

1 BY MR. MCINTIRE:

2 Q Mr. Stokes, do you know Sheriff Lawrence Andrew
3 Rainey?

4 A I do.

5 Q And do you know his general reputation in the
6 community for which he resides for peace or
7 violence and as a good law abiding citizen?

8 A I do.

9 Q Is it good or bad?

10 A Its good.

CROSS EXAMINATION

BY MR. DOAR:

Q What portion of Neshoba County does District
or Beat 2 cover?

A We are in the northeast

Q You run down Highway 16?

A Highway 16 and 21.

Q Do you take in the Longdale community?

A We do.

Q Did you hear anything about three Civil Rights
Workers being out in the Longdale community during
the months of April, May & June, 1964?

A I heard they were out there.

Q What if anything did you do about it?

A I didn't do anything.

1 Q Did you talk with any of these defendants about

2 A No.

3 Q When did you hear it?

4 A It was just general talk.

5 Q It was general talk about it out there in the
6 community. What was the talk about what they
7 were doing?

8 A Well, I don't know what they were doing, I just
9 heard they were over there. White people mixing
10 with the colored people, that's all I know.

11 Q And that's the first time that had happened in
12 your county in that area?

13 A Right.

14 Q Is it fair to say that some of the white people
15 didn't like that very much in your county?

16 BY MR. BUCKLEY:

17 To which I object, Your Honor.

18 BY THE COURT:

19 Sustained.

20 BY MR. DOAR:

21 Q Where did you hear this discussion?

22 A It was general talk.

23 Q General talk all over your beat?

24 A Right.

25 Q And it was the general talk over a period of time

1 a month or two during that time?

2 A Well, I wouldn't know just how long.

3 Q But it was general talk?

4 A Yes sir.

5 Q That's all. Thank you.

6 (Whereupon witness excused)

7 BY THE COURT:

8 Members of the Jury, we'll take a recess until 9:00
9 o'clock in the morning and Members of the Jury with
10 the same admonition that I've given you each of the
11 other times, you may be excused until 9:00 o'clock
12 in the morning. Mr. Marshal, let the Jury pass
13 out first.

14 BY THE MARSHAL:

15 Everyone remain seated in the courtroom until the
16 Jury is on the elevator and out of the building.
17 (Whereupon the Court took at recess at 5:52 P. M.
18 until 9:00 o'clock October 17, 1967)

19 OCTOBER 17, 1967;

20 J. D. PARKER, called as a witness for and on behalf
21 of defendants, was sworn and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. ALFORD:

24 May it please the Court, the name of this witness
25 is Mr. J. D. Parker.

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Q. Where do you live, Mr. Parker?

A. Philadelphia, Neshoba County, Mississippi.

Q. How long have you been living there?

A. All my life, fifty-sevenyears.

Q. Do you know E. G. "Hop" Barnett?

A. I do.

Q. How long have you been knowing him?

A. All of his life.

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

A. I do sir.

Q. Is it good or bad?

A. Its good.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

J. T. BLOUNT, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

May it please the Court, this witness is Mr. J. T. Blount.

Q. Is that correct, Mr. Blount?

A. Yes sir.

Q Neshoba County, Philadelphia, Mississippi.

Q How long have you lived there?

A About fifty years.

Q Do you know E. G. "Hop" Barnett?

A Yes sir.

Q Do you know his general reputation in the community for peace and violence?

A Yes.

Q Is it good or bad?

A Its good.

Q That's all.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. ALFORD:

It it please the Court, the name of this witness is Arnold DeWeese.

Q Is that right, Mr. DeWeese?

A That's right.

Q Mr. DeWeese, where do you live?

A I live northeast of Philadelphia in the Spring

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Creek community.

Q Is that in Neshoba County?

A Neshoba County.

Q How long have you lived there?

A All my life.

Q How old are you?

A Fifty years old.

Q What official position do you hold in Neshoba?

A I serve Beat Two on the School Board.

Q Is that the County School Board?

A Yes sir.

Q Do you know E. G. "Hop" Barnett?

A Yes sir.

Q How long have you known him?

A Well, every since we were kids.

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

A Yes sir.

Q Is it good or bad?

A Its good.

BY MR. HAUBERG:

No question.

(Whereupon witness excused)

1 BY THE COURT:

2 I don't think it is either, ask him that again.

3 BY MR. ALFORD:

4 Q Do you know his reputation in the community in
5 which he lives for peace or violence? Would you give
6 us a yes or no answer?

7 A To be peace?

8 Q Do you know his general reputation in the
9 community in which he lives? For peace or
10 violence, just answer yes or no.

