

1 go out that night, we were going out to the Sky-
2 view and dance, so we went by there and asked
3 Wayne if he wanted to go.

4 Q Did you see Mr. Roberts yourself at that time?

5 A I talked to him and Linda both.

6 Q Who is Linda?

7 A That's Wayne's wife.

8 Q All right.

9 A So Wayne said they would like to go if they could
10 find a baby sitter, so I left, me and my wife
11 left, we lived around a block from them, so we
12 went on home and I guess it was about, I guess
13 close to nine o'clock we came back.

14 Q Back where?

15 A Back to Wayne's house. He and Linda were sitting
16 in the house.

17 Q What did you do then?

18 A We asked them if they had decided they were going
19 to go with us or not, and they said they couldn't
20 find a baby sitter.

21 Q Did you leave then?

22 A No, we stayed there for a while. Wayne was
23 sitting on a chair and had his shoes off, just
24 sitting there.

25 Q In your best judgment, how long did you stay there?

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asked

time?

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u stay there?

1 A Well, I really don't know, but I would say roughly
2 uh, around thirty minutes, or it could be longer.

3 Q Are there any particular circumstances that made
4 you or caused you to remember this particular
5 date?

6 A Yes. My two brothers were home from Ohio, they
7 live up in Columbus, Ohio, and they were on
8 vacation, and we got a call that night that my
9 sister, she had been operated on that day, that
10 she had taken a turn for the worse and they wanted
11 my mother to come up there, so my brothers had
12 to cut their vacation short and go back the next
13 day.

14 Q All right, who did you say was with you when you
15 made these two visits to Mr. Roberts' house?

16 A My wife.

17 Q What is her name?

18 A Jean.

19 Q Thank you.

20 CROSS

EXAMINATION

21 BY MR. HAUBERG:

22 Q Mr. McMullan, say you work for Mississippi Freight
23 Lines?

24 A Yessir.

25 Q How long have you been with them?

- 1 A. Three years.
- 2 Q. Do you know what Mr. Roberts does?
- 3 A. Now?
- 4 Q. Yes sir.
- 5 A. No sir, I don't.
- 6 Q. Do you know what he did in 1964?
- 7 A. He worked with Minor Window.
- 8 Q. Is that on the occasion when you talk about visit-
- 9 ing in his home?
- 10 A. I believe he was with Minor Windows at that time.
- 11 Q. Are you sure about that?
- 12 A. No, I'm not sure.
- 13 Q. He's worked several places, hasn't he?
- 14 A. Yes sir.
- 15 Q. How long did he work for that window company you
- 16 are talking about?
- 17 A. Uh, he worked, I would say around six months.
- 18 Q. Who did he work for?
- 19 A. I don't know.
- 20 Q. Do you know anybody he's worked for since 1964?
- 21 A. I don't know all of his jobs. I know he was
- 22 working for Minor Windows at the time I came
- 23 by there, at that particular time he was working
- 24 at Minor Window Company.
- 25 Q. He was?

1 A. Right.

2 Q. And what was that date?

3 A. June the 21st.

4 Q. Was he working that day?

5 A. No sir, he wasn't working that day.

6 Q. Do you know why?

7 A. No sir.

8 Q. Were you working that day?

9 A. No sir, it was Sunday.

10 Q. You say it was Sunday.

11 A. Yes sir.

12 Q. And you can remember the date?

13 A. June the 21st.

14 Q. And you can remember the date?

15 A. Right.

16 Q. 1964?

17 A. Yes sir. I can remember it very well.

18 Q. And how can you remember that date so well?

19 A. Well, its just like I say a while ago my brothers
20 had come home on their vacation, and they come
21 home on their vacation the same date every year
22 and they were here.

23 Q. They were on vacation visiting you on the 21st?

24 A. Right. They were here at that time and went back
25 the following Monday.

about visit-

that time.

company you

months.

nce 1964?

he was

I came

as working

- 1 Q And they come home on vacation on the same date
2 every summer?
- 3 A They come the same time every year. Yes sir.
- 4 Q Are they here every June the 21st?
- 5 A They have been for the last three years.
- 6 Q Now, you say on this June the 21st, you went by
7 to see Mr. Roberts and who else?
- 8 A And Linda.
- 9 Q Who is Linda?
- 10 A That's Wayne's wife.
- 11 Q What time of day or night did you get there?
- 12 A I got there the first time about 7 or 7:30, I think.
- 13 Q Morning or night?
- 14 A No at night.
- 15 Q I believe you said you wanted to go to Skyview?
- 16 A Yes sir.
- 17 Q Where is that located?
- 18 A Its out on 45 South going toward Quitman.
- 19 Q That's a honky tonk isn't it?
- 20 A You might call it that, a supper club.
- 21 Q Do they sell intoxicating beverages there?
- 22 A Yes sir, and they sell food too.
- 23 Q Do they have a dance floor?
- 24 A Yes sir.
- 25 Q What time were you planning on going out there that

night?

A. I didn't have any set time planned to go. Just whenever everybody got together.

Q. Well, who else was going with you?

A. Norman Mosley and his wife.

Q. Anyone else?

A. No sir, nobody else.

Q. Had you been out to Skyview before with Alton Wayne Roberts?

A. Yes sir, I've been out there with him.

Q. Had you been out there with him any during the week before?

A. No sir.

Q. Had you been out there with him anytime during June of 1964?

A. No sir, I never did go out there with Wayne I would just see him out there.

Q. Did you see Wayne Roberts any other time during June of 1964?

A. Well, I really can't say. I mean, I saw him pretty regular, because like I say, I lived around there by him and he and his wife and me and my wife are pretty good friends.

Q. But you can't tell this jury now how many times you saw him in June of 1964?

1 A No sir.

2 Q The only time you can remember seeing him though
3 and you can remember this date, was June the 21st,
4 1964?

5 A Yes sir.

6 Q Have you talked with Alton Wayne Roberts about this
7 case?

8 A No sir.

9 Q When was the last time that you saw him before
10 you came up here to testify? Before today?

11 A Six months.

12 Q Its been six months since you've seen him?

13 A Maybe, four, five, he's been working out of town.

14 Q You say its been four or five or six months?

15 A I just don't know.

16 Q You say he's been working out of town?

17 A Yes sir. He's been living in Hickory.

18 Q He doesn't live in Meridian any more?

19 A As far as I know he don't.

20 Q How long has he been living in Hickory?

21 A I don't know.

22 Q So then you haven't seen him very often in the
23 last year or so then?

24 A No sir, not in the last four or five months, no sir.

25 Q Have you talked with anyone about your testimony

up here today?

A. No sir.

Q. How did you know to come to Court?

A. His lawyer, I talked to his lawyer.

Q. Then you have talked to someone about this case?

A. Right. I talked to him.

Q. Have you talked to anyone else?

A. No sir.

Q. Did they serve a subpoena on you?

A. No sir, I offered my own assistance.

Q. Now, is that the only time that you made any

arrangements to go to the Skyview with Alton Wayne

Roberts?

A. Oh no, no, we've been running around together for a long time, like I said a while ago.

Q. How many times have you been to the Skyview with him?

A. Several, numerous times.

Q. But that's the only time you can remember in 1964?

A. That's the time I remember most in 1964.

Q. Did you see him anytime during May, June or July of 1964?

A. Yes sir.

Q. Other than June the 21st, 1964, how many times did you see him?

- 1 A Like I say, I remember that date. But I saw him
2 practically every day because we lived close to
3 each other.
- 4 Q Did you see him every day?
- 5 A I would say I seen him most every day.
- 6 Q Now, when I asked you a few minutes ago if you had
7 seen him, you couldn't indicate any other time
8 in June of 1964 that you had seen him?
- 9 A You asked me had I been out to Skyview with him.
- 10 Q I now ask you how many times you saw him in June,
11 1964?
- 12 A Like I said a while ago, I can't answer that.
- 13 Q You don't know?
- 14 A I don't know.
- 15 Q When were you asked to recall the date of June
16 21st, 1964?
- 17 A When was I asked to recall it?
- 18 Q Were you asked to recall a date?
- 19 A No, my mother was the one that recall it up to me
20 and then I remembered it very well.
- 21 Q Well then, you didn't actually remember it your-
22 self, did you?
- 23 A Yes, I remembered it, but she remembered it too.
24 We got to discussing it.
- 25 Q Why did you discuss it?

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close to

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it up to me

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red it too.

1 A. Because he is a friend of ours and we just got to
2 discussing it, and talking about it.

3 Q. Talking about what?

4 A. When it come up and said he was in it, we need
5 that we was out there that night, we knew we
6 had been by his house and asked him to go out
7 there with us that night.

8 Q. But you say it was your mother that brought it to
9 your attention?

10 A. That's right.

11 Q. And then you remembered the date?

12 A. Well, its like I say a while ago, I remembered
13 it too.

14 Q. How often did you see him in May of 1964?

15 A. I don't know.

16 Q. What is your best recollection about it?

17 A. I'll say two or three times a week.

18 Q. Does any particular date stick in your mind?

19 A. No sir.

20 Q. Do you recall any specific date in July that you
21 saw him?

22 A. No sir.

23 Q. Did you see him on July the 4th, 1964?

24 A. I can't answer that.

25 Q. Well, if you saw him so often in May, June & July

1 of 1964, how did you see him, did you go to see
2 him at his house?

+3 A. Well, it worked both ways. He come to see us
4 and we'd go to see him.

+5 Q. Do you belong to any organizations that he belongs
6 to?

7 A. No sir.

8 Q. Are you a member of the White Knights of the Ku
9 Klux Klan?

10 A. No sir.

11 Q. Have you ever been such a member?

12 A. No sir.

+13 Q. Have you ever been asked to join?

14 A. No sir.

+15 Q. I believe you say the only date that you can
16 definitely say and fix is this June the 21st,
17 1964?

18 A. That sticks in my mind, yes.

19 Q. And no one has told you about it except your mother?

20 A. We discussed it, like I said. My wife, my mother
21 and all of us. We wouldn't sit down that night
22 and talk about it, because we didn't know then,
23 but when it come up then we go back and we know
24 that that was the time.

25 Q. So, before you had a discussion about it you really

don't know when it was?

BY MR. WATKINS:

Your Honor, we object, this is repetitious.

BY THE COURT:

Overruled.

BY MR. HAUBERG:

Q You may answer.

A State it again?

Q My question was, of your own personal knowledge you do not recall the date of June 21st, 1964.

BY MR. BUCKLEY:

If the Court please, he's been over this testimony several times, and he's just grilling the witness.

BY THE COURT:

Well he's on cross examination, overrule your objection.

BY THE WITNESS:

A Its like I said a while ago, I just can't answer that.

Q You can't answer?

A No sir.

Q That's all.

T. H. SINGLETARY, recalled to stand, having previously testified and still under oath, testified as follows:

BY MR. ALFORD:

DIRECT EXAMINATION

Q State your name, please sir?

1 A T. H. Singletary.

2 Q Sir, I would like to direct your attention to
3 June the 24th, 1964 and ask you sir, if on that
4 day in connection with your official as Deputy
5 State Fire Marshal, did you or not have a con-
6 versation with Bud Cole, J. R. "Bud" Cole and
7 Beatrice Cole?

8 A I did.

9 Q And where did you have that conversation, sir?

10 A Out at their house and down at the Sheriff's office.

11 Q Was that in Nexhoba County?

12 A It was.

13 BY MR. HAUBERG:

14 We object to that as immaterial, if the Court
15 please.

16 BY THE COURT:

17 I don't know if it is or not, I'll overrule your
18 objection.

19 BY MR. HAUBERG:

20 Yes sir.

21 BY MR. ALFORD:

22 Q In what community did they live in?

23 A I don't know the community, Mr. Alford, but its
24 out near where that church burned, its some
25 eight or nine miles probably out from Philadelphia.

1 Q Did you see anything unusual about J. R. "Bud"
2 Cole when you were talking to him?

3 BY MR. HAUBERG:

4 We object, if the Court please, he was on direct
5 examination earlier today.

6 BY THE COURT:

7 Well, I'll let him answer, go along.

8 BY MR. ALFORD:

9 Q The Judge says you may answer.

10 A Uh, Sheriff Rainey and myself drove up in the
11 front yard and Bud was sitting on the front
12 porch, and he had a big towel folded up, and had
13 it over to his right jaw.

14 Q And in the course of your investigation and in
15 conversation, did you ask him who had hit him?

16 BY MR. HAUBERG:

17 We object, if the Court please.

18 BY THE COURT:

19 Overruled.

20 BY MR. ALFORD:

21 Q Who did he say hit him?

22 BY MR. HAUBERG:

23 We object, if the Court please.

24 BY THE COURT:

25 Sustained.

1 BY MR. HAUBERG:

2 I didn't understand your ruling?

3 BY THE COURT:

4 Sustained.

5 BY MR. ALFORD:

6 Q What did he say with reference to who had hit him?

7 A He -

8 BY MR. HAUBERG:

9 Object again, Your Honor.

10 BY THE COURT:

11 I sustained the objection to that once. That would
12 be pure hearsay, and everybody knows that.

13 BY MR. WEIR:

14 If Your Honor please, this is rebuttal testimony.

15 BY MR. ALFORD:

16 Your Honor, they asked Beatrice Cole, who testified
17 here about her husband, and Beatrice testified that
18 her husband was hit by Mr. Barnette.

19 BY MR. HAUBERG:

20 We object, Your Honor, to Counsel arguing the case.

21 BY THE COURT:

22 Yes, he still can't tell that.

23 BY MR. ALFORD:

24 Q Well, did you have a conversation with Beatrice
25 Cole, Mr. Singletary?

1 A I did.

2 Q And did you ask her if she knew who had hit or
3 struck her husband, J. R. "Bud" Cole?

4 A Yes sir.

5 BY MR. HAUBERG:

6 We object to that, to his testifying to what she said.

7 BY MR. ALFORD:

8 Your Honor, I believe she testified that she knew.

9 This is in rebuttal.

10 BY MR. HAUBERG:

11 The time to question her about this was when she was
12 on the witness stand, if the Court please.

13 BY THE COURT:

14 I believe that's correct. I see what you are after
15 now Counsel. You are trying to impeach a witness who
16 testified who hasn't been given the opportunity to
17 answer a question about Mr. Singletary and I think
18 you would have to lay a predicate for that by asking
19 that witness whether or not she had made such a state-
20 ment to him.

21 BY MR. ALFORD:

22 Your Honor please, we asked her about who she talked
23 to.

24 BY THE COURT:

25 I don't believe that's a predicate for impeachment, so

1 I'll sustain the objection.

2 BY MR. ALFORD:

3 Your Honor please, she testified as to who hit her
4 husband.

5 BY THE COURT:

6 I know she did.

7 BY MR. ALFORD:

8 And I believe the question asked her sometimes during
9 this conversation, did you talk to Mr. Singletary, I
10 believe that's in the record.

11 BY THE COURT:

12 I don't recall that.

13 BY MR. ALFORD:

14 The Sheriff here asked one of the Counsel here to ask
15 her that question. I would like to have time enough
16 to check the record on that, Your Honor.

17 BY MR. BUCKLEY:

18 I don't want to state what she said in the presence
19 of the jury, but I believe I can state what she
20 answered.

21 BY THE COURT:

22 What is her name, please?

23 BY MR. ALFORD:

24 Beatrice Cole.

25 BY THE COURT:

What is her number?

BY THE CLERK:

She was witness number 28.

BY THE COURT:

Number 28. I don't show anything about that, I'll sustain the objection, because there is no proper predicate.

BY MR. HENDRICKS:

May it please the Court, my records show that she testified, or rather my notes show that the next day or two the Sheriff was there with this man and she did not report the beating.

BY THE COURT:

That's what I am holding and I still hold that. I think you have to be specific and definite and positive to put a witness on guard about what you are talking about and what it is definitely that you are trying to impeach that witness about; otherwise, you can't impeach the witnesses.

BY MR. ALFORD:

Your Honor please, if we could have a little time I would like to go back through my notes on that and find that she was asked why she didn't tell Mr. Rainey and Mr. Singletary about that.

BY THE COURT:

1 I don't have anything in my notes about that, of
2 course I'm not taking down a transcript of the testi-
3 mony, I'm just taking notes. I have no recollection
4 whatsoever of that.

5 BY MR. ALFORD:

6 May I have a minute here sir? If it please the Court,
7 my notes here say that she was asked about Rainey
8 and Singletary being out there.

9 BY THE COURT:

10 I believe she was too.

11 BY MR. ALFORD:

12 And she said she didn't tell them anything about it.

13 BY THE COURT:

14 That still wouldn't be a proper predicate for im-
15 peachment. I'll let you check the record here with
16 the reporter during the week end and see what you can
17 find about it, but you can ask him something if you
18 want too.

19 BY MR. ALFORD:

20 If it please the Court, we would like to recall
21 Beatrice Cole for further cross examination and
22 let this witness that is on the stand now be withdrawn.

23 BY THE COURT:

24 All right.

25 BY MR. HAUBERG:

1 Your Honor, it was our understanding earlier in the
 2 trial that after a person had testified and left the
 3 witness stand, that they were excused, and that is
 4 what we have been doing.

5 BY THE COURT:

6 Yes, that was our understanding, that when a witness
 7 left the witness stand they were excused unless some-
 8 one specifically asked that they be held over, but
 9 if she is still out there, I will let them call her
 10 back.

11 BY MR. HAUBERG:

12 If it please the Court, we think the proper time
 13 for cross examination was before she left the witness
 14 stand.

15 BY THE COURT:

16 I think that is right, but if they can lay the
 17 predicate, I'll let them do it at this time.

18 BY THE MARSHAL:

19 There's nobody out here by that name, there's ten
 20 witnesses out there, but nobody by the name of Cole.

21 BY MR. ALFORD:

22 Her name is Beatrice Cole.

23 BY THE COURT:

24 Was she your witness, Mr. Alford?

25 BY MR. ALFORD:

1 No sir, she was the Government's witness.

2 BY MR. HAUBERG:

3 She was the Government's witness, Your Honor, and
4 they were given the opportunity for cross examination.

5 BY THE COURT:

6 That's right, and if she's not here,-----

7 BY MR. ALFORD:

8 We just want to clear the matter up that she was
9 there.

10 BY MR. BUCKLEY:

11 We just want to cross examine her merely to try and
12 clarify that.

13 BY THE COURT:

14 Yes sir, but of course, we just couldn't keep on
15 doing that during the course of the trial either,
16 could we? If she's not out there, call the next
17 witness. When you lawyers get through with a witness
18 and they leave the witness stand, I'm telling you
19 again that witness may go home. I don't blame them
20 for wanting just to wait around to see if you are
21 going to use them again.

22 BY THE MARSHAL:

23 Your Honor, Beatrice Cole didn't come in today.

24 BY THE COURT:

25 All right, get your next witness and let's go.

You've got your record made on my ruling, haven't you?

BY MR. ALFORD:

If the Court please, we respectfully request the Court's permission to recall this witness tomorrow, Beatrice Cole.

BY MR. HAUBERG:

We object to it, Your Honor.

BY THE COURT:

Well, I'm going to let them recall her. You will probably have to have a subpoena served on her.

BY MR. HAUBERG:

If the Court please, if they have a subpoena served on her now they are within the 3 day rule.

BY THE COURT:

Well, I would let them serve the subpoena, the three day rule relates to the Marshal serving them. All right, let's go gentlemen.

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

DIRECT EXAMINATION

BY MR. WEIR:

May I proceed now, Your Honor?

BY THE COURT:

Yes sir.

BY MR. WEIR:

1 Q Would you state your name, please mam?

2 A Clara Hardy.

3 Q Miss Clara, if you would lean a littlf forward,
4 then everybody could hear you better. Just talk
5 into that little box there. What is your offcial
6 capacity, if any, do you hold in Neshoba County,
7 Mississippi?

8 A I'm Deputy Tax Assessor, Mr. Weir.

9 Q How long have you held that position?

10 A I started working in December of 1954.

11 Q Sixty four?

12 A Fifty-four.

13 Q And have you worked there continuously since?

14 A I did not work in 1956, I've worked every year
15 but 56.

16 Q Do you know Reverend Edgar Ray Killen?

17 A I do.

18 Q Is he related to you in any way?

19 A He is my brother.

20 Q What is his occupation?

21 A He is a minister, and he's in the sawmill business.

22 Q He's a Minister of the Gospel of what faith?

23 A Baptist.

24 Q He's a Baptist Minister? Does he actually preach
25 at this trade?

A Yes, he does.

Q Do you know the churches that he preaches at at this time?

A Yes, Salem Baptist Church and Zion Baptist Church.

Q He pastors two churches?

A Yes.

Q Do you know also whether he preaches funerals and things of this nature?

A Yes, he does.

Q How often on the average, does he preach funerals?

A Well, Mr. Weir, we've had lots of deaths and I couldn't say, very often though.

Q Yes mam. Now then, who is his father?

A Lonnie Ray Killen.

Q And he's also your father?

A Yes, he is.

Q And Mr. Kenneth Killen is related to you?

A Yes he is, he is my brother.

Q Where do you recall that you were on June the 21st, 1964?

A Well, Mr. Weir, first I got up and fixed my family's breakfast and then I went to my mothers because we all get together on Father's day and Mother's day, and I got up and went to my mother's to help her prepare lunch because on that particular

1 BY MR. WEIR:

2 Q About what time was it when he left?

3 A About 8:30.

4 Q P. M?

5 A P. M. About 8:30 P. M.

6 Q On June the 21st?

7 A Yes.

8 Q 1964?

9 A Yes.

10 Q Then from 12:30 P. M. until 8:30 P. M. on June
11 the 21st, 1964, where was your brother, the
12 Reverend Edgar Ray Killen?

13 A Around the place, I won't say he was there in the
14 house all of that time, but he was around the
15 place, we have a large family and they were all
16 in and out, on the porch, in the yard.

17 Q Did he leave the premises?

18 A No, he did not.

19 Q Was he in your presence all during that time for
20 all practical purposes?

21 A Yes, he was, I couldn't say that I had my eye
22 on him all the time because there's twentyone in
23 my family and that many couldn't all get in one
24 room at one time, because we all got around
25 the piano and played and sang, and we all were in

1 day we were to eat at her house, and then I went
2 on to church and came back there for lunch and
3 spent the rest of the afternoon and stayed there
4 until after supper.

5 Q Yes sum, so you arrived at your mother's house
6 on June the 21st at what time of day?

7 A 12:30 I would say.

8 Q Then how long was it would you say that you left
9 the home of your parents?

10 A Well, usually we go to church on Sunday nights
11 but we didn't that night, so it was about ;9:00
12 o'clock I would say.

13 Q So, I ask you if whether or not the Reverend
14 Edgar Ray Killen was there at his parents home
15 during the time that you were?

16 A He was.

17 Q Was he there when you arrived there?

18 A He was.

19 Q Did he leave first or did you leave first?

20 A He left first.

21 BY MR. HAUBERG:

22 Object Your Honor, to his leading.

23 BY THE COURT:

24 Overruled.
25

1 and around the premises there all the time.

2 Q Well, did he leave the premises?

3 A No, he did not.

4 Q Do you know where he went about 8:30 P. M?

5 A Yes he went to the funeral home with my father
6 at Philadelphia.

7 Q And who is your father?

8 A Lonnie Ray Killen.

9 Q I believe that's all, Your Honor please.

10 BY MR. DOAR:

CROSS EXAMINATION

11 Q For whom do you work at the County Courthouse?

12 A Mr. Gayland Herrington, the tax assessor.

13 Q And you've been there at the tax assessor's office
14 at the county courthouse for how long?

15 A Since December 1954, with the exception of the
16 year 1956, I didn't work, now, I did work in the
17 courthouse part of that time, but not in the
18 tax assessor's office.

19 Q Where is the tax assessor's office located there
20 with respect to the Sheriff's Office?

21 A Well, its across the hall, it would be on the
22 South side of the courthouse.

23 Q Same floor?

24 A Yes, it is.

25 Q And you would visit back and forth with the Sheriff's

1 office there in the courthouse?

2 A. When it was necessary.

3 Q. You are on good relation with the Sheriff's Office?

4 A. Yes.

5 Q. And you've been on good relation with the Sheriff's
6 office all through these years?

7 A. Yes, I have.

8 Q. Do, or did you know the former sheriff, Hop Barnette?

9 A. Yes, I did.

10 Q. And you are a good friend of his?

11 A. Yes, I am.

12 Q. And do you know the present Sheriff, Lawrence
13 Rainey?

14 A. Yes, I do.

15 Q. And you are a good friend of his?

16 A. Yes, I am.

17 Q. And Deputy Cecil Price?

18 A. Yes, I am.

19 Q. And your brother, Edgar Ray Killen, is a close
20 friend of Hop Barnett?

21 A. Yes, he is.

22 Q. And Sheriff Rainey?

23 A. Yes he is.

24 Q. And Deputy Sheriff Price?

25 A. Yes, he is.

1 Q And did you say it was before or after dark when
2 your brother left your home?

3 A It wasn't my home he left.

4 Q Oh, it was your mother's home.

5 Q Now, I would say that 8:30 in the summer time
6 would be a little after dark, I would think.

7 Q A little after dark. How far is that from
8 Philadelphia?

9 A Twelve miles, may be a little less.

10 Q What did you do that afternoon?

11 A We sat around and visited other members of my
12 family. My son was sick that afternoonn, he has
13 epileptic seizures, and we just sat around and
14 sang, and visited all members of my family.

15 Q Was anyone else there besides your father?

16 A My mother and other members of the family, shall
17 I name them? There were twenty of us at that
18 time.

19 Q And all twenty were there?

20 A Yes, I would say in and out all during the day.
21 They all might not have been there all during
22 the day but some of them came and went, but
23 they were all there for lunch.

24 Q Did you ever discuss with your brother about the
25 presence of any Civil Rights workers in Neshoba

1 County?

2 A. No, I did not.

3 Q. Did you ever talk with him about the presence of
4 Divil Rights Workers in the State of Mississippi?

5 A. No, I did not.

6 Q. Did you know anything about he felt about the
7 Civil Rights Workers being in the State of
8 Mississippi?

9 A. Well, no we don't discuss things like that, we
10 talk about our family relations and people that
11 we think we can help or people we think can help
12 us. We don't discuss things too much. Now, there
13 are occasions when we might have, but not that
14 particular summer can I recall any particular
15 conversation.

16 Q. During that particular Spring, was there any
17 discussion between you?

18 A. Now after that particular day, not that morning.
19 Not before that day, we had no discussion.

20 Q. Not before that day had you any conversation with
21 your brother about Civil Rights Workers?

22 A. No, not at all.

23 Q. And you were there in the courthouse I suppose,
24 the week before the 21st of June?

25 A. Yes, I was.

1 Q Did you hear about a burning of a church on the
2 16th?

3 BY MR. WEIR:

4 We object, Your Honor.

5 BY THE COURT:

6 Overruled.

7 BY THE WITNESS:

8 A I can't recall, I don't remember.

9 Q You don't recall your brother ever mentioning the
10 name, Michael Schwerner?

11 A No, I do not. I never heard of him until all of
12 this news media and everything we've had since
13 then. I never heard of him.

14 Q Now, did you see your brother quite frequently
15 during that Spring?

16 A Yes, I did.

17 Q Do you know whether he travelled to Meridian on
18 occasions to to Philadelphia, or did he stay
19 pretty close of home?

20 A Now, my family is very close and we usually know
21 the whereabouts of all, but so far as me knowing
22 where he was at all times, I don't, because we
23 don't tend to each others business, if that is
24 what you mean.

25 Q But you don't live in the same house with your

brother, do you?

A. No I don't, but its not but about a quarter of a mile from my house to where he lives.

Q. Now, where do you live, do you live down Highway 19, about 12 miles from Philadelphia?

A. I live ten miles down 19 highway from Philadelphia and I live two miles west of 19.

Q. I see. How far is that from the House community?

A. Well, there are several roads that lead back in there from house, but I think it would be about five miles.

Q. Five miles. Do you remember whether or not your brother preached at any church that Sunday?

A. He did not. My brother pastors country churches and on part-time, and his days for preaching was on the second and fourth, and that was on a third Sunday, he did not. In fact, he slept late that Sunday morning because he wasn't feeling too well.

Q. I believe that's all.

REDIRECT EXAMINATION

BY MR. WEIR:

Q. Mrs Hardy, Mr. Doar asked you about whether or not your brother, Reverend Killen knew E. G. "Hop" Barnette or whether he was friends with him rather, is it not true that your brother and Mr. Barnett

1 have run against each other in political races?

2 BY MR. HAUBERG:

3 We object to that.

4 BY THE COURT:

5 Overruled.

6 BY MR. WEIR:

7 Q You may answer.

8 A They did, I believe, it was Mr. Barnett's wife
9 and Edgar Ray, no, I believe that's right.

10 Q For what office?

11 A The office of Sheriff.

12 Q And he asked you if there was any friendship be-
13 tween your brother, Reverend Killand and Sheriff
14 Lawrence Rainey? Haven't they also run against
15 one another in political campaigns in Neshoba
16 County?

17 A At the same time Mrs. Barnett was in the race,
18 Mr. Rainey was in there.

19 Q Did Mr. Rainey defeat your brother?

20 A Yes, he did.

21 Q For the office of what?

22 A Sheriff's office.

23 Q Of Neshoba County, Mississippi?

24 A He did.

25 Q In other words, Sheriff Rainey got more votes

than your brother?

BY MR. HAUBERG:

We object to that, Your Honor, that's not material here.

BY THE COURT:

Sustained.

BY MR. WEIR:

That's all, Your Honor.

BY THE MARSHAL:

Let's have order.

(Whereupon witness excused)

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

BY MR. WEIR: DIRECT EXAMINATION

Q. What is your name, please sir?

A. Ray Killen.

Q. What relationship, if any, are you to Reverend Edgar Ray Killen?

A. Edgar Ray is my oldest son.

Q. In whose home does he live?

A. He lives there in the home with me.

Q. Does his wife also live there with you?

A. That's right.

Q. What is his occupation?

A. He's operating a sawmill.

1 Q Does he do anything else?

2 A He preaches.

3 Q What churches is he a Minister of the Gospel at?

4 A At Center Hill, and up above Philadelphia at

5 Q Salem?

6 A Salem.

7 BY MR. HAUBERG:

8 We object to his leading.

9 BY THE COURT:

10 I'll overrule your objection, go along, but don't

11 lead him Counsel.

12 BY MR. WEIR:

13 Yes sir, forgive me Your Honor, I'll try to do better
14 if it please the Court.

15 Q Now then, I want to direct your attention back to
16 June 21, 1964, do you remember that occasion?

17 A I do.

18 Q Where was Reverend Edgar Ray Killen at, your
19 oldest son, that day?

20 A He was at home.

21 Q Now when you say all day, from what hours do you
22 mean?

23 A Well, he was there from the time we got up until
24 , uh, I went to church, I left about 6:00 o'clock
25 that evening, me and my wife. The family was all

1 coming home that day, and we left them all there,
2 the kids and the grandkids and went to church.

3 Q Where was Reverend Killen at, let's say from
4 noon that day up until 6:00 o'clock when you
5 left going to church.

6 A He was there at home.

7 Q Did he leave the premises?

8 A No sir.

9 Q All right sir, now what time, approximately, did
10 you return from church?

11 A I would say anywhere from, well our services
12 started at 7:00, I believe though it started at
13 6:30 back in June, and we usually get in home
14 around anywhere from 8:00 to 9:00 o'clock, I
15 would say around 8:30 when we got back from church.

16 Q All right now, where was Reverend Killen at when
17 you got back from church?

18 A He was there at home.

19 Q And did you go somewhere with him?

20 A Yeah, ---

21 Q Where did you go?

22 A Old Uncle Aleck Rich was in the funeral home
23 and I come back and went up to the funeral home
24 and Edgar Ray got in the truck and went with me.

25 Q Yes sir, and whenever you got to town did you go

1 anywhere except the funeral home?

2 A. No sir.

3 Q. Well, do you tell the Court and Jury that you went
4 direct from your home at House direct to the funeral
5 home?

6 A. We did.

7 BY MR. HAUBERG:

8 We object, Your Honor.

9 BY THE COURT:

10 Sustain the objection.

11 BY MR. WEIR:

12 Q. Tell the Court and Jury when you left home where
13 you went?

14 A. We went right straight on up to the funeral home
15 and I parked over on the North side just above
16 that cafe.

17 Q. Did you stop anywhere on the route?

18 A. No sir.

19 Q. What time did you get the McClain-Hayes Funeral
20 Home?

21 A. Oh, I wouldn't know exactly.

22 Q. Just give us your best judgment.

23 A. I would say around 9:00 o'clock.

24 Q. And what time did you leave there, approximately?

25 A. Oh, I would say anywhere from 2:30, 2:15, something

2 like that. I don't remember. I know that it was
3 away over after midnight. There wasn't anybody
4 there hardly, and I sat around there and Edgar Ray
5 went to sleep. I went around and woke him up. It
6 was 2:30 I imagine.

7 Q. Did Reverend Edgar Ray Killen leave the funeral
8 home anytime after you all arrived there?

9 A. No sir. We didn't leave the funeral.

10 Q. Reverend, I mean, Mr. Killen, I ask you if they
11 had some kind of official record to register there
12 at Uncle Aleck Rich's, uh, near his body there
13 at the funeral home?

14 A. I'm sure they did.

15 Q. Well, do you remember whether or not you and
16 Reverend Killen signed the official register?

17 A. I don't remember.

18 Q. Well, would you look on this page here and see
19 whether or not you recognize your signature?

20 A. I didn't remember signing it but that's my
21 signature.

22 Q. Well would you look and see your son's signature
23 near yours?

24 A. Yes, here it is, that's right.

25 Q. How did he sign it?

A. Reverend Edgar Ray Killen.

1 Q Is that his true signature?

2 A Yes sir, this fellow right here was the only man
3 in there that I knew.

4 Q Who is he?

5 A Louis Ray.

6 Q All right, turn over there to the back and see
7 what the records there show, turn right all the
8 way to the back, do you see who got there and
9 sat up with the body beginning at 4:00 o'clock

10 A. M? Do you see Louis J. Ray's name?

11 A Right.

12 Q What hours does that record show that he sat up?

13 A 4:00 o'clock.

14 Q In the morning or evening?

15 A No answer.

16 Q All right sir, now how near is the Louis J. Ray
17 signature to the signature of you and your son,
18 Edgar Ray Killen in that register?

19 A I believe it was between our signature.

20 Q And did you and your oldest son sign just before
21 you left?

22 A To be truthful, I couldn't answer that I forgot.
23 I didn't know for sure if I signed it until you
24 showed me this.

25 Q Had you ever seen that official register before?

1 A. No sir.

2 Q. Would you look on the front and tell us, whose
3 funeral that was. Can you tell from examining
4 that whose funeral and whose register that was for?

5 A. This is Mr. Arthur Aleck Rich.

6 Q. That's all, Your Honor.

7 CROSS EXAMINATION

8 BY MR. DOAR:

9 May we see that register, please?

10 BY MR. WEIR:

11 I have not offered the document into evidence, Your
12 Honor, so would they be entitled to view it?

13 BY THE COURT:

14 Well, you've asked him about it, yes.

15 You may show that to him.

16 BY MR. WEIR:

17 Your Honor, I don't own the document I had to borrow
18 it and that is the reason I didn't introduce it.

19 BY THE COURT:

20 Well, when you ask a witness about an instrument
21 whether you put it into evidence or not, I think the
22 other side is entitled to see the instrument and
23 to talk about it.

24 (Instrument handed to Opposing Counsel.)

25 Q. Do you recall what time you sign this register,

- 1 A. No sir I don't.
- 2 Q. Was it just before you left?
- 3 A. Like I say, I don't recall.
- 4 Q. You don't recall when it was?
- 5 A. No sir, I don't.
- 6 Q. What time did you get there?
- 7 A. Well, I would say it was around 9:00 o'clock, I
- 8 don't remember seeing the time, but from the time
- 9 I went to church and come back and got Edgar Ray
- 10 I know its around 9:00 o'clock.
- 11 Q. And you and Edgar Ray went directly to the
- 12 funeral home?
- 13 A. That's right.
- 14 Q. And you stayed there until what time?
- 15 A. Oh, approximately 2:30.
- 16 Q. Did you see the Sheriff and Deputy Sheriff there?
- 17 A. No sir.
- 18 Q. Would you read us about the 5th or 6th name on
- 19 the left hand side of the page?
- 20 A. Which line?
- 21 A. About the fifth or sixth name from the bottom of
- 22 the page, do you see either Cecil Price or Lawrence
- 23 Rainey there?
- 24 A. Yes sir, I see Cecil Price, yeah, here they are,
- 25 Cecil Price and Lawrence Rainey.

1 Q There names are close to the back end of the
2 book?

3 A I wouldn't know anything about the book. Half
4 of the time I don't think to sign a register,
5 I couldn't answer that.

6 Q Did you ever have a talk with your son before
7 June the 21st about any Civil Rights Workers being
8 in Neshoba County?

9 A What do you mean about talking about it?

10 Q Well did he ever say anything about any of them
11 being in the County before that day, working in
12 the County?

13 A I don't know particularly if I know what you mean.
14 Do you mean on the radio, papers, of course, its
15 been mentioned in the homes.

16 Q That there were Civil Rights Workers working in
17 Neshoba County?

18 A Well, I don't know, like I say, just in Neshoba
19 County, I think its all over the world.

20 Q Prior to June the 21st, 1964?

21 A Yes sir.

22 Q Did you belong to any organization with your son?

23 A What do you mean by organization?

24 Q Well, have you ever heard of the White Knights of
25 the Ku Klux Klan?

1 A. No sir, we've gone to the Lodge and the Eastern
2 Star together.

3 Q. But you don't belong to the White Knights of the
4 Ku Klux Klan?

5 A. No sir.

6 Q. Does your son ever talk to you about the White
7 Knights of the Ku Klux Klan?

8 A. I wouldn't say he's never talked to me about it
9 and I wouldn't say that it hadn't ever been
10 mentioned.

11 Q. It might have been mentioned?

12 A. Well, I wouldn't say. I wouldn't say.

13 Q. Then it could have been mentioned, couldn't it?

14 A. It could have been.

15 Q. He might have told you that he was an official
16 in the White Knights of the Ku Klux Klan?

17 A. He did not.

18 Q. He might have?

19 A. He did not.

20 Q. He didn't mention that to you?

21 BY MR. BUCKLEY:

22 We object to that, Your Honor, he's asked him that
23 two or three times.

24 BY THE COURT:

25 Overruled.

1 BY MR. DOAR:

2 Q How far is your home from Edgar Rays?

3 A We live together.

4 Q You live together?

5 A Right.

6 Q Can you remember back in the Spring of 1964, did
7 he do any traveling around or did he stay pretty
8 close to home that Spring?

9 A Well, I couldn't say there was anything unusual
10 about it, as I said a while ago he's a Minister,
11 and he's out with sick people, and there are people
12 in different troubles a lots of times. I've known
13 of him leaving the State and go to people that
14 were in trouble of some kind, he didn't stay right
15 at home, no sir.

16 Q Do you know whether he went to Meridian that
17 Spring pretty often or not?

18 A Well, I wouldn't know, I couldn't truthfully say
19 just how often.

20 Q Did he discuss his business affairs or his church
21 affairs with you just what he was doing?

22 A His church affairs, well he's right there at home
23 with me and when people calls in about these things,
24 of course, I know, or usually know their troubles
25 and where he's going or what people is asking him.

1 Q Did he ever tell you he was going anywhere in
2 connection with the work or the plans of the
3 WhiteKnights of the Ku Klux Klan business?

4 A No sir.

5 BY MR. WEIR:

6 Your Honor, if he s finished, I have one more question
7 I want to ask him.

8 BY THE COURT:

9 Well, just be sure its in rebuttal.

10 BY MR. WEIR:

11 Yes sir, Your Honor, I will, thank you.

12 REDIRECT EXAMINATION

13 BY MR. WEIR:

14 Q Mr. Killen, I want to hand you this document back
15 to you and ask you how many pages of names it is
16 from the place where you and your sons name appears
17 to be signed in the book to the place where Mr.
18 Rainey and Mr. Price's name appears to be signed
19 there?

20 A There is three pages, uh, three sheets and 6 pages
21 signed.

22 Q Of names, yes sir, and I believe Mr. Doar asked
23 you if you and your son belonged to some organizations
24 together and you said lodge, what lodge are you
25 talking about?

1 A We belong to the Blue Lodge.

2 Q At what place?

3 A House, Mississippi.

4 Q Uh, what number is it?

5 A Number 393.

6 Q What organization is it? Masons or what?

7 A Its Masons.

8 BY MR. HAUBERG:

9 We object.

10 BY MR. WEIR:

11 He's already answered, Your Honor, (Laughing) I guess
12 that's all, Your Honor.

13 (Whereupon witness excused)

14 OSCAR KENNETH KILLEN, called as a witness for and on
15 behalf of defendants, was sworn and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. WEIR:

19 Q What is your name, please?

20 A Oscar Kenneth Killen.

21 Q Mr. Killen, how near do you live to the Reverend
22 Edgar Ray Killen?

23 A I would say a hundred yards.

24 Q Is he a Minister of the Gospel?

25 A He sure is.

1 Q Of what faith?

2 A Baptist.

3 Q Is he active?

4 A He sure is.

5 Q And does he carry on work besides just standing
6 in the pulpit?

7 A He sure does.

8 Q Like what?

9 A Well, he gets out and talks to people and such
10 as that.

11 Q And he tries to help them?

12 A Yes sir.

13 BY MR. HAUBERG:

14 We object.

15 BY THE COURT:

16 Overruled.

17 BY MR. WEIR:

18 Q Now, you say you live near him, did you see him
19 on June 21, 1964?

20 A I sure did.

21 Q And what time of day, did you see him?

22 A Well, I went out and spent the day with my mother
23 and daddy that day?

24 Q And where was Reverend Killen that day?

25 A He was resting and I went in and talked to him.

1 Q What time did he leave the premises that day?

2 A Beg your pardon?

3 Q What time did Preacher Killen leave the premises
4 that day?

5 A Oh, he didn't leave there that day at all.

6 Q Well, did he go anywhere that night?

7 A He went to the funeral home.

8 Q About what time?

9 A Pretty close to 9:00 o'clock.

10 Q Who went with him?

11 A My daddy.

12 Q Do you know whose funeral was about to be held?

13 A I believe it was Mr. Rich.

14 Q Now from the time that you got there about 9:00

15 A. M. until the time he left there about 9:00

16 o'clock that night, was he constantly in your
17 sight, or did you know where he was?

18 A He sure did. He might have been out of my sight

19 for about 10 or 15 minutes, something like that

20 but no longer than that.

21 Q Did he leave the premises?

22 A He sure did not.

23 Q That's all, Your Honor, thank you.

24 BY MR. DOAR: CROSS EXAMINATION

25 Q How often did you see your brother in the Spring of

- 1 of 1964?
- 2 A Most every day.
- 3 Q Every day?
- 4 A Yes sir.
- 5 Q What business are you in?
- 6 A I'm logging now.
- 7 Q What business were you in then?
- 8 A I worked at the factory, shirt factory.
- 9 Q In Philadelphia?
- 10 A Union.
- 11 Q And did you have any discussion in the Spring of
- 12 1964 about Civil Rights Workers being in Neshoba
- 13 County?
- 14 A Sure didn't.
- 15 Q Never said anything to you about that at all?
- 16 A No sir.
- 17 Q Did you talk about Civil/Workers during the day
- 18 of June 21st, 1964?
- 19 A No sir.
- 20 Q Never mentioned the subject?
- 21 A No sir.
- 22 Q Never mentioned anything about an organization
- 23 called Civil Rights of Cofo?
- 24
- 25

1 Q Did you ever mention an organization by the
2 name of the White Knights of the Ku Klux Klan?

3 A No sir.

4 Q And you saw him every day of that Spring?

5 A Well, I wouldn't say everyday but close to it.

6 Q Do you live close to him?

7 A Well, I live right there and I'm in and out of
8 his home there.

9 Q What's the difference in yours and your brother's
10 age?

11 A I'd say 12 or 14 years.

12 Q And when you visited that day at home did you
13 visit practically for the whole day?

14 A Yes sir.

15 Q And you never mentioned either that day or during
16 the Spring that year either Cofo or the White
17 Knights of the Ku Klux Klan?

18 A We sure didn't.

19 Q Did you know he was a member of the White Knights
20 of the Ku Klux Klan?

21 A I still don't know it.

22 BY THE MARSHALS:

23 Let's have order.

24 That's all, Your Honor.

25 BY THE COURT: