

Q. How far was it out there to Dave Watkins' place?

A. I'd say approximately six miles, maybe just a little over.

Q. Did you spend any time out there calling or hunting for these people?

A. Yes, they spent some time. First they got the girls out of the woods and finally they got the boys but it took sometime to get all three rounded up.

Q. Was there any noise or commotion out there?

A. Well, it didn't seem to be too much, just jabbering.

Q. Your Honor, please, we have no further questions.

CROSS EXAMINATION

BY MR. DOAR:

Q. How do you happen to recall that night of June the 21st?

A. Well sir, it was father's day and Sunday is the only day I have off, I work in Hattiesburg and I was up home for father's day, and I was doing some work also up there.

Q. When was the first time that you were asked to recall what you did that night?

A. I don't understand that question, sir.

Q. When was the first time anyone asked you after

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1 June the 21st if you recalled the time that you
2 went to the police station that night?

3 A. This was the first time I have been questioned
4 about it since I went on the stand.

5 Q. The first time?

6 A. Yes.

7 Q. No one talked to you about this before you went
8 on the stand?

9 A. No sir.

10 Q. No one at all?

11 A. No sir.

12 BY MR. ALFORD:

13 If the Court please, as the Attorney, I talked to
14 him this morning.

15 BY THE COURT:

16 Well he's testifying.

17 BY THE WITNESS:

18 Well I, uh, uh, I don't exactly get the, uh, what
19 you are talking about.

20 BY THE COURT:

21 If you don't understand it, just ask him to repeat
22 it so that you do understand-----

23 BY THE WITNESS:

24 Repeat the question.

25 BY THE COURT:

BY THE

BY MR.

Are you going to listen to me or not? I want you to be sure and understand the question before you answer it.

BY THE WITNESS:

Yes sir.

BY MR. DOAR:

Q. When was the first time after June the 21st that you talked to anybody about what you did the night of June the 21st?

A. This morning, officially.

Q. What do you mean officially?

A. I don't recall talking to anyone other than the attorney this morning.

Q. You just remembered this morning back to the exact time you were at the police station?

A. I do know this, it was around 10:30 when we got to the police station. It was a lot of confusion going on out there, I'm only an in-law and I didn't have too much to say but I know there was some pretty threatening things going on out there and some serious things could have happened. Actually, I wanted to keep down trouble and I know that.

Q. But couldn't you have been off 45 minutes or an hour as the time you got to the police station?

- 1 A. I don't think so, no sir.
- 2 Q. Is it possible?
- 3 A. I don't think so.
- 4 Q. Then what did you do after you got to the police
5 station?
- 6 A. We talked to Mr. Price and told him what the
7 score was on the girl and her missing, and told
8 him the trouble that was brewing, and---
- 9 Q. Then how long was it before you left the police
10 station?
- 11 A. Yes sir, we straight on out to where, at this
12 scene.
- 13 Q. Do you know the officer with Price?
- 14 A. I don't know, I don't know him now.
- 15 Q. Do you know Mr. Price?
- 16 A. My nephew was a deputy under Mr. Barnette and I
17 became acquainted then with Mr. Price and that's
18 home come I know him personally.
- 19 Q. Was there any other police officers at the city
20 jail that night?
- 21 A. I think it was, I wouldn't say definitely.
- 22 Q. You don't remember anyone else positively that
23 was there.
- 24 A. Oh I know there were three men there.
- 25 Q. Well who was the third man?

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1 A. I don't know his name.

2 Q. Whose car did you get into?

3 A. We were in my brother in law's car.

4 Q. Did Deputy Price get in the car with you?

5 A. No, he got in the police dar.

6 Q. Did he go by himself?

7 A. No, there were two other police officers with him.

8 Q. You don't know who those two officers were?

9 A. I do not.

10 Q. Were they city police or county police?

11 A. They were city police.

12 Q. And how far out in the country did you go?

13 A. We went out approximately six miles.

14 Q. How long did you stay out there?

15 A. Oh I'd say we stayed out there to near twelve
16 o'clock.

17 Q. Were there any arrests made?

18 A. They arrested the two boys we were after.

19 Q. And then were thry brought back to jail?

20 A. As far as I know they were.

21 Q. But you didn't go back with them?

22 A. I didn't goback with them, no sir. We took the
23 girl back over to her granddaddy's.

24 Q. Were there any other members of your family at
25 the police station with you?

1 A My wife and my brother in law.

2 Q And the place you went out to was toward Dave
3 Watkins' place?

4 A It was between Dave Watkins and Dick Smith's
5 residence, in a wooded area.

6 Q Then that's the last time you saw those police
7 officers that night?

8 A No, I saw them when we, when I carried the car
9 on back up to town like I was instructed to do.

10 Q What time did you get back up to town?

11 A Oh, I'd say it was around one o'clock or maybe
12 a little bit after.

13 Q These times that you are giving us are the best
14 estimate of the time thinking back about that
15 night after three years?

16 A Well I don't believe it would be off over fifteen
17 or twenty minutes, I don't believe it would be
18 that much difference, I can't tell you the exact
19 time but I know it is within twenty minutes being
20 correct.

21 Q Have you lived in Neshoba County since that time?

22 A Yes sir.

23 Q Did you live in Neshoba County before 1964?

24 A I've always lived there until the past nine
25 years, but I've been living in Hattiesburg but

I've had a farm up there for the last five years.

Q. You were born and raised in Neshoba County?

A. That's right.

Q. And you knew Deputy Price well?

A. Well, not too well.

Q. You knew him over what period of time?

A. Oh, Id say a couple of years.

Q. Prior to 1964?

A. Yes sir.

Q. And do you know any of the other defendants in this case?

A. What do you mean defendants?

Q. I will askyou about specific people. Do you know Sheriff Rainey?

A. I knew him, yes sir.

Q. Do you know Hop Barnette?

A. Yes sir.

Q. Do you know, let me ask you this, did you see Sheriff Rainey there that night?

A. I did not.

Q. Did you see Hop Barnette there that night?

A. I did not.

Q. And you don't know Officer Willis?

A. I do not.

Q. But there were two other policemen with Deputy

Price when he went out in the country?

A. That is correct.

Q. And you are sure of that?

A. I am positive.

Q. That's all.

(Whereupon witness excused)

MRS. FINIS McADORY, called as a witness for and on behalf of defendants was sworn and testified as follows

DIRECT EXAMINATION

BY MR. ALFORD:

If the Court please, this is Mrs. Finis McAdory.

Q. Is that correct?

A. That's right.

Q. Mrs. McAdory, I want to direct your attention to the 21st day of August, 1964 and ask you if on that occasion, you had occasion to go to the City Police Station in Philadelphia, Mississippi?

A. I----

BY THE COURT:

You said the 21st day of August, did you mean the 21st of June?

BY MR. ALFORD:

Yes sir, June 21st.

BY THE COURT:

Rephrase your question.

BY MR. ALFORD:

Q On the 21st day of June, did you have occasion to go to the City Police Station in Philadelphia?

A I sure did.

Q Who went with you?

A My husband and brother.

Q Who is your brother?

A Bennie Ray McClain.

Q About what time did you all get to the police station?

A About 10:30.

Q What was the occasion of your going to the police station?

A Two boys and my niece.

Q What was that difficulty?

A They had taken her off.

Q Who was your niece, please mam?

A Nancy Rushing.

Q And who were the boys?

A Jimmy Dominick and Richard Colburn.

Q And did you or not make a complaint at the police station?

A Yes sir.

Q Who did you make a complaint to?

A My husband and brother made the complaint.

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- 1 Q. Do you know who they made a complaint to?
- 2 A. No sir.
- 3 Q. Did you see Mr. Cecil Price up there?
- 4 A. I sure did.
- 5 Q. With reference to the complaint, what action was
- 6 taken by Mr. Price?
- 7 A. He and two deputies came out to the woods and
- 8 taken the boys.
- 9 Q. And where did they go to get the boys?
- 10 A. Between Mr. Dick Smith and Mr. Dave Watkins.
- 11 Q. Where is that located in Neshoba County?
- 12 A. Out east just off of Sandtown Road.
- 13 Q. How far from town?
- 14 A. I would say six or seven miles from town.
- 15 Q. About what time did they find these parties out
- 16 there please mam?
- 17 A. It was around twelve o'clock.
- 18 Q. And what did they do with the boys?
- 19 A. They carried them to jail.
- 20 Q. Who did they carry to jail?
- 21 A. They carried Jimmy Dominickneck and Richard
- 22 Colburn.
- 23 Q. What did they do with the girl?
- 24 A. We carried her home.
- 25 Q. Did you go to town or did you go home?

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A. I went home with the little girl.

Q. Did you go to town anymore that night?

A. I went with my husband to take that car.

Q. What car, please mam?

A. The one that belonged to those boys.

Q. Now during the course of this hunt or that investigation out there was there a commotion raised out there in that vicinity?

A. It was some, yes sir.

Q. Do you recall seeing Mrs. Dave Watkins come to the door of her house that night?

A. I did.

Q. About what time was that, please mam?

A. I would say it was around 11:30 or a little later.

Q. That's all the question we have.

CROSS EXAMINATION

BY MR. DOAR:

Q. When was the first time that you were asked to recall what happened on the night of June the 21st?

A. Away back when it first started.

Q. Who asked you to recall it.

A. The person I'm speaking for.

Q. Who was that?

1 A. My county there.

2 Q. Who in the county asked you?

3 A. My husband asked me to come with him.

4 Q. When did he ask you?

5 A. Way back yonder.

6 Q. When way back yonder?

7 A. When it first started.

8 Q. And when was that?

9 A. At the first of court.

10 Q. When was the first court?

11 BY THE COURT:

12 Lady just answer his question and don't dodge his
13 questions. We're not playing games up here, so
14 quit dodging.

15 BY MR. DOAR:

16 Q. When was the first time you were asked to recall
17 June 21st?

18 A. When it first started.

19 Q. Who asked you?

20 A. Mr. Price.

21 Q. What did he say?

22 A. He asked me if I saw him.

23 Q. Saw him where?

24 A. The night on the 21st of June.

25 Q. And did you tell him you did?

A. Yes sir, I saw him.

Q. Did you remember the time?

A. Yes sir.

Q. What time did you remember it was?

A. Between 10:30 and 12:00 o'clock.

Q. And that's the best you can do with the time?

A. Yes sir, because we all were upset.

Q. Your husband was upset too wasn't he?

A. Well, he probably was.

Q. How long did you stay at the police station?

A. Not very long.

Q. How many police went with you?

A. Mr. Price and two more officers.

Q. Do you know the other officers?

A. I don't know their names, I don't know them.

Q. Do you know where they city police, county police, patrolmen, or constables?

A. I don't know if they were city police or not, all I knew was Mr. Price.

Q. And you went out several miles out of town and later when the arrest was made you brought a car back into town?

A. Yes.

BY THE COURT:

On this evening of June the 21st, 1964 and going on

1 into the early hours of June the 22nd, 1964
 2 what was the latest hour of that evening or
 3 that early morning that you saw Mr. Price?

4 BY THE WITNESS:

5 Repeat that again, sir.

6 BY THE COURT:

7 What would you say was the latest hour that you
 8 saw Mr. Price on the evening of June the 21st
 9 and the early morning of June the 22nd, 1964?

10 BY THE WITNESS:

11 How late was it?

12 BY THE COURT:

13 No, what was the latest hour that you would say
 14 that you saw him? Wat was the latest hour?

15 BY THE WITNESS:

16 After twelve o'clock.

17 BY THE COURT:

18 Sometimes after 12:00 o'clock. How much after
 19 twelve was it when you last saw Mr. Price?

20 BY THE WITNESS:

21 It probably was about 12:30.

22 BY THE COURT:

23 And where was that?

24 BY THE WITNESS:

25 When we aarried the car and lert it

BY THE COURT:

Where did you leave the car?

BY THE WITNESS:

Up at the police station.

BY THE COURT:

All right.

BY MR. DOAR:

Q. And it was sometimes between 10:30 and 12:00 o'clock that you first saw him?

A. Yes sir.

Q. That's all.

(Whereupon witness excused)

MRS. DAVE WATKINS, called as a witness for and on behalf of defendants was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

If the Court please, this is Mrs. Davè Watkins.

Q. Is that correct?

A. Yes sir.

Q. I would like to direct your attention to the 21st day of June, 1964 and ask you if on that night you saw Mr. Cecil Price?

A. I certainly did.

Q. Where did you see him please mam?

1 A. At my house, right at my porch.

2 Q. And what was the nature of the reason of his
3 coming up to your porch?

4 A. They were having a little difficulty out there
5 and I didn't know what it was, and I walked out
6 and I said, "Mr. Price, what is that going on?"
7 He said, "a little difficulty between the family."
8 He didn't say what family, just between family.

9 Q. Did you recognize him there that night?

10 A. I certainly did.

11 Q. What time was this when you saw him?

12 A. It was a quarter til' twelve, when I walked
13 out and talked to him, then I come back in. BY M

14 Q. How do you recall it being that date?

15 A. It was father's day, and I looked up at the clock
16 as I went out to see what time it was, I knew
17 it was pretty late and when I turned on a light
18 the clock was sitting there and I just looked at
19 it and it was a quarter til twelve.

20 Q. You turned on your light?

21 A. Yes sir, I sure did.

22 Q. Where do you live please mam?

23 A. I live out east of Philadelphia about six
24 miles.

25 Q. And what road do you live on?

A. I am on the Sandtown Road.

Q. I believe you said they told you there was a little difficulty, how long did they stay there?

A. Well he didn't stay too long, just a little while.

Q. Were there more people there than Mr. Price?

A. Yes there were some more people out there but I didn't talk to them. I didn't talk to nobody but to Mr. Cecil himself, he was the only one I talked to, they was out at the road and I surely did talk to Mr. Cecil, just Mr. Cecil.

Q. That's all.

CROSS EXAMINATION

BY MR. DOAR:

Q. Is your house right on the highway?

A. No sir.

Q. How far off the highway is your house?

A. It might be a quarter to the left of the highway. I wouldn't say for sure, but it ain't very far.

Q. You remember this night pretty well?

A. Yes sir.

Q. When was the first time you were asked to remember what time it was?

A. Well I looked at the clock that night myself. That was father's day, that's how come I remember it so well. 22nd of June.

- 1 Q You mean June 21st?
- 2 A You're right, June 21st.
- 3 Q When was the first time after that did anyone
- 4 ask you to remember that night?
- 5 A Well it was a long time. Mr. Price just asked
- 6 me if I would come up there and he asked me if
- 7 I knowed he talked to me and I said yes.
- 8 Q When did Mr. Price ask you this?
- 9 A He just asked me a while back.
- 10 Q But how long ago?
- 11 A Oh, I reckon about a month ago, I don't know
- 12 exactly but that's about as near as I can tell.
- 13 Q Have you been knowing Mr. Price a long time?
- 14 A Yes sir. I knowed his face but I never did have
- 15 no talk with him.
- 16 Q Prior to June 21st had you heard anything about
- 17 any Civil Rights Workers working in Neshoba
- 18 County?
- 19 A I heard it but I didn't no nothing about it.
- 20 Q But you did hear there was Civil Rights Workers
- 21 working in the county?
- 22 A Yeah, I heard that but I didn't know it.
- 23 Q And that was before June the 21st?
- 24 A Yea.
- 25 Q Did you ever talk with anyone about that?

1 A. I certainly did not.

2 Q. You never saw any Civil Rights Workers around
3 your place?

4 A. No sir I did not.

5 Q. How far do you live from the Longdale Road?

6 A. I live over there close to the Methodist Church
7 at Sandtown.

8 Q. If you go out Highway 16 do you turn north toward
9 Sandtown?

10 A. Yes sir you turn north there and go on straight
11 down the highway.

12 Q. About how far up the Sandtown road do you go?

13 A. Well I live a mile they say on this side of
14 the Methodist Church.

15 Q. How far north off of Highway 16?

16 A. To my place?

17 Q. Yes.

18 A. Well they say its four miles, I do not know.

19 Q. Thank you.

20 BY THE COURT:

21 How long did Mr. Price stay at your home?

22 BY THE WITNESS:

23 He didn't stay but just a little bit.

24 BY THE COURT:

25 Did you see M_r. Price again that night?

1 BY THE WITNESS:

2 No sir.

3 (Whereupon witness excused)

4 JOHNNY McCRAW, called as a witness for and on behalf
5 of defendants was sworn and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WEIR:

8 If the Court please, Your Honor, this is Mr. Johnny
9 McCraw.

10 Q. You are Mr. McCraw are you?

11 A. I am.

12 Q. Mr. McCraw what official position, if any, do
13 you hold in Neshoba County, Mississippi?

14 A. I'm a Supervisor of the Third District.

15 Q. Do you know the Reverend Edgar Ray Killen?

16 A. I do.

17 Q. And in what Supervisor's District does he reside?

18 A. District 3.

19 Q. Do you know if he has ever lived in a Supervisor's
20 District whose Supervisor's name is Spears?

21 A. I don't think he has.

22 Q. Have you ever known a Supervisor by the name of
23 Spears?

24 A. I can't recall.

25 Q. How old are you?

1 A. Forty-one.

2 Q. How long have you lived in district three of
3 Neshoba County, Mississippi?

4 A. Forty-one years.

5 Q. And how long have you known Edgar Ray Killen?

6 A. Approximately twenty-seven years.

7 Q. Do you know his general reputation in the
8 community in which he lives for peace or violence
9 and for his being a good law abiding citizen?

10 A. I do.

11 Q. And how long have you known his reputation?

12 A. All my life.

13 Q. And is that reputation good or is it bad?

14 A. Good.

15 Q. Now, Mr. McCraw, do you know whether he is a
16 Minister of the Gospel?

17 A. I do.

18 Q. And of what faith?

19 A. Baptist.

20 Q. And do you know whether or not he's active in
21 the church work.

22 A. He certainly is.

23 Q. And does he do more than just stand behind the
24 pulpit?

25 A. He works in the community.

1 Q Well does he preach funerals?

2 A He certainly do.

3 Q Have you been to a funeral where he is preaching
4 a funeral?

5 A I certainly have.

6 Q How often?

7 A Different occasions.

8 Q Do you know whether or not he marries people?

9 A He does.

10 Q How often?

11 A Quite frequently.

12 Q Then you have already told the Court that he
13 was active in active church work?

14 A He certainly is.

15 Q Now do you know Mr. Billy Wayne Posey here?

16 A I do.

17 Q And do you know his general reputation in the
18 community in which he resides for peace or
19 violence and for being a good law abiding citizen?

20 BY MR. HAUBERG:

21 We object, Your Honor, he hasn't said he knows
22 Mr. Posey.

23 BY THE COURT:

24 Tell us how long you've known him.

25 BY THE WITNESS:

Approximately seventeen years.

Q Is that Ebb Posey's son?

A I believe so.

Q Andyway you've known him that long. How long have you known his general reputation?

A How long?

Q How long have you know his general reputation in that community for peace or violence and as a good law abiding citizen?

A Seventeen years.

Q And is that reputation good or bad?

A Its good

Q Take the witness.

CROSS EXAMINATION

BY MR. HAUBERG:

Q Mr. McCraw, you tell us you've known Mr. Posey's general reputation for seventeen years?

A That's correct.

Q And that you've just known him for seventeen years?

A That's right.

Q So you knew his reputation the first time you met him?

A That's correct, got quainted with him and known him since that time.

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Q. So the time you met him you knew his general reputation was good at that time?

A.

A. Since the time that I knew him he's always been that way.

Q.

A.

Q. Well, as a matter of fact, you didn't know him until you met him, did you?

Q.

A. No.

BY MR. BU

Q. Then how could you tell the Jury he had a good reputation the very day you met him?

A. I was saying that since I've known him he's been a law abiding citizen.

BY THE C

Q. Well, did I misunderstand you to say that he had a good reputation for seventeen years?

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A. He has since I got acquainted with him.

Q. And you got acquainted with him seventeen years ago?

A. That's right.

Q. So the very day you met him he had a good reputation with you at that time.

A. That's correct.

Q. You hadn't heard anybody discuss his reputation before you met him?

A. No.

Q. Now, do you know that the Reverend Edgar Killen belonged to the White Knights of the Ku Klux

Klan?

A. I don't think he is.

Q. Well do you know or not?

A. No.

Q. Would you deny that he's a member of the Ku Klux Klan?

BY MR. BUCKLEY:

Your Honor, if it please the Court, I object, he's answered one time.

BY THE COURT:

I'll overrule the objection.

BY THE WITNESS:

As far as I know he doesn't belong to any Klan organization.

Q. Now Mr. McCraw, will you answer my question?

A. Yes sir, I would say he doesn't belong.

Q. My question was do you deny that he belongs to the Ku Klux Klan?

A. Repeat that?

Q. Do you deny that Edgar Ray Killen is a member of the White Knights of the Ku Klux Klan?

A. As far as my knowledge he definitely does not belong to any Klan organization.

Q. Now, will you please answer my question?

A. What is it?

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BY MR. WEIR:

Your Honor, if it please the Court, we object, he's answered the question.