11 A Yes.

12 Q Is it good or bad?

13 A Good.

14 BY MR. HAUBERG:

15 No questions, Your Honor.

16 (Whereupon witness excused)

17 J. C. SAVELL, called as a witness for and on behalf of
18 defendants, was sworn and testified as follows:

19 BY MR. ALFORD:

20 If the Court please, the name of witness is J. C.
21 Savell.

22 Q Is that correct, Mr. Savell?

23 A That's right.

24 Q Spell your last name please, Mr. Savell?

25 A S A V E L L.

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

3 BY MR. ALFORD:

4 If the Court please, the name of this witness is Mr.
5 Wallace Cox.

6 Q Is that correct, Mr. Cox?

7 A That's right.

8 Q Mr. Cox, where do you live?

9 A I live in Neshoba County, Spring Creek community.

10 Q How long have you lived there?

11 A All my life.

12 Q How old are you?

13 A Forty-one.

14 Q Do you know E. G. "Hop" Barnett?

15 A Yes sir.

16 Q How long have you known him?

17 A All my life.

18 Q Do you know his general reputation in the
19 community in which he lives for peace and violence?

20 A I do. Peace.

21 Q Is it good or bad?

22 A Good.

23 Q That's all.

24 BY MR. HAUBERG:

25 If the Court please, I don't think that was responsive

Q Mr. Savell, where do you live?

A I live northeast of Philadelphia, Neshoba County about six and one half miles in the Spring Creek community.

Q How long have you lived there?

A Some thirty-five years.

Q Do you know E. G. Hop Barnett?

A I do.

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

A Yes, I do.

Q Is it good or bad?

A Good.

Q How long have you known him?

A Thirty years.

That's all.

DIRECT EXAMINATION

BY MR. HAUBERG:

Q How do you pronounce your last name?

A S A V E L L.

Q Where do you live with reference to the Longdale Road? Do you live anywhere near that?

A No.

Q Do they commonly call you "Doc"?

A No.

- 1 Q Do you know a Doc Savell?
- 2 A I do.
- 3 Q Does he live in your neighborhood?
- 4 A No.
- 5 Q Is he related to you anyway?
- 6 A No.
- 7 Q Do you know where he lives?
- 8 A No, I don't.
- 9 Q Do you know whether or not he lives in Neshoba
- 10 County?
- 11 A Yes.
- 12 Q But you can't tell us exactly where he does live?
- 13 A No.
- 14 Q Do you know anything about any meetings of either
- 15 the United Klans of America or the White Knights
- 16 of the Ku Klux Klan in that area?
- 17 A No.
- 18 Q You did hear something about the Civil Rights
- 19 Workers being in your area on June the 21st, 1964?
- 20 A Well, I heard it.
- 21 Q You learned about that?
- 22 A I learned about it.
- 23 Q When did you learn about the fact that three of
- 24 those Civil Rights Workers had been in jail?
- 25 A Well I heard it through the news, probably the

next day.

Q You say probably the next day, do you recall whether it was the next day or not?

A I dont' know, no sir.

Q But your best recollection is that it was the next day?

A Yes sir.

Q Did you hear a great deal of discussion about it?

A No.

Q As a matter of fact there were a large number of F. B. I. Agents around there, was it not?

A Well, there were.

Q Did you hear the names of those Civil Rights Workers?

A No.

Q Does the name Michael Schwerner mean anything to you?

A No.

Q You never heard his name mentioned in connection with them?

A No.

Q At the time the bodies were found did you learn any names at that time?

A Not as I recall.

Q I believe that's all.

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1 BY MR. BUCKLEY:

2 Your Honor if it please the Court, I would like to
3 ask him some questions.

4 BY THE COURT:

5 All right.

6 BY MR. BUCKLEY:

7 Q Sir, Mr. Hauberg asked you about whether or not
8 you had heard about those Civil Rights Workers,
9 had you ever heard of them before June?

10 A No.

11 Q You never heard it discussed?

12 A No.

13 Q Prior to what you heard on radio, television
14 or what you read in the newspaper?

15 A No, not that I recalled, no.

16 Q That's all.

17 (Whereupon witness excused)

18 JEFFIE JACKSON, called as a witness for and on behalf
19 of defendants, was sworn and testified as follows:

20 BY MR. ALFORD: DIRECT EXAMINATION

21 May it please the Court, the name of this witness is
22 Mr. Jeffie Jackson.

23 Q Is that right, Mr. Jackson?

24 A Right.

25 Q Mr. Jackson, where do you live?

A. Out northeast of Philadelphia.

Q. How long have you lived there?

A. All my life.

Q. Do you know E. G. "Hop" Barnett?

A. Yes, I do.

Q. How long have you known him?

A. All my life.

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

A. I do.

Q. Is it good or bad?

A. Its good.

Q. That's all.

BY MR. HAUBERG:

We have no questions.

(Whereupon witness excused)

CLIFTON COX, called as a witness for and on behalf of defendant, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

If the Court please, the name of this witness is Clifton Cox.

Q. Is that right, Mr. Cox?

A. That's right.

Q. Mr. Cox where do you live?

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1 A. About eight miles northeast of Philadelphia.

2 Q. How long have you lived there?

3 A. All my life.

4 Q. About how old are you?

5 A. Forty-four.

6 Q. Do you know Mr. E. G. Barnett?

7 A. I do.

8 Q. How long have you known him?

9 A. All my life.

10 Q. Do you know his general reputation in the community
11 for peace or violence?

12 A. I do.

13 Q. Is it good or bad?

14 A. Its good.

15 Q. That's all.

16 BY MR. HAUBERG:

17 No questions.

18 (Whereupon witness excused)

19 BY MR. ALFORD:

20 If it please the Court, I would like to recall that
21 witness and ask him about another defendant.

22 BY THE COURT:

23 All right.

24 (Whereupon witness Clifton Cox recalled and having
25 been sworn and still under oath, testified as follows:)

DIRECT EXAMINATION

BY MR. ALFORD:

Q Mr. Cox, do you know Cecil Ray Price?

A I do.

Q How long have you known him?

A I've known him since about 1961.

Q Do you know his general reputation in the community for which he lives for peace or violence?

A I do.

Q Is it good or bad?

A Its good.

Q That's all.

BY MR. HAUBERG:

No questions.

(Whereupon witness finally excused)

H. L. BREAZEALE, called as a witness was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. WEIR:

If Your Honor please, the name of this witness is Mr. J. L. Breazeale. B R E A Z E A L E.

Q Mr. Breazeale, are you also known as Mr. Shine Breazeale?

A That's right.

Q Do you know Mr. Cecil Ray Price?

- 1 A Yes' sir, I do.
- 2 Q And have you known him for a number of years?
- 3 A I have.
- 4 Q And do you know his general reputation in the
- 5 community in which he lives for peace or violence
- 6 and for being a good law abiding citizen?
- 7 A I do.
- 8 Q Is that reputation good or bad?
- 9 A Good.
- 10 Q Now, do you know the Reverend Edgar Ray Killen?
- 11 A I do.
- 12 Q And have you also known him for a couple of years?
- 13 A I have.
- 14 Q And do you know his general reputation in the
- 15 community in which he resides? For peace or
- 16 violence and for being a good law abiding citizen?
- 17 A I do.
- 18 Q Is that reputation good or is it bad?
- 19 A Good.
- 20 Q Mr. Breazeale, do you hold any official position
- 21 in the county of Neshoba?
- 22 A I do.
- 23 Q What is that?
- 24 A I'm a supervisor.
- 25 Q Of what district?

A District Five.

Q How long have you held the honor of being Supervisor of Neshoba County in District Five?

A This is the second term.

Q And have you been re-elected?

A I have.

Q And you are the Democratic nominee for the next time?

A That's right.

Q Take the witness please.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. WEIR:

If it please the Court, Your Honor, this is Mr. Paul Woods?

Q Is that correct, Mr. Woods?

A That's right.

Q Mr. Woods, do you live in Neshoba County, Mississippi?

A I do.

Q How long have you lived in Neshoba County?

1 A All my life.

2 Q Mr. Woods, do you know Cecil Ray Price?

3 A I do.

4 Q Do you know his general reputation in the
5 community in which he lives for being a good
6 law abiding citizen and for peace and violence?

7 A I do.

8 Q And is that reputation good or is it bad?

9 A Good.

10 Q What kind of business are you in?

11 A I'm in the sawmill business.

12 Q Take the witness.

13 BY MR. HAUBERG:

14 No questions.

15 (Whereupon witness excused.)

16 HOWARD KILPATRICK, called as a witness for and on
17 behalf of defendants, was sworn and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WEIR:

20 If it please the Court, Your Honor, this is the
21 Reverend Howard Kilpatrick.

22 Q Reverend Kilpatrick, are you a Minister of the
23 Gospel?

24 A I am.

25 Q What faith are you?

A. Missionary Baptist.

Q. How long have you been a Minister of the Gospel?

A. Over twenty years.

Q. Do you actively preach?

A. Yes sir.

Q. Whereabouts?

A. Right here, Leake County and Lauderdale County, just above Collinsville.

Q. Do you know the Reverend Edgar Ray Killen?

A. I do.

Q. How long have you known him sir?

A. All his life, but more specially for the past ten years.

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

A. I do.

Q. Is that reputation good or is it bad?

A. Respectable.

Q. Is it good?

A. Yes sir.

Q. Now Reverend Kilpatrick, do you know whether or not Reverend Killen is actively engaged in ministerial work?

A. I do.

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Q. Have you heard him preach yourself?

A. Yes sir.

Q. And does he do anything just besides standing behind the pulpit?

A. Yes, he preaches the word of God.

Q. You know that?

A. Yes sir.

Q. You've heard him preach?

A. I certainly have.

Q. Well sir, have you ever heard him preach funerals?

A. I have.

Q. Do you know whether or not he performs marriages?

A. I've never seen him perform a wedding.

Q. Well, I ask you if he is actively engaged in ministerial work?

A. Yes sir.

Q. Take the witness.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. MOORE:

May it please the Court, the name of this witness is Clifford Breazeale.

Q. Where do you live, Mr. Breazeale?

A. Neshoba County, Mississippi.

Q. How long have you lived there?

A. All my life.

Q. Mr. Breazeale, do you know Richard Andrew Willis?

A. I do.

Q. How long have you known him?

A. Well, all of his life.

Q. Do you know the general reputation in the community for which he lives for peace or violence?

A. It is good.

Q. Do you know it?

A. Yes sir.

Q. Is it good or bad?

A. Good.

Q. Your witness.

BY MR. HAUBERG:

Just a moment, Your Honor. No questions.

(Whereupon witness excused)

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

Direct Examination

1 Q. Have you heard him preach yourself?

2 A. Yes sir.

3 Q. And does he do anything just besides standing
4 behind the pulpit?

5 A. Yes, he preaches the word of God.

6 Q. You know that?

7 A. Yes sir.

8 Q. You've heard him preach?

9 A. I certainly have.

10 Q. Well sir, have you ever heard him preach funerals?

11 A. I have.

12 Q. Do you know whether or not he performs marriages?

13 A. I've never seen him perform a wedding.

14 Q. Well, I ask you if he is actively engaged in
15 ministerial work?

16 A. Yes sir.

17 Q. Take the witness.

18 BY MR. HAUBERG:

19 No questions.

20 (Whereupon witness excused)

21 CLIFFORD BREAZEALE, called as a witness for and on
22 behalf of defendants, was sworn and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. MOORE:

May it please the Court, the name of this witness is Clifford Breazeale.

Q. Where do you live, Mr. Breazeale?

A. Neshoba County, Mississippi.

Q. How long have you lived there?

A. All my life.

Q. Mr. Breazeale, do you know Richard Andrew Willis?

A. I do.

Q. How long have you known him?

A. Well, all of his life.

Q. Do you know the general reputation in the community for which he lives for peace or violence?

A. It is good.

Q. Do you know it?

A. Yes sir.

Q. Is it good or bad?

A. Good.

Q. Your witness.

BY MR. HAUBERG:

Just a moment, Your Honor. No questions.

(Whereupon witness excused)

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

Direct Examination

1 BY MR. MOORE:

2 May it please the Court, the name of this witness is
3 Bernard Breazeale.

4 Q Mr. Breazeale, where do you live?

5 A Neshoba County, Philadelphia.

6 Q How long have you lived there?

7 A All my life.

8 Q Mr. Breazeale, state whether or not you hold any
9 official position in Neshoba County, Mississippi?

10 A I'm a member of the Neshoba County School Board.

11 Q Mr. Breazeale, do you know Mr. Richard Andrew
12 Willis?

13 A Yes sir.

14 Q How long have you known him?

15 A All my life.

16 Q What is the general reputation, if you know,
17 of Mr. Richard Andrew Willis in the community in
18 which he lives for peace or violence?

19 A I know it.

20 Q Is it good or bad?

21 A Good.

22 Q Thank you,

23 BY MR. WEIR:

24 Your Honor please, just one short question.

25 Q Mr. Breazeale, do you know the Reverend Edgar

Ray Killen?

A. Yes sir.

Q. Have you known him for a number of years?

A. I've known him for a long time.

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

A. I know it.

Q. Is it good or is it bad?

A. Its good.

Q. That's all, Your Honor. Thank you.

BY MR. DOAR: CROSS EXAMINATION

Q. How long have you known Mr. Willis?

A. All my life.

Q. How long have you known Cecil Price?

A. Mr. Price, ten or twelve years, I guess.

Q. Do you know if Mr. Price and Mr. Willis are good friends?

A. I think so.

Q. Did you hear anything about any Civil Rights Workers working in Neshoba County prior to June 21, 1964?

A. Yes.

Q. Did you discuss that with Deputy Sheriff Price?

A. Did I discuss that with him?

1 Q. Yes.

2 A. Well I might have, it was the general talk

3 around there.

4 Q. You discussed it with Deputy Price?

5 A. Well, I don't know about discussing it with him

6 it was being discussed in that particular area

7 all over that area up there.

8 Q. There was a lot of talk about it?

9 A. Yes sir.

10 Q. Was it all during that Spring and early Summer

11 of Junr of 1964?

12 A. I think so.

13 Q. Where do you live in the county?

14 A. I live in District Five.

15 Q. Tell the Court and Jury where that is?

16 A. That is in the north part of the county, north-

17 west, close to the Winston County line.

18 Q. Do you remember going with Cecil Price out to the

19 Longdale School on the 15th?

20 A. Yes sir.

21 Q. Had you heard there were Civil Rights Workers

22 out in the Longdale community?

23 A. I don't know, particular about out there.

24 Q. You hand't heard that?

25 A. In the Longdale community?

Q Yes.

Q I don't recall them being out there.

Q You don't recall them being out in the Longdale community, about a freedom school going on out there?

A I didn't know where they had the schools I didn't attend any of them.

Q You knew those Civil Rights-----

A I heard they had some schools.

Q And did you hear they were out in the Longdale community?

BY MR. WEIR:

We object to hearsay, Your Honor.

BY THE COURT:

Yes, I'll sustain the objection.

BY MR. DOAR:

Q You did go out with Cecil Price on the Longdale Road on the 15th?

A Well I don't know what day it was. Somebody had town that school up and we went to see about the county property.

Q Did you go to any other school that day?

A I don't believe. We had heard there had been some vandalism out there.

Q And that was the only school you went to?

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A. I don't recall any other, but we visit all of them periodically.

Q. But you didn't go to any other that day?

A. As far as I can remember.

Q. Who all went?

A. The School Board, Mr. Weir and Mr. Price.

Q. Did you talk with any of the negro men and women that lived out in that community?

A. I don't recall.

Q. Did you ride with Mr. Price?

A. Seems like I rode with him.

Q. Did you hear about that Mt. Zion Church burning?

A. I heard about it but I've never been there.

Q. Did you know it was on that Longdale road?

A. I've never been there.

BY MR. BUCKLEY:

Your Honor, if it please the Court, we object to any more questions regarding the church, it's not relevant to anything we have here.

BY THE COURT:

Well, they are not charged in any subsequent offense in connection with it but I'll let it in for another purpose.

BY MR. DOAR:

Q. Now, prior to the 22nd day of June, that's the

1 following Monday, did you hear anything in and
2 around Neshoba County about any Civil Rights
3 Workers being arrested?

4 BY MR. WEIR:

5 We object, Your Honor, it would be hearsay.

6 BY MR. DOAR:

7 May I rephrase the question, Your Honor?

8 BY THE COURT:

9 Yes.

10 BY MR. DOAR:

11 Q Did you know the Civil Rights Workers were
12 arrested on Sunday?

13 A I heard they were. I heard about it.

14 Q On Sunday afternoon, did you know they were
15 arrested?

16 A I don't think so, I wouldn't be for sure.

17 Q Were you in town on Sunday?

18 A I don't remember.

19 Q You don't remember where you were on Sunday? Do
20 you know where you were on Sunday night?

21 A -----

22 BY THE MARSHAL:

23 You are going to have to keep your voice up the
24 Court Reporter is having a hard time trying to get
25 what you are saying.

1 BY THE COURT:

2 Witness, look at me. The Marshai is trying to tell
3 you to keep your voice and to talk into that
4 microphone and you aren't paying any attention to
5 him, that's the last time he's going to tell you.
6 You speak in that thing so you can be heard. Do
7 you understand me?

8 BY THE WITNESS:

9 Yes sir.

10 BY MR. DOAR:

11 Q. Wasn't that Sunday father's Day?

12 A. Yes sir.

13 Q. Can you remember what you did on the evening
14 of that Father's Day?

15 A. I was at home probably.

16 Q. Thank you.

17 BY MR. WEIR:

18 If Your Honor please, I have a question or two.

19 REDIRECT EXAMINATION

20 Q. Mr. Breazeale, when you went to the school house
21 was it on official county school board business?

22 A. Yes sir.

23 Q. And didn't in fact you found the school house
24 had been broken into?

25 BY MR. HAUBERG:

We object to leading.

BY THE COURT:

Don't lead him.

BY MR. WEIR:

Q. Had it been broke into?

A. Yes.

Q. How could you tell it had?

A. Well, the windows were broken and the doors were broke open.

Q. You said something about vandalism, tell the Court and Jury what vandalism was there?

A. Well, all of the windows were broken and the doors were broken off the hinges, and the place was just torn up.

Q. What was the condition of the floors, interior?

A. Well it was just stuff scattered all over the biggest mess I ever saw.

Q. And you said something about periodically visits to the school, have you always done that?

A. Well according to law we've visited them once a year, all of them that belong to the county.

Q. And have you always obeyed the law?

A. Yes sir.

Q. And you did on this occasion?

A. Yes sir.

1 Q That's all.

2 (Whereupon witness excused)

3 M. L. GRAHAM, called as a witness for and on behalf
4 of defendants, was sworn and testified as follows:

5 BY MR. BUCKLEY:

6 May it please the Court, the name of this witness is
7 Mr. M. L. Graham.

8 Q Mr. Graham, where do live?

9 A I live at Laurel, Mississippi, Route 3.

10 Q And how long have you lived there?

11 A About twenty-one years at my present address.

12 Q Do you know the defendant, Sam Bowers?

13 A Yes sir, I do.

14 Q And how long have you know him?

15 A I have known Sam know Sam for about three or
16 four years but the last year and a half I have
17 been personally acquainted with him.

18 Q Do you know in what county he lives?

19 A He lives in Laurel.

20 Q In what county is that?

21 A Jones.

22 Q State of Mississippi?

23 A State of Mississippi, yes sir.

24 Q All right sir, do you know what church he attends?

25 A He attends Hillcrest Baptist Church, the same

1 church that I do.

2 Q Same church. How long have you all been attend-
3 ing that church together?

4 A Well Sam has been out there over a year.

5 Q Yes sir. Do you know Mr. Bowers' general reputa-
6 tion in the community in which he resides for
7 peace and violence and as a law abiding citizen?

8 A Yes sir, I do.

9 Q Do you know where that general reputation in the
10 community in which he resides for peace and
11 violence and as a law abiding citizen is good
12 or bad?

13 A Its good.

14 Q Tell me whether or not you and he see each other
15 at church regular or not?

16 A Sam is in church everytime that the doors open
17 and he supports the church with his time and
18 monies.

19 Q How long has he been a member of the church, if
20 you know?

21 A Oh, its been over a year, I don't know exactly
22 how long, but I know its over a year.

23 Q And what kind of church is this?

24 A Its a Baptist Church, Southern Baptist.

25 Q That's all.

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1 BY MR. DOAR:

CROSS EXAMINATION

2 Q Mr. Graham, you say you know Sam Bowers for the
3 last two and a half or three years well, is that
4 right?

5 A Right, real well.

6 Q Very close?

7 A Yes sir.

8 Q Are you in business with him?

9 A No sir, I know him only as a church member.

10 Q And you heard his reputation discussed the last
11 year or year and a half in Laurel?

12 A Yes sir.

13 Q Did you hear that he had been arrested in
14 connection with this charge that is here before
15 the Court today?

16 A Yes sir, I heard that, I read it in the newspaper
17 was all,-----

18 Q You haven't discussed it at all?

19 BY MR. BUCKLEY:

20 Your Honor I'm going to object to his interrupting
21 the witness and not letting him finish.

22 BY THE COURT:

23 Yes, let him finish his answers.

24 BY THE WITNESS:

25 I said I haven't heard it other than reading it in

1 BY MR. BUCKLEY:

2 Your Honor, I object, that would be hearsay and
3 this witness is referring strictly to his reputation.

4 BY THE COURT:

5 That's what reputation is hearsay, I'll overrule
6 your objection.

7 BY MR. DOAR:

8 Q Did you hear that he was head of the White Knights
9 of the Ku Klux Klan?

10 A No sir, but I've heard them say they didn't
11 believe he was.

12 Q Some of the people that you've heard talk about
13 his reputation said they didn't believe he was?

14 A They didn't believe Sam was.

15 Q Do you believe that?

16 A Me?

17 Q Yes.

18 A No, personally I don't. I haven't asked him in
19 the first place.

20 Q Thank you.

21 A I believe Sam has had experience with the Lord.

22 Q Thank you.

23 (Whereupon witness excused)

24 CLIFF CHILDS, called as a witness for and on behalf
25 of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

1
2 BY MR. BUCKLEY:

3 May it please the Court, the name of this witness is
4 Mr. Cliff Childs.

5 Q Is that right sir?

6 A That's right.

7 Q Sir, tell us where you live?

8 A At 1044 North 15th Avenue, Laurel, Mississippi.

9 Q Is that in Jones County?

10 A Yes sir, it is.

11 Q Tell us or not whether you know Sam Bowers?

12 A I do.

13 Q And tell us whether or not he lives in Laurel,
14 Jones County, Mississippi.

15 Q Approximately how long have you known him sir/

16 A About ten years.

17 Q Tell us, uh, what is your occupation, Mr. Childs?

18 A I am in the Classified and Display Department of
19 the Laurel Leader Call.

20 Q Tell me whether or not you know Mr. Bowers'
21 general reputation in the community in which he
22 lives for peace and violence and as a law abiding
23 citizen in Jones County, Mississippi?

24 A I do.

25 Q Tell me whether or not that reputation is good

or bad?

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A. Its good.

Q. Thank you.

BY MR. HAUBERG:

No questions.

(Whereupon witness excused)

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

DIRECT EXAMINATION

BY MR. BUCKLEY:

If it please the Court, this is Mr. Arthur Carey.

Q. Sir, tell the Court and Jury what county you live in?

A. Jones County, Mississippi, Laurel, Mississippi.

Q. Tell us how long you have lived there?

A. I've lived there since 1942.

Q. Could you tell us whether or not you know the defendant, Sam Bowers?

A. Yes, I do know Sam Bowers.

Q. Tell us whether or not he lives there in Jones County in the City of Laurel, Mississippi?

A. Yes, he does.

Q. And tell us how long you have known him?

A. I've known Sam Bowers for approximately ten years.

1 Q. TELL us whether or not you know his reputation
2 in the community for which he resides for peace
3 and violence and as a law abiding citizen?

4 A. Yes, I do.

5 Q. Tell us whether or not that general reputation for
6 peace and violence and as a law abiding citizen
7 is good or bad?

8 A. Its good, very good.

9 Q. Mr. Carey, I see you are wearing a brace on your
10 neck, can you tell us what caused that?

11 BY MR. HAUBERG:

12 We object.

13 BY THE COURT:

14 Sustained.

15 BY MR. HAUBERG:

16 No questions of this witness.

17 (Whereupon witness excused)

18 BY MR. BUCKLEY:

19 May it please the Court, I would like to address the
20 Court about a matter. May it please the Court we
21 have here on behalf of the defendants one other
22 exhibits, which we have not yet been able to locate,
23 several exhibits which have been marked for identi-
24 fication, all of which as I recall have either
25 been certified or that we have established as ad-

1 missible or have been testified to and we would like
2 to tender those to be introduced into evidence at
3 this time. Would the Court like for me to hand
4 all these to the Clerk at this time?

5 BY THE COURT:

6 One at the time.

7 BY MR. BUCKLEY:

8 This is D-8 which is a certified copy of a final
9 decree of divorce.

10 BY THE COURT:

11 D-8?

12 BY MR. BUCKLEY:

13 Yes sir. Now, D-5---

14 BY THE COURT:

15 Wait a minute, I haven't passed on that one yet.

16 BY MR. BUCKLEY:

17 Oh, I'm sorry.

18 BY THE COURT:

19 Does the government have anything to say about that?

20 BY MR. HAUBERG:

21 We do not raise any objection about it, if the Court
22 please.

23 BY THE COURT:

24 All right, defendant's exhibit 8 for identification
25 may be entered into evidence and marked.

(Whereupon exhibit entered into evidence and marked D-8)

BY MR. BUCKLEY:

Now, D-5, marked for identification which is an application for marriage license.

BY THE COURT:

That may be entered into evidence and be marked.

BY MR. HAUBERG:

We would like to look at that first, Your Honor before you pass on it.

BY THE COURT:

All right, that's the one that said he had been married one time before.

BY MR. BUCKLEY:

Yes sir.

BY MR. HAUBERG:

We have no objection.

BY THE COURT:

It may be entered and marked.

(Whereupon exhibit entered into evidence and marked D-5)

BY MR. BUCKLEY:

The next one is D-6, for identification which is a certified copy of a certificate of marriage of C. W. Miller.

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1 BY THE COURT:

2 It may be entered and be marked.
3 (Whereupon exhibit entered into evidencd and marked
4 D-6.)

5 BY MR. BUCKLEY:

6 The next one is D-7, which is a certified copy of
7 the certificate of marriage for C. W. Miller.

8 BY THE COURT:

9 It may be entered and be marke d.
10 (Whereupon exhibit entered into evidence and marked
11 D-7)

12 BY MR. BUCKLEY:

13 The next one is a certified copy of a commissioner's
14 complaint marked D-1 for identification.

15 BY MR. HAUBERG:

16 May it please the Court, we object to the introduction
17 of that document, as we don't see the relevancy of it.

18 BY MR. BUCKLEY:

19 May it please the Court, this is a certified copy
20 of a complaint and it was on cross examination of
21 one of Government's witness, Mr. John Proctor.

22 BY MR. HAUBERG:

23 If the Court please there are names of individuals
24 on this document that are not before the Court.

25 BY THE COURT:

Let me see that document please.

(Instrument handed to Court)

Yes, I'll sustain the Government's objection to this exhibit D-1 and let it continue to be marked for identification. It seems to be marked in evidence here. No, its marked for identification.

BY MR. HAUBERG:

If the Court please it was offered in evidence on cross examination, but I believe it was only marked for identification.

BY THE COURT:

That's right. Your exhibit D-1 is marked for identification and will stay that way.

BY MR. BUCKLEY:

This is D-2 and D-3, which are certified copies of an indictment returned in Cause Number 5212.

BY MR. HAUBERG:

If the Court please, we object to these two documents D-2 and D-3 for identification. They have no material value in this matter before the Court.

BY THE COURT:

That's D-2 and D-3?

BY MR. HAUBERG:

That's correct, Your Honor.

BY THE COURT:

1 I will deny your request to admit D-2 and D-3
2 into evidence and will let them remain as exhibit
3 2 and 3 for identification. Exhibits 1, 2, and 3
4 for defendants are marked for identification only
5 and will remain as such.

6 BY MR. BUCKLEY:

7 I believe that's all.

8 BY MR. WEIR:

9 Your Honor, may it please the Court, I move that
10 the check from James A. Wooten to Doyle Horace
11 Barnett marked as exhibit D-9 be received in evidence.

12 BY THE COURT:

13 D-9?

14 BY MR. WEIR:

15 Yes sir.

16 BY MR. HAUBERG:

17 If the Court please, we do not have any objection
18 as to that exhibit.

19 BY THE COURT:

20 I have a check from Mr. Berley to Mr. Barnett.

21 BY MR. WEIR:

22 Its a check from Mr. Wooten to Mr. Barnett. I'm
23 sorry, its D-8, I thought he said D-9, but it
24 is D-8.

25 BY THE COURT:

1 For \$200.00?

2 BY MR. WEIR:

3 Yes sir.

4 BY THE COURT:

5 That's D-8. It may be marked.

6 (Whereupon exhibit entered into evidence and marked
7 D-8)

8 BY MR. WEIR:

9 Then Judge, if it please the Court, we would like for
0 D-4. A statement from Mr. Wallace Miller dated
1 in Decmeber, 1966, I mean 1964, that he knew nothing
2 about the alleged incident whatsoever.

3 BY MR. HAUBERG:

4 We raise no objection to that.

5 BY THE COURT:

6 I haven't found it yet. Yes, here it is. That
7 may be entered into evidence and be marked.

8 (Whereupon exhibit entered into evidence and
9 marked D-4)

0 BY MR. HAUBERG:

1 May it please the Court, some of the defendant's
2 names are signed to the bottom of that statement
3 witnessed Wallace Miller's signature.

4 BY THE COURT:

5 Yes, all right, its entered into evidence.

ice.

1 BY THE COURT:

2 All right gentlemen, next witness. Let's move on.

3 BY MR. WEIR:

4 If the Court please, I don't believe there are any
5 more witnesses out there and I now move that the
6 jury will be retired.

7 BY THE COURT:

8 Well, you don't get a jury retired in this Court
9 if you have any more witnesses I want to hear them.

10 BY MR. WEIR:

11 Well we had one more but the witnesses can't be
12 found. The Marshal is looking for them.

13 BY THE COURT:

14 Well does anyone else have anymore witnesses?

15 BY MR. WATKINS:

16 May it please the Court, as to James T. Harris,
17 Jimmy Snowden, Wayne Roberts, Jimmy Arledge and
18 Travis Barnett, Dennis Goldman and I rest our
19 case as to those parties. As to Frank J. Herndon,
20 if Your Honor please, we respectfully request
21 permission to make a motion or renew a motion and
22 put on one witness on that motion. I would like
23 to do so outside the presence of the jury, if
24 I may do so.

25 BY THE COURT:

Yes, but I haven't heard from the other defendants.

BY MR. COVINGTON:

May it please the Court, as to defendant, Horace Doyle Barnett, we rest.

BY MR. WEIR:

Your Honor please, before the case goes any further I have a matter to present to the Court that should be presented outside the hearing of the Jury.

BY THE COURT:

Well I question that because we are hearing testimony and I'm going to hear all you have to say about your testimony and then I'll take up matters like that out of the presence of the jury.

BY MR. PIGFORD:

May it please the Court, the defendant, Mr. Bernard L. Akin rest at this time.

BY THE COURT:

All right. What about the other defendants?

BY MR. WEIR:

Your Honor please, we think we are in position to rest but in case we have overlooked someone upstairs we would ask permission for a conference before we make an announcement to the Court.

BY THE COURT:

All right.

1 BY MR. WEIR:

2 May we have that now?

3 BY THE COURT:

4 Well let's see what the others have to say.

5 BY MR. BUCKLEY:

6 Your Honor, may it please the Court, I stand in the
7 same position as Mr. Weir at this time. I have some
8 witnesses that are enroute here and I don't know
9 where they have arrived or not, and before I rest
10 I have one matter that I would like to take up out
11 of the presence of the jury.

12 BY THE COURT:

13 All right. Mr. Marshal, take the Jury to their
14 Jury room.

15 BY THE MARSHAL:

16 Everyone stay seated and Jury will please follow me.
17 (Jury excused from the Courtroom at 10:12 A. M. on
18 October 17, 1967)

19 BY THE COURT:

20 All right, Mr. Weir.

21 BY MR. WEIR:

22 May I make my statement while the Jury is out if the
23 Court please?

24 BY THE COURT:

25 Yes sir.

BY MR. WEIR:

If the Court please, the defendants, Price, Burrage, Killen, Sharpe, Willie and E. G. Barnett desire to call Horace Doyle Barnett as a witness in their behalf at this time.

BY THE COURT:

Horace Doyle Barnett?

BY MR. WEIR:

Yes sir.

BY MR. COVINGTON:

If the Court please, I represent Horace Doyle Barnett and we feel it is improper and we object to it.

BY THE COURT:

I believe that either party has the right to call the other party, as a matter of fact I know of one case where parties in a criminal case in the state court called the Judge as a witness.

BY MR. WEIR:

Of course I recognize the fact that he was a defendant in the case, and that's the reason I asked that the jury be retired.

BY THE COURT:

I'll grant you leave to use him as a witness.

BY MR. WEIR:

How's that?

1 BY THE COURT:

2 I'll let you call him as a witness. He may claim
3 any constitutional immunities if he wishes to claim
4 those in connection with his testimony.

5 BY MR. WEIR:

6 Uh, then Your Honor please, I'll be conferring with
7 Counsel. Was your Honor going to have any recess
8 period at this time, or does Your Honor know?

9 BY THE COURT:

10 Well I don't know, let's see.

11 BY MR. COVINGTON:

12 May it please the Court, I don't believe I understood
13 the Court's ruling. Do I understand that Mr. Barnett
14 may be called as a witness?

15 BY THE COURT:

16 Yes sir. I said he may be called as a witness and
17 he may assert in every one of his constitutional
18 rights will be respected while he is a witness.

19 BY MR. COVINGTON:

20 Thank you sir.

21 BY THE COURT:

22 Do you have anything before the Court, Mr. Watkins?

23 BY MR. WATKINS:

24 Yes sir. May it please the Court.

25 BY MR. HAUBERG: