Excerpts from the Mississippi Burning Trial: Testimony of Rev. Charles Johnson, Sgt. Carlton W. Miller and James Johnson (FBI informant)

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1. **Testimony of Rev. Charles Johnson (Plaintiff’s witness)**

(Direct examination omitted)

Cross examination by Attorney Weir:

Q    Reverend Johnson, you are a member of the colored race yourself?

    A    Negro race, yes sir.

    Q    And did you go to these various meetings yourself with Mr. Michael Schwerner?

    …

    A.    Yes.

    Q    Did you go to any other county with him?

    A    No.

    Q    Did you ever go into Neshoba County with him?

    A    No.

    Q    Now, you say you were interested in the same things he was, did you ever see or hear of him advocating the fact that there should not be fighting in Viet Nam?

    A    No.

    Q    Did he advocate the burning of draft cards?

    A    No.

    Q    What other things did he advocate other than what you have listed and told the jury here?

    A    These were the things that he advocated that I have told the jury before, these were the basic things that he advocated.

    Q    Well, he was an atheist wasn't he?

    A    Was he an atheist?

    Q    Yes sir.

    A    I don't know.

    Q    You mean, well he was a person who did not believe in the presence of God wasn't he?

    A    I don't know that.

    Q    Well, you are a Minister of the Gospel aren't you?

    A    I didn't talk with him on religion . . .

    …

    Q    Now did I understand you to say that Mr. Schwerner was like Jesus or did I misunderstand that?

    A    You misunderstood that.

MY MR. HAUBERG:

    We object to Counsel putting in.

BY THE COURT:

    Yes, I don't think you are entitled to badger this witness so conduct yourself accordingly.

BY MR. WEIR:

    I did not so intend, if Your Honor please.  I just wanted to make sure about that.  Your Honor would you indulge me just a moment, since we have a rule about opposing Counsel.

BY THE COURT:

    I understand the rule, just hope you do.

BY MR. WEIR:

    Q    Now you say that you and Mr. Schwerner upheld for the same thing…did you all encourage the boycotting of stores?

    A    We did.

    Q    What stores did you and Mr. Schwerner encourage the boycotting of?

    A    Various stores.

    Q    Here in Meridian?

    A    Meridian.

    …

    Q    Was [Michael Schwerner] a member of the NAACP?

    A    I don't think so.

    Q    You are aren't you?

    A    Sure.

    Q    Big member aren't you?

    A    That's right.

    Q    For how long?

    A    Oh about three or four years.

    Q    You're proud of it aren't you?

    A    Yes.

    Q    Very proud?

    A    Very.

    …

    Q    Why did you advocate the boycotting of businesses here in Meridian, Mississippi?

BY MR. HAUBERG:

    We object to that if the Court please, I think he's gone into that sufficiently.

BY THE COURT:

    I don't see the relevancy of it, what is the relevancy of it?

BY MR. WEIR:

    Well Your Honor please, what we are trying, what is happening, of course, we have these notes passed in and in order to represent the other attorneys fairly I felt I ought to ask that question….

BY THE COURT:

    I see your reason but I don't see the relevancy of it and if you don't tell me I won't know what the relevancy is.

BY MR. WEIR:

    …

   Q    Did you ever, uh, did Mr. Schwerner ever advocate that white women should be raped?

BY MR. HAUBERG:

    We object to that, if the Court please.

BY THE COURT:

    I didn't understand the question.

BY MR. WEIR:

    Q    I say, you told about some of the things that Mr. Schwerner and yourself advocated, I believe when you first talked with the prosecuting attorney and testified you left off the fact that you advocated boycotting didn't you?  But you told me later that you did that too, you remember that don't you?

    A    [No answer.]

    Q    Now, let me ask you if you and Mr. Schwerner didn't advocate and try to get young male negroes to sign statements agreeing to rape a white woman once a week during the hot summer of 1964?

BY MR.HAUBERG:

    We object to that if the Court please.

BY THE COURT:

    I am going to let him answer that.

BY THE WITNESS:

    I believe you will have to repeat that sir?

BY MR. WEIR:

    Q    I ask you if it is not true and I want your answer, that you and Mr. Schwerner didn't try to get young negro males to sign statements that they would rape one white woman a week during the hot summer of 1964 here in Mississippi?

    A    No, never.

BY THE COURT:

    Counsel, you ought to have a good basis for a question like that.  It would be highly improper--I hope that you know--to ask such a question without a basis for it.  I'm going to look forward to seeing some basis for that question in this record.

BY MR. WEIR:

    Your Honor please, it's a note that was passed to me by someone else.

BY THE COURT:

    Well, who is the author of that question?

BY MR. WEIR:

    I don't know sir.

BY THE COURT:

    Well, I want to find out right now who the author of that question is?  Which one of you passed that question up?

BY MR. ALFORD:

    It was passed to me, Your Honor and I passed it on to him.

BY THE COURT:

    Who wrote the question?  Whose question is it?

BY MR. ALFORD:

    Brother Killen wrote the question, one of the defendants.

BY THE COURT:

    One of the defendants wrote the question?  All right, I'm going to expect some basis for that question since Counsel has adopted one of the defendant's questions and if there's no basis for it, when we get through I'm going to say something about that.

BY MR. WEIR:

    Your Honor please--

BY THE COURT:

    I'm not going to allow a farce to be made of this trial and everybody might as well get that through their heads including every one of these defendants right now.

BY MR. WEIR:

    Your Honor please, I will be more careful from now on about the questions I ask and I do beg the Court to understand that on this particular occasion I was trying to be diligent in obeying the Court's orders, you know.

BY THE COURT:

    I don't understand such a question as that, and I don't appreciate it, and I'm going to say so before I get through with the trial of this case.  So you can govern yourselves accordingly and you can act just as reckless as you want to in asking questions like that.  Go along.

BY MR. WEIR:

    Your Honor please, may I confer with associate counsel to see if there are any additional questions that they want to ask?

BY THE COURT:

    Yes sir.  I'm surprised at a question like that coming from a preacher, too, I'm talking about Killen, or whatever his name is . . . .

1. **Testimony of Sgt. Carlton W. Miller**

BY MR. DOAR:

    Q    Will you tell the court your full name please?

    A    Carlton Wallace Miller.

    …

    Q    What is your occupation?

    A    A policeman with the Meridian Police Department.

    Q    How long have you been a policeman with the Police Department in Meridian?

    A    Twenty years  on April.

    Q    What is your present job.

    A    I'm a Sergeant.

    Q    What responsibilities do you have as a sergeant?

    A    I am the shift man there in the absence of the assistant chief.

   …

    Q    Do you know Preacher Killen?

    A    I do, sir.

    Q    Can you identify him looking around in the courtroom and see if you can identify him?

    A    He's over here sir.

    Q    How long have you known him?

    A    About all my life.

    Q    How do you happen to know him?

    A    Well I'm from up in Neshoba County originally and that's where Mr. Killen is from.

    Q    What were the circumstances of your acquaintance?

    A    Mr. Killen and I were in the same class at school and we lived near each other and we were closely associated and we are distantly related.

    Q    Did you and Mr. Killen maintain that relationship after you grew up?

    A    Yes sir over the years.

    Q    During the period of 1950 did you see him?

    A    In 1956, uh, 1955 I had a brother that passed away and Mr. Killen conducted the services.  In 1956, I had two children to pass away, also one in 1957 and he conducted the services of those children.

    Q    Did you see him during the 1960's?

    A    Yes.

    Q    Now specifically during the period of 1963 early 1964, did you see Preacher Killen?

    A    Yes sir, I saw him several times.

    Q    What were the circumstances of you seeing him on those occasions?

    A    Mr. Killen has visited in my home several times.

    Q    And where were those visits?  Here in Meridian?

    A    Yes sir.

    Q    Have you ever been a member of the White Knights of the Ku Klux Klan?

    A    I have sir.

    Q    What is the White Knights of the Ku Klux Klan?

    A    It's an organization called the Ku Klux Klan.

    Q    When you were first contacted to become a member of the White Knights of the Ku Klux Klan?

    A    It was in the latter part of March or early April.

    Q    Of what year?

    A    In 1964.

    Q    By whom?

    A    Mr. Killen.

    …

    Q    Were, uh, where were you contacted?

    A    At the police department.

    Q    Can you tell us in your own words what was said?

BY MR. BUCKLEY:

    Your Honor if it please the Court, we object as to the conversation affecting the other defendants.

BY THE COURT:

    I'll let him tell what Killen said and that will not be competent against any other defendants.

BY THE WITNESS:

    A    Mr. Killen told me there was a strong organization and asked me if I was interested in joining to help keep the colored people from integrating our schools and I told him I was definitely interested.

    Q    Did you see Preacher Killen again that day?

    A    Yes sir.

    Q    Where did you see him?

    A    He came to the police station that night.  I was working there three til eleven at night and he came to the police station when I got off and went home with me.

    Q    What happened when you got to your home?

    A    We discussed this organization and I asked him if it was the Ku Klux Klan and he told me it was, and up until that time the name had never been called.  He asked me if I was still interested and I told him that I was.

    Q    Then what happened?

    A    He joined me.

    Q    And where was that?

    A    In my dining room in my home.

    Q    And how did he join you?

    A    He read some papers to me, asked me some questions and gave me the oath.

    Q    Now did you know what Preacher Killen's title was with the Ku Klux Klan?

    A    I didn't at that time, I later learned it was Kleagle.

    Q    What is Kleagle?

    A    Organizer.

    Q    And what happened if anything on the next day?

    A    I don't believe that I was with him the next day.

    Q    When did you see him next?

    A    Probably the following weekend.

    Q    Where did you see him?

    A    He either came to my house or to the police station; we would usually contact each other at my home or the police department.

    Q    What did you do?

    A    We went to the Longhorn Drive-Inn.

    Q    What is the Longhorn Drive Inn?

    A    It’s a restaurant located down on Tom Bailey Drive.

    Q    And who did you see at the Longhorn Drive-Inn?

    A    Mr. Herndon, Frank Herndon.

    Q    Now will you look around the courtroom and see if you recognize Mr. Herndon?

    A    Yes sir, there on the end there.

    Q    Could you identify him for the Court and Jury?

    A    He's wearing a robe.

    Q    And did you see anyone else there that day?

    A    Mr. Jordan.

    Q    What is his first name?

    A    Jim, James.

    Q    Do you see him in the courtroom?

    A    I don't see him sir.

    Q    Then what happened on that occasion?

    A    We went out on the mountain and Mr. Killen swore in Mr. Jordan and Mr. Herndon into the Klan.

    Q    Did you have any further meetings with Mr. Killen about the Knights of the Ku Klux Klan?

    A    Yes about a week from this date, uh, from this time we met again down on Tom Bailey Drive at a trailer home.

    Q    Can you look around here on the inside of the rail and tell me if any of these persons were present at that time?

    A    Mr. Harris and Mr. Snowden were present.

    Q    Can you identify them?

    A    Mr. Harris has on the green sweater and Mr. Snowden has on the suit sitting next to Mr. Harris.

    Q    Is Mr. Snowden sitting on the left or the right of Mr. Harris?

    A    To his right.

    Q    On his right.  And what happened at that meeting?

    A    That was the time I believe that he swore them in.

    Q    Do you, uh, did you attend other meetings of the White Knights of the Ku Klux Klan prior to the 21st day of June, 1964?

    A    Yes sir.

    Q    And can you tell me whether or not you can recognize any other members of the White Knights of the Ku Klux Klan that are in the court room?  You may look around.

    A    I know Mr. Atkins.

    Q    Just identify him, which one is he?

    A    He's this gentleman right her sir, second one from the end.

    Q    Sitting next to whom?

    A    Mr. Killen.

    Q    Do you recognize anyone else?

    A    I know Mr. Barnette sir.

    Q    And who is Mr. Barnette?

    A    He's the ex-sheriff and sheriff-elect of Neshoba County.

 …

    Q    Who was head of the White Knights of the Ku Klux Klan?

    …

    A    Mr. Sam Bowers.

    Q    Can you identify Mr. Bowers for us?

    A    He's sitting right over there sir.

    Q    Do you know where he lives?

    A    Laurel.

    Q    What discussion were there at these meetings as to the programs of the White Knights of the Ku Klux Klan?

BY MR. PIGFORD:

    We object, Your Honor, there hasn't been any discussion testified to about any specific defendant.

BY THE COURT:

    Well, I'll overrule your objection, go along.

BY THE WITNESS:

    A    I didn't understand your question.

    Q    Was there any discussion about the program of the White Knights of the Ku Klux Klan?

    A    Yes sir, we were opposed to integration, we were opposed to the coloreds going to white schools, that was the main thing we were opposed to, and usually that was the topic of our discussions mostly.

    Q    What discussion was there with respect to---

BY MR. HENDRICKS:

    We object to his leading question, Your Honor.

BY MR. WATKINS:

    And we object further to the fact there has been no showing that any particular time the generalized knowledge of this man or what he may have learned by membership in an order without these boys being present would not be admissible at all, your Honor.

BY THE COURT:

    I think that's correct, but I'll overrule the first objection, as to the second objection I will sustain that unless and until this witness has tied these defendants or some of them in with those discussions.

…

BY MR. DOAR:

    All right, Your Honor.

    Q    In May, 1964 did you have any discussion with Preacher Killen with respect to methods of controlling negro citizens in the State of Mississippi?

…

    A    Yes sir, we were to apply pressure.

BY MR. WEIR:

    We object unless he names some place or persons that were present.

BY THE COURT:

    Well, he can't tell us everything he knows in one breath, and its hard, and you gentleman are going to have a chance to cross examine and I'm sure you are going to avail yourself of that rather extensively so, I'll overrule your objection.

BY MR. DOAR:

    Q    Now then, was there to be various types of pressure.

    A    Yes sir, to begin with we were to call them up or go to see them and threaten them on their jobs and things of that nature.

BY THE COURT:

    Go to see whom?

BY THE WITNESS:

    Their bosses.

BY MR. DOAR:

    Q    Was there any other kind of pressure that was discussed?

    A    Whippings and beatings.

    Q    Was there any kind of procedure whereby such type of action would have to be proved by the Whites Knights of the Ku Klux Klan.

BY MR. ALFORD:

    Just a minute Your Honor, we object to that question.  Its leading and suggesting, and he's still asking those generalized questions, and we respectfully submit that is not admissible.

BY THE COURT:

    I'll overrule the objection.

BY THE WITNESS:

    A    After the pressure was applied and they didn't respond then we were to resort to physical pressure if we wanted to whip someone the lodge would vote on it and then the lodge president or the E.C.--- would---

BY MR. WEIR:

    Your Honor please, we object to that unless it is referred to the three particular people that is said to have been involved in the indictment, rather than just what was to be done to somebody else.

BY THE COURT:

    I'll overrule the objection.

BY THE WITNESS:

    A    The lodge would take a vote on it and then the President or the E.G. of the lodge either had the power to reject it or to okay it, to okay the beating?

    Q    Now, was there any other action?

    A    There was elimination.

    Q    What does elimination mean?

    A    Murder.

    Q    Within the Klan structure?

    A    That's a term for murdering some, killing them.

    Q    And how did that have to be approved if at all?

    A    That had to be approved by the Imperial Wizard.  If the Klan unit wanted them disposed of would turn that over to the Kleagle in this area or the organizer and then he would carry it to the Imperial Wizard.

    Q    Now, can you tell me whether or not there was a unit or Klavern of the White Knights of the Ku Klux Klan in Neshoba?

    A    I understand it was.

BY MR. ALFORD, PIGFORD, WEIR: (BASIS NOT RECORDED BY REPORTER AS ALL COUNSEL TALKING AT ONE TIME)

   We object.

BY THE COURT:

    Sustained.

BY MR. ALFORD:

    We request that the Jury be instructed to disregard the answer, Your Honor.

BY THE COURT:

    That answer is not competent. Members of the Jury, you will not consider it.

BY MR. DOAR:

    Q    During the month of May, did you ever go to Neshoba County on Klan visits, during May of 1964?

    A    I went up there but I didn't go to a Klan meeting.

    Q    Who did you meet, if anyone, up there?

    A    Preacher Killen, I met him at a little restaurant just this side of town.

    Q    And what was the purpose of your meeting with him?

    A    To keep some negroes from playing baseball in Philadelphia.

    Q    Did you meet anyone else up there?

    A    Preacher Killen called someone and he told me that Sheriff Rainey and Deputy Price were coming out.

BY MR. ALFORD:

    We object to that.

BY THE COURT:

    Overruled.

BY MR. DOAR:

    Q    Did the Sheriff and Cecil Price come out?

    A    Yes sir.

    Q    And did you meet them?

    A    Yes sir.

    Q    Do you know if they are members of the White Knights of the Ku Klux Klan?

    A     Sir, I don't know.

    Q    You don't know that?

    A    No sir.

        Q    At the meetings in late April, and May of 1964 at the White Knights Klavern, the White Knights of the Meridian Klavern, what if any discussion was had among members about Michael Schwerner?

…

    Q    Who was in charge of that meeting?

    A    Mr. Killen and Mr. Herndon.

    Q    And what others of the defendant were present at that meeting if you recall?

    A    I don't recall.

    Q    What was said in Mr. Killen and Mr. Herndon's presence about Michael Schwerner?

    A    Prior to the meeting of this particular one, they wanted to whip Schwerner, at this meeting, they reported that they hadn't been able to see him.  Mr. Killen told us to leave him along that another unit was going to take care of him, that his elimination had been approved.

    Q    Did he say by whom it had been approved?

    A    By the Imperial Wizard.

    Q    Who is the Imperial Wizard?

    A    He didn't use his name at that time, he just said by the Imperial Wizard.

    Q    Do you know who the Imperial Wizard is?

    A    Yes sir, Mr. Bowers.

        …

    Q    Now, have you been paid any money for any information that you have given by the Federal Bureau of Investigation?

    A    I have sir.

    Q    And when did you start furnishing information to Federal Bureau of Investigation?

    A    About the middle of September of Sixty-four.

    Q    How long did you remain a member of the White Knights of the Ku Klux Klan.

    A    Until December of 1964.

…

        Q    Now, did you have any conversation with Mr. Killen after June 21 about the three missing civil rights workers?

    A    Yes sir. . . .

    Q    And as to the first conversation where did that take place?

    A    At my home.

    Q    And who was present?

    A    Just Mr. Killen and I.

    Q    When was that?

    A    June.

    Q    And what did Mr. Killen say?

    A    He told me that he wanted to talk to me and he and I went back to my back room and we sat on the bed, and we were discussing the civil rights workers.  Mr. Killen told me that they had been shot, that they were dead, and that they were buried in a dam about 15 feet deep, and he told me that Deputy Price told the F.B.I. the truth about what time he turned them out.

…

    Q    What else did he say?

    A    He told me that they got in a chase down Highway 19 at about a hundred miles an hour and he overtaken them and he said he thought that the car tried to turn and go toward Union from House and that's where they overtaken them in that area there.

    Q    What if anything did he say about a church burning?

    A    This was later on.

    Q    Did you have a conversation with him about the church burning?

    A    Yes sir, he told me---

    Q    Just a minute.  Where was that conversation?

    A    At the same time.

    Q    Was it that evening?

    A    Yes sir.

    Q    And who was present?

    A    No one.

    Q    What did he say?

    A    He told me they burned the church to get the civil rights workers up there, referring to Schwerner.

    Q    Now, which of the persons in this room do you know of your own knowledge are members of the White Knights of the Ku Klux Klan before June 21st?

…

    A Mr. Wayne Roberts, Mr. Travis Barnette, Mr. Doyle Barnette, Jimmy Arledge, Mr. Harris, Pete Harris; Jimmy Snowden, Mr. Herndon, Mr. Bowers, Mr. Akins, and Mr. Killen.

 …

    Q    How did you happen to leave the White Knights of the Ku Klux Klan?

    A    They banished me.

    Q    And what does banish mean?

    A    Kicked me out.

    Q    And during the time, when was that?

    A    December of 1964.

    Q    Up to that time did you furnish on a regular basis information to the Federal Bureau of Investigation?

    A    I did sir, from about the middle of September until then.

    Q    About how much were you paid?

    …

    A    Probably fifteen or sixteen hundred dollars.

    Q    What did this, what was this for?

    A    It was for the work that I was doing, traveling expenses and go all over the communities.

    Q    And was that in connection to being a Klan member?

    A    Yes sir.

    Q    Did you travel around as a Klan member?

    A    Yes sir.

    Q    And where, for example, did you travel?

    A    I went all over the city, Lauderdale County, Jones County, Laurel, Philadelphia, and different places out in the country.

    Q    Did you on occasions go down to Laurel to see the Imperial Wizard?  Mr. Sam Bowers?

    A    Yes sir.

    Q    How many times?

    A    Probably about three or four times, I went a few times and didn't get to see him because he wasn't there.

    Q    You did see him on several occasions?

    A     Three or four, yes sir.

    Q    Thank you.

**CROSS EXAMINATION**

BY MR. WATKINS:

    May it please the Court.

    Q    Wallace, as pertains to Frank Herndon, Jimmy Arledge, James Harris, Travis Burnette, and Jimmy Snowden and Alton Wayne Roberts, now you, yourself personally, never did see or hear either of those defendants make a threat, abusive word, intimidation of any kind toward Andrew Goodman, James Chaney, or Michael Schwerner, did you?  Did you, yourself personally see that?

    A    No sir, I didn't hear any.

    Q    Did me first, the date please when you joined the Klan?

    A    Later part of March or early April of 1964.

    Q    Wallace, what was your purpose or what representation was made to you at that time about the purpose of the Klan, other than the one you stated a while ago…?

    A    Preacher Killen told me that this was a very patriotic, political organization and in that order better men and better business men and better citizens, officers, doctors, lawyers, and peace officers belonged to it.

    Q    And did you relate that information to Frank Herndon?

    A    I did. . . .

1. **Testimony of James Johnson (Plaintiff’s witness)**

BY MR. OWEN:

    Q    Would you state your name please?

    A    James Jorden.

    Q    How old are you?

    A    Forty-one.

    Q    In 1964 where did you live?

    A    Here in Meridian.

    …

    Q    How long had you lived here in Meridian?

    A    Approximately two years.

    Q    What kind of work did you do when you lived her?

    A    I worked at a service station for some time, I ran a restaurant here and worked at Akin Mobile Home.

    Q    Now, while you lived here in Meridian, were you ever a member of the White Knights of the Ku Klux Klan?

    A    Yes sir, I was.

    Q    Do you remember about when you joined?

    A    No sir, not exactly it was in '64.

    Q    What were the circumstances under which you joined?

    A    I was approached and asked to join, they were recruiting members to save segregation, to save the schools and to protect the white families.

    Q    Who asked you to join?

    A    I was first approached by Frank Herndon.

    Q    And did anybody approach you about it?

    A    Wallace Miller did after that.

    Q    Did anybody else approach you?

    A    No sir, I decided to join.

    Q    Now, when you joined, just tell the Court and Jury what the circumstances were?

    A    Well, I was to be given an oath and we drove back to the service station where I was working at the time and at that time I met Reverend Killen from Philadelphia.  He and Wallace Miller and Frank Herndon took me up there and swore me in.

    Q    Now, look around you, all around this room and see if you can identify any of the people that were present when you were sworn in?

    A    Frank Herndon.

    Q    Frank Herndon is which one.  Describe what he's wearing?

    A    Pajamas and bathrobe.

    Q    Anyone else?

    A    No sir.

    Q    You don't see anyone else.  Now, what happened when you were up there, when you were sworn in?

    A    I was told that I was joining, that this oath was to uphold the segregation of schools, to keep the colored separated from the white and I was a member of the Klan.

    Q    Now, did you, uh, were you given a Klan number?

    A    Yes sir.

    Q    What number were you?

    A    Number three.

    Q    Now, did you attend the Klan meetings fairly regularly after you joined the White Knights?

    A    Yes sir.

    Q    Now, do you recall what you did on June 21, 1964?

    A    Yes sir.

    Q    Where were you that afternoon?

    A    I went to the Longhorn drive-inn to pick up my wife who was working there at the time.

    Q    About what time did you go there?

    A    Just before six o'clock.

    Q    Now, did anyone, uhh, who was there when you were there?

    A    Well, there were a lot of people there I didn't know.

    Q    Were any of the defendants there?

    A    Yes sir.  Frank Herndon operated the place at the time.

    Q    And were any of the others?

    A    Pete Harris was there.

    Q    Can you identify Pete Harris?

    A    Yes sir, he's sitting right there.

    Q    Can you describe him, count down from the right?

    A    He's number five.

    Q    The fifth man from the right?

    A    Right.

    Q    Now, did any of these other defendants come to the Longhorn that evening?

    A    Yes.

    Q    Who?

    A    Preacher Killen and two young men.

    Q    Can you identify Preacher Killen?

    A    Yes sir, he's sitting next to Pete.

    Q    Is he the one with the glasses on?

    A    Yes sir.

    Q    Now, two young men?

    A    Yes sir.

    Q    Now, can you identify those two young men?

    A    This young man right there was one of them.

    Q    Which man is he from the left?

    A    The second man.

    Q    Who was driving the car he came in?

    A    He was.

    Q    The young man you pointed to over there?

    A    Yes.

BY THE COURT:

    Do you know the young man's name that you pointed to?

BY THE WITNESS:

    I believe it was Sharpe, I found out later.

BY THE COURT:

    Do you know the defendants in this case?

BY THE WITNESS:

    Yes sir.

BY THE COURT:

    All of them?

BY THE WITNESS:

    Yes sir.

BY THE COURT:

    Do you know them by name?

BY THE WITNESS:

    Yes sir.

BY MR. OWEN:

    Q    Did you know this man by name at the time?

    A    No sir.

    Q    Now, what if anything did Preacher Killen do?

    A    Well, he went in and talked to Frank Herndon first then he came back out and said he had a job he needed some help on over in Neshoba County and he needed some men to go with him.

    Q    Did he say what kind of job it was?

    A    He said that two or three of those civil rights workers were locked up and they needed their rear ends tore up.

    Q    Did he tell you who locked them up?

    A    Yes sir, he said the Sheriff's Deputy locked them up.

    Q    And did he indicate to you who any of these people were that were locked up?

    A    Just one, Whiskers, Goatee, he had several names for him.

    Q    Who was that?

    A    Schwerner, I believe was his name.

    Q    Now, had you ever seen Schwerner?

    A    Yes sir, one time.

    Q    Before this date?

    A    One time.

    Q    Who was with you when you saw him?

    A    Frank  Herndon.

    Q    And Frank Herndon is the man you have identified?

    A    Yes sir.

    Q    Where did you see him?

    A    Down in the colored section of town in Meridian.

    Q    What was the occasion, why did you see him?

    A    So I would know him if I ever saw him again.  He said he was down there and we drove along in front of this restaurant and he told me he wanted me to get a look at him.

    Q    Who said this?

    A    Frank Herndon.

    Q    Did he say anything when you saw him?

    A    No sir. . . .

    Q    Now, did you go over to the Longhorn, I mean Akin's place?

    A    Yes sir, we did.

    Q    How did you go?

    A    We went in different cars. I went in the car with the boys over there that came down.

…

    Q    Whose car did you go in?

    A    I don't remember if I went in Pet Harris' car or in the car that came from Philadelphia with Preacher Killen and Sharpe.

    Q    Now, after you got over to Akins place, what did you do?

    A    Well several more calls were made and at that time they said they had two or three men on the way, and asked me if I knew a couple that we might get, that we needed about six or seven men.

    Q    And who asked you that?

    A    Reverend Killen.

    Q    And what did you do?

    A    I told him I would go and try to find a couple of men that I knew didn't have telephones.

    Q    And who did you try to find?

    A    I went over to Wayne Roberts' home.

    Q    Can you identify Wayne Roberts?

    A    Yes sir, he's the first man on the first row.

    Q    Now, did you go there directly from Akins place?

    A    No sir, we needed some gloves and I asked to stop by and see if I could find any gloves, any  rubber gloves, which I couldn't at the time.  We stopped at Warren's Grocery Store on the way to Wayne's house.

    Q    Who asked you to do that, if you recall?

    A    Reverend Killen.

    Q    Now, did you see Wayne at his house?

    A    Yes sir.

    Q    And what did you do?

    A    I asked him if he could go, that they needed some help on a case in Neshoba County, and that Reverend Killen was down and could he get away to go?

    Q    What did he say?

    A    Yes he would.

    Q    Then what did he do?

    A    We came back to Akins Mobile Home?

    Q    And do you remember whose car you went over in to pick up Wayne Roberts?

    A    It was Sharpe's car I presume.

    Q    He was driving?

    A    Yes sir.

    Q    And when you got back to Akins who was there?

    A    Mr. Akins was there, Pete Harris was, myself, Wayne at that time, then he said there were some more boys on their way which they arrived in just a few minutes.

    Q    Who else came?

    A    Travis and Doyle Barnett. . . .

    Q    They came over?

    A    Yes sir.

    Q    Whose car did they come in?

    A    They came in Doyle's car.

    Q    Did anyone else come over?

    A    Jimmy Snowden came over with another man.

    Q    Did anyone else come over?

    A    Jimmy Arledge, I met at that time, I didn't know him before.

    Q    Can you identify those for us?

    A    Jimmy Arledge is the fourth man, and Jimmy Snowden is the last man on the front row.

    Q    Back over here?

    A    Yes sir.

    Q    Now, was Killen still there?

    A    Yes sir.

    Q    Now, what conversation was there had after all those people arrived?

    A    Well at that time Reverend Killen said they had three of the Civil Rights Workers locked up and we had to hurry and get there and we were to pick them up and tear their butts up.

    Q    Now, did he indicate to you how they were to be stopped?

    A    He said that a Highway Patrol car would stop them on the outskirts of town.

    Q    Now, what did you do at Akins Mobil Home after you came back from getting the gloves?

    A    We gassed up the cars which were Sharpe's and Doyle.

    Q    Now, did, uhh, was there any conversation about which of this group or wouldn't go?

    A    Well Pete Harris was not supposed to go, and Mr. Akins couldn't go because he had work to do.

    Q    Now, what if anything did Preacher Killen say about the time you got ready to leave?

    A    He said he would go ahead as he had to get on back there as fast as he could and make the arrangements, there were several cars that were coming in and these guys couldn't be held much longer.

    Q    And what did he do?

    A    He left.

    Q    Who left with him?

    A    Sharpe and Wayne Roberts.

    Q    Then what did you do?

    A    I left with Doyle and Travis, Jimmy Arledge and Jimmy Snowden.

    Q    Was there any indication at Akins as to where you should go?

    A    We were told that as soon as we got to Philadelphia to park on the far side of the courthouse and we would be told where to go and what to do. . . .

    Q    Who told you that?

    A    Reverend Killen.

    Q    Did you go to Philadelphia?

    A    Yes sir.

    Q    And where did you go?

    A    Went to the far side of the court house.

    Q    Now, who did you see there?

    A    Saw Mr. Barnett standing out beside his pickup truck.

    Q    Can you identify Mr. Barnett?

    A    Yes sir.  Sitting right behind me.

    Q    Now, how far is he from the man in the bathrobe?

    A    Third man over.

    Q    Third man.  Are you counting the woman?

    A    No sir.

BY THE COURT:

    Do you know this gentleman's name that you are identifying?

BY THE WITNESS:

    Yes sir, he used to be Sheriff over there.  I had met him before.

BY THE COURT:

    I asked you what his name was.

BY THE WITNESS:

    Barnett.

BY THE COURT:

    Is that all you know about him?

BY THE WITNESS:

    His nickname, Hop Barnett.

BY THE COURT:

    All right.  Go along.

BY MR. OWENS:

    Q    What did he do or say?

    A    He told us to wait right there, that he had to leave and he got in his truck and left, said somebody would be, would come tell us what to do.

    Q    Then what happened?

    A    Reverend Killen came from around the corner, told us that he would take use by and show us the jail and then we would be told where to wait until they were released.

    Q    And where did you go then?

    A    He got in the car and we drove around the corner by the jail and then he took us to the spot we were supposed to wait behind an old warehouse right at the edge of town.

    Q    And where did he go?

    A    Reverend Killen?

    Q    Yes.

    A    We took him back to a funeral home there in Philadelphia.

    Q    Why did you take him to a funeral home?

    A    He said that he had to go there because if anything happened he would be the first one questioned.

    Q    Just tell the Court and Jury what you did after you left Preacher Killen off.

    A    We left him off at the spot where we were told to wait, that we would be told when and where to leave town, and we were to follow that they would not be stopped.

    Q    Now, who was in your car?

    A    It was Doyle, Travis, Jimmy Snowden and myself.

    Q    Now, just go right ahead.

    A    We sat there approximately ten or fifteen minutes.  About that time a City Police car came up and said, "they're going on Highway 19 toward Meridian, follow them."

    Q    And who was in that lead car?

    A    I didn't know the man at the time.

    Q    Was he a policeman or was he someone else?

    A    I presume he was [as] he had on a uniform. . . .

    Q    Then what happened?

    A    He turned around and went on back toward town, we turned and went toward highway 19.

…

    Q    Then what did you do?

    A    We left and drove our highway 19 back toward Meridian.  At that time there was a red car ahead of us and that's what we did, a red Chevrolet.  There was some more men in it.

    Q    Where did you go?

    A    We came back out to the outskirts of Philadelphia.  The red car pulled over beside a Highway Patrol car and we pulled up behind it.

    Q    And what happened then?

    A    The man driving the red car got out and said something to the Patrol car and he walked back to our car and said, "never mind, they will stopped by the Deputy Sheriff, these men are not going to stop them."

…

BY MR. OWEN:

    Q    Can you identify the man that got out of the red car?

    A    Yes sir.

    Q    Who was he?

    A    Posey.  Sitting right next to Reverend Killen.

    …

    Q    Who else was in that car?

    A    There was Sharpe, another young man and Wayne Roberts.

    Q    Then what happened?

    A    About that time the Deputy's car came by, said something to the man in the red car, and the Deputy's car, and we took off to follow them.

    Q    What deputy are you talking about?

    A    Cecil Price.

    Q    Can you identify him?

    A    Yes sir, the gentleman sitting right there.

    …

    Q    Now, just tell the Court and Jury what happened after you took off?

    …

    A    We went on back toward Meridian from Philadelphia to a cut-off highway, I don't know which number it is, toward Union, and we were traveling at a pretty high rate of speed and about that time we caught the tail end of the Deputy's car ahead of us.

    Q    Then what did you see?

    A    We saw a little wagon in front of him which he had pulled over to the side of the road.

    Q    What kind of wagon?

    A    I don't know sir, I didn't get that close to him at that time.

    Q    How did he pull it over?

    A    He turned on his red light.

    Q    Then what happened?

    A    We pulled up behind him, he got out and went up and told the three men that were in the car to get out.

    Q    And did they get out?

    A    Yes sir, they got out and he told them to get in his car.

    Q    Now, who told them that?

    A    The Deputy Sheriff. They got in the back of his car and Posey told Arledge to get in their car and follow them and we turned and went back.

    Q    And did you see anything happen when these three boys got in this car?

    A    They got in the car?

    Q    What, if anything, did you see or hear when they got in?

    A    Well I heard a thump like the Deputy was rushing them up to get in there or where he hit one of them or the car or what, but I did hear a thump.

    Q    And were these people who got in the car, were they white people or negroes?

    A    Two white men, one negro.

    Q    Then what did you do?

    A    Turned the cars around, came back toward highway 19.

    Q    Then where did you go?

    A    Turned left on highway 19 all the way to, oh about 34 miles to this other cut-off road which wasn't a paved highway and then they said somebody had better stay here and watch in case anything happens, 'til the other car comes.

    Q    How about the people, uhh, did you pass the red car going?

    A    Yes sir.

    Q    You were going toward Philadelphia?

    A    Yes sir.

    Q    And was anyone in the red car when you passed it?

    A    This young man and Sharpe were still there.

    Q    Now, did any of these people, uhh did they both stay there?

    A   No sir, Sharpe got in the, I believe he got in the wagon or the other car that was ahead of us, I don't know where he got in the police car or not.

    Q    Then you drove toward Philadelphia?

    A    Yes sir.

    Q    Which way did you turn off?

    A    We turned left off the highway.

    Q    On to what kind of road?

    A    Just a graded clay road.  I got out of the car to watch and see if anything was happening, and the other cars proceeded on up the road.

    Q    Will you tell the Court and Jury what you heard and what you did?

    A    Well, I hear a car door slamming, and some loud talking, I couldn't understand or distinguish anybody's voice or anything, and then I heard several shots.

    Q    Then what did you do?

    A    Walked up the road toward where the noise came from.

    Q    And what did you see when you walked up the road?

    A    Just a bunch of men milling and standing around that had been in the two cars ahead of us and someone said, "better pick up these shells."  I hollered, "what do you want me to do?"

    Q    Then what did you do?

    A    Then ---

    Q    Excuse me, did you see these three boys?

    A    Yes sir, beside the road.

    Q    How were they?

    A    They were lying down.

    Q    Were they dead?

    A    I presume so, yes sir.

BY MR. HENDRICKS:

    We object to what he presumes.

BY THE COURT:

    Sustained.

BY MR. OWEN:

    Q    What did you do then?

    A    We put them through the back window of the truck lid of their wagon.

    Q    Is that the station wagon?

    A    Yes sir.  At that time the Highway Deputy, or the Deputy Sheriff's car turned around and went back toward Highway 19, Posey said, "just follow me, I know where we're going."

    Q    So what did you do?

    A    Got back in all the cars, Posey and some of the boys were in the wagon, got back in the cars to follow Posey 'cause he said he knew where we were going.

    Q    At the time you left, who was up there at that spot?

    A    We were all up there.

    Q    Who are we?

    A    Travis and Doyle Barnett, Jimmy Snowden, Arledge, Sharpe, Posey.

    Q    How about the Sheriff?

    A    The Deputy Sheriff was there. . . .

    Q    And after you got these boys loaded up where did you go?

    A    I don't know sir.  We went the same road we were on, we kept on veering back toward Philadelphia.  I thought on the road we were on at the time, come to the edge of Philadelphia, turned back to the left out of town until we came to the edge where the lights were and then down several more dirt roads.

    Then I found out later to the dam site, I found out later, I did not know at the time where it was.  I thought it was construction.  We went through a barbwire fence and was there.

    Q    And what did you do then?

    A    Opened the back of the station wagon, took the boys out and took them down in this hollow.

    Q    Was there any equipment there?

    A    Two bulldozers.

    Q    Then what happened?

    A    Posey told us to go back up the road and listen out that the operator was not there yet so Jim Snowden and I walked back up the road to wait.

    Q    Then what happened.

    A    Then at that time we thought we heard something coming through the woods but it was nothing but a cow and about that time he said Doyle and Raymond Sharpe were going to find the bulldozer operator because he wasn't there when we got there so they left to go and get him.

    Q    Then what happened?

    A    Well they came back in a different way they did not come back in by us at that time and we heard someone whistle across the way and Snowden said, "I'll go see who it is" and he walked down the road just a little ways, came back and said it must be the operator and about that time we heard the bulldozer crank up.

    Q    And how long did it operate.

    A    I don't know, twenty minutes, at that time I wasn't counting the time.

    Q    And what did you do then?

    A    We got back in the car and then we were going to put the license plate back on it which had been taken off of Doyle Barnett's car.

    Q    Did you have any conversation with Posey at that sight?

BY MR. ALFORD:

    We object to his leading and suggesting.

BY THE COURT:

    Overruled.

BY THE WITNESS:

    A    Posey told us we could go back to this place and put the license plate back on the car and Sharpe knew the was to come round the road and that he would wait there and take the operator back.

    Q    Then what if anything did he indicate about the station wagon?

    A    He said the station wagon, don't worry about it it would be taken to Alabama and be burned.

    Q    By whom?

    A    He said by the operator.

    Q    Did he indicate to you the name of the operator?

    A    He said, "Herman will take it to Alabama" is all I know.

    Q    Then where did you go?

    A    We went back to a warehouse and office building and gas pump on the outside of Philadelphia.

    Q    And who did you see there?

    A    Well it was Travis and Doyle and I, Wayne and some other man that I had never seen before, as well as Posey and Sharpe.

    Q    Can you identify the man that you had never seen before?

    A    I couldn't at that time, but since that time I've seen his picture.

    Q    Is he in this courtroom?

    A    The gentleman sitting right next to Mr. Price.

    …

    Q    What did you do then?

    A    We got out of the cars, Doyle put the license plate back on his car at that time, they handed me all the gloves, told me to get rid of them when we got back to town or on the way and I said I'll take care of them.

    …

        Q    Now, do you know Sam Bowers?

    A    Yes sir.

    Q    Can you identify him in the courtroom?.

    A    Sitting right behind, next to the lady nurse.

    Q    Now had you seen him prior to this that happened?

BY MR. BUCKLEY:

    We object, Your Honor, after this happened, this is immaterial to this case?

BY THE COURT:

    Overruled.

BY THE WITNESS:

    Yes sir I saw him before.

    Q    And what were he circumstances under which you met him?

    A    I first met him at a meeting somewhere on the outside of Raleigh, Mississippi.

    Q    Did you see him at any time other than that?

    A    Yes sir, we went down to Laurel to see him one time, there was some discrepancy about some finances in our Klan.

BY THE COURT:

    I think he ought to give us some time or some place to see if it has any relationship with this case so let your questions be accordingly.

BY MR. OWEN:

    Q    This particular time that you saw him where was he?

    A    At a church somewhere out near Raleigh, I don't know the route.

    Q    Now, subsequent to that time where had you seen him?

    A    We went to Laurel, Mississippi and went to a restaurant and he was called and we went to a restaurant and he was called and we went on the outskirts of town and sat there and talked.

    Q    Who was with you?

    A    Well there was Pete Harris, Mr. Akins' son.

    Q    Do you remember when that was?

    A    It was about May of that year. . . .

    Q    On that occasion what if anything did this man say about Schwerner?

    A    He said he was a thorn in the side of everyone living, especially white people and that he should be taken care of.

    Q    Now, after the 21st of June, 1964, did you have an occasion to see this man again?

    A    Yes sir.

    Q    When did you see him?

    A    It was about a month after all of this had happened we saw him in Laurel again.

    Q    Do you remember who went with you?

    A    Pete and uhh, Harris, Pete Harris and I.

    Q    Was there any conversation at that time about what happened?

    A    Sam said the best thing to do was not to talk about it, that everything was well done, it was a job to be proud of, if there were any instruments involved they should be gotten rid of.

    …

    Q    Now, in connection with the information that you told the F.B.I. did you give this information to the F.B.I.?

    A    Yes sir.

    Q    Now, did you give this information, uhh, did you receive money from the F.B.I.?

    A    Yes sir, I was told that they would help me.  I told them when they first came, I told them if I tell you anything now when I was first approached on this, they came to the job several times and everything else, they knew all about the case, it was just a matter of tying it up---

BY MR. PIGFORD:

    If the Court please, we object to any conversation between this man and the F.B.I. Agent, it would be an impossibility to cross examine him.

BY THE COURT:

    I don't understand him to be narrating a conversation, go along.

BY MR. OWEN:

    Go ahead.

    Q    Yes sir, they told me they would help me get out of town, I told them I didn't have anything, I had lost my job---

BY MR. ALFORD:

    We object, Your Honor, this is hearsay.

BY THE COURT:

    I don't think that's hearsay, he's telling what the officers promised him.

BY MR. OWN:

    Q    Go ahead.

    A    They would help me get out of town which they did.

    Q    Do you know how much money they paid you?

    A    At that time?

    Q    Yes.

    A    Approximately three thousand dollars.

    Q    And what did you do with that money?

    A    I bought a car so I could leave town and made arrangements to rent a trailer and take my family away from Mississippi.

    Q    And did you do that?

    A    Yes sir.

    Q    And subsequent to that time, did you receive any money from the F.B.I.?

    A    They told me they would help me and see that I didn't starve 'til I was situated and got a job and after the publicity of all of this died down.

    Q    And about how long was it before you were able to get a permanent job?

    A    A year.

    Q    And during that year, if you recall, about how much money did they furnish you?

    A    A hundred dollars a month.  Per week, I'm sorry.

    Q    A week?

    A    Yes sir.

    Q    And after you got a permanent job about how much money did they furnish you?

    A    After I went to work, $55.00 a week, then they give me $25.00 a week for just a while and they said they would then give me just a hundred dollars a month to bring my salary up to a living scale.

    Q    Now, where were you working at the time you gave the F.B.I. the information?

    A    In the NASA Missile Base out of Picayune.

    Q    And how much were you making at that time?

    A    $175 a week was about what I was taking.

    Q    That's all, Your Honor.