BY THE COURT:

I'll let him answer the question.

BY THE WITNESS:

Yes, I deny it.

BY MR. HAUBERG:

Q. Billy Wayne Posey. Do you know whether or not Billy Wayne Posey is a member of the White Knights of the Ku Klux Klan?

A. As far as my knowledge he doesn't belong to a Klan organization.

Q. Do you deny that he's a member of the Ku Klux Klan?

A. That's correct.

Q. You deny that?

A. Right.

Q. Do you know anything about any Civil Rights Workers being up in your county in June, June 21st, 1964?

A. I don't know anything about it. The only thing that I know is what I read.

Q. Did you learn about that?

A. Through reading the news media.

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Q Well, when did you learn about it?

A After all of it was published, I read it in the newspaper and heard it on the radio and T. V.

Q But can you tell us if you learned about it after June 21st and before August the 4th?

A It was after all of it was exposed to the general public.

Q Well if ~~was~~ all exposed to the general public after they were missing on June the 22nd, or the evening of June the 21st, 1964, was it not?

A That's right.

Q So then you learned about it ^{some} /where either June the 21st or right after that?

A It was right after that, that is correct.

Q When the let the public know about it of course I knew about it from reading the papers.

Q Did you discuss this at all with either Billy Wayne Posey or Reverend Killen?

A I did not.

Q Did you discuss it with anyone else?

A I certainly did not.

Q But there was a great deal of talk about it?

A That's right, that was the general talk.

Q Do you know whether or not there was a great search going on up there for those boys?

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A. I certainly did.

Q. And did you later learn when the bodies were discovered?

A. I sure, uh I sure did.

Q. You didn't go down to the dam?

A. No sir.

Q. Did you discuss that with either Reverend Killen or Billy Wayne Posey?th

A. I did not.

Q. Do you belong to any of the organizations that they belong to?

A. Repeat that?

Q. Do you belong to any of the organizations that Reverend Killen or Billy Wayne Posey belong to?

A. I belong to the church the same as they do, but if you are referring to a Klan organization, I don't, and I don't think they do.

Q. Do you belong to Reverend Killen's church?

A. I do not.

Q. Do you go to his services?

A. I have been to his services.

Q. Do you listen to his talks over the radio?

A. I have, several times.

Q. Now, Mr. Weir asked you about how active Reverend Killen was, have you been present when he con-

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ducted funerals?

A. I sure have.

Q. I believe that's all.

BY THE COURT:

Let me ask you this question, witness. What Supervisor's district is the town or city of Philadelphia Neshoba County in?

BY THE WITNESS:

That's district 1.

BY THE COURT:

District one, that's not in your district?

BY THE WITNESS:

No sir.

BY THE COURT:

What district is the area say oh, a fifteen mile radius around Philadelphia, what district would that be in?

BY THE WITNESS:

Fifteen mile radius around Philadelphia, would cover my district.

BY THE COURT:

That would be part of your district?

BY THE WITNESS:

Part of my district, yes sir.

BY THE COURT:

1 And where is your district with respect to
2 Philadelphia?

3 BY THE WITNESS:

4 South of Philadelphia, South of the County.

5 BY THE COURT:

6 All right. Whose district is the major part of
7 that area I was asking you about be in?

8 BY THE WITNESS:

9 That would be district three, that's my district.

10 BY THE COURT:

11 In other words, the major part of that area I
12 was asking you about would be District Three?

13 BY THE WITNESS:

14 Yes sir.

15 BY THE COURT:

16 Thank you, sir.

17 BY MR. WEIR:

18 REDIRECT EXAMINATION

19 Q. The largest district of Neshoba County is located
20 in what supervisor's district today?

21 A. That's Carl J. DeWeese.

22 Q. And is that District one?

23 A. That's correct.

24 Q. About what width is district one of Neshoba
25 County? Is it more or less in a square right

in the center of the county?

A. That's right.

Q. And that is what, about 12 miles across---

BY MR. HAUBERG:

We object to Counsel leading.

BY MR. WEIR:

Q. Do you know how wide across it is each way?

A. That, I don't know.

Q. But it is square.

A. It extends from the City of Philadelphia in a square, that is correct.

Q. And your district is south and east of district one, is that correct?

A. That's right.

BY THE COURT:

South of east of south of west?

BY THE WITNESS:

Well, its south of district one, and south of district two, and south of district four. District three is on the southern part of the county.

BY MR. WEIR:

Q. Does district one consists of approximately four townships?

A. That is correct.

Q. And isn't the township 6 miles across each way?

1 A. That's right.

2 Q. Now, Mr. McCraw, besides being the Supervisor of
3 District three, are you honored by holding
4 some special position with the Board of Super-
5 visors?

6 A. That I'm am----

7 BY MR. HAUBERG:

8 We object to that, if it please the Court.

9 BY THE COURT:

10 I'll sustain the objection.

11 RE-CROSS EXAMINATION

12 BY MR. HAUBERG:

13 Q. Mr. McCraw, do you say there are 12 or more miles
14 across when you talk about that District One?

15 A. Probably is, I couldn't be positive on the
16 mileage that is in District One or either could
17 I in my district.

18 Q. Well, would you give us your best recollection
19 as to the distance there? Ten or twelve miles?

20 A. Well, I would say probably ten miles.

21 Q. What about District Two?

22 A. Oh, District two would be approximately six miles.

23 Q. Across?

24 A. That's right.

25 Q. What about District Four?

A Oh, approximately ten miles.

Q And your district would be high wide across there.

A East and west and the way it runs is approximately ten miles.

Q About ten miles, thank you.

(Whereupon witness excused)

BY MR. WEIR:

Just a minute Your Honor, I would like to ask him one more question.

BY THE COURT:

Get back in the witness stand.

BY MR. WEIR: REDIRECT EXAMINATION

Q Mr. McCraw, were any bodies found in your district?

A Pardon?

Q Was any bodies found in your district?

BY MR. HAUBERG:

We object to that Your Honor.

BY THE COURT:

Yes, I'll sustain the objection. That's not rebuttal

(Whereupon witness excused)

PAUL TOWNSEND, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MARS:

1 May it please the Court, this witness is named
2 Paul Townsend.

3 Q Is that right, Mr. Townsend?

4 A Yes sir.

5 Q Where do you live, Mr. Townsend?

6 A Beat five, Neshoba County.

7 Q How long have you lived in Neshoba County?

8 A All my life.

9 Q Do you know the defendant in this case, Billy
10 Wayne Posey?

11 A Yes sir.

12 Q Let me direct your attention to June the 21st,
13 1964 and ask you where you were employed on that
14 day?

15 A I was employed by Billy Wayne Posey.

16 Q Q What kind of business is Billy Wayne Posey engaged
17 in?

18 A Service Station.

19 Q What was the name of that service station?

20 A Phillips Sixty-Six.

21 Q Where is that Phillips Sixty-Six located?

22 A Williamsville, Mississippi.

23 Q Tell the Court and Jury what happened at the
24 service station that day beginning with the time
25 you opened?

Q Well, I opened the station up at 7:00 o'clock and my wife was in the hospital and she called me around 8 or 8:30 to come get her and take her home, and I called Billy Wayne to come and relieve me at the station, so that I wouldn't have to leave the station unattended.

Q Billy Wayne wasn't present at the service station?

A. Not at that time.

Q He come in around 9:00 o'clock or something like that to relieve me and I went and carried my wife home and got back around 10:00 o'clock, maybe 10:30. He left then for a dinner engagement, I believe.

Q Do you know where Billy Wayne Posey went when he left the station at 1:30?

A. Where he went to?

Q Yes.

A. He just said he had a dinner engagement at his father-in-laws.

Q Can you tell the Court and Jury what time Billy Wayne Posey returned to the service station that afternoon, if in fact he did return?

A. Oh yes, he returned around 2 or 2:30 and worked until I left and was still there when I left that afternoon.

1 Q Was Billy Wayne continuously at that service
2 station from 2:30 until you quit work that night?

3 A Yes sir.

4 Q What time did you quit work on June the 21st,
5 1964?

6 A Around five or six o'clock somewhere in between.
7 He could have been a little after five or a
8 little before six, in that neighborhood.

9 Q Did you see Billy Wayne Posey after you quit
10 work that night?

11 A No sir.

12 Q When was the next time you saw him?

13 A The next morning when he come in to work. I
14 opened the station up the next morning and he
15 come in around eight.

16 Q State whether or not he left that service station
17 between two or two-thirty or five or six o'clock
18 on June the 21st?

19 A No, not after he come back from dinner at two
20 or two thirty, he didn't.

21 CROSS EXAMINATION

22 BY MR. DOAR:

23 Q Mr. Townsend, do you remember seeing Cecil
24 Price out around Mr. Posey's service station
25 that afternoon?

A. No sir.

Q. Are you sure about that?

A. I didn't see him.

Q. Were there any other law enforcement officers out there?

A. No sir.

Q. Did you see the Justice of the Peace, Leonard Warren there?

A. No.

Q. You didn't see them?

A. They could have come and I didn't see them.

Q. And Deputy Price could have come and you wouldn't have seen him either?

A. That's right, because I work inside washing cars and they could have drove up, but as far as my knowledge they didn't.

Q. Who worked at the station after you left between five and six o'clock?

A. I don't do that through the week. I open up and also close up.

Q. Well on Sundays?

A. Sundays, Billy Wayne.

Q. Does anyone else work there with him?

A. Uh, we had, Jimmy Lee Townsend worked part time on week end.

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Q. What time did he usually close on the week-ends?

A. Nine o'clock.

Q. Did you hear anything about any Civil Rights Workers being arrested and held in jail that afternoon?

A. No.

Q. Have you heard anything prior to June the 21st about any Civil Rights Workers being in Neshoba County working out at the Longdale Community?

A. No sir.

Q. You hadd't heard anything about that?

A. No sir.

Q. How long have you lived in Neshoba County?

A. All of my life.

Q. How long have you been employed by Billy Wayne Posey?

A. I had worked under Billy Wayne for about 18 months but not employed by Billy Wayne.

Q. Were you partners?

A. No sir, we managed it for Spur Oil Company.

Q. Both of you were managers?

A. He was manager and I was assistant manager.

Q. Are you still working with him?

A. No sir. I work for U. S. Loader.

Q. What kind of car did Billy Wayne hage on June

- A. Chrysler, I believe.
- Q. Chrysler, on June the 21st, 1964?
- A. Yes sir. He's had it for a good while.
- Q. Didn't he have a 1950 Red Chevrolet?
- A. He owned one but I don't know where he owned it at that time. He owned it in that neighborhood sometime.
- Q. He owned that automobile about that time?
- A. About that time, yeah.
- Q. Did you ever ride in that car?
- A. Yes sir.
- Q. What did you do after you left the station on June the 21st between five and six when you left?
- A. I went and got me a beer and went home.
- Q. How far do you live from Philadelphia?
- A. About fifteen miles.
- Q. North?
- A. I live North on 19.
- Q. What time did you get home?
- A. I don't remember the actual time but it was just about sundown.

(Whereupon witness excused)

LESTER RIGDON, called as a witness for and on behalf of witness, was sworn and testified as follows:

DIRECT EXAMINATION

1 BY MR. WEIR:

2 May it please the Court, Your Honor, this is Lester
3 Rigdon.

4 Q You are Mr. Lester Rigdon?

5 A I am.

6 Q Mr. Rigdon, lean forward there and bow your head
7 just a little if you will please there is a little
8 box in front of you that has a microphone in it.

9 Mr. Rigdon, what official position do you hold,
10 if any, in the Pine Grove Baptist Church?

11 A I'm a deacon of the church.

12 Q Do you know Reverend Edgar Ray Killen?

13 A I do.

14 Q How long have you known him?

15 A Every since he was a small boy.

16 Q And do you know his general reputation in the
17 community in which he lives for peace or violence
18 and for being a good law abiding citizen?

19 A I do.

20 Q How long have you known his reputation?

21 A I've known him all of his life.

22 Q Is that the same community he lives in, the one
23 that was mentioned?

24 A It is.

25 Q Is that reputation good or is it bad?

1 A. Its good.

2 Q. Do you know whether or not he's active in
3 ministerial work?

4 A. I do.

5 Q. Is he?

6 A. He is.

7 Q. What faith?

8 A. Missionary Baptist.

9 Q. Does he preach?

10 A. He does.

11 Q. What else does he do?

12 A. He saw mills.

13 Q. Does he ever preach funerals?

14 A. He does.

15 Q. Does he marry people?

16 A. He does.

17 Q. Have you seen him when he was doing such as
18 that?

19 A. I have.

20 Q. That's all, take the witness.

CROSS EXAMINATION

21 BY MR. HAUBERG:

22 Q. Mr. Rigdon, how long has he been running a
23 saw mill?

24 A. I wouldn't know just how many years, a good

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in it.

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the

violence

e one

long time.

1 Q. Well what's your best judgment or how long?

2 A. I'd say fifteen or twenty years.

3 Q. And is his sawmill located there in Neshobath County?

4 A. No sir, I understand its located in Leake County
5 at this time.

6 Q. Well, has it ever been in Neshoba County?

7 A. It has.

8 Q. About how long ago?

9 A. I would say five years ago.

10 Q. And you've known him all of his life and you are
11 a very good friend of his?

12 A. I am.

13 Q. You visit with him a good bit?

14 A. Yes.

15 Q. Do you recall June the 21st, 1964 the talk, or
16 did you learn of any Civil Rights Workers being
17 in the Neshoba area?

18 A. I've heard of it.

19 Q. About when did you first learn about that?

20 A. Well, I wouldn't know just what date, to give
21 you a definite date on it I don't think I could.

22 Q. You don't know when Father's Day was in 1964?

23 A. I do.

24 Q. What day was it?
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A. The second Sunday in June.

Q. You don't remember what date of the month that was?

A. The 21st, if I remember right.

Q. Do you know what date Father's Day was in 1965?

A. No, I don't, I don't keep up with those dates.

Q. Do you know what date Father's Day was this year?

A. I do not.

Q. Now, did you learn anything about the Civil Rights Workers being missing up in your area?

A. I heard of it.

Q. And when did you learn about that?

A. It was, I don't know the day or month, but it was about Monday or Tuesday of the week.

Q. Of what month?

A. June, 1964.

Q. Well, with reference to Father's Day, was it before or after?

A. It was after.

Q. And do you remember when you learned about the bodies being found in the dam?

A. I don't remember the date.

Q. Did you have any discussion with Edgar Ray Killen about the Civil Rights Workers being in the area?

1 A. I did not.

2 Q. When did you learn that you were going to be a
3 witness up here?

4 A. Yesterday.

5 Q. And did you contact someone and tell them you
6 would come as a witness?

7 A. I did.

8 Q. No one contacted you?

9 A. No sir.

10 Q. And who did you contact?

11 A. Mr. Killen.

12 Q. Did you know that Mr. Killen was a member of the
13 White Knights of the Ku Klus Klan?

14 A. I did not.

15 Q. Did you know whether he was a member of any
16 organization like that?

17 A. Not to my knowledge.

18 Q. I believe that's all.

19 (Whereupon witness excused)

20 MRS. EBB POSEY: called as a witness for and on behalf
21 of defendants, was sworn and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MARS:

24 Your Honor please, this is Mrs. Ebb Posey.

25 Q. Is that correct, Mrs. Posey?

1 A. That's right.

2 Q. Where do you live, Mrs. Posey?

3 A. I live on Route 5, Philadelphia.

4 Q. What relation, if any, are you to Billy Wayne
5 Posey?

6 A. I'm his mother.

7 Q. Mrs. Posey, I would like to direct your attention
8 to June the 21st, 1964 and ask you who you had
9 supper with that night?

10 A. Billy Wayne.

11 Q. What time did you get to Billy Wayne's Home?

12 A. About 7:30.

13 Q. Who went with you to his house?

14 A. My husband.

15 Q. Who was present at your house when he arrived?

16 A. Billy Wayne and his family.

17 Q. Who is Billy Wayne's family?

18 A. Kate Posey, and his four children.

19 Q. What did you all do?

20 A. We cooked supper after we got over there.

21 Q. Approximately what time did you eat?

22 A. Approximately nine o'clock.

23 Q. What, if anything did you do after you got through
24 eating?

25 A. Well, we watched T. V.

1 Q How long did you watch T. V.?

2 A Well we watched T. V. until 11:00 o'clock when
3 Bonanza went off.

4 Q What time did you and Mr. Posey go home?

5 A We went home after Bonanza went off at 11:00 o'clock.

6 Q Did your son, Billy Wayne Posey, leave the house
7 from the time you got there until you left his
8 home at 11:00 o'clock that night?

9 A No sir.

10 Q That's all.

11 CROSS EXAMINATION

12 BY MR. BOAR:

13 Q When was the first time you were asked to recall
14 what you did the night of June 21st, 1964?

15 A I remember the night.

16 Q But when were you recalled to remember what you
17 did on that night?

18 A Well, we just remembered it.

19 Q When was the first time that someone talked to
20 you about it?

21 A Well nobody talked to us about it, we just
22 remembered it, and then we got called by my
23 son's lawyer and we went up and told him what
24 happened that night?

25 A When did your son's lawyer call you?

A. Back in the Spring.

Q. Of this year?

A. Yes sir.

Q. And that was the first time?

A. The first time.

Q. Do you remember when your son was first arrested back in December, 1965?

A. '64.

Q. 1964, then you called your son's lawyer for the first time this past Spring?

A. Yes sir.

Q. Thank you.

(Whereupon witness excused)

MRS. KATE POSEY, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MARS:

Y^Our Honor, this witness is Mrs. Kate Posey.

Q. Is that correct, Mrs. Posey?

A. Yes.

Q. What relation, if any, are you to Billy Wayne Posey?

A. My husband.

Q. How long have you all been married?

A. Thirteen years.

- 1 Q. Do you all have any children?
- 2 A. Four.
- 3 Q. Where do you live?
- 4 A. Sunset Drive, Philadelphia, Mississippi.
- 5 Q. Mrs. Posey, calling your attention back to the
- 6 21st day of June, 1964 around noon that day, and
- 7 I ask you where you were at that time?
- 8 A. We were at my mother's eating dinner.
- 9 Q. Who was at your mothers?
- 10 A. My husband, myself and my four children.
- 11 Q. Where does your mother live?
- 12 A. She lives in the Shady Grove Community out from
- 13 Philadelphia.
- 14 Q. Where is that in relation to the town of
- 15 Philadelphia?
- 16 A. It is Southeast.
- 17 Q. What time did you, Billy Wayne and your children
- 18 arrive at your mother and father's house that day?
- 19 A. Around 11:00 o'clock.
- 20 Q. Do you remember approximately what time you left?
- 21 A. One thirty or two.
- 22 Q. Where did you go when you left your mother's
- 23 house?
- 24 A. We went back home.
- 25 Q. Do you know about what time you arrived home?

1 A. Around 2:30.

2 Q. What, if anything, did Billy Wayne Posey do after
3 you all arrived at your home?

4 A. He changed clothes and went to work.

5 Q. How did he go to work?

6 A. I carried him to work.

7 Q. What time did you carry him to work?

8 A. Shortly after 2:30, between 2:30 and 3:00 o'clock.

9 Q. Did you have an occasion to see Billy Wayne Posey
10 that afternoon?

11 A. The children and I went back to the station around
12 four or four thirty to pick up some cokes for
13 supper.

14 Q. Was there any special occasion for you to pick
15 up these cokes for supper?

16 A. I had called his mother and father to come eat
17 supper with us that night, it was Father's Day
18 and I had called them to come and eat supper with
19 us.

20 Q. When did Billy Wayne Posey arrive home that night?

21 A. I told him to close as early as possible, so we
22 could have supper as early as possible and he got
23 home around 7:00 o'clock.

24 Q. Is that the normal closing time for this station?

25 A. No, he usually closes around eight or nine, but

1 since his folks were coming for supper that night
2 he closed early.

3 Q. What did you all do after your husband got home?

4 A. Well, I finished cooking supper and his mother
5 and father got there around seven thirty and
6 we ate supper, cleaned up the dishes and put
7 the children to bed and watched television until
8 around 11:00 o'clock.

9 Q. Mrs. Posey, after Billy Wayne Posey came home,
10 did he leave the house?

11 A. No, he did not.

12 Q. What time did his mother and father leave?

13 A. Around 11:00 o'clock.

14 Q. What happened after 11:00 o'clock at your home?

15 A. Well, we got ready and went to bed shortly after
16 that.

17 Q. Mrs. Posey, state whether or not Billy Wayne Posey
18 left that house from 11:00 o'clock until the
19 next morning?

20 A. He did not.

21 Q. That's all.

22 CROSS EXAMINATION

23 BY MR. DOAR:

24 Q. Do you know whether or not your husband is a
25 member of the White Knights of the Ku Klux Klan?