**Excerpts from Closing Statement of H.C. Watkins**

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    . . . Now, you will hear a great deal, members of the jury, in this case about a ‘reasonable doubt’.  The Court will instruct you that it is the duty of the Government in this case to prove ‘beyond a reasonable doubt’ the guilt of these defendants as charged in the indictment.  Now, just what is a ‘reasonable doubt’? Without some high-flying legal language, let's just talk about a ‘reasonable doubt’ for just a minute.  When you were selected, each and every one of you on this jury at the very beginning of this trial some eight days ago, I believe that this Court felt like you were reasonable men and reasonable women, otherwise you would not have been allowed to remain on this jury, and the lawyers for the defendants and the lawyers for the Justice Department felt like you were reasonable men and reasonable women or you would not have been allowed to remain; therefore, if after you make your analysis in this evidence in this case and listen to the law given to you by the Court and apply the law to this evidence, if arriving from that evidence or from the lack of that evidence there's a doubt in the minds of any single one of you, that is a ‘reasonable doubt’ -- the doubt of a reasonable man or a reasonable woman.  That is my simple explanation of a ‘reasonable doubt’.  How could it be otherwise?

    Now, what's the theory of the Government's case?  Actually, isn't it a theory of this case that here in Mississippi, that there is so much hate and prejudice in Mississippi that we hate all outsiders, and that there is a group of people here in Mississippi so filled with that hate that they conspire together and meet together to organize organizations to do away and murder outsiders that come into this State.  Isn't that generally the theory of their case?

    What are the strong points of their case?  Well, let's go back and see about one or two, that's about all they have, one or two.  Every one of them are (sic) dead.  I believe every one of us will believe that they are dead.  Michael Schwerner, Andrew Goodman, and James Chaney all are dead.  I believe you believed that before you ever came here, but you swore that that would not have any bearing on this case whatsoever.  That's one of the strong points of their case because they want to use that to overshadow this conspiracy case…. They want to overwhelm the charge of conspiracy with what Mr. John Doar called a ‘midnight murder.’…There is another point that might be considered a strong point and that's Mr. Hatcher's testimony, and Mr. Doar has gone over that.  Yes, I'm glad that he pointed out to you, Members of the Jury, that there was one witness that came here that wasn't a paid witness, but what did he tell you?  Mr. Doar related a moment ago that he told you somebody said that somebody was killed in Philadelphia and buried in the bottom of a dam.  Is that evidence enough to convict one of them on conspiracy?  So there, their one strong witness, Mr. Hatcher, didn't tell you one thing about any person meeting together to organize a plan to intimidate, threaten, mistreat, impair, or kill anyone.  That's their one strong witness, Mr. Hatcher. . . .

    The defendants are not required under the great system of our government to prove anything.  The Court will tell you that it is not necessary for one single defendant to take the witness stand or to come forward and prove one single thing.  The mere fact that an indictment exists against these defendants is no evidence, whatsoever.  The mere fact that they have been brought here together for you to try, and are accused [of a crime], is no evidence whatsoever.

    But, what did they do?  Every single one of the defendants proved their whereabouts.  With whom did they prove their whereabouts?....Relatives and friends.  If you were in trouble who could come and tell where you were on that night or on that occasion except your friends and your relatives?  Is there anything unusual about that?  Will you look at those witnesses and because they might be called ‘alibi witnesses’, at least they are not called and paid, not one single one of them was paid a dime to come here and testify, certainly not….They came and told you where they were that night, these decent men and these decent women, wouldn't that give rise to a reasonable doubt in your minds?...not a single one of them have been impeached, not a single one of them said on cross examination one single thing that was inherently improper in regard to the reasonableness of that witnesses' testimony, not a one of them.  Let's go over some of those witnesses' testimony.

    Mrs. Carrie Benton, who testified for Frank Herndon.  Would you stand up Frank?  (Stand ups)  Frank Herndon was portrayed by the government in this case as a man who planned an audacious murder.  You may sit down Frank.  What did Mrs. Benton say, where did she say he was?  Members of the Jury, I never ask ladies what their age is, but Mrs. Benton came here and took the stand and in my judgment she is fifty-seven or sixty years of age.  Are you going to hold that lady came up and held up her hand and swore a lie?  Can you tell yourself that Frank Herndon was on that night planning a murder?  What type of person was he according to Mrs. Benton?  He was a man going back and forth to his place of business in attendance with Mrs. Benton, a two months’ old child, not a two year old child, members of the jury, but a two months’ old child.  Bringing the child milk and bringing Mrs. Benton supper.  Did you hear that type of testimony from paid informers?  No, I tell you that a man that is in attendance with a two months’ old child just doesn't have those characteristics of going out and planning murders….Every single one of these defendants produced the same type of witnesses.  Pete Harris, Jimmy Snowden, Wayne Roberts.  You are called upon to disregard every single one of them and follow the so-called theory of a conspiracy case which is nothing more than this is what he said, a ‘midnight murder’, that he wants you to overshadow and think it is.

    You know, when you see the day the sage is blowing you always know which way the wind is blowing.  There is no doubt in mind that there is some inward national disease in our cultural society, there's no doubt about that in my mind, and I don't think there's much doubt about it in your minds.  It might be called many names.  Rioting, if you want to call it that, demonstration, arguments, COFO workers and organizers.  CORE workers and organizers, hat peddlers, prejudice, whatever you may wish to call it by, it's a great hassle on our society and the nation and as a state.  The real reason, whatever it is, is the absence of love and presence of disbelief and misunderstanding about God's purpose for man.  There's no doubt about that.  Now, I'm not a hate peddler, and I don't believe in violence in any form.  I don't believe in marches, in rioting, demonstrations, but there is one thing I do believe, when a person, whatever his flight in life may be, and however he may characterize himself, but when he says there is no God and that God is dead that person, whomever he may be, exposes himself to many contradictory evil forces in this world.  And if…I say to you Members of the Jury, because that is the truth, it's no reason why the strong arm of the Federal Government should come to Mississippi for three and a half years with their thousands and thousands of dollars and new jobs and gather the citizens of this country and others and point an accusing finger toward us with this type of testimony, paid informers, distributors of displacement, and scapegoat witnesses.  What type of dignity is that I ask you?  I believe in the individual right of every man, every citizen and equality of law for that individual, whatever his race or color or creed, and I believe that you do too.

    Does the Government really have any providence in their case?  Well, let's see what they say themselves.  Mr. John Proctor.  John Proctor is a fine gentleman, I have great admiration for him, I feel like he's my friend and I'm certainly his friend.  He took the stand at the request of the Government, he's a fine F.B.I. Agent, and he said, "We're still investigating."  What's wrong?  Don't they have any evidence?  No, that's an acknowledgment that they are not certain, they are not sure, they are still investigating.  What kind of case is this, this is not a murder case, it is supposed to be a simple conspiracy case, said to have occurred under ‘color of law’.  Now, let me talk with you about this ‘color of the law’ situation for just a few minutes.  If…you called in your coroner's jury to investigate something, doing your duty as representatives of the great State of Mississippi, [and] somebody came along and said, "get out of the way, stop, we are doing this, you don't do that,"  and when you don't go and do it they come back and say we're going to prosecute you, we are going to come in and prosecute this case ourselves, we didn't want to try a murder case in Mississippi but we want to try a conspiracy case and confuse the minds of the jury, that's why there are so many pictures in this world for you to look at, that's why we don't want you to prosecute it in Mississippi.  Do you call that a conspiracy case?  That's his ‘midnight murder’ that he wanted you to think about.  I ask you, each and every one of you, not to extend the federal law beyond the instructions of this Honorable Court.  If you consider anything other than a charge of conspiracy from the evidence in this case and relate to it, you are extending the arm of our great government in the state of affairs wherein I believe yourself appreciate a bow of powers between the state and federal government.  I believe you believe in the state enforcing its own law…and if this case is overshadowed in the manner in which the government has presented it, you are certainly doing nothing more than rescinding a law that the courts and that Congress themselves have not extended, and I respectfully ask you not to do that.

    Now, what about the testimony?....For two days, they presented testimony in this courtroom en masse.  They produced witnesses, exhibits, yes, exhibits are evidence, and there has been a tremendous amount of evidence and there has been a tremendous amount of taxpayers’ money spent on this case, and certainly I think that money should be spent where the law has been violated, but what did they come up here with?  Paid informers.  A person who will testify for money, ladies and gentlemen, when he's being paid for what he says, gets so close to that fine line, distinguishing between the truth and what's not the truth....

    Let's talk about Wallace Miller.  Wallace Miller testified under oath, if that's worth anything to you, that there were no threats, no intimidation, no planning, no scheming to harm anybody in his presence.  He professes to be a law enforcement officer.  He told you he joined the Klan in good faith.  All right, if he joined the Klan in good faith, and Delmar Dennis joined the Klan in good faith, and they knew these things were going on all during 1964 until sometime late in the Fall when they start getting money, Members of the Jury, what does that show in your minds?  The weakest of the evidence here.  The government, if the government had known they had been there when everything was going on that was unlawful, would the government prosecute them?  Did they promise them immunity from prosecution also?  No, let's don't extend that type of thing.  The Justice Department…they don't have anything anyway concerning conspiracy, unlawful conspiracy, because they could not condone others going free and uncharged so it shows a weakness of that testimony, a weakness of their case.

    Well, what was the substance of Miller's testimony?  On cross examination he really summed it up when he said…’my friends’, he called them his friends, they said they talked about not liking what the civil rights workers were doing in the State of Mississippi.  Is that a reason to prosecute anybody for conspiracy, because they don't like what somebody is doing and they wish to discuss it?  I think there is (sic) about four hundred thousand people in Mississippi at that time that didn't like that they were doing.  Wallace Miller said he didn't like what they were doing, Reverend Dennis said he didn't like what they were doing, and just prior to that time there was an Honorable man running all over the State of Mississippi saying never, never, never, I don't like what they're doing.  There was another honorable citizen who stood tall because he didn't like what they were doing.  Where are they?  Are they being prosecuted because they stood up and said they didn't like what they were doing?  Oh no, we'll take these little fellows and take them away from their wives and their babies on that type of evidence because they said to someone, because a paid informer said they said they met for whatever reason they were meeting, and "I don't like what the Civil Rights Workers are doing in Mississippi,"  what type of equality is that?....

    Now, I want to talk to you about Reverend Delmar Dennis.  He's a man of many talents, a man of the cloth, a writer, and now he's going away and write some more.  He's going to write about this case.  A Judas witness, a Dr. Jekyll and a Mr. Hyde, all came during 1964, yet a man of the cloth, a man who people wished to place their confidence in, a keeper of snake pits, a distributor of snake reptiles, what kind of dignity is that?  Whatever it was, his primary product here is paid information, paid-for information.  Whatever that many may have heard at the meetings he was in couldn't have been a violation of the law, because he's here today only as a witness, and as I said a moment ago about Wallace Miller and that about Delmar Dennis and I say it to your minds in the strongest way I know, that any evidence in connection with this case with regard to conspiracy just doesn't exist because it is weak.  Your government promised immunity from prosecution.  Equality, what kind of equality do you call this?  You know I think about Delmar Dennis during the time of 1964, he was preaching during that time, he told you he was a Chaplain for an organization called the White Knights of the Ku Klux Klan.  He told you he met with those young fellows and called their names for whatever purpose they were meeting, he told you he had prayer with them and he talked with them,  I wonder if he talked to them and told them and reminded them "I shall not bear false witness against God" and while he was doing that, saying that to them, representing himself to be something and to represent something that he was not, something that he was going to talk about later for the government, talking about remarks made by defendants, that they didn't like civil rights workers, to come here with this type thing to have somebody prosecuted, he must have misread that great admonition, "A greater love hath no man than to lay down his life for a friend."  With him greater love hath no man for money….

    Members of the Jury, I know you know what an old ‘scapegoat’ is.  It's nothing but just a billy goat with a bell on it, and they used to bring all of the other innocent animals into the slaughtering house, or the slaughtering pen, and when they get there and they go on with their slaughtering, and that's exactly what Jim Jordan is….They got in here and they put Jim Jordan on the stand and he sat up there with his  eyes all bugged out and he just rattles it off like that, just exactly what happened, he said….I just don't see how the government can have so many theories of these cases and then represent to you there's no reasonable doubts, there's no mistake. . . .

    Somebody of this type of case, the errors, the weakness, the mistakes, if they consider this so-called confession of Doyle Barnett of any value or worth anything these District Attorneys around here would certainly like to have gotten hold of it to prosecute somebody. . . . Well, how could it be worth anything if they are not willing to turn it over and give the State of Mississippi an opportunity to do something about it?...

    I want to talk to you just a few minutes about the Ku Klux Klan.  Now, I don't know whether there is any Ku Klux Klan organized to work in this area or not.  In your minds you may think so, in my mind, I may think so, and I don't know where a single person that I represent is a member of the Ku Klux Klan, and I'm not here to defend the Ku Klux Klan, but let's assume here now for a moment for the sake of this case that everyone of them are a member of Ku Klux Klan if you want to.  You said, after you took your oath, that if after you heard all of the evidence, that alone would not direct your judgment toward any guilt in this case, because membership alone in that organization or any other organization is insufficient to convict anybody, and I believe his Honor on the bench will so tell you in his instructions.  Well, I don't intend to defend any organization, but if you would look at this so-called constitution on page 28 and read what it says in the manner in which they have their meetings, according to Delmar Dennis' testimony, all Klan meetings shall be conducted in a Christian manner to stimulate the spiritual awareness and awareness of almighty God in all Klan meetings.  No intoxicated person nor those participating in any type of intoxicating beverages will be allowed in or subsequently remain in any Klan meeting or in its vicinity. Punishment shall be assessed against any members for violation of Christian reverence during the meetings.  Well, I don't belong to the Order, I have nothing to do with it, if the Government knows one thing, they know that I'm not a member of it, but, if I were to compare those purposes that the Government has brought in its evidence, not us, to some of the organizations that you know are working in this State of Mississippi, I think it will speak for itself.  The point I'm trying to make, Members of the Jury, that membership in it, if you believe they were members, is not guilt, you cannot have guilt simply because of membership in an organization.  There is not one scintilla of physical evidence in this case to connect these defendants in any way with a conspiracy to do any murder anywhere, not one single thing….Something must show an unlawful purpose and it must be something, Ladies and Gentlemen of the Jury, other than some person making the remark they didn't like what was going on in Mississippi…Delmar Dennis, they used him to try and connect up some type of claim of conspiracy.  He and Wallace Miller, that's what they were here for.  Well, I've already discussed that witness with you, but I want to take up one more thing with you about Delmar Dennis and that is this pamphlet.  He says he is a writer and he wrote this pamphlet, strangely enough, it's copyrighted in 1964.  He's not being prosecuted and he says so in this pamphlet, he says, "if their lives were miserable, they made it that way."  I don't condone any such statement as that, but my goodness, isn't that three or four or five hundred times worse than what these boys said when they said they didn't like what was going on in Mississippi?... He says Mississippi is the land of opportunity for all races, it's not the land for idle people of any race.  If life in Mississippi is miserable for the agitators who come here it's because they make it that way. Isn't that more than what my clients said?  But he's not here, except as a fifteen thousand dollar informer.  He says I've lived in Philadelphia in Neshoba County where the three so-called civil rights workers were killed, I have crossed Pearl River on a foot log, I've spent many wonderful hours in that much lied-about area, it is incredible that anyone should die a violent death in our state, and certainly I agree with him on that.  We do not know, however, who the killers are, that's 1964, Members of the Jury, and he puts it down in here, he doesn't know anything about it.  It may be well that these young men were sacrificed by their own kind for publicity or other reasons.  Whatever the outcome of the case may be two observations here are . . .that it is reported that they went to investigate a church burning, were they deputized by some local law enforcement agency to be special investigators?  So far as I have been able to determine they had no authority to be there, they broke the laws of that county by speeding and they violated the American constitution of messing in local affairs in a local community.  Of course, whatever I say about the case is my opinion, I wouldn't no more go to New York or some other troubled area and tell them how to run their business than I would tell God how to run the universe.  That is their business.  Mississippians rightly resent some hairy beatnik from another state visiting our state with hate and defying our people.  It is my opinion that the so-called workers are not workers at all, but low class riff-raff…If the people of Mississippi need help in solving our problems we'll call upon those who are capable of helping. We'll not send for a bum to help manage our finances or communist to save our government.  Where is his indictment?  Has anything occurred in a Klan meeting that Wallace Miller testified about, Delmar Dennis testified about, is any statement like that put in writing?  Do you think your government condones violation of the law for one person and pays one to come here and prosecute another who is not near so guilty?  That's not equality under the law, and I don't think you'll hold by your verdict that it is.

    Now, Ladies and Gentlemen of the Jury, the defense does not have the opportunity any more to talk about this case.  The government has a right to close it, under our system if his Honor grants that right to them.  Mr. Hauberg may argue this case or he may not.  He may not consider this case worth arguing or he may argue it, but I have a lot of respect for that man, he's a fine District Attorney, and I think of him as my friend and I'm his friend, and he has a lot of talent and persuasiveness and I've heard him before, but I ask you to please do one thing, and I believe the Court would ask you to do the same thing, and that is that you vote your own conviction in this case.  If you happen to be one either in the majority or the minority you hold to it, and I say to you that time and expense is of no concern in this case, certainly you believe that…. Hold to your own convictions. …It's so much better and I think the law provides that a thousand guilty ones go free than one innocent defendant here be convicted.  I place the welfare of my clients in your hands.  Thank you.