

VOLUME **4**

APPENDIX

IN THE  
UNITED STATES  
**COURT OF APPEALS**  
FOR THE FIFTH CIRCUIT

**No. 25654**

BILLY WAYNE POSEY, CECIL RAY PRICE, HORACE DOYLE  
BARNETTE, JIMMY SNOWDEN, JIMMY ARLEDGE, ALTON  
WAYNE ROBERTS and SAM HOLLOWAY, JR.,

**ENCLOSURES**

**FILE**

versus

UNITED STATES OF AMERICA

Appellants,

Appellee

Department of Justice Records Administration Branch
Enclosure File No. <b>144-41-686</b>
Serial No. <b>JAN 23 1959</b>
Indexed <b>Q-m</b>

*File  
144-41-686  
D120*

Appeal from the United States District Court  
for the Southern District of Mississippi

1 Q Do you know his general reputation in Lauderdale  
2 County for peace and violence?

3 A He's a---

4 Q Just answer my question, whether you know it  
5 or not?

6 A Yes sir.

7 Q Is it good or bad?

8 A Its good.

9 BY THE COURT:

10 What is this man's name that you say you knew?

11 BY THE WITNESS:

12 James Harris.

13 BY THE COURT:

14 Does he have another name?

15 BY THE WITNESS:

16 Well, his nickname is Pete Harris.

17 BY THE COURT:

18 Do you know him as Pete Harris?

19 BY THE WITNESS:

20 Well, yes sir.

21 CROSS EXAMINATION

22 BY MR. DOAR:

23 Q How long did you say you had known Pete Harris?

24 A Well, I imagine all his life, I reckon.

25 Q Do you see him often?

1 A. Well, yes sir.

2 Q. How often would you say you had seen him in the  
3 past six months?

4 A. Well, I couldn't count them because I pass right  
5 by his house every day and I see him off and on  
6 just about every day or so.

7 Q. Do you visit him in his home much?

8 A. No sir, not very much.

9 Q. Does he visit in your home?

10 A. No sir.

11 Q. Did you know whether or not he was a member of  
12 the White Knights of the Ku Klux Klan?

13 A. No sir, I sure didn't.

14 Q. You didn't know he was a member?

15 A. Well, I didn't know where he was or not.

16 Q. Did you, or had you heard about the fact that he  
17 had been named as a defendant in this case?

18 A. Well, what was in the papers was all I know.

19 Q. You read that in the papers?

20 A. Yes sir.

21 Q. Have you discussed his reputation with any body?

22 A. Well yes sir, my brother and my brother in law,  
23 we discussed it some.

24 Q. Well in this discussion did you discuss it with  
25 your brother and your brother in law?

1 A Yes sir, we've discussed it some.  
2 Q Can you tell me anybody else besides your brother  
3 and your brother in law that you talked to?  
4 A Well, I believe Mr. Hardy James and I discussed it.  
5 Q When was that?  
6 A I don't remember.  
7 Q Was it this year?  
8 A Yeah, I believe its been in this year, I wouldn't  
9 say for sure.  
10 Q Who is Hardy James?  
11 A A neighbor out there.  
12 Q Out there where you live?  
13 A Yes sir.  
14 Q Does Pete Harris live out there?  
15 A Yes sir.  
16 Q Where does he live from your house?  
17 A I believe he lives five miles south.

18 BY THE COURT:

19 Excuse me, do you live in Meridian?

20 BY THE WITNESS:

21 A No sir, Meehan.

22 BY THE COURT:

23 Meehan? I thought you said Mr. Harris lived in  
24 Meridian.

25 BY THE WITNESS:

1 No sir, he lives at Meehan.

2 BY THE COURT:

3 While I'm asking you, what does Mr. Harris do?

4 BY THE WITNESS:

5 I think he's in construction work now.

6 BY MR. DOAR:

7 Q. Can you tell me where he's been employed for the  
8 last three years?

9 A. I believe he was with Hardin Bread for a while.

10 Q. Are you sure?

11 A. Well, it was Hardin or Smith one, but I believe  
12 it was Hardin.

13 Q. What else has he been doing?

14 A. Well, he hauled some pulpwood.

15 Q. Did you haul pulpwood with him?

16 A. No sir.

17 Q. Other than your brother, your brother in law and  
18 this other man, have you talked to anyone else  
19 about Pete Harris?

20 A. I don't believe we have.

21 Q. Thank you.

22 (Whereupon witness excused)

23 MARY SNOWDEN, called as a witness, was sworn and  
24 testified as follows:

25 BY MR. WATKINS:

1 Q What is your name, please?

2 A Mary Snowden.

3 BY MR. HAUBERG:

4 Your Honor, the Government objects to any further  
5 questioning of this witness, as we understand she  
6 has been in the courtroom during part of this trial.

7 BY MR. WATKINS:

8 Your Honor, I have no personal knowledge of it.  
9 I'll be happy to ask her and if she has, I'll be  
10 happy to be goverened by that.

11 BY THE COURT:

12 I would like to find out your name?

13 BY THE WITNESS:

14 Mrs. Jimmy Snowden.

15 BY THE COURT:

16 Mrs. Jimmy Snowden?

17 BY THE WITNESS:

18 That's right.

19 BY THE COURT:

20 All right, ask her about that.

21 BY MR. WATKINS:

22 Q Are you the wife of Jimmy Snowden, one of the  
23 defedants?

24 A Yes sir.

25 Q Have you been in the courtroom during the early

1 part of this week and heard any part of this case?

2 A Yes sir.

3 Q Do you recall what day you were in the courtroom?

4 A I've been here every day.

5 Q You've been here every day?

6 A Yes sir.

7 BY THE COURT:

8 Your've been in the courtroom every day?

9 BY THE WITNESS:

10 Yes sir.

11 BY THE COURT:

12 Did you know the witnesses are under rule?

13 BY THE WITNESS:

14 I was not told that I was to testify.

15 BY THE COURT:

16 Oh, you didn't know until when that you were to  
17 testified?

18 BY THE WITNESS:

19 Yesterday afternoon.

20 BY MR. WATKINS:

21 We will withdraw the witness, Your Honor, but it will  
22 be left to the discretion of the Court. This is the  
23 man's wife, and I don't know of anything that she could  
24 have gained by listening to the case that she  
25 wouldn't have told otherwise. I certainly didn't

1 know she was in the room, Your Honor, and its correct  
2 that I didn't know that I would call her. I told her  
3 this morning that I would like to call her to testify.

4 BY THE COURT:

5 All right, I will let her testify.

6 BY MR. HAUBERG:

7 If the Court please, the Government will object.

8 BY THE COURT:

9 Yes sir. The objection will be overruled. Are you  
10 expecting her to be a character witness for the  
11 defendant?

12 BY MR. WATKINS:

13 Well, Your Honor, I intended to ask her some questions,  
14 if Your Honor please, concerning his whereabouts on  
15 the evening of the 21st of June, but she has been in  
16 the courtroom and I certainly wouldn't want to ask her.

17 BY THE COURT:

18 That was what I was thinking. I don't think it would  
19 be proper at all as a wife of one of the defendants  
20 to have stayed in the courtroom and found out the  
21 details about the case and come here and testify with  
22 respect to that.

23 BY MR. WATKINS:

24 I would certainly like/withdraw her then, Your Honor,  
25 because naturally she would be a character witness



1 for her husband and it wouldn't be any point in  
2 my pointing that out and putting that in the  
3 record.

4 BY THE COURT:

5 I'll let you put that in but I don't think she should  
6 be permitted to testify as to anything else after  
7 having been in the courtroom throughout the trial  
8 and heard all of the details, that she should be  
9 permitted to testify with respect to any details of  
10 the incident, because the defendants, you know, invoked  
11 the rule. That rule, Members of the Jury, is that  
12 all witnesses have to be excluded and for a very  
13 good reason and the defendants asked for that rule to  
14 be invoked and while the Court has some discretion  
15 about it that must be a sound discretion, it must  
16 have some reason behind it, and I think it does have  
17 some reason behind it and I'm saying that she can not  
18 testify with respect to any of the details but she may  
19 testify as a character witness.

20 BY MR. WATKINS:

21 Your Honor, I would like to withdraw this witness,  
22 if Your Honor please.

23 BY THE COURT:

24 All right. That may be done.

25 (Whereupon witness excused)

1 CLARENCE AUSTIN HARRIS, called as a witness for and  
2 on behalf of defendants, was sworn and testified as  
3 follows:

4 DIRECT EXAMINATION

5 BY MR. GOLDMAN:

6 Q State your name for the Court and Jury please?

7 A Clarence Austin Harris.

8 Q Where do you live Mr. Harris?

9 A I live about four miles north of Meehan.

10 Q Do you know James Harris?

11 A Yes.

12 Q Is he any relation to you?

13 A Brother.

14 Q Where did you live on June the 21st, 1962?

15 A I lived four miles north of Meehan.

16 BY MR. HAUBERG:

17 If the Court please, I don't believe we are interested  
18 in going back to 1962---

19 BY MR. GOLDMAN:

20 I'm sorry, I mis-stated the date, Your Honor.

21 Q Where did you live on June the 21st, 1964?

22 A Me?

23 Q Yes sir.

24 A I lived four miles north of Meehan.

25 Q All right. Now, do you recall seeing James Harris

1 on that date?

2 A Ues sor/

3 Q Would you tell the Court what time you saw him  
4 and where you saw him?

5 A Well, he came up to the house about noon and  
6 stayed untiil about, oh, I would say 8:30 or 9:00  
7 o'clock.

8 Q What were you doing up there at your house during  
9 the time he was there?

10 A We were working on my car?

11 Q What was the matter with your car?

12 A The points and plugs were burned up in it.

13 Q Was anybody else there?

14 A Yes sir.

15 Q Who?

15 A Mother and Daddy, his kids and his baby.

16 Q His baby?

17 A Yes sir.

18 Q How old is his baby?

19 A Oh, its about a year and a half old.

20 Q All right. I believe that's all, Your Honor.

21 CROSS EXAMINATION

22 BY MR. DOAR:

23 Q How do you happen to remember it was on June the  
24 21st, 1964?

25 A Because I had just bought a '59 Ford.

1 Q. Where did you buy it?

2 A. Massey.

3 Q. Have you discussed this case with any of the lawyers  
4 before you testified?

5 A. Yes sir.

6 Q. Did they ask you how you happened to remember that  
7 date?

8 A. Yes sir.

9 Q. And from whom did you buy that car?

10 A. Massey.

11 Q. When did you buy that car?

12 A. Oh, it was about the first part of May when I  
13 bought it, I believe.

14 Q. You got the car around the first part of May?

15 A. Yes sir.

16 Q. It was a new car?

17 A. No sir.

18 Q. Was it a used car?

19 A. Used car.

20 Q. Can you tell us the date in May that you bought  
21 it?

22 A. I believe it was about the 5th.

23 Q. What was wrong with it?

24 A. The points and plugs were burned out.

25 Q. Was it running when you bought it?

- 1 A Yes sir.
- 2 Q Had you done any work on the points and plugs be-
- 3 fore the 21st of June?
- 4 A Before the 21st?
- 5 Q Yes.
- 6 A No.
- 7 Q Do you do any work on the car after the 21st of
- 8 June?
- 9 A Yes sir.
- 10 Q What date?
- 11 A About the, uh, July, I think it was.
- 12 Q What date in July?
- 13 A About the second.
- 14 Q But you are not sure, are you?
- 15 A Yes sir.
- 16 Q You are sure it was the 6th?
- 17 A The second.
- 18 Q The second of the month, why are you so sure it
- 19 was the 2nd of July?
- 20 A Because the transmission tore up in it.
- 21 Q Transmission tore up in it, where were you when
- 22 the transmission tore up on it?
- 23 A I started home.
- 24 Q What date was this?
- 25 A Second.

1 Q Where were you coming from?

2 A Work.

3 Q What day of the week is the second of July?

4 A Its uh, Monday.

5 Q On a Monday, and what time of day did the trans-  
6 mission tear up?

7 A It was after I got oif from work.

8 Q And on that Monday, on the 21st, how long did you  
9 work on the car?

10 A Oh, it was about, I guess an hour, I guess.

11 Q An hour, and that was around noon?

12 A Yes, started about then.

13 Q What did you do after you stopped?

14 A I walked across the pasture to do some looking at  
15 my cattle.

16 Q What did your brother do?

17 A He stayed round the house.

18 Q How far down the road did you go to look at your  
19 cattle?

20 A I didn't go anywhere except behind the house.

21 Q How long did you stay out looking at your cattle?

22 A Oh, about a couple of hours.

23 Q All by yourself?

24 A Yes.

25 Q Then what did you do?

1 A. Came back to the house.

2 Q. Where was your brother then?

3 A. He was at the house.

4 Q. Then what did you do?

5 A. I stayed around the house.

6 Q. What did your brother do?

7 A. Stayed around the house.

8 Q. Just the two of you?

9 A. No sir, mother and daddy and the kids.

10 Q. When did you first recall fixing your car on the  
11 21st of June?

12 A. When did I recall?

13 Q. First recalled.

14 A. I don't recall.

15 Q. Was it just a couple of days ago or when was it?

16 A. My car had been missing and I had intended on  
17 putting some points and plugs in it.

18 Q. I understand that, but I say, did anyone ask you  
19 if you remembered where your brother was on the  
20 21st of June?

21 A. Yes sir.

22 Q. When were you first asked that?

23 A. I'd say about an hour ago.

24 Q. Just an hour ago, and you said, "by gosh, I remember  
25 he and I were fixing the points in my car on the

1                   21st day of June, 1964," is that what you  
2                   remembered?

3                   A. Yes.

4                   Q. Okay.

5 BY THE COURT:

6                   When was the last hour that you saw your brother on  
7                   the 21st day of June, 1964?

8 BY THE WITNESS:

9                   It was, I'll say 8:30 or 9:00 o'clock.

10 BY THE COURT:

11                   You never saw him after that hour?

12 BY THE WITNESS:

13                   No sir.

14 BY MR. DOAR:

15                   Q. You were asked to testify here just about an  
16                   hour ago?

17                   A. No sir, my brother come up after me.

18                   Q. When was that?

19                   A. This morning.

20                   Q. And had you had any discussion with your brother  
21                   about June the 21st before that time?

22                   A. Yes sir.

23                   Q. When?

24                   A. About a week ago.

25                   Q. Before that, had you had any discussion?



1 A. No sir.

2 Q. And you tell me that you had not discussed the  
3 date of June 21st after June the 21st with your  
4 brother until about a week ago?

5 A. That's right.

6 Q. And did you know that he was a defendant in this  
7 case?

8 A. Yes sir.

9 Q. And did you know that he was charged with being  
10 up at the Longhorn Drive-Inn on the 21st day of  
11 June?

12 BY MR. BUCKLEY:

13 If it please the Court, I object to all of this.

14 BY THE COURT:

15 Overruled.

16 BY MR. DOAR:

17 Q. Did he discuss that with you at all?

18 A. No sir.

19 Q. Well, when he came up a week ago and talked to  
20 you, what did he say?

21 A. He just asked me if I would come up here with him.

22 Q. Did he tell you why he wanted you to come up here?

23 A. No sir.

24 Q. Did you talk about the date of June 21st, 1964?

25 A. No sir.

1 Q And you are telling me that you didn't talk with  
2 him about that at all?

3 A No sir.

4 Q Well then, when did you first talk to him about  
5 June the 21st, 1964?

6 A I didn't talk to him.

7 Q You haven't talked to anybody about it?

8 A No.

9 Q And the first time you recall when you were asked  
10 about that date was on this witness stand?

11 BY MR. WATKINS:

12 Your Honor, we object, he said he talked to the lawyer  
13 about an hour ago.

14 BY THE COURT:

15 He may ask him, we'll find out from him.

16 BY MR. DOAR:

17 Q Whom did you first talk to about the date of  
18 June 21st, 1964?

19 A Mr. Mike Watkins.

20 Q And you haven't talked to anybody about it before  
21 then?

22 A No sir.

23 Q And that was about an hour ago?

24 A Something like that.

25 (Whereupon witness excused)

1 RAYMOND CLEARMAN, called as a witness for and on behalf  
2 of defendants, was sworn and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WATKINS:

5 Q What is your name please?

6 A Raymond Clearman.

7 Q Where do you live Raymond?

8 A Route 5, Meridian.

9 Q Do you live in Lauderdale County, Mississippi?

10 A Yes sir.

11 Q How many years have you lived in this county?

12 A Twelve.

13 Q Do you know James Harris?

14 A Yes sir.

15 Q Do you know whether or not he lives in Lauderdale  
16 County?

17 A He lives in Lauderdale.

18 Q How many years have you known him in Lauderdale  
19 County?

20 A Fourteen.

21 Q What do you do?

22 A Self-employed.

23 Q What type of employment are you self employed in?

24 A Welder.

25 Q Welding?

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A Yes sir.

Q Do you have your own shop?

A Yes sir.

Q I ask you if you know the reputation of James Harris, or Pete Harris, in Lauderdale County for peace and violence?

A I've known him as a good law abiding citizen.

BY MR. HAUBERG:

We object to this witness answer, its not responsive.

BY THE COURT:

Yes, I sustain the objection.

BY MR. WATKINS:

Q Do you know his general reputation in Lauderdale County?

A Yes sir.

Q Is it good or bad?

A Good.

Q That's all.

CROSS EXAMINATION

BY MR. HAUBERG:

Q How do you spell your name, please?

A Clearman. The last or the first?

Q The last name.

A C L E A R M A N .

Q How long have you been in the welding business?

- 1 A For myself, two years.
- 2 Q Did you work for anyone else before then?
- 3 A Yes sir.
- 4 Q Who did you work for?
- 5 A I worked for Tucker Steel and Alabama Dry Dock in  
6 Alabama.
- 7 Q And when you worked for Tucker Steel, did you live  
8 in Alabama?
- 9 A No sir, at the same address.
- 10 Q Here in Meridian?
- 11 A Yes sir. Meehan, Route 5.
- 12 Q Pete Harris lives at Meehan?
- 13 A Yes sir.
- 14 Q How close to each other do you live?
- 15 A Oh, approximately four miles?
- 16 Q Do you visit in his home?
- 17 A Oh, not regular.
- 18 Q Well, were you visiting in his home back during  
19 the Spring of 1964?
- 20 A I couldn't say that far back I don't remember.
- 21 Q You just don't remember where you did or not?
- 22 A Not that year, no sir.
- 23 Q Uh, do you recall June 21st, 1964?
- 24 A No sir.
- 25 Q You don't remember that date at all?

1 A. No sir.

2 Q. Did you ever talk with Pete Harris about Civil  
3 Rights Workers being in this area or Neshoba  
4 County?

5 A. No sir.

6 Q. How many times do you recall talking with Pete  
7 Harris or James Harris during the summer or  
8 Spring of 1964?

9 A. I couldn't say.

10 Q. You say as to his good reputation you've known  
11 that for how long?

12 A. Well, approximately fourteen years.

13 Q. Isn't that when you first met him, fourteen years  
14 ago?

15 A. I said approximately.

16 Q. Well, did you know his reputation at the time you  
17 met him?

18 A. I knew him, just seeing him before I ever got to  
19 knowing him.

20 Q. Are you undertaking to tell this jury that you knew  
21 his reputation before you knew his name?

22 A. No sir, I said I had seen him before I got to  
23 knowing him.

24 Q. Then you are not undertaking to tell the jury that  
25 your testimony about reputations existed before

1           you knew him?

2           A.   No sir, after I knew him.

3           Q.   Now, have you discussed his reputation with him?

4           A.   No sir.

5           Q.   Have you discussed it with anyone else?

6           A.   No sir, just hearing good things about him is all  
7           just general conervation.

8           Q.   You say you've heard people talking about him?

9           A.   Just giving him a good name is all.

10          Q.   Can you give us the names of anyone talking about  
11          him?

12          A.   I've heard Mr. Fred Mabry speak well of him.

13          Q.   Where does he live?

14          A.   Route 3, I believe, Meridian.

15          Q.   He doesn't live at Meehan Junction?

16          A.   No sir, not at the present.

17          Q.   And when you were working in Mobile, did you  
18          commute down there?

19          A.   I came home every week end.

20          Q.   So while you were in Mobile, you did not have  
21          any contact with Pete Harris while you were there?

22          A.   I may have saw him over the week end at church.

23          Q.   Well, you say you may have. Do you know where  
24          you did or not?

25          A.   I go to church every Sunday and I presume he did

1           too.

2           Q    Well, leaving our your presumptions can you tell  
3           us positively that you saw him at church?

4           A    I couldn't say.

5           Q    You would not undertake to tell this jury that  
6           you saw him at church on or about June 21st, 1964  
7           would you?

8           A    No sir, as I told you a while ago, I don't recall  
9           that date.

10          Q    Now, did you ever talk with him about his being  
11          involved in this charge against him?

12          A    No sir.

13          Q    You never did talk with him about what he knew  
14          about this matter?

15          A    No sir.

16          Q    Did you know whether or not he/s a member of the  
17          Ku Klux Klan?

18          A    No sir.

19          Q    Are you a member of the Ku Klux Klan?

20          A    No sir.

21          Q    Have you been in the courtroom anytime this week?

22          A    No sir.

23          Q    Were you subpoenaed to come here as a witness?

24          A    No sir.

25          Q    You just came?



1 A. As a character witness, yes sir.

2 Q. Well, how did you know to come to Court?

3 A. Well, they notified me this morning and asked

4 me would I.

5 Q. And is that the first indication that you were

6 going to be a witness in this case?

7 A. Yes sir.

8 Q. Have you been here in Meridian any this week.

9 A. No sir.

10 Q. Who asked you to be a witness?

11 A. His mother called me this morning.

12 Q. When his mother called you this morning, did she

13 tell you what she wanted you to testify to?

14 A. Just as a character witness.

15 Q. What brought about the conversation?

16 A. You mean this morning?

17 Q. That's right.

18 A. She just called and asked me if I would be a

19 character witness for him. She didn't discuss

20 any matters but I knew that the court was going

21 on.

22 Q. So you are doing it for her sake and not Mr. Harris?

23 A. No sir, he asked her to call me.

24 Q. How do you know that?

25 A. That's what she told me.

1 Q. But of your own personal knowledge you don't know  
2 that, do you?

3 A. Well, I couldn't say that for sure. But I do  
4 know that yesterday he asked for my phone number  
5 and tried to get a hold of me yesterday.

6 Q. How do you know that, of your own personal know-  
7 ledge?

8 A. Oh, I don't believe the one that told me would  
9 joke about it.

10 Q. Now, Mr. Clearman, I'm not asking you about what  
11 someone told you about it, but what you actually  
12 knew of your own personal knowledge. Of your  
13 own personal knowledge, you can't tell us that  
14 he tried to get your phone number yesterday.

15 A. He didn't ask me, let me put it that away.

16 Q. Now, when you got here this morning, did you talk  
17 to anyone about your testimony?

18 A. About mine?

19 Q. That's right.

20 A. Yes sir.

21 Q. Who did you talk with?

22 A. A lawyer.

23 Q. Did you talk to anyone else?

24 A. No sir.

25 Q. How did you know what lawyer to contact?

- 1 A. His mother told me this morning.
- 2 Q. No lawyer contacted you to get you to come down
- 3 here this morning?
- 4 A. No sir.
- 5 Q. When was the last time that you talked with Pete
- 6 Harris before you came here to testify today?
- 7 A. This past Sunday was a week ago.
- 8 Q. Was there any discussion had at this time in
- 9 connection with this case?
- 10 A. No sir.
- 11 Q. He said nothing about it and you said nothing
- 12 about it?
- 13 A. No sir.
- 14 Q. Do you know any of the other defendants in this
- 15 case?
- 16 A. Uh, I didn't until this morning, until I saw
- 17 the Arledge boy. I might better look and see
- 18 first. Jimmy, I've been knowing him from way
- 19 back yonder.
- 20 Q. You know Jimmy Arledge?
- 21 A. Yes sir. But I didn't know it was him until this
- 22 morning.
- 23 Q. Just look all along this rail and see if you know
- 24 any the rest of them?
- 25 A. I know Jimmy Arledge, yes sir.

1 Q. Do you see him?

2 A. Yes sir.

3 Q. Do you see Pete Harris?

4 A. Yes sir.

5 Q. Well, look around and see if you see any of the  
6 other defendants that you may know in this case.

7 A. No sir.

8 Q. Would you look behind you and see if there is  
9 anybody sitting back there that you might know.

10 A. No sir.

11 Q. I believe that's all.

12 (Whereupon witness excused)

13 VIRGIL WATKINS, called as a witness for and on behalf  
14 of defendants, was sworn and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. GOLDMAN:

17 Q. State your name for the Court and jury?

18 A. Virgil Watkins.

19 Q. Where do you live, Mr. Watkins?

20 A. 809-69th Avenue.

21 Q. What city and county is that located?

22 A. Meridian, Mississippi, Lauderdale County.

23 Q. Do you know James Harris?

24 A. Yes sir.

25 Q. How long have you known him?

1 A. Since 1962.

2 Q. Do you know where he lives, what community?

3 A. He lives at Meehan, Mississippi, Route 5.

4 Q. Do you know his general reputation in the community  
5 in which he lives for peace and violence?

6 BY MR. HAUBERG:

7 We object to that, if the Court please. This witness  
8 says he lives in Meridian and Harris lives in Meehan.

9 BY THE COURT:

10 Overrule the objection.

11 BY MR. GOLDMAN:

12 Q. Do you know it?

13 A. Yes sir.

14 Q. Is it good or bad?

15 A. Its' good.

16 Q. Thank you.

17 CROSS EXAMINATION

18 BY MR. HAUBERG:

19 Q. Mr. Watkins, when have you heard his reputation  
20 discussed?

21 A. Well, I've heard several people, and there was  
22 a men at the terminal----

23 BY MR. HAUBERG:

24 If the Court please, I would like for the witness  
25 to answer my questions first, and then make any

1 explanation.

2 BY THE COURT:

3 Answer his question first and then make your explana-  
4 tions.

5 BY THE WITNESS:

6 What was the question?

7 Q. Would you tell us the first time you heard the  
8 reputation of James Harris discussed?

9 A. I'd say in '63.

10 Q. That was about a year after you first knew him?

11 A. Yes sir.

12 Q. When was the last time you heard his reputation  
13 discussed?

14 A. Here recently in the last month or so, I wouldn't  
15 know the date.

16 Q. Now who did you hear discuss it within the last  
17 month?

18 A. Herbert Rooker.

19 Q. Where does he live?

20 A. On 70th Avenue, Lauderdale County, Mississippi,  
21 Meridian.

22 Q. Does Mr. Rooker work with Pete Harris?

23 A. No sir.

24 Q. Do you work with Pete Harris?

25 A. No sir.

1 Q. Do you work with Pete Harris?

2 A. No sir.

3 Q. Do you ever attend any meetings with Pete Harris?

4 A. No sir.

5 Q. Have you ever attended any meetings with him?

6 A. No sir.

7 Q. Have you ever talked with Pete Harris?

8 A. Yes sir.

9 Q. When was the last time that you talked with Pete

10 Harris?

11 A. Approximately two months ago?

12 Q. Did you talk about this case?

13 A. No sir.

14 Q. Have you ever talked to Pete Harris about this case?

15 A. No sir.

16 Q. Did you know anything about Civil Rights activities,

17 or the workers being this area back in the Spring

18 and Summer of 1964?

19 A. Did I know workers? Yes sir I did.

20 Q. Did you know the names of those Civil Rights

21 Workers?

22 A. No sir.

23 Q. Did you ever hear the name of Michael Schwerner?

24 A. No sir.

25 Q. Andrew Goodman?

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A. No sir.

Q. James Chaney?

A. No sir.

Q. Do you recall when it was reported that those three were missing up in Neshoba County?

A. Yes sir.

Q. So you recall the names from what you read or heard at that time?

A. I recall the names from what I read in the newspaper.

Q. So you have seen their names and heard their names, is that right?

A. Yes sir.

Q. When was the first time you ever heard or read the names of those three individuals, could you give us any idea about the date of it?

BY MR. WATKINS:

Your Honor, we object, this is not proper cross examination of a character witness.

BY THE COURT:

Overruled.

BY THE WITNESS:

A. No sir.

Q. You don't recall any date or you just can't give us a date?



1 A. No sir, I can't give you a date.

2 Q. Now have you ever talked to James Harris about  
3 either one of those three Civil Rights Workers?

4 A. No sir.

5 Q. I believe that's all.

6 (Whereupon witness excused)

7 S. E. WELCH, called as a witness for and on behalf  
8 of defendants was sworn and testified as follows:

9 BY MR. WATKINS:

10 DIRECT EXAMINATION

11 Q. State your name please?

12 A. S. E. Welch?

13 Q. Wheredo you live?

14 A. Union, Mississippi.

15 Q. What do you do, Mr. Welch?

16 A. I own and operate a sawmill at Union, Mississippi.

17 Q. Now----

18 BY THE COURT:

19 Excuse me just a minute, Mr. Watkins. I believe it  
20 would be well when either side puts a witness on that  
21 Counsel would state into the record what the witness'  
22 name is and everybody has to ask them what their  
23 names, so Counsel will give their names and then  
24 ask them what their name is.

25 BY MR. WATKINS:

1 Q. Do you know Jimmy Arledge?

2 A. I do.

3 Q. Do you know what county he's a resident of?

4 A. I do.

5 Q. What county?

6 A. Lauderdale County.

7 Q. How many years have you known him in Lauderdale  
8 County?

9 A. I've known Jimmy approximately twenty years.

10 Q. Do you know his general reputation in Lauderdale  
11 County for peace and violence?

12 A. I do.

13 Q. Is it good or bad?

14 A. Good.

15 Q. That's all.

16 CROSS EXAMINATION

17 BY MR. HAUBERG:

18 Q. Mr. Welch, have you ever worked with Jimmy  
19 Arledge?

20 A. Yes sir.

21 Q. How long ago?

22 A. Last year.

23 Q. Last Year?

24 A. Yes sir.

25 Q. And what type of business was that?

- 1 A. He drove a truck for me.
- 2 Q. For you?
- 3 A. Yes sir.
- 4 Q. Are you in the trucking business?
- 5 A. I have one.
- 6 Q. How long has he worked for you?
- 7 A. He worked a short time for me.
- 8 Q. About how long did he work for you?
- 9 A. Three months.
- 10 Q. Did he leave of his own volition?
- 11 A. Yes sir.
- 12 Q. And that's the only time he's ever worked for you
- 13 is that three months period?
- 14 A. Yes sir.
- 15 Q. You say you had known him for about twenty years,
- 16 did you go to school with him?
- 17 A. Well, I was a little older than he was.
- 18 Q. Do you know what he has been doing since he worked
- 19 for you that three months?
- 20 A. No sir, I really don't.
- 21 Q. Do you know what he did before he came to work
- 22 for you for those three months?
- 23 A. Yes sir.
- 24 Q. What did he do?
- 25 A. He drove a truck.

1 Q. For what firm?

2 A. Magnolia Steel.

3 Q. Do you know how long he worked for/concern? that

4 A. No sir.

5 Q. Do you know whether it was a long time or a short  
6 time?

7 A. It was a long time.

8 Q. Do you know what he was doing during the Spring  
9 and Summer of 1964?

10 A. No sir.

11 Q. Do you know whether or not he is a member of the  
12 Ku Klux Klan?

13 A. No sir.

14 Q. Did you ever talk with him about this incident  
15 up in Neshoba County?

16 A. No sir.

17 Q. When was the first time that you talked with  
18 Jimmy Arledge, after you learned of the missing  
19 three Civil Rights Workers?

20 A. Sir, I wouldn't know at this time.

21 Q. Could you give us your best recollection or your  
22 best judgment?

23 A. Last year.

24 Q. And was there anything said about the missing  
25 three workers?

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- 1 Q That was the general talk, sir.
- 2 Q So you talked with him last year about the
- 3 three Civil Rights Workers?
- 4 A Most everybody talks about it, yes sir.
- 5 Q And was there any discussion had about whether
- 6 or not you had heard or learned anything about
- 7 the Civil Rights Workers before this incident
- 8 happened?
- 9 A I don't remember it sir.
- 10 Q When was the last time you talked to Jimmy
- 11 Arledge?
- 12 A Well, I talked with him out in the hall this
- 13 morning.
- 14 Q When did you know you would be a witness in this
- 15 case?
- 16 A Yesterday afternoon.
- 17 Q And did you volunteer your services, or did someone
- 18 contract you?
- 19 A I volunteered my services.
- 20 Q Who was the first person that knew you were volun-
- 21 teering your services?
- 22 A I suppose it was Jimmy, sir.
- 23 Q Did he contract you or did you contact him?
- 24 A I told him if he needed me I would be glad to
- 25 testify.

1 Q. And you do know his reputation here in the community?

2 A. Yes sir.

3 Q. Have you heard his reputation discussed ?

4 A. Yes sir.

5 Q. Have you heard it discussed after the three missigg  
6 workers?

7 A. Yes sir.

8 Q. Have you heard it discussed on many occasions  
9 or one or two occasions?

10 A. On several occasion, sir.

11 Q. When was the last time you heard it discussed?

12 A. Yesterday.

13 Q. And where were you when you heard it discussed?

14 A. At Union, Mississippi.

15 Q. You do, you do not live in Union, do you?

16 A. Yes sir.

17 Q. Does Jimmy Arledge live in Union?

18 A. Not now.

19 Q. And you hae been living in Union for how long  
20 a period of time?

21 A. Around Union for forty years.

22 Q. And is that where you have been living since 1964?

23 A. Yes sir.

24 Q. Where does Jimmy Arledge been living?

25 A. In Meridian.

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1 Q So you don't even live in the same community that

2 Jimmy Arledge lives do you?

3 A No sir.

4 Q And how can you tell this jury that you know his  
5 general reputation in the community in which he  
6 resides?

7 A I've been knowing Jimmy for approximately twenty  
8 years.

9 Q Have you heard any people in the Meridian area  
10 discuss his reputation?

11 A Well, I couldn't name anyone in particular.

12 Q So as a witness you can't tell us a single person  
13 in Meridian that has discussed his reputation?

14 A Not in Meridian.

15 Q So actually you do not know his reputation in  
16 Meridian.

17 A I take that back sir, I can name some in Meridian.

18 Q Well name us one, please?

19 A Mr. Hussey.

20 Q Mr. Who?

21 A O. E. Hussey.

22 Q Would you spell that for us?

23 A HUSSEY.

24 Q When did you hear Mr. Hussey discuss it?

25 A Sometime back when he was by my mill.

1 Q When you say sometimes back, could you give  
2 us any date?

3 A I would say some three months ago.

4 Q Was it in connection with the difficulties that  
5 Jimmy Arledge has been involved in?

6 A Yes sir.

7 Q Prior to that time, had you heard his reputation  
8 discussed by any person from the Meridian area?

9 A Well, I can't recall.

10 Q Mr. Welch, have you been in the courtroom any this  
11 week?

12 A No sir.

13 Q That's all.

14 (Whereupon witness excused)

15 R. E. JOHNSON, called as a witness for and on behalf  
16 of defendants, was sworn and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. WATKINS:

19 Q Would you tell us your name please?

20 BY THE COURT:

21 You tell us his name, Counsel.

22 BY MR. WATKINS:

23 I think he is Mr. R. E. Johnson, I really don't know.

24 BY THE COURT:

25 Well, you mean to tell us you don't know your witnesses?



1 BY MR. WATKINS:

2 I think he is Mr. Johnson, I really don't know.

3 BY THE COURT:

4 Well that was my suggestion that you Counsel state  
5 the names of your witnesses for the record.

6 BY MR. WATKINS:

7 Well, there are thirty two of them and I've seen once  
8 or twice in my lifetime.

9 BY THE COURT:

10 Well, I don't think its too much to ask that Counsel  
11 familiarize themselves with the names of the witnesses  
12 to help the Court move along, but now if that burdens  
13 you too much, you'd better get some help.

14 BY MR. WATKINS:

15 I have everyone of them listed here, Your Honor.

16 BY THE COURT:

17 Well, just tell us what his name is.

18 BY MR. WATKINS:

19 Mr. R. E. Johnson.

20 BY THE COURT:

21 All right.

22 BY MR. WATKINS:

23 Q Where do you live, Mr. Johnson?

24 A Here in Meridian.

25 Q Is that Lauderdale County?

1 A. Yes sir.

2 Q. How many years have you lived in Lauderdale County?

3 A. All my life, I was born in Lauderdale County.

4 Q. Do you know Travis Barnett?

5 A. Yes sir.

6 Q. How many years have you known him to live in  
7 Lauderdale County?

8 A. Well I've known him for 23 or 24 years to live  
9 in Lauderdale.

10 Q. What type of business are you in?

11 A. I'm not doing anything right now, I'm retired.

12 Q. Do you know Travis Barnett's reputation in the  
13 community for peace and violence?

14 A. Its good.

15 Q. Well, do you know it?

16 A. Yes sir.

17 Q. Is it good or bad?

18 A. Good.

19 BY MR. HAUBERG:

20 We have no questions of this witness.

21 (Whereupon witness excused)

22 MRS. ADDIE CLARK, called as a witness for and on  
23 behalf of defendants, was sworn and testified as  
24 follows:

25 DIRECT EXAMINATION

1 BY MR. ALFORD:

2 May it please the Court, this witness is Mrs.

3 Addie Clark. A D D I E C L A R K.

4 Q. Mrs. Clark, where do you live?

5 A. Philadelphia.

6 Q. And is that Philadelphia, Mississippi?

7 A. Yes sir.

8 Q. And I'll ask you please mam, what relation you  
9 are to Mr. Olen Burrage?

10 A. He is my son in law.

11 Q. And what relation are you to Mrs. Ruby Davis.

12 Q. My daughter.

13 Q. Your daughter. Now, I would like to ask you  
14 please mam, where does Mrs. Ruby Davis live?

15 A. On Beacon Street.

16 Q. Is that Philadelphia, Mississippi?

17 A. Yes sir.

18 Q. I would like to direct your attention to the 21st  
19 day of June, 1964 and ask you if that date did  
20 you see Mr. Olen Burrage?

21 A. Yes sir.

22 Q. Where did you see him please mam?

23 A. At Ruby Davis' house.

24 Q. And about what time was that?

25 A. Around 8:30.

1 Q Is that P. M. or A. M.?

2 A P. M.

3 Q And who was with him at Mrs. Ruby Davis?

4 A His wife and son.

5 Q And who was at Mrs. Ruby Davis' when you saw him  
6 there?

7 A Well, I was down there.

8 Q Were you down there on whose request?

9 A Mrs. Davis, Ruby.

10 Q Mrs. Ruby Davis, and what was her condition that  
11 night when you were down there?

12 A Well, her foot was broke and then she got  
13 frightened, she thought she had prowlers.

14 Q What was the condition of her foot?

15 A It was broken, it was in a cast.

16 Q Did you see Mr. Burrage leave there that night?

17 A Yes sir.

18 Q About what time did he leave?

19 A About 8:30.

20 Q And who did he leave with?

21 A Well, Mrs. Davis, his wife and little boy.

22 Q Just tell this Court and Jury how Mrs. Davis was  
23 placed in Mr. Burrage's car, if she was.

24 Q He toted her, carried her out there and put her  
25 in the car.

1 Q. What direction did they leave?

2 A. Down Béacon Street.

3 Q. For the benefit of the Court and Jury here, which  
4 direction was that?

5 A. Well, toward Williamsville, North, I guess.

6 Q. To Williamsville. Would that not be west?

7 A. Yes.

8 Q. Where does Mr. Burrage live?

9 A. He lives on Highway 21.

10 Q. Is that West of Williamsville?

11 A. Yes sir.

12 Q. Now, tell this Court and Jury what happened there  
13 in the way of leaving, please mam?

14 A. Well, when we got ready to go they followed me up  
15 to the house and then they sat there in their car  
16 until I went in, I was down there in my car, and  
17 then they followed me on to the house and watched  
18 me in and then they left.

19 Q. Did you have occasion to be in contact with Mr.  
20 Burrage after that?

21 A. Yes sir, about 11:00 o'clock I called to see how  
22 she was.

23 Q. Who was?

24 A. Ruby.

25 Q. Is that Ruby Davis?

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A. Yes sir.

Q. And who did you talk with, please mam?

A. Olen Burrage.

Q. You recognized his voice?

A. Yes sir.

Q. And then were you in contact with him anymore the next day?

A. Yes sir. At 6:00 o'clock before I left to go to work I called over there to see if she was any better and he said yes, she was, and he was fixing to bring her own home.

BY MR. HAUBERG:

We object to any conversation.

------(Court's ruling interrupted by Counsel, & witness)

BY THE COURT:

Did you get my ruling?

BY MR. HAUBERG:

No sir.

BY THE COURT:

Well, we will back up and give Counsel and the witness a race. Let me make my ruling Counsel.

Let me see what your objection was.

BY MR. HAUBERG:

Your Honor, we were objecting to the conversation on the telephone.

1 I'll sustain the objection, as to the telephone  
2 conversation.

3 BY MR. ALFORD:

4 Q Mrs. Clark, did you recognize the voice of  
5 Mr. Burrage on the telephone at 6:00 o'clock  
6 the next morning?

7 A Yes sir.

8 BY MR. DOAR: CROXS EXAMINATION

9 Q Mrs. Clark, do I understand that Mr. Burrage was  
10 at your house about 8:30?

11 A At my daughter's house.

12 Q At your daughter's house?

13 A Yes sir.

14 Q And that is in the city of Philadelphia?

15 A Yes sir.

16 Q And where in Philadelphia?

17 A On Beacon Street.

18 Q And what direction is that in Philadelphia?

19 A Its on the west side of the railroad.

20 Q That would be on the west side of downtown?

21 A Yes sir.

22 Q And how far off of Highway 21 is it?

23 A Oh, I'd say about nearly two miles.

24 Q Would that be South or North?

25 A South, I reckon.

- 1 Q Where was your daughter going?
- 2 A Going home with Olen Burrage.
- 3 Q To his house?
- 4 A Yes sir.
- 5 Q Where is his house?
- 6 A On Highway 21.
- 7 Q How far out of town?
- 8 A About two miles.
- 9 Q About two miles, and that is out of the town  
10 and out in the country?
- 11 A Yes.
- 12 Q Across the street from his garage?
- 13 A Yes sir.
- 14 Q Where he has those tractors and trailers parked?
- 15 A Yes sir.
- 16 Q And then at 11:00 o'clock you say you had a  
17 telephone call from him?
- 18 A I called him.
- 19 Q And how long did you talk on the phone?
- 20 A Oh about 5 or 10 minutes, not long, after I  
21 found out she was better, I went on to bed and  
22 went to sleep.
- 23 Q And you called again in the morning?
- 24 A At 6:00 o'clock before I left the house.
- 25 Q And about 8:30 you had a conversation with Mr.



1 Burrage and about 11:00 o'clock you had a telephone  
2 conversati~~m~~n with him and another phone call with  
3 him at 6:00 o'clock the next morning?

4 A. Yes sir.

5 Q. But you didn't see him during that time, did you?

6 A. No sir, not after 8:30.

7 (Whereupon witness excused)

8 MRS. RUBY DAVIS, called as a witness for and on behalf  
9 of defendants was sworn and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. ALFORD:

12 May it please the Court, this is Mrs. Ruby Davis.

13 Q. Mrs. Davis, what relation are you to Mr. Olen  
14 Burrage?

15 A. He's my brother in law.

16 Q. As a matter of fact, Mrs. Audine Burrage and you  
17 are sisters?

18 A. That's correct.

19 Q. Now Mrs. Davis, I will direct your attention to  
20 June the 21st, 1964 and ask you if you had the  
21 occasion to see Olen Burrage?

22 A. Yes sir, I did. He was in my home about 8:30 P. M.

23 Q. And what was the circumstances of his being in  
24 your home, please mam?

25 A. Well, I had called his home, I had heard a prowler

1 and I wanted him and Mrs. Burrage to come to my  
2 home.

3 Q. What was your condition there that night?

4 A. I was in bed with a broken foot.

5 Q. In bed with a broken foot?

6 A. Yes sir.

7 Q. Was your husband at home?

8 A. No sir, he was out of town on business in his  
9 work.

10 Q. Did Mr. and Mrs. Burrage come to <sup>your</sup> home that night?

11 A. Yes sir, they came at approximately 8:30, and they  
12 taken me to their home.

13 Q. They took you to their home?

14 A. Yes sir.

15 Q. Where is their home please mam?<sup>th</sup>

16 A. Its out on 21 Highway about 6 miles from Philadel-  
17 phia.

18 Q. And where is your home in Philadelphia?

19 A. 264 Beacon Street.

20 Q. State whether or not that's near the depot?

21 A. Yes sir, its close to the depot.

22 Q. How did you get in Mr. Burrage's automobile?

23 A. He carried me and put me on the front seat.

24 Q. And was his wife with him?

25 A. Yes sir.