Closing Argument by John Doar, Esq. (excerpt)

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May it please the Court, ladies and gentlemen of the jury, I'm not accustomed to the duty which I have attempted to perform here in Meridian for the last few days.  Only once before have I acted as prosecutor for the Government in a criminal case.  I hope very much that you will understand the reason I have come here, it’s not because of any skilled experience that I am here, but only because I hold the office as head of the division with the Department of Justice, and it is my responsibility to try and enforce the law[s with] which these defendants have been charged.

  The United States Government felt it was essential that one of its Washington Officials be here to speak directly and frankly to you, about the reason for the extraordinary effort the Federal Government undertook to solve this crime, and to state to you twelve Jurors why the Federal Government has assumed the role of prosecutor of this conspiracy involving murder, the crime of which unfurled its criminal law in the State of Mississippi in and for Neshoba County.  I am here because your National Government is concerned about your local law enforcement and in a conviction local law must work if we deserve our liberty and freedom….When local law enforcement officials become involved as participants in violent crime and use their position, power and authority to accomplish this, there is very little hope to be hoped for, except with assistance from the Federal Government, but Members of the Jury, exactly what does that mean?  It means that the Federal Government is not invading Philadelphia or Neshoba County, Mississippi, it means only that these defendants are tried for a crime under Federal law in a Mississippi City, before a Mississippi Federal Judge, in a Mississippi courtroom, assisted by Mississippi courtroom officials before twelve men and women from the State of Mississippi. The sole responsibility of the determination of guilt or innocence of these men remains in the hands where it should remain, the hands of twelve citizens from the State of Mississippi.

Members of the Jury, this is not a murder case.  The question is, was there a conspiracy in which the law was involved.  It's been hanging over this courtroom…for the past eight days, pressing in on each of us.  It’s the fact, the uncontradictory fact, the unbelievable fact, the endeavored-to-be forgotten fact. The three human lives taken in Neshoba County on that night of June 21st, 1964.  It was our duty, the Federal Government's duty to do its best to bring to light the perpetrators in the conspiracy and to make it understandable to you to show you that this crime did occur, and who did it, and to show you that this crime was not the act of any loyal citizen of Mississippi, but rather an act of two individuals…no credit to any state, Sam Holloway Bowers and Edgar Ray Killen, and then it was executed, this plan.  The plan was executed through the collaboration of the law of Neshoba County, principally in the person of the Deputy Sheriff, Cecil Ray Price.  Members of the Jury, this is no ordinary case, it has no precedent anywhere.  Members of the Jury, this was a calculated, cold-blooded plot. Three men, hardly more than boys, were the victims.  The plot was executed with a degree of self possession and steadiness equal to the wickedness with which it was planned.  The circumstances, now clearly in evidence, spread out the entire scene before us.

On June 21st, 1964, three boys traveled to Neshoba County.   They were spotted and arrested by Deputy Price and promptly confined in jail.  The boys were released by the Deputy Sheriff that night; within two hours they are in their graves, buried twelve or fifteen feet deep, thousands of yards of dirt had been intended to conceal…the bodies forever there unknown, buried under red clay in the center of a pond dam in the rural woods of Neshoba County. Their car is disposed of by burning so that there will be no trace.  The deed was accomplished smoothly, quietly, effectively, efficiently, the object of the conspiracy achieved.  No one has observed, no one has heard, the shame, the capture, the killing or the burial.  The participants believed themselves safe, safe because the crime was committed in Neshoba County, and Neshoba law…was involved.  Members of the Jury, the defendants were mistaken.  Such a secret could be safe nowhere; there is no nook nor corner on this earth where a secret of this plot would remain safe….

Members of the Jury, Neshoba County chose to remain silent as to what was known about the events that night in that county.  Much has and will be said about the extraordinary methods in discovering the guilty.  Should it have been otherwise?  Was this a State to be forgotten?  Was this not a case for maximum effort of the F.B.I.?  Could the Federal Government have succeeded in any other way other than rewards, payment for information, tending to expose the band of murderous conspirators, the midnight killers, to bring them to the Bar of Justice of Law?....Faced with this wall of silence encouraged Wallace Miller to step forward to furnish what he had heard from his friends within the Klan, and to appeal to Delmar Dennis to penetrate the hierarchy of the Klan and to reveal their secrets, believing that this would lead to fixing the responsibility on all of those who planned this crime.  All of you probably have an initial resentment against paid informers, but before you finally decide examine these men, Miller and Dennis, they are native sons of Mississippi, they are men of courage, because who among us would doubt their lives are constantly in danger….  With the aid of this information the F.B.I. persuaded Jim Jordan to stop running, to give information and return from sanctuary required the expenditure of Three Thousand Dollars, and partial support for Jordan since that day.  Another, Horace Doyle Barnett,felt an irresistible impulse of conscience to be true to himself….

     [Delmar] Dennis, who had left the Klan, was asked to re-enter and to penetrate the heart of the secret organization, and that he did.  Members of the Jury, the payment for information that these informers received for the risk they took, for the time they consumed, for the expenses they incurred, for the inevitable isolation when their role came out, is pretty meager.  Their payment was made for value received.  These men are not criminals, they played no part in this or any other conspiracy, and for the F.B.I. there was no other way to  proceed.  So, I come here now to ask only that you do justice.  You want, of course, to proceed with caution against each of these defendants and be certain that you do not find them guilty of the offense of another, but you must likewise not forget that you were dealing with an atrocious crime.  Ladies and Gentlemen of the Jury, your decision of this case will stand as a precedent.  I believe that it will be a precedent of candor, intelligence, firmness, and fairness, a precedent of good sense, an iron purpose, exploring all of the circumstances, weighing each virtue of truth and embracing and declaring the truth when found.

Members of the Jury, I now turn to the facts of the case.  Let us see what we know independently of the undisputed testimony.  This is a case in part of circumstantial evidence.  It is common that offenses of this type have to be proved in this way.  Midnight murder in the rural area of Neshoba County provides few witnesses….Three men disappeared on Sunday night, June the 21st; they were found six weeks later buried beneath fifteen feet of dirt in the middle of a pond.  The Neshoba jailer's wife, Mrs. Herring, was the last known person to see them alive.  She saw them as they walked from the jail.  Five bullets are found in their bodies.  The boys are alive at 10:30 when they were released, the station wagon is on fire at 12:45 o'clock located fourteen miles northeast of Philadelphia….The Neshoba County law enforcement officer, Cecil Ray Price, controlled the time of release, he could have released them an hour later, he could have released them an hour early, but he released them just so they would go to their deaths.  Everything indicated that there had been a conspiracy to kill and that the killers had the help of the law.  We know this was not done without the help of a plan.  Let me first note the evidence that proves without a doubt that the bodies in the dam were the bodies of Schwerner, Chaney and Goodman, and the evidence that proves the bullets from the guns that killed them. On August 4th the bodies were found.  Three men buried in the dam.  Two of these young men were white, one was a negro. The appearance and clothing on the bodies satisfied the description of Schwerner, Chaney and Goodman. The three had been driving a Blue, 1963 Ford Station Wagon.  Concealed in the pockets of the body, number one, keys to the working lock of the Ford Station Wagon, burned station wagon, square keys.  Selective Service card of Michael Schwerner and Andrew Goodman were found in wallets of their pants pocket, the teeth found in bodies number 1 and 2 matched the mouths of Schwerner and Goodman.  The other documents found confirmed the identity of the bodies. Fingerprint examination of James Chaney confirmed, a thumb fingerprint examination confirmed the identity likewise, there's no doubt how these bodies were killed. Five bullets were found in the bodies.  Five bullets, one in Schwerner's body, one bullet in Goodman's body and three bullets in Chaney's body, and because of the decomposition of the chest cavity of the three boys, Dr. Featherstone couldn't say for sure and with absolute certainty that the bullets penetrated through the heart muscle, but that was because there was no heart muscle to examine, the bodies were so decomposed.  He testified it was his medical opinion that the bullets in both body number 1, Schwerner, body number 2, Goodman, would have had to penetrate the muscle of the heart with no other result or or outcome but death.  The third body, Chaney, the first bullet passed a little low but the second one passed a little higher and meant only certain death.  We know from the testimony of the jailer's Wife Mrs. Herrings that the boys were released from jail by Price at 10:30.  We know that the car was seen at l2:45 or l:00 o'clock, we know that a watch was found and stopped at 12:45 but the works of that watch could have stopped anytime but that fact taken into consideration with all other facts and testimony of the witnesses, the physical facts warrants the inference that the watch did stop…at 12:45 on June 22nd.  The Station Wagon which was the way the boys were traveling had traveled a considerable distance between 10:30 and a quarter to one.  If I may step over to the map for a minute, you will note that the jail is in the center of the City of Philadelphia, they traveled down 19, down where the roads turns off toward Union and House.  This is about ten or twelve miles.  They come back up the road about eight ot nine miles South of Philadelphia on this gravel road seen to the West.  You follow these roads, these back roads back to about ten miles back to Philadelphia.  Then you take the read to Philadelphia up here at Posey's  Service Station down 21 down on to the dam site, that's six to six and a half miles here, ten to eleven miles here, approximately ten miles back on the back road, a half mile down to the dam site and add them all up, six miles back into town and thirteen or fourteen miles back up the road where the car was found.  That car traveled the road where the car was found.  That car traveled in a little over two hours over fifty miles, fifty, fifty-one or fifty-two miles that night….The short time involved, the distance traveled, draws a conclusion of their own plot.  No one, no group could have stumbled on that Station Wagon on highway 19, stopped it, killed the boys, made arrangement for disposal of the bodies fifteen miles away, half a mile off the blacktop road in the middle of the woods without there having been advanced planning.  The fact that they were buried in a dam in and of itself tells us that it was a careful worked out plot.  Now…there's no doubt that the law of Neshoba County participated.  Did or not witnesses tell you that the boys were locked in Jail by Cecil Price around 4:00 o'clock?  Cecil Price knew who he had in that Jail.  The ticket that he wrote himself reflects that the registration of the car was registered in the [name of the] Congress of Racial Equality.  Two were booked for investigation of church burning, one was charged with speeding, the boys were held until 10:30, Deputy Price determined the time of release.  They were not held there about any rule governing speeding charges, Mrs. Herring said they had an automatic system of releasing people for minor offenses where you could get out if you paid the fine by posting a hundred dollar bond, but only to give the defendants time to set up and execute their plan.  She said this automatic system of release had been in effect for years, that it was not necessary for the Justice of the Peace to approve their release and besides Mrs. Herring said the Justice of the Peace, Mr. Warren, was in the jail half hour after the boys were put in there….Why did [Deputy Price] did he put the boys in jail at all?  The two white boys, they were booked for investigating, nothing was investigated, not one word was made to those boys by Cecil Ray Price or any other law enforcement officer while they were in jail….So now the questions come out.  Other than Cecil Price who were the plotters?  How was the plot executed?  Price's participation is certain without further proof.  He released the boys at a predetermined time.  If there were not one word of testimony there except that the boys were killed, Price would be guilty of this conspiracy. The key to the rest of the crime is the certain knowledge, the undisputed knowledge that it was the intent of the conspirators to destroy Michael Schwerner, and the other central figures other than Cecil Price in this conspiracy are Sam Holloway Bowers, sitting next to Mr. Herndon; Edgar Ray Killen, sitting next to Cecil Ray Price.  Bowers, head of the White Knights, the Imperial Wizard, approved Schwerner as the target.  Killen, together with Price planned and organized the elimination.  Michael Schwerner, the outside agitator from New York, came from the North to work on Civil Rights for Negroes, he moved into a Negro neighborhood, and he associated with Negroes, he preached freedom, he worked with voter registration, he organized, he demanded, he picketed, he boycotted, he wore a goat beard, he presented a hated organization, he was a symbol of COFO, COFO was the symbol of forced integration of the races in the State of Mississippi.  He was hated and despised, and a secret organization was formed to deal with COFO, the White Knights of the Ku Klux Klan….this was a small secret militant group, masterminded by a fanatic, who singled out Schwerner as a man who had to be eliminated.  Not to preserve or protect Mississippi, but rather to satisfy his own consuming hate.  As early as April, Bowers had approached Schwerner's elimination.  According to Bowers, he was the thorn in the side of everyone from that date until June the 21st, the forces Sam Bowers  released for the death of Schwerner, before those forces reached the climax eighteen other persons were involved  and there were two other people also killed. The case here involves individuals, and the guilt or innocence of each individual must be judged separately.  But to understand this case, you must understand the White Knights of the Ku Klux Klan.  In seeking members, the White Knights are reported to be a political organization, non-violent, peaceful group, but once the members were inducted, once the oath was administered the members soon learned from Edgar Ray Killen that this was an organization of action.  This was no Boy Scout Group, it was here to do business.  There would be certain things the Klan would need to do, its members learned.  Cross-burnings, meetings, and eliminations, provided that discipline was maintained and that action of this type was approved by the local State Organization.  You only have to read the documents, the executive lecture of Sam Bowers of March the 1st, which statement should be read and re-read thoroughly to understand and grasp the evil of this organization.  It describes the White Knights as a Christian, militant organization, and it says as militant, and I'm quoting, "As militants, we are disposed to use our physical force against our enemies.  It says, our enemies should be humiliated and driven out of the community by propaganda well enough, but if they continue to resist, they must be physically destroyed.”  It says, “the Klan must never give the enemy an even break, it is a life and death struggle and we must at all times be ready and strive and break and destroy our enemies.  Since we must always retain good public relations, that as long as we have the public on our side, we can handle our enemies any way we please."  Members of the Jury, this is not a Government Prosecutor talking.  This is found in the document written by Sam Holloway Bowers.  This Klan is a secret organization with stern and severe discipline.  He admits their ceremony includes the Oath of Allegiance that requires each member to swear that he will cleave to the brothers in the Order and the Family of all others, that he will defend and protect them from all of our enemies; that there will never be a breach of secrecy or any other acts that would be detrimental to the White Knights.  The ceremony states that to violate the oath means disgrace, dishonor, and death, that's the oath.  Members of the Jury, important exhibits are found on the Klan literature.  You were listening carefully to the testimony, you were taking careful notes, but before you deliberate fully, you must examine these exhibits….Once you read these documents you will see why so many good and honest citizens of Mississippi were fooled by false appearances of this crime.  Can there be any doubt that Sam Bowers who wrote a speech and organized with hate and violence in his mind was capable of going to any length to destroy Michael Schwerner?  Preacher Killen is his right hand man in this eastern area of Mississippi.  Organized the Klan in Neshoba County and Lauderdale County.  We don't know as much about the Klan organization in Neshoba but we do know that the Sheriff, Lawrence Rainey, Deputy Sheriff Price; ex-Sheriff Hop Barnett,  and Billy Wayne Posey were members, and we know that the Sheriff's office was looking for Michael Schwerner and the other Civil Rights Workers long before they met their death.    
    
    We know more about the facts, that in early April, May, Killen began to organize the plan in which these boys would be drawn to they could do their job. Frank Herndon joined.  He became the head man, he's the man in the bathrobe; Pete Harris joined, he became a Klavern investigator; and then there was Jim Jordan, the big man; Wayne Roberts, B.L. Akin, Jimmy Snowden, Jimmy Arledge, Doyle Barnett, -----

BY MR. PIGFORD:    
     We object, Your Honor, there is no evidence that Mr. Akin ever joined, Your Honor.

BY THE COURT:    
      Well, that's argument, you may answer that if you wish to do so.

BY MR. DOAR:    
      And to continue, there was Delmar Dennis and Mike Hatcher.    
      At the meetings, there was talk of "goatee," the Members in Meridian despised him, they wanted to do something about him, they wanted to lean on him a little.  Edgar Ray Killen was appointed.  The Imperial Wizard, Sam Bowers, had approved his elimination, and it was going to be handled by another unit.  Michael Schwerner's presence in Neshoba County had to be planned, so the Klavern up in Neshoba could accomplish the job.  You remember the 14th of June.  Cecil Ray Price and Hop Barnett turn up on a country lane, two thirds of the way between Highway 16 and the Sandtown road and Longdale road and they go down to that house, that green marker there on that map, the furthest to the west of the four markers on the Longdale Road, and they show up down there and they stop an Arkansas car way down there on a little old country road are Price and Barnett.  They come up this road, they go down this little lane here and they come to this house here, the Jones house, and they stop the Arkansas car.  They asked who this is, "who are these people?"  Mr. Jones said, well they used to live here and they've just come back to visit.  Price said, "I know what's going on around here, and we're not going to have any of that, we're not going to have any of that stuff."  "I have orders to check on that car because we've heard white folks were riding in it.”  Price then went over and checked on the vehicle.  Everyone knew about the Civil Rights Workers being up there….The next day, Price comes back to look at the school.  Two days later, the Meridian Klavern is invited to a meeting in Neshoba County, June the 16th.  Frank Herndon called the group together.  Wayne Roberts, Pete Harris, B.L. Akin, Delmar Dennis, Billy Birdsong come from Meridian.  They go first to the H & H and they meet Preacher Killen, he takes them out to a school three or four miles East of Philadelphia, then off to the South on a side road.  Billy Wayne Posey is there.  Inside the gym people are present, seventy-five are present, and most of them are armed.  Killen calls the meeting together and asks for announcements and Hop Barnett comes in and says, "There is an important meeting over at the Mt. Zion Church, it must be an important meeting, because the church is heavily guarded."  Killen asks if anything should be done and he calls for volunteers.  Wayne Roberts, the big man at the end over there, Hop Barnett, Billy Wayne Posey all leave with the others, and they come back forty-five minutes later and they report.  Birdsong, one of the Meridian Klansmen, reports about beating the Negro that came out of the South exit of the church.  He and Posey get into an argument.  Posey said he only thought they were supposed to be white.  Wayne Roberts had blood on his knuckles, they talked about what they did, they said everybody was beaten that came out of the exit but one old lady, who got down on her knees and prayed, you heard her testimony.  You heard what she said, you heard her say that it was her true beliefs that Hop Barnett was there.  That night, the church was burned.  B. L. Akins said the church was burned because Schwerner would be back up there, their preparations were complete.  Conspirators waited for Schwerner's return.  He returned on the evening of  June the 21st, he looked around the area, and then he headed in with his two friends toward Philadelphia.  Cecil Price spotted the car and he arrested him.  He said at first, "I've got a good one, George Raymond, a CARE worker," but when he made the arrest he learned he got Schwerner.  Chaney is charged with speeding, they were put in jail.  Somehow the word was passed to Killen who organized the crew in Meridian.

     Members of the Jury, in the execution of a conspiracy, there are members of the conspiracy who play different parts.  There are the Master planners, there are the organizers, there are the look-out men, there are the killers, there are the clean up and disposal people, and there are the protectors.  Each of these defendants played on or more parts in this conspiracy.  Now we'll take the testimony of Jim Jordan who told you exactly what happened between eight and one o'clock that morning.

     Killen, the organizer, drove to Meridian and contacted his friend, Frank Herndon at the Longhorn.  Herndon asked Jordan to go on a job, he said they needed some men to go up there, that Schwerner and a couple of other Civil Rights Workers were locked up in jail, that they needed their rear ends tore up.  He said that the Sheriff's Deputy locked them up, then he, Frank Herndon and Pete Harris called some of the boys some of the boys together, and they went over to B. L. Akin and made some more calls.  The boys included Wayne Roberts, the big man, and others included from Meridian were Jimmy Snowden, Jimmy Arledge, the Barnett brothers, and Jim Jordan.  They assembled at B.L. Akin, the assembly area. Gas was put in their cars, guns were obtained and after getting to Akins place, Killen again told the group that the three Civil Rights Workers were locked up.  We had to hurry to get there.  He said the Highway Patrolman stopped them at the edge of town, Jordan and Roberts got in their cars to go and get gas, Killen said, I'll go on ahead, he takes Roberts with him, and he tells him where to park on the far side of the courthouse.  The other car gets there driven by Horace Doyle Barnett, they get to the courthouse, they stop, and the ex-sheriff, Hop Barnett come up and tells them someone will come along and tell them where to wait.  Killen comes along in his car, directs them down the street a way and tells them the boys will be released from jail by Price.  Killen says, "I'll go to the funeral home so I'll have an alibi."  Within ten minutes Price releases them from jail.  A city police car, driven by Richard Andrew Willis comes along and tells them they are going out Highway 19.  As they drive down the road, they come up on Posey's car at Pilgrim's store.  You remember Officer Powe's testimony.  it was about 10:26 or 10:30.  Price had stopped to, Posey had stopped to talk with the Mississippi Highway Patrol.  Posey asked them where Price is, then Posey comes along and tells the others that Deputy Price will stop the three and he tells them to follow him and they follow.  On the way out to the gravel road, Posey's car breaks down, but the other two cars, Price in his official car, follows the station wagon, Barnett, in his car, follows the station wagon.  The station wagon turns right off Highway 492, Price turns on the light, the flashing light, the flashing red light, and the cars stop.  Price gets out and gets the boys out of the Station Wagon and puts them in his car, and as he puts them in his car, Jordan stated he heard a thud as if Price hits one of them.  Someone drives the station wagon they turn around and come back to 19, Price turns up 19, stops at Posey's car, and the others, most of the others and they go on up the side road.  Within a matter of minutes they are on the road leading to the west, the car stops, the boys are taken out of the car and killed.  They load the bodies in the station wagon.  Doyle is there, Price is there, Posey is there,  Roberts is there, Jordan is there, Snowden is there, Arledge and Sharpe.  Price then heads back toward Philadelphia.  Posey tells the group he knows where they are going to bury them.  They go out the back road up toward Philadelphia out past Burrage's place, down to the entrance of the dam, and down into the pond dam site.  They wait for a bulldozer operator named Herman to come.  He comes and works for about twenty minutes.  The caravan of death then leaves and start back and before they get to Philadelphia, they stop at what Jordan describes as a warehouse, Doyle puts the license plate back on his car, Jordan picks up the gloves he hears that Herman is going to take care of the burning, and Jordan, he and Barnett enter the car again and then they come back to Philadelphia.  When they get in downtown Philadelphia, Jordan says they stopped at a grocery store.  There's a police car waiting there, two men are in it, and one of the other men is Willis, City Policeman.  He told them where the boys were released from jail.  Posey gets out of the car and with Sharpe he tells them to get away, everything will be taken care of.  They leave at about 12:00 to 12:30 and go back to Meridian.  James Jordan is a witness, an eye witness to a participation by Killen, and Price and Herndon and Harris, Akin, Mr. Akin, Posey, sitting next to Preacher Killen there, Roberts, the big fellow, Snowden, Arledge, Doyle Barnett, Sharpe, Hop Barnett and Willis.  Willis is here.  Willis, Price, Killen are all sitting right here

     Much will be said about Jordan's part in the participation of the crime or murder in this case.  It is not important for you to decide who actually fired the gun.  It is not important in this case for you to decide who actually fired the gun, or which gun killed the three boys.  It means certainly that it was Jordan that killed the three boys, because one gun put a contact shot in the three boys and there was two guns involved, three of the bullets definitely came from one gun, one of the bullets in each of the three bodies, the contact shots, came from one gun.  A fourth bullet may have come from that gun, that's the bullet in the head of Chaney, the fifth bullet came from another gun, that is the bullet that went through the back of Chaney and came out and rested in the flabby part of the stomach on the front.  In deciding a case of this kind you must look for collaboration of what Jordan said, you must weigh it, test it against your own common sense and experience.  Jordan said Price arrested the boys, Jordan said Price released them, Jordan said Price arrested the boys, Jordan said Price released them, if one of those things is fully and completely positively collaborated and I say again that this is a conspiracy and not a murder case.  It doesn't matter who fired the shots in determining the guilt or innocence of these defendants, each of or any of the defendants, rather review the testimony.  I now review the testimony implicating conclusively implicating beyond a reasonable doubt each of the defendants.  Sam Bowers organized the Klan.  It was a tightly disciplined organization.  He told Jim Jordan that Schwerner was a thorn in the side of the white man.  Elimination had to be approved by the Klan, and Killen said, that three times the Imperial Wizard had approved it.  After it was over, Killen said that Bowers said that this was the first time that a "Christian had ever achieved the execution of a Jew," Sam Bowers, by his own hands, acknowledged that this plan was a Klan conspiracy.  Examine, if you will, the code letter that he sent to Delmar Dennis, and I wish to call you attention again, Members of the Jury, to the circumstances under which this letter was received.  In the letter was an envelope, there is a stamp on it, it's been canceled, there is a date and a place where it was sent from, there is a person listed as being the person from whom it was sent, and it is sent to Sam Bowers, 820 4th Avenue South, Laurel, Mississippi.  This is a letter from Miller pleading to get back in the Klan after he's been banished because, I ask you to read this letter, this letter prepared by Bowers when he talks about his relationship in dealing with the F.B.I.  This is the clearest and most explicit admission of guilt in Bowers' involvement with this conspiracy….Sam Bowers admitted his participation further by furnishing money secretly to Billy Wayne Posey and Wayne Roberts.  The planners were Killen and Price.  Price admitted his participation in it, Members of the Jury, most important, he admitted his involvement the following day to that Police Officer, Mike Hatcher, who testified Wednesday night.  Mike Hatcher was the Meridian police officer who received not one cent for his information.  He was not a paid informant, he came here to testify and he testified under oath that on June 22nd, he saw Preacher Killen in a garage at the City Line Garage, 516 31st Avenue, Killen told him on the following day, remember this from Mike Hatcher, remember his testimony, that the Civil Rights Workers had been taken care of and had been buried in a dam out from Philadelphia and that the car had been burned.  Killen also stated that he was at the funeral home that night, and that, in fact, was his alibi.  He organized the Klan.  At a secret meeting of the Klan in Meridian, he said three times that Schwerner had been approved for elimination by the State organization….Preacher Killen is right in the middle of this conspiracy, and every single person in it.  Cecil Price was the lookout, his unusual patrolling, his unusual inquiries out in the Longdale community, the detention, the time of release, the contact shot, all points conclusively to the fact that Price was right in the middle of this conspiracy.  Highway Patrolman Powe testified that just after 10:25 Posey was looking for Price.  Price later admitted to Dennis when he said that after the defendants were arrested for the first time that the F.B.I. knows more about this case than we thought, someone must be talking, and he concluded that James Jordan…must be the man, because he was the only one that could have hit Chaney that night.  Price used the machinery of law, his office, his power, his authority, his badge, his uniform, his jail, his police car, his police gun, he used them all to take, to hold, to capture and kill.  He is responsible for this conspiracy and accountable under law and under justice.  The two recruiters were Herndon and Harris, especially to the Klan in Meridian.  They knew of "Goatee" they had been up at the Bloomo School, they knew of the plot, they were in the Klan and they made the calls, they didn't go because they were officers.  Station Agent was Akin.  He helped the boys get ready.  He had the cars filled up with gas they were organized at Akin’s.

BY MR. PIGFORD:    
     Object, Your Honor.

BY THE COURT:    
      Overruled.

BY MR. HENDRICKS:    
     We would like to make a motion for a mistrial.

BY THE COURT:    
     Well that request is overruled, Counsel, that's argument, it's not evidence, go along.

BY MR. DOAR:    
     He admitted this to Miller and Dennis.  He told Miller the Mt. Zion Church was burned to get Schwerner back up there.  He was present when Killen said that Bowers had approved the elimination of Schwerner.  Billy Wayne Posey, the man driving the car knew the territory.  He was at Pilgrim's Store talking to Powe at 10:26 p.m., when Laurel Weir asked Mr. Powe if he was absolutely sure it was Posey, he answered "in my opinion, yes."  He added that he had a red car just like Posey and he had chased that car when Jerry Sharpe was driving it.  Posey was in the Bloomo school.  Posey was out at the church, Posey said, "I thought we were after the white Civil Rights Workers that night."  Posey received two five hundred payments secretly through Delmar Dennis, the receipts are in evidence.

     Hop Barnett, the ex-sheriff, was the lookout man.  He came to the Bloomo School on the 16th and said "the Civil Rights Workers are out at the church"  He went out there and participated in the beatings of the Negro people out there when they came out of their church meeting.

     Patrolman Willis, the only patrolman on duty was stationed just South of Philadelphia on Highway 19.  He was the city patrolman involved as a look-out man.  The look-out man was Hop Barnett….The most violent of all was Wayne Roberts.  Wayne Roberts is a big man, he beat the Negroes at the Mt. Zion Church, he was a hero with blood on his hands, he went to the Bloomo School, he was present at the meeting when Schwerner’s elimination was discussed, he was in the first car, Killen took him back to Philadelphia with him, Roberts went with Killen first to make the final arrangements.  Snowden, Arledge, Sharpe their involvement stems wholly on their identification with Jordan and their membership in the Klan.  Herman Tucker's participation…is corroborated by the physical circumstances.  The fact that the word was passed that they were going to be buried in a grave twelve to fifteen feet deep.  Burrage and Tucker had such a contract, but the contract had not been executed at that time.  They knew how high that dam was, but it wasn't a matter of common knowledge throughout Neshoba County, and the conspirators could not have known how much earth was going to be piled on that dam unless Tucker and Burrage or Tucker or Burrage were involved.  Further, that burial was performed in twenty minutes, and it’s true that you probably could turn on a bulldozer by just turning your keys, but it's not as simple as all of that to run the levers, you've got to run the tracks, you've got to pull the blade, when you push the blade forward to push the earth forward you've got to raise up that blade, and move back over it so that the bodies would be covered.  This is no job for a bulldozer operator who didn't know the equipment and who didn't know the conditions and who didn't know the surroundings.  Herman Tucker's participation is also collaborated by the fact that Herman was going to take care of the car and Herman testified that he was an experienced car burner.  Olen Burrage is involved because the burial was on his place.  There is an indispensable inference to me that this couldn't have been done without his participation.  Finally, there's Sheriff Lawrence Rainey.  Sheriff Rainey was present in the Philadelphia area that night according to the radio calls, he was present at least in the range of the radio calls late that afternoon.  Sheriff Rainey was present in the jail at ten minutes until twelve.  Sheriff Rainey failed to act that night, and that fact plus his Klan membership and his oath…puts him fully in this conspiracy.  That leaves only two people.

     The first is Travis Barnett.  I think you should go out and return a verdict of not guilty against Travis Barnett.  I don't think the verdict and the evidence is sufficient to warrant us asking you to find Travis Barnett guilty.

     With respect to Horace Doyle Barnett, however, you have his confession.  This confession can only be considered against him, but I want to run over it again with you to touch this so that you have it clearly in your mind.  He wrote it or the F.B.I. Agent wrote and he initialed on June 21st. **[NOTE: The Court ruled this confession could only be used against Barnette, so Doar replaced the names of the other co-conspirators as well as identifying information about the make and model of cars belonging to those defendants, with “blank”. What follows is Doar’s synopsis of Barnett’s confession, often but not always quoted verbatim]:**

I was having supper at *Blank Blank* house, Meridian.  *Blank* called on the telephone and told *Blank* that the Klan had a job and wanted to know if I would go.  *Blank* asked me if I would go and we went to *Blank* in Meridian.  We did not know what the job was.  Upon arriving we were met by *Blank*, *Blank*, Jim Jordan and *Blank*.  *Blank* told us that three civil rights workers were in jail in Philadelphia and that the three civil rights workers were going to be released from jail and that they were going to catch them and give them a whipping.  We were given gloves.  *Blank, Blank*, and Jordan got into my car and we drove to Philadelphia.  *Blank and Blank* left before we did and we were told we would meet them there.  When we arrived in Philadelphia we met *Blank* and waited for someone to tell us where and when the three civil rights workers were being released from jail.  While we were talking *Blank* stated that they had a place to bury them and a man to run the dozer to cover them up.  This was the first time I realized that the three civil rights workers were to be killed.  About five or ten minutes after we parked, *Blank* came to the car and said they are going to Meridian on Highway 19.  We proceeded and caught up to the Mississippi State Highway Patrol.  We pulled into a store on the left side of the road.  We pulled alongside the patrol car and then another car from *Blank* pulled in between us, I was driving a ‘57 Ford.  *Blank* then drove away and we followed.  I then drove fast and caught up with the car the three civil rights workers were in, pulled over to the side and stopped.  About a minute or two later *Blank* came along and stopped beside my car.  Price asked who was going to stop them and *Blank* said that he would.  We followed the civil rights workers and they turned off----

BY MR. ALFORD:    
     Your Honor please, just a minute.  He's quoting names in this statement and we object to it.  It's not there.

BY MR. WEIR:    
     Move the Court for a mistrial.

BY THE COURT:    
     Overruled, gentlemen, go along.

BY MR. DOAR:    
     We followed civil rights workers and turned off Highway 19 on a side road and drove about a couple of miles before *Blank* told them to get out and get into his car.  At the junction of 19 and where we turned off I had let *Blank* out of the car to signal the fellows in the car, and then it goes and tells how they take them back up the road and they followed about a mile up the road.  We stopped and *Blank* and I stopped behind them with about a car length between each car.  Before I could get out of the car *Blank* ran past my car to *Blank’*s car, opened the left rear door, pulled Schwerner out of the car, spun him around so that Schwerner was standing on the left side of the road with his back to the ditch and said ‘are you a nigger lover’ and Schwerner said, ‘sir, I know just how you feel.’  *Blank* had a pistol in his right hand and then shot Schwerner.  *Blank* then went back to *Blank*’s car and got Goodman, took him to the left side of the road with Goodman facing the road and shot Goodman.  When *Blank* shot Schwerner *Blank* had his hand on Schwerner's shoulder.  When *Blank* shot Goodman, *Blank* was standing within reach of him.  Schwerner fell to the left.  Goodman spun around and fell and then Jim Jordan said save one for me.  He got out of *Blank’*s car and got Chaney out.  I remember Chaney backing up facing the road and standing on the back on the other side and Jordan stood in the middle of the road and shot him.  I don't remember how many times Jordan shot.  Jordan said ‘you did not leave me anything but a nigger, but at least I killed me a nigger.’  The three civil rights workers were then loaded into the back of the ‘63 Ford wagon.  I don't know who put the bodies in the car but I only put Chaney's foot in the car.  *Blank* then got into his car and drove back toward Highway 19.  *Blank, Blank* and Jordan then got into the ‘63 Ford and started up the road.  *Blank* and *Blank* and another person who I do not know the name of got into my car.  I do not know the roads we took, but went through the outskirts of Philadelphia and to the dam site on *Blank’*s property.  When we arrived at the dam site someone said that the bulldozer operator was not there.  Blank and *Blank* and *Blank* and I went in my car to find him.  We drove out to a paved road and about a mile down the road we saw a *Blank* parked on the left side of the road.  *Blank* told me to stop and we backed up to this car.  Two men were in the car.  *Blank* said that they were already down there and *Blank* said to follow them.  I followed the *Blank* back toward the dam site taking a different road.  *Blank* said it's just a little ways over there and *Blank* and *Blank* walked the rest of the way, and it goes on we were then about we were there about thirty minutes when the other fellows came from the dam site in the ‘63 Ford.  *Blank* got a glass gallon jug and filled it one half with gasoline to be used to burn the 1963 Ford car.  It was about one to one-thirty in the morning.  *Blank, Blank*, Jordan, *Blank* and I then got into my car and drove back toward Philadelphia.   When we got to Philadelphia *Blank* stopped us and we got out. *Blank, Blank, Blank* and *Blank*, who told us which way the civil rights workers were leaving town, got out.  It was then about two o'clock.  We talked for about two or three minutes and then someone said we better not talk about this and *Blank* said I will kill anyone who talks even if it's my brother.  We then got back in the car and drove back to Meridian.’

     Members of the Jury, this is an important case.  It is important to the government.  It's important to the defendants, but most important, it's important to the State of Mississippi.  What I say, what the other lawyers say here today, what the Court says about the law will soon be forgotten, but what you twelve people do here today will long be remembered.  Does not everyone see and understand that it was a matter of absolute necessity that you twelve people of Mississippi be asked to sit as jurors and judge this case?  These defendants will stand before you on the record in this case and they will beg of you for indulgence.  In effect they will beg of you for indulgence.  In effect they will say as Gloucester said of old as he stood over the body of his slain king, he begged of the queen ‘say I slew him not.’  The queen replied ‘then say they were not slain’, but they are dead.  If you find that these men or that each of them is not guilty of this conspiracy it would be as true to say that there was no night time release from jail by Cecil Price, there were no white knights, there are no young men dead, there was no murder.  If you find that these men are not guilty you will declare the law of Neshoba County to be the law of the State of Mississippi.