness' answer.

BY THE WITNESS:

Sir?

BY THE COURT:

I didn't understand what you said you did?

BY THE WITNESS:

Dirt moving.

BY MR. LEWIS:

Q. Dirt moving, what does that consist of, Mr. Tucker?

A. Pond digging, lot clearing, lot filling, most anything, dozer work, dirt hauling and moving it.

BY THE COURT:

Speak distinctly witness, you've got some mighty good equipment to speak into there in front of you.

BY MR. LEWIS:

Q. Mr. Tucker, I want to ask you if in June, 1964 if you were doing construction work?

A. Yes sir.

Q. Do you know on about June the 21st of 1964 where



1                   you were working?

2           A    On pond dam on Olen Burrage property.

3           Q    How long had you been on that job, approximately  
4                   how long?

5           A    I would say a week or ten days, clearing and every-  
6                   thing.

7           Q    What do you mean by clearing, Mr. Tucker?

8           A    Well I had to clean out where the pond was built.

9           Q    In other words, you pushed the trees down where  
10                   the water would be in the pond?

11          A    I pushed the trees down where I could get dirt to  
12                   build the dam.

13          Q    And you, on the 21st day of June, 1964, which was  
14                   a Sunday, did you work that Sunday?

15          A    Yes, I did.

16          Q    Uh, who was in your employ, who assisted you in  
17                   your work on that day?

18          A    Odell Wilcher.

19          Q    Now, I want to ask you if you worked all day that  
20                   day?

21          A    I did.

22          Q    What time did you quit that day?

23          A    I don't know what time it was on the 21st day of  
24                   June, it ~~was~~<sup>was</sup> right about night.

25          Q    After you discontinued work on that day, where

did you go?

A. I went from there to my brother's station.

Q. What kind of station does your brother operate or run?

A. Southland Service Station on Williamsville Road, on the west side of Philadelphia.

Q. And do you recall how long you remained there at your brother's Southland Service Station?

A. No sir, I don't. It wasn't too long.

Q. And when you left there, where did you go?

A. I went home.

Q. And who carried you home from there?

A. Well I went in my pick-up truck. Odell took my pick-up truck and went on home, and he wanted my truck to use the next day.

Q. Now who is Odell?

A. Odell Wilcher.

Q. Odell Wilcher, and did he live beyond your home or this side of your home or where did he live?

A. He lives about six miles on down below where I live.

Q. And when he put you out at home and you arrived at home that night, do you know approximately what time it was?

A. I don't know, I don't remember the time and I

1 probably didn't know then, but I left about dark  
2 at the pond dam, it was getting dark, and I stayed  
3 up at the station probably thirty or forty-five  
4 minutes, and I imagine by the time I got home it  
5 was nine or nine-thirty.

6 Q Nine or nine-thirty, and when you got home what  
7 did you do?

8 A Well, I shaved, took a bath and went to bed.

9 Q And did you remain there at home all during that  
10 night?

11 A Yes sir.

12 Q What time did you arrive the next morning?

13 A About daylight.

14 Q After you arose that morning, where did you go  
15 from your home then?

16 A I left home and went back to the pond dam.

17 Q Did Mr. Wilcher come by and pick you up in the  
18 truck or how did you get back to the pond dam?

19 A My wife took me.

20 Q And when she carried you to the pond, was anyone  
21 in your employ working there at the time?

22 A W. H. Pettis.

23 Q W. H. Pettis, and what kind of work was he doing  
24 when you arrived that morning?

25 A He was running the dozer.

Q Mr. Tucker, how many dozers did you have?

A I had two at that time.

Q Did you, uh, I mean, how long had you had those dozers?

A I had had one for, I don't know how long, a year, one of them, maybe two years, I don't remember exactly. I got the other one, it was delivered Friday evening late, and I put it to work, I think this is correct, on Saturday morning.

Q From whom did you buy that dozer or who did you get it from?

A Gilchrist Tractor Company in Meridian, Mississippi.

Q And Mr. Tucker, I want to ask you if those bulldozers, if the keys that fit them, would any ignition key operate the switch on them?

A Yes sir.

Q ;In other words, there is no certain key?

A Any size tractor, model or make.

Q In other words any key to a tractor will fit the ignition and turn on?

BY THE COURT:

Don't lead him.

BY MR. LEWIS:

Thank you, Your Honor.

BY MR. LEWIS:

1 Q Mr. Tucker, I want to ask you if it takes a  
2 certain key to turn the ignition on any bulldozer  
3 caterpillar?

4 A The same key works in everyone I've ever tried.

5 Q I believe that's all.

6 BY THE COURT:

7 Did you leave the key in the ignition?

8 BY THE WITNESS:

9 At that time I did. I only had one key.

10 BY THE COURT:

11 So you left the key in the ignition.

12 BY THE WITNESS:

13 I ran it that Sunday and W. H. Pettis was to run it  
14 on Monday so I left the key in it, and after I had  
15 had the tractor, oh, I think a month or two, I went  
16 back over there to Gilchrist and they gave me another  
17 key, but at the time I bought the tractor I only got  
18 one key.

19 CROSS EXAMINATION

20 BY MR. DOAR:

21 Q So you had two tractors out at the pond area?

22 A Yes sir.

23 Q And what was the size of the tractor?

24 A The oldest one was a D-4 and the newest one was  
25 a D-4-D.

Q. How long have you been in the dirt-moving business in Neshoba County?

A. I've been in it off and on for a long time but the last time I've been in it is about five or six years.

Q. Mr. Tucker, are there other dirt-moving operators in and around that county?

A. Several.

Q. Several?

A. -----

BY THE COURT:

Speak up witness, the reporter can't hear you.

BY THE WITNESS:

A. Yes sir, there are several dirt moving operators in Neshoba County. I don't know how many.

Q. What other business have you been in?

A. Well, I've been in the logging business, I've been in the junking business, anything pertaining to trucks.

Q. And in the junking business, do you mean in the junking business of junking cars?

A. Yes sir.

Q. How long have you been in that business?

A. Oh, I would say about a year or year and a half.

Q. And in connection with that junking business,

1                    did you ever have any experience in burning cars?

2                    A. Yes sir.

3                    Q. How do you burn cars?

4                    A. Anyway you can get it afire, I guess.

5                    Q. What do you do? Do you pour any kind of gasoline  
6                    on it to get it going?

7                    A. Gasoline, diesel fuel, anything you can get to  
8                    catch afire. A car is not hard to set afire.

9                    Q. Do you put the gasoline on the outside hood and  
10                    the roof on the inside?

11                    A. Just anywhere you are able to get a spot of the  
12                    upholstery burning.

13                    Q. And when that gasoline gets going, everything  
14                    about it will burn up?

15                    A. Burn well enough that I could mash them and load  
16                    and haul them, that's what I was doing.

17                    Q. And once someone that knows how to burn cars,  
18                    they burn up pretty well, doesn't it?

19                    A. I don't know about anybody knowing how, but once  
20                    you strike a match and get one afire, the up-  
21                    holstery in one will burn up, its burnt pretty  
22                    well.

23                    Q. Now, you know Olen Burrage?

24                    A. Yes sir.

25                    Q. Have you ever had any business connection with

him?

A. I've done a lot of work him.

Q. A lot of work around his farm?

A. Yes sir.

Q. Over at his trailer and garage?

A. Some.

Q. How about Preacher Killen, do you know him?

A. I know him.

Q. Sheriff Rainey?

A. I know him.

Q. Cecil Price?

A. I know him.

Q. Billy Wayne Posey?

A. I know him.

Q. Jerry Sharpe?

A. I know him.

Q. Would you say you are a good friend to these men?

A. Are you talking about now or when this thing happened?

Q. When this thing happened.

A. I wouldn't say I was. Some of them I hardly knew.

Q. But you did know Olen Burrage?

A. I did know Olen Burrage, I've known him for several years. I wish I knew more people like him.



1 Q Do you remember, I'll withdraw that question.  
2 Do you think you left the pond dam on Sunday  
3 afternoon about 4:00 o'clock or about sundown?

4 A It was pretty close to night, and that time of  
5 the year, it would be later than 4:00 o'clock, I  
6 don't know what time.

7 BY THE COURT:

8 How high would you say your dirt was on the bank  
9 when you left the dam site on Sunday afternoon?

10 BY THE WITNESS:

11 I've been asked that question by F. B. I. Agents----

12 BY THE COURT:

13 Do you want to let me finish my question? On the  
14 21st day of June, 1964, now do you know the whole  
15 question?

16 BY THE WITNESS:

17 Yes sir, I've been asked that question two or  
18 three times by the F. B. I. and I told them  
19 approximately three or four foot, I didn't know.  
20 I'm not certain, I don't remember.

21 BY THE COURT:

22 Did you notice anything different about the dam  
23 work that you were working on when you got out  
24 there the morning of June the 22nd, 1964?

25 BY THE WITNESS:

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No sir, I didn't.

BY THE COURT:

You didn't notice anything different?

BY THE WITNESS:

No sir.

BY THE COURT:

Nothing unusual?

BY THE WITNESS:

No sir. I was pushing dirt and that was all I noticed.

BY MR. DOAR:

Q And the other dozer was still stationed there, wasn't it?

A Right.

Q Now, where did you leave the dozer on Sunday afternoon?

A I don't remember. Somewhere on the job, I don't remember where.

Q Do you remember where you worked on the west or east end of the dam?

A I believe there was one on each side, I'm not for sure.

Q And if there was one on each side does that mean that they would be quite a ways apart?

A Well, they could be as far as across this room,