

FEDERAL BUREAU OF INVESTIGATION  
ENCLOSURE COVER SHEET

SUBJECT: Miburn

FILE: 44-25706

SECTION 58 OF 78

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# FEDERAL BUREAU OF INVESTIGATION

Reporting Office <b>JACKSON</b>	Office of Origin <b>JACKSON</b>	Date <b>3-5-65</b>	Investigating Period <b>12-19-64/3-5-65</b>
Title of Case <b>BERNARD L. AKIN; ET AL JAMES EARL CHANEY, MICHAEL HENRY SCHWERNER, aka Mickey, ANDREW GOODMAN - VICTIMS</b>		Report made by <b>SA [REDACTED] b7C</b>	Typed By: <b>[REDACTED]</b>
		Character of Case <b>CIVIL RIGHTS - ELECTION LAW JUVENILE DELINQUENCY</b>	

**SUMMARY**

## S U P P L E M E N T A L P R O S E C U T I V E S U M M A R Y

**REFERENCES:** Prosecutive Summary Report of SA [REDACTED] dated 12-19-64, at Jackson  
Report of SA [REDACTED] dated 1-24-65 at Jackson

**ADMINISTRATIVE:**

A Supplemental Prosecutive Summary is being submitted at this time due to the proximity of trial in this matter. This Supplemental Prosecutive Summary consists of information developed subsequent to the prosecutive summary report of SA [REDACTED] dated 12-19-64 at Jackson, and contains information which was abstracted from Jackson report of SA [REDACTED] dated 1-24-65.

Approved <b>[Signature]</b>	Special Agent in Charge	Do not write in spaces below
Bureau (44-25706) (RM) - USA, Jackson - Jackson (44-1)	44-25706-1822 3/11/65 MAR 15 1965	[REDACTED]
CHB attn: Mr. A.L. [REDACTED] b7C 3-11-65 6-9-65 Gta - Jit		
RECEIVED MAR 15 1965		

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All persons contacted during the course of this investigation were advised that this inquiry was being conducted at the specific request of Mr. JOHN DOAR, Assistant Attorney General, Civil Rights Division, U. S. Department of Justice.

One extra copy of this report will remain in the Jackson Division in the event of future need for this report by the Atlanta Division where JAMES EDWARD JORDAN's case has been transferred under Rule Twenty.

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**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION**

Copy to: 1 - USA, Jackson, Mississippi

Report of: SA [REDACTED] b7c  
Date: 3-5-65

Office: JACKSON

Field Office File No.: 44-1

Bureau File No.: 44-25706

Title: BERNARD L. AKIN; JIMMY (NMN) ARLEDGE;  
HORACE DOYLE BARNETTE; TRAVIS MARYN BARNETTE;  
OLEN LOVELL BURRAGE; JAMES T. HARRIS; FRANK J.  
HERNDON; JAMES E. JORDAN; EDGAR RAY KILLEN;  
~~XXXXXXXX~~ BILLY WAYNE POSEY; CECIL RAY PRICE; LAWRENCE  
ANDREW RAINEY; ALTON WAYNE ROBERTS; JERRY MC GREW  
~~XXXXXXXX~~ SHARPE; JIMMY SNOWDEN; JIMMY LEE TOWNSEND; HERMAN  
TUCKER; RICHARD ANDREW WILLIS  
JAMES EARL CHANEY; MICHAEL HENRY SCHWERNER;  
ANDREW GOODMAN - VICTIMS

Character: CIVIL RIGHTS - ELECTION LAWS; JUVENILE DELINQUENCY ACT

S U P P L E M E N T A LP R O S E C U T I V E S U M M A R Y

Synopsis: The Federal Grand Jury which convened 1-11-65 at Jackson, Mississippi, to hear testimony concerning the abduction and murder on 6-21-64 of JAMES EARL CHANEY, MICHAEL HENRY SCHWERNER and ANDREW GOODMAN, three civil rights workers, in Neshoba County, Mississippi, returned True Bill 1-15-65 charging BERNARD L. AKIN, JIMMY (NMN) ARLEDGE, HORACE DOYLE BARNETTE, TRAVIS MARYN BARNETTE, OLEN LOVELL BURRAGE, JAMES T. HARRIS, FRANK J. HERNDON, JAMES E. JORDAN, EDGAR RAY KILLEN, BILLY WAYNE POSEY, CECIL RAY PRICE, LAWRENCE ANDREW RAINEY, ALTON WAYNE ROBERTS, JERRY MC GREW SHARPE, JIMMY SNOWDEN, JIMMY LEE TOWNSEND, HERMAN TUCKER and RICHARD ANDREW WILLIS with violations of Title 18, U.S. Code, Section 241, with Conspiracy under Section 371, and violation of Title 18, U. S. Code, Section 242.

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Arrest warrants were issued by U. S. District Court Clerk and all Subjects, with exception of HORACE DOYLE BARNETTE and JAMES EDWARD JORDAN, were arrested by U. S. Marshals on 1-16-65 and arraigned before U. S. Commissioner ESTHER CARTER 1-16-65, who released them under \$5,750 bond. HORACE DOYLE BARNETTE was arrested by Bureau Agents, Shreveport, La., 1-18-65, arraigned before U. S. Commissioner, Shreveport, La., and released on \$5,000 bond the same date.

JAMES EDWARD JORDAN voluntarily appeared, in response to a Bench Warrant issued 1-15-65 in the Southern District of Miss., at Atlanta, Ga., 1-18-65, arraigned before U. S. Commissioner, Atlanta, Ga., and released under \$5,000 bond.

On 1-24-65, U. S. District Judge HAROLD COX, Southern District of Miss., signed an order authorizing the Clerk of the U. S. District Court for Southern District of Miss. to transfer cause of JAMES EDWARD JORDAN from Southern District of Miss. to the Northern District of Ga. for plea of guilty or nolo contendere.

On 2-24-65, U. S. District Judge COX sustained Defendants' motions to dismiss indictments charging Defendants with violation of Title 18, U. S. Code, Section 241.

On 2-25-65, Judge COX sustained the first count of the indictment for Conspiracy under Title 18, U. S. Code, Section 371, to violate Title 18, U. S. Code, Section 242, against all Defendants and ruled that the second, third, and fourth counts of the indictment were valid against LAWRENCE RAINEY, CECIL PRICE, and RICHARD ANDREW WILLIS, but not against the other Defendants.

JAMES EDWARD JORDAN reiterated his statement that he was not physically present when Victims SCHWERNER, GOODMAN and CHANEY were shot on the gravel road near Highway 19 near Philadelphia, Miss.

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[REDACTED]

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[REDACTED]

b7C, b7D

[REDACTED]

b7C, b7D

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I. PRELIMINARY PROSECUTIVE ACTION

On January 1, 1965, the Federal Grand Jury convened at Jackson, Mississippi, to hear testimony concerning the abduction and murder on June 21, 1964, in Neshoba County, Mississippi, of three civil rights workers, JAMES EARL CHANEY, MICHAEL HENRY SCHWERNER and ANDREW GOODMAN.

On January 15, 1965, a true bill was returned by the Federal Grand Jury charging the following persons with violations of Title 18, United States Code, 241, 242 and 371:

- CECIL RAY PRICE
- BERNARD L. AKIN
- JIMMY ARLEDGE
- HORACE DOYLE BARNETTE
- TRAVIS MARYN BARNETTE
- OLEN LOVELL BURRAGE
- JAMES T. HARRIS
- FRANK J. HERNDON
- JAMES E. JORDAN
- EDGAR RAY KILLEN
- BILLY WAYNE POSEY
- LAWRENCE ANDREW RAINEY
- ALTON WAYNE ROBERTS
- JERRY MC GREW SHARPE
- JIMMY SNOWDEN
- JIMMY LEE TOWNSEND
- HERMAN TUCKER
- RICHARD ANDREW WILLIS

The indictments returned by the Grand Jury are set forth as follows:

"IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION

"UNITED STATES OF AMERICA :

v. : CRIMINAL NO. 5215

"CECIL RAY PRICE : 18 U.S.C. 241

BERNARD L. AKIN

JIMMY ARLEDGE

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[redacted] kg  
b7c 2

HORACE DOYLE BARNETTE  
TRAVIS MARYN BARNETTE  
OLEN LOVELL BURRAGE  
JAMES T. HARRIS  
FRANK J. HERNDON  
JAMES E. JORDAN  
EDGAR RAY KILLEN  
BILLY WAYNE POSEY  
LAWRENCE ANDREW RAINEY  
ALTON WAYNE ROBERTS  
JERRY MC GREW SHARPE  
JIMMY SNOWDEN  
JIMMY LEE TOWNSEND  
HERMAN TUCKER  
RICHARD ANDREW WILLIS

"THE GRAND JURY CHARGES AND PRESENTS:

"1. At all times herein mentioned Lawrence Andrew Rainey was sheriff of Neshoba County, Mississippi; Cecil Ray Price was deputy sheriff of Neshoba County, Mississippi; Richard Andrew Willis was a patrolman of the Police Department of Philadelphia, Mississippi; and each was acting by virtue of his official position and under color of the laws of the State of Mississippi.

"2. Commencing on or about January 1, 1964, and continuing to on or about December 4, 1964, Cecil Ray Price, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Lawrence Andrew Rainey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend, Herman Tucker, and Richard Andrew Willis, within the Southern District of Mississippi, conspired together, with each other and with other persons to the Grand Jury unknown, to injure, oppress, threaten and intimidate Michael



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Henry Schwerner, James Earl Chaney and Andrew Goodman, each a citizen of the United States, in the free exercise and enjoyment of the right and privilege secured to them by the Fourteenth Amendment to the Constitution of the United States not to be deprived of life or liberty without due process of law by persons acting under color of the laws of Mississippi.

"3. It was a part of the plan and purpose of the conspiracy that Cecil Ray Price, while having Michael Henry Schwerner, James Earl Chaney and Andrew Goodman in his custody in the Neshoba County Jail located in Philadelphia, Mississippi, would release them from custody at such time that he, Cecil Ray Price, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Alton Wayne Roberts, Jimmy Snowden, James E. Jordan, Billy Wayne Posey, Jerry McGrew Sharpe and Jimmy Lee Townsend could and would intercept Michael Henry Schwerner, James Earl Chaney and Andrew Goodman upon their leaving the area of the Neshoba County Jail, and threaten, assault, shoot and kill them.

"In violation of Section 241 of Title 18 of the United States Code.

"  
\_\_\_\_\_  
United States Attorney

"  
\_\_\_\_\_  
Special Attorney  
Department of Justice

"A TRUE BILL:

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\_\_\_\_\_  
Foreman of the Grand Jury

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"IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

"UNITED STATES OF AMERICA :

v. :

CECIL RAY PRICE : CRIMINAL NO. 5216  
BERNARD L. AKIN :  
JIMMY ARLEDGE : 18 U.S.C. 242, 371  
HORACE DOYLE BARNETTE  
TRAVIS MARYN BARNETTE  
OLEN LOVELL BURRAGE  
JAMES T. HARRIS  
FRANK J. HERNDON  
JAMES E. JORDAN  
EDGAR RAY KILLEN  
BILLY WAYNE POSEY  
LAWRENCE ANDREW RAINEY  
ALTON WAYNE ROBERTS  
JIMMY MC GREW SHARPE  
JIMMY SNOWDEN  
JIMMY LEE TOWNSEND  
HERMAN TUCKER  
RICHARD ANDREW WILLIS

"THE GRAND JURY CHARGES AND PRESENTS:

FIRST COUNT

"1. At all times herein mentioned Lawrence Andrew Rainey was sheriff of Neshoba County, Mississippi; Cecil Ray Price was deputy sheriff of Neshoba County, Mississippi; Richard Andrew Willis was a patrolman of the Police Department of Philadelphia, Mississippi; and each was acting by virtue of his official position and under color of the laws of the State of Mississippi.

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"2. Commencing on or about January 1, 1964, and continuing to on or about December 4, 1964, Cecil Ray Price, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Lawrence Andrew Rainey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend, Herman Tucker, and Richard Andrew Willis, within the Southern District of Mississippi, conspired together, with each other, and with other persons to the Grand Jury unknown, to commit an offense against the United States in violation of Section 242 of Title 18 of the United States Code, that is to say that they conspired to wilfully subject Michael Henry Schwerner, James Earl Chaney and Andrew Goodman, each an inhabitant of the State of Mississippi, to the deprivation of their right, privilege and immunity secured and protected by the Fourteenth Amendment to the Constitution of the United States not to be summarily punished without due process of law by persons acting under color of the laws of the State of Mississippi.

"3. It was a part of the plan and purpose of the conspiracy that Cecil Ray Price, while having Michael Henry Schwerner, James Earl Chaney and Andrew Goodman in custody in the Neshoba County Jail located in Philadelphia, Mississippi, would release them from custody at such time that he, Cecil Ray Price, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Alton Wayne Roberts, Jimmy Snowden, James E. Jordan, Billy Wayne Posey, Jerry McGrew Sharpe and Jimmy Lee Townsend could and would intercept Michael Henry Schwerner, James Earl Chaney and Andrew Goodman upon their leaving the area of the Neshoba County Jail, and threaten, assault, shoot and kill them.

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### Overt Acts

"Pursuant to the conspiracy and in furtherance of the objects thereof, the following defendants committed the following overt acts within the Southern District of Mississippi:

"1. On June 21, 1964, Cecil Ray Price detained Michael Henry Schwerner, James Earl Chaney and Andrew Goodman in the Neshoba County Jail located in Philadelphia, Mississippi, after sundown on that day until approximately 10:30 P.M.

"2. On June 21, 1964, Billy Wayne Posey drove an automobile south on Highway 19 from Philadelphia, Mississippi.

"3. On June 21, 1964, Cecil Ray Price drove an automobile south on Highway 19 from Philadelphia, Mississippi.

"4. On June 21, 1964, Cecil Ray Price removed Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from an automobile stopped on Highway 492 between Highway 19 and Union, Mississippi, and placed them in an official automobile of the Neshoba County Sheriff's office.

"5. On June 21, 1964, Cecil Ray Price transported Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from a place on State Highway 492 between Highway 19 and Union, Mississippi, to a place on an unpaved road intersecting Highway 19 south of Philadelphia, Mississippi.

"6. On June 21, 1964, Billy Wayne Posey drove an automobile bearing the bodies of Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from a place on the unpaved road intersecting Highway 19

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south of Philadelphia, Mississippi, to the vicinity of the construction site of an earthen dam, located near Highway 21, approximately 5 miles southwest of Philadelphia, Mississippi.

"In violation of Section 371 of Title 18 of the United States Code.

SECOND COUNT

"On or about June 21, 1964, in Neshoba County, Mississippi, and within the Southern District of Mississippi, Lawrence Andrew Rainey, sheriff of Neshoba County, Mississippi, Cecil Ray Price, deputy sheriff of Neshoba County, Mississippi, Richard Andrew Willis, a patrolman of the Police Department of Philadelphia, Mississippi, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend and Herman Tucker, while acting under color of the laws of the State of Mississippi, did wilfully assault, shoot and kill Michael Henry Schwerner, an inhabitant of the State of Mississippi, then and there in the custody of Cecil Ray Price, for the purpose and with the intent of punishing Michael Henry Schwerner summarily and without due process of law and for the purpose and with the intent of punishing Michael Henry Schwerner for conduct not so punishable under the laws of Mississippi, and did thereby wilfully deprive Michael Henry Schwerner of rights, privileges and immunities secured and protected by the Constitution and the laws of the United States, namely, the right not to be deprived of his life and liberty without due process of law, the right and privilege 983

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to be secure in his person while in the custody of the State of Mississippi and its agents and officers, the right and privilege to be immune from summary punishment without due process of law, and the right to be tried by due process of law for an alleged offense and, if found guilty, to be punished in accordance with the laws of the State of Mississippi.

"In violation of Section 242 of Title 18 of the United States Code.

THIRD COUNT

"On or about June 21, 1964, in Neshoba County, Mississippi, and within the Southern District of Mississippi, Lawrence Andrew Rainey, Sheriff of Neshoba County, Mississippi, Cecil Ray Price, deputy sheriff of Neshoba County, Mississippi, Richard Andrew Willis, a patrolman of the Police Department of Philadelphia, Mississippi, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend and Herman Tucker, while acting under color of the laws of the State of Mississippi, did wilfully assault, shoot and kill James Earl Chaney, an inhabitant of the State of Mississippi, then and there in the custody of Cecil Ray Price, for the purpose and with the intent of punishing James Earl Chaney summarily and without due process of law and for the purpose and with the intent of punishing James Earl Chaney for conduct not so punishable under the laws of Mississippi, and did thereby wilfully deprive James Earl Chaney of rights, privileges and immunities secured and protected

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by the Constitution and the laws of the United States, namely, the right not to be deprived of his life and liberty without due process of law, the right and privilege to be secure in his person while in the custody of the State of Mississippi and its agents and officers, the right and privilege to be immune from summary punishment without due process of law, and the right to be tried by due process of law for an alleged offense and, if found guilty, to be punished in accordance with the laws of the State of Mississippi.

"In violation of Section 242 of Title 18 of the United States Code.

#### FOURTH COUNT

"On or about June 21, 1964, in Neshoba County, Mississippi, and within the Southern District of Mississippi, Lawrence Andrew Rainey, sheriff of Neshoba County, Mississippi, Cecil Ray Price, deputy sheriff of Neshoba County, Mississippi, Richard Andrew Willis, a patrolman of the Police Department of Philadelphia, Mississippi, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend and Herman Tucker, while acting under color of the laws of the State of Mississippi did wilfully assault, shoot and kill Andrew Goodman, an inhabitant of the State of Mississippi, then and there in the custody of Cecil Ray Price, for the purpose and with the intent of punishing Andrew Goodman summarily and without due process of law and for the purpose and with the intent of punishing Andrew Goodman for conduct not so punishable under the laws of Mississippi, and did thereby wilfully deprive Andrew Goodman of rights,

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privileges and immunities secured and protected by the Constitution and the laws of the United States, namely, the right not to be deprived of his life and liberty without due process of law, the right and privilege to be secure in his person while in the custody of the State of Mississippi and its agents and officers, the right and privilege to be immune from summary punishment without due process of law, and the right to be tried by due process of law for an alleged offense and, if found guilty, to be punished in accordance with the laws of the State of Mississippi.

"In violation of Section 242 of Title 18 of the United States Code.

"

United States Attorney

"Special Attorney  
Department of Justice

"A TRUE BILL:

Foreman of the Grand Jury



JN 44-1

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ARREST OF DEFENDANTS NAMED IN  
INDICTMENT

On January 15, 1965, warrants for the arrest of BERNARD L. AKIN, JIMMY ARLEDGE, HORACE DOYLE BARNETTE, TRAVIS MARYN BARNETTE, OLEN LOVELL BURRAGE, JAMES T. HARRIS, FRANK J. HERNDON, JAMES E. JORDAN, EDGAR RAY KILLEN, BILLY WAYNE POSEY, CECIL RAY PRICE, LAWRENCE ANDREW RAINEY, ALTON WAYNE ROBERTS, JERRY MC GREW SHARPE, JIMMY SNOWDEN, JIMMY LEE TOWNSEND, HERMAN TUCKER and RICHARD ANDREW WILLIS were issued by Clerk of the United States District Court, Jackson, Mississippi. All of the above-mentioned defendants, with the exception of HORACE DOYLE BARNETTE and JAMES EDWARD JORDAN, were arrested on January 16, 1965, by Deputy United States Marshals and arraigned before United States Commissioner ESTHER CARTER at Meridian, Mississippi, who released them on \$5,750 bond.

On January 18, 1965, HORACE DOYLE BARNETTE was arrested by FBI Agents at Shreveport, Louisiana, and arraigned before United States Commissioner at Shreveport, Louisiana, who released BARNETTE on \$5,000 bond.

On January 18, 1965, JAMES E. JORDAN voluntarily appeared at the Atlanta Office in response to Bench Warrant for Arrest issued on January 15, 1965, in the Southern District of Mississippi.

He was taken before U. S. Commissioner FRANK A. HOLDEN, Northern District of Georgia, Atlanta, Georgia, by Special Agent [redacted] Commissioner HOLDEN set bond in the amount of \$5,000, permitted JORDAN to sign his own bond without surety, and JORDAN was released with instructions that he should appear before the U. S. District Court for the Southern District of Mississippi at Meridian, Mississippi, when so ordered. b7c

MOTIONS FILED BEFORE UNITED STATES DISTRICT  
JUDGE HAROLD J. COX

The following motions were filed by attorneys for the Defendants in the murder of the three civil rights workers, SCHWERNER, CHANEY and GOODMAN, before United States District Judge HAROLD J. COX, at Jackson, Mississippi:

1. Motion to dismiss for lack of jurisdiction, as indictment does not allege a crime cognizable by the Laws of the United States.
2. Motion for additional time in which to prepare motions.
3. Motions for severance.
4. Motion to suppress search warrants.
5. Motion for jury trial.
6. Motion to dismiss because evidence and information is not supported by facts and was obtained unlawfully, since Defendants were taken to Meridian Auxiliary Naval Station, held incommunicado without right to counsel, intensely interrogated, subjected to being exhibited as common criminals before newspaper reporters, hundreds of cameramen, etc., who exhibited them in a prejudicial manner to the public to the extent they have been publicly tried and convicted by newspaper and television media to the extent that their right to a fair and impartial trial has been abrogated without their consent.
7. Motion to dismiss on basis that the attorneys other than the regular United States Attorney and his Assistants were permitted to go before the Federal Grand Jury which returned indictments, that indictments were obtained by undue force and payment of money by Agents and Officers of the Federal Government, and if it had not been for evidence so

JN 44-1

7. - Continued:

produced, the Defendants would not have been indicted.

8. Motion to require production of evidence.

9. Motion for bill of particulars.

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PRE-TRIAL HEARINGS, JANUARY 25 to 27,  
1965, AT MERIDIAN, MISSISSIPPI

In connection with pre-trial pleadings before United States District Judge HAROLD J. COX, Southern District of Mississippi, on January 25 to 27, 1965, at Meridian, Mississippi, Departmental Attorney ROBERT OWEN advised that the following motions were heard and argued: D.C.

1. Motion for severance. Miss.

A motion for severance for Horace Doyle Barnette was granted by U. S. District Judge HAROLD J. COX.

2. Motion to suppress search warrants.

In connection with this motion, testimony was presented by Special Agents of the FBI HENRY L. MC CONNELL and JOHN H. KRESEK, who testified concerning their service of a search warrant August 4, 1964, on OLEN BURRAGE, who is the owner of Burrage Dam.

Special Agent of the FBI JAY COCHRAN, JR. testified regarding entries by Bureau Agents and excavating equipment on BURRAGE's property August 4, 1964, to effect the exhumation of the bodies of the three civil rights workers, SCHWERNER, CHANEY and GOODMAN, who were buried in BURRAGE's dam. In connection with this motion, Defendants' attorneys directed specific questions to COCHRAN concerning reconnoitering conducted by Agents on BURRAGE's property prior to August 4, 1964, which was the date of serving the search warrant on BURRAGE.

Special Agent JOHN H. PROCTOR, JR. testified concerning the terrain searches conducted on BURRAGE's property prior to August 4, 1964, and concerning the survey of the access road to the BURRAGE property, which road was employed in bringing the earth-moving equipment to the damsite.

Inspector JOSEPH A. SULLIVAN testified concerning radio transmissions from Bureau automobiles and his coordinating the service of the search warrant on OLEN BURRAGE with the entries of personnel and equipment to the OLEN BURRAGE farm.

3. Motion for dismissal of indictments against the Defendants on the basis they were prejudiced by undue publicity afforded in the preliminary hearing.

The Defendants called as their witnesses Navy personnel which included Commanding Officer, Captain JOE WILLIAMS; Executive Officer, Commander ROBERT WRIGHT; Legal Officer, Lieutenant RAY MADLIN; a Lieutenant DAVID WILLSEY; and a Seaman by the name of ROBERT S. FAITH, EM-3.

No rebuttal testimony was presented by the Government.

Judge COX reserved decisions on these motions until a later unspecified date.

ARRAIGNMENTS OF DEFENDANTS BEFORE U. S. DISTRICT  
JUDGE HAROLD J. COX AT MERIDIAN, MISSISSIPPI

27

On January 8, 1965, seventeen (17) Defendants, BERNARD L. AKIN; JIMMY (NMN) ARLEDGE; HORACE DOYLE BARNETTE; TRAVIS MARYN BARNETTE; OLEN LOVELL BURRAGE; JAMES T. HARRIS; FRANK J. HERNDON; EDGAR RAY KILLEN; BILLY WAYNE POSEY; CECIL RAY PRICE; LAWRENCE ANDREW RAINEY; ALTON WAYNE ROBERTS; JERRE MC GREW SHARPE; JIMMY SNOWDEN; JIMMY LEE TOWNSEND; HERMAN TUCKER; and RICHARD ANDREW WILLIS, appeared before U. S. District Judge HAROLD J. COX for a hearing, at which time the Defendants entered pleas of not guilty.

Judge COX ruled the Defendants could remain free on bonds of \$5,750 each. COX stated he would set the date for Defendants' trial after ruling on the motions presented to him by the defense attorneys.

DN 44-1

The contents of the Order to Transfer the Cause as to JAMES E. JORDAN from the Southern District of Mississippi to the Northern District of Georgia, for plea of guilty or nolo contendere is set forth as follows:

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 5215

CECIL RAY PRICE,  
JAMES E. JORDAN, ET AL

O R D E R

This day this cause came on for hearing on request of the defendant, James E. Jordan, for a waiver of trial and for transfer of the said cause as to James E. Jordan from the Southern District of Mississippi to the Northern District of Georgia for a plea of guilty or nolo contendere, and it appearing unto the Court that James E. Jordan was duly arrested in the Northern District of Georgia and has consented to disposition of said cause against him in the district in which he was arrested, and the United States Attorneys for each of said districts have approved said transfer, the Court is of the opinion and finds that said cause as to James E. Jordan should be transferred in accordance with Rule 20 of the Rules of Criminal Procedure.

It is, therefore, ordered that the Clerk of the United States District Court for the Southern District of Mississippi be and she is hereby authorized to transmit by United States mail certified copies of the original papers in this proceedings as they pertain to James E. Jordan to the Clerk of the United States District Court for the Northern District of Georgia at Atlanta, Georgia.

ORDERED this the 26th day of January, 1965.

/s/ Harold Cox  
UNITED STATES DISTRICT JUDGE

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On February 24, 1965, U. S. District Judge HAROLD COX, Southern District of Mississippi, Jackson, sustained Defendants' motions to dismiss indictments charging Defendants with violation of Section 241, Title 18, U. S. Code.

The opinion rendered by Judge COX is set forth below:

"UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

"CRIMINAL NUMBER 5215

"UNITED STATES OF AMERICA

PLAINTIFF

v.

CECIL RAY PRICE, BERNARD L. AKIN, JIMMY  
ARLEDGE, HORACE DOYLE BARNETTE, TRAVIS  
MARYN BARNETTE, OLEN LOVELL BURRAGE, JAMES  
T. HARRIS, FRANK J. HERNDON, EDGAR RAY KILLEN,  
BILLY WAYNE POSEY, LAWRENCE ANDREW RAINEY,  
ALTON WAYNE ROBERTS, JERRY MCGREW SHARPE,  
JIMMY SNOWDEN, JIMMY LEE TOWNSEND, HERMAN  
TUCKER, RICHARD ANDREW WILLIS

DEFENDANTS

"The named defendants move to dismiss this indictment for failure to state an offense against the laws of the United States. The indictment is predicated upon 18 U.S.C.A. S241. The first paragraph of the indictment states that Rainey was sheriff, Price was deputy sheriff and that Willis was a police officer, each acting at all times under "color of laws" of the State of Mississippi. The statute mentions nothing about "color of law" in the description of the crime embraced therein. The indictment charges that from January 1, 1964, to December 4, 1964, the named defendants in the Southern District of Mississippi conspired to injure, oppress, threaten and intimidate Michael Henry Schwerner, James Earl Chaney and Andrew Goodman, each a citizen of the United States, in the free exercise and enjoyment of the right and privilege secured to them by the Fourteenth Amendment to the Constitution of the United States



JN 44-1

"not to be deprived of life or liberty without due process of law by persons acting under color of the laws of Mississippi." The third paragraph of the indictment states that it was the plan and purpose of such conspiracy that said victims would be released by said officials from the county jail and that the individual defendants would intercept said released prisoners 'and threaten, assault, shoot and kill them.' This entire offense is said to have been committed in Neshoba County, State of Mississippi, in violation of said S241.

"This statute was designed and intended solely for the protection of federally created rights, not for any right merely guaranteed by the laws of the United States. This is not a statute which makes murder a federal crime under the facts and circumstances in this case. The right of every person not to be deprived of his life or liberty without due process of law is a right that existed prior to the Federal Constitution. It is a right which is protected by state laws and is merely guaranteed by the Constitution of the United States.

"In United States v. Cruikshank, 92 US 588, there was an indictment under S6 of the Enforcement Act of May 31, 1870, appearing as 16 Statute At Large 141, which is similar in many respects to S241 here. The Court said: 'The third and eleventh counts are even more objectionable. They charge the intent to have been to deprive the citizens named, they being in Louisiana, "of their respective several lives and liberty of person without due process of law." This is nothing else than alleging a conspiracy to falsely imprison or murder citizens of the United States, being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It

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"is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself.

'The Fourteenth Amendment prohibits a State from depriving any person of life, liberty or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society.'

"The indictment at bar is clearly void under the holding of Williams v. United States, (5CA) 179 F.2d 644, where the Court reversed a conviction under a very similar indictment in this circuit. That opinion makes abundantly clear the infirmities which are inherent in the indictment here. That decision was rendered on January 10, 1950.

"On April 23, 1951, in United States v. Williams, 341 US 70; 71 S.Ct. 581, the Supreme Court of the United States affirmed that decision. Among other things, the Supreme Court in that case said: 'All the evidence points to the same conclusion: that S241 applies only to interference with rights which arise from the relation of the victim and the federal government, and not to interference by state officers with rights which the federal government merely guarantees from abridgment by the states. \*\*\*Nor does the defined crime have as an ingredient that the conspiracy be under color of State law. Criminal statutes should be given the meaning their language most obviously invites. Their scope should not be extended to conduct not clearly within their terms. We therefore hold that including an allegation that the defendants acted under color of State law in an indictment under S241 does not extend the protection of the section to rights which the Federal Constitution merely guarantees against abridgment by the States. Since under this

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"'interpretation of the statute the indictment must fall, the judgment of the court below is affirmed.'

"The Congress has known of that decision now for approximately fifteen years and has acquiesced therein as a proper construction of S241.

"Here we have fourteen private individuals and three officials as defendants. The defendants are not charged with the violation of any right which was conferred upon either of these victims by a federal law. It is of no consequence, therefore, in law that some of the defendants were officials and that some of them were merely private citizens in allegedly committing the offense charged. The motion, like a demurer of old, admits for the purpose of this hearing all matters and things well pled in the indictment, but contends that even so, they are not charged with an offense against the United States. The authorities cited and found upon independent research support the soundness of this position. The indictment surely states a heinous crime against the State of Mississippi, but not a crime against the United States. This is a court of limited jurisdiction. The United States has no common law. Section 241 must be and is the sole and exclusive exponent of the offense set forth in this indictment. The indictment simply does not charge either of these defendants with any offense against the laws of the United States. The motions to dismiss this indictment against the named defendants will, therefore, be sustained.

"There are several other motions presented by these defendants pursuant to a previous order of this Court, but action on such motions is unnecessary by reason of the disposition of the foregoing motions. Such other motions, therefore, may be withdrawn or will be overruled. A judgment accordingly may be presented.

"February 24, 1965

"/s/ Harold Cox  
UNITED STATES DISTRICT JUDGE"

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On February 25, 1965, U. S. District Judge HAROLD COX, Southern District of Mississippi, Jackson, sustained in part and overruled in part Defendants' motions to dismiss indictments in violation of Section 242. Judge COX' opinion is set forth as follows, along with his rulings regarding other motions presented by Defendants' attorneys:

"UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

"CRIMINAL NUMBER 5216

"UNITED STATES OF AMERICA

PLAINTIFF

V.

CECIL RAY PRICE, ET AL

DEFENDANTS

"On January 18, 1965, the defendants were ordered to file all motions to be filed herein on or before January 25, 1965. Those motions have been filed and presented and will be presently decided.

"1. The defendants move for sixty days additional time to prepare and file motions and supporting affidavits. That motion is without merit and will be overruled.

"2. The defendants move to dismiss the indictment because of widespread adverse publicity and because they were photographed and pictured through the news media of the country as criminals. There was, indeed a great amount of sensational writing and numerous pictures of these defendants which appeared in many of the newspapers within the state and on television stations within the state and in other states. This unusual circumstance was taken into account by the Court in its supplemental charge to the grand jury who were expressly instructed to completely disregard all

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"news stories and all clamor from the outside, and to fairly and justly and honestly decide, each for himself, solely from the evidence and testimony presented to them in the grand jury room as to whether or not probable cause existed for indictment. The grand jury was admonished to vote their own honest and sincere and conscientious convictions on that question solely from the evidence and testimony before them under oath in the grand jury room. This was a very intelligent and a very fine grand jury, composed of a good cross section of citizens from the entire Southern Judicial District of Mississippi. It must be and is presumed that they did their duty in accordance with those instructions. That some others throughout the district may have formed an impression of some kind of guilt or innocence of these defendants does not show any prejudice in the mind or on the part of these grand jurors in performing their official duties here. That motion is without merit and will be overruled.

"3. The defendants (except Jordan) move to dismiss the indictment for failure to state an offense against, or a violation of any laws of the United States. The indictment is in four counts. The first count is for the conspiracy under 18 U.S.C.A. S371 to violate 18 U.S.C.A. S242. Six overt acts in furtherance of such conspiracy are stated. The second, third and fourth counts charge all of the defendants with a violation of 18 U.S.C.A. S242. Lawrence Andrew Rainey was sheriff, Cecil Ray Price was deputy sheriff and Richard Andrew Willis was a police officer of the municipality at all material times. The other defendants were at all times private individuals and so acting. Surely, Section 242 was a valid law of the United States at such time. The indictment states and the motion for its purpose admits that two or more of them conspired to violate this law of the United States on this occasion. It is immaterial to the conspiracy that these private individuals were not acting under color of law at such time so as to be vulnerable to S242. They are not charged with having violated S242 but are charged with having conspired to violate

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"said act. That is a crime against the United States under S371. The second, third and fourth counts charge that the official defendants willfully did things that denied and deprived their alleged victims of federally created rights. It is charged that the individual defendants like wise participated in the offenses charged in the second, third and fourth counts of the indictment, but it is not charged as an ultimate fact that they (or either of them) did anything as an official under color of any law, statute, ordinance, regulation, or custom as S242 provides and as a violation thereof would require. The indictment states that three of the defendants were acting as officers in all that they did, but then does not state or indicate that any of the other individual defendants were officers in fact, or defacto in anything allegedly done by them 'under color of law.'

"It is accordingly the view of this Court that the first count of this indictment is valid against all defendants before the Court; that the second count is valid against Rainey, Price and Willis but not against the other defendants; that the third count is valid against Rainey, Price and Willis but not against the other defendants; and that the fourth count is valid against defendants Rainey, Price and Willis but not the other defendants upon the authorities presently cited.

"In Williams v. United States, (5CA) 179 F.2d 656, a private detective was indicted and convicted under S242 for applying third degree methods to a victim while investigating a theft from a private concern. A city policeman was present at the scene of the offense and lent color of law to the event. The detective held a card from the Director of Public Safety showing his appointment as a special police officer of the municipality. A section of the charter of the city provided that no person should be appointed a special police or

"detective, except under the direction of the Chief of Police for a specified time. There was substantial evidence that Williams impersonated an officer and acted under color of law. He was found guilty of the charge by a jury and his conviction was affirmed. The case was appealed to the Supreme Court of the United States where it was affirmed. The Supreme Court on appeal in Williams v. United States, 341 US 97; 71 S.Ct. 576, observed that the indictment charged that petitioner acting under color of law used force to make each victim confess to his guilt and implicate others and that the victims were denied the right to be tried by due process of law and if found guilty to be sentenced and punished in accordance with the laws of that state. The Court quoted from Count 2 of the indictment which charged violation of the Fourteenth Amendment rights as follows: 'The right and privilege not to be deprived of liberty without due process of law, the right and privilege to be secure in his person while in the custody of the State of Florida, the right and privilege not to be subjected to punishment without due process of law, the right and privilege to be immune while in the custody of persons acting under color of the laws of the State of Florida, from illegal assault and battery by any person exercising the authority of said state, and the right and privilege to be tried by due process of law and if found guilty to be sentenced and punished in accordance with the laws of the State of Florida.' The trial judge admonished the jury that the defendants were 'not here on trial for a violation of any law of the State of Florida for assault' nor 'for assault under any laws of the United States.' The Supreme Court thus affirmed said conviction and approved such application and use of S242 to those facts and circumstances. It is thus made crystal clear that the defendants in this case who were officers and were allegedly acting willfully under color of law as charged in the indictment are vulnerable to the offense charged in S242. To same effect is United States v. Jones, (5CA) 207 F.2d 785. Likewise in Koehler v. United States, (5CA) 189 F.2d 711, the Court affirmed a conviction of a constable and his co-worker who violated S242 by the violating of federal rights of a victim under color of law. In that case Ackerman was not a mere private



citizen but was a deputy or assistant on duty in all that was done in violation of S242. The motion to dismiss thus admits all things well pled in the indictment and results in the inescapable conclusion that the county and city officials who are defendants are legally charged with a violation of S242 in this indictment.

In Brown v. United States, (6CA) 204 F.2d 247, Brown was convicted of violating 18 U.S.C. S371. The appellant was charged with violation of S242 but such charges against him were dismissed by the Court because he was a private individual and not an officer acting under color of law as in Commonwealth of Virginia v. Rives, 100 US 313; United States v. Cruikshanks, 92 US 542; Screws v. United States, 325 US 110, 65 S.Ct. 1039. The Court said:

'The district court dismissed the substantive counts which charged appellant with violating S242 but submitted the conspiracy count to the jury. This action was clearly correct. \*\*\*The fact that appellant was a private citizen and legally incapable of violating S242 does not render him immune from a charge of violating 18 U.S.C. S371 by engaging in an agreement with a law enforcement officer acting under color of state law to violate 18 U.S.C. S242. United States v. Holte, 236 US 140; 35 S.Ct. 271, 59 L.Ed. 504. As declared in Chadwick v. United States, 6 Cir., 141 F. 225, at page 237, opinion by Judge Lurton: "It is sufficient if any one of the parties to a conspiracy is legally capable of committing the offense, although the other parties may not have been." As was stated in United States v. Trierweiler, D.C., 52 F.Supp. 4, at page 7:

"It is immaterial that they themselves may not have had the capacity to violate the statute for they became liable criminally if they conspired to violate that statute and if one or more of their fellow conspirators had the

"capacity to commit the substantive offense."  
Barron v. United States, 1 Cir., 5 F.2d 799,  
801, 802; Haggerty v. United States, 7 Cir.,  
5 F.2d 224, 225; Kaufman v. United States,  
2 Cir., 212 F. 613, 618.

In accord with this conclusion are Koehler v. United States, 5 Cir., 189 F.2d 711; Apodaca v. United States, 10 Cir., 188 F.2d 932.'

"As the Court said in United States v. Rabinowich, 238 US 78; 35 S.Ct. 682: 'That a conspiracy to commit a crime is a different offense from the crime that is the object of the conspiracy. Callan v. Wilson, 127 US 540; 8 S.Ct. 1301.' The Court further said: 'A person may be guilty of conspiring, although incapable of committing the objective offense.'

"It is accordingly the view of the Court that the first count of this indictment is valid against all defendants; that as to the remaining counts in the indictment, all of them are valid against the official defendants, but invalid against the private individual defendants therein. The motion to dismiss the indictment will thus be sustained in part and overruled in part as indicated.

"4. Burrage moves and Price, Akin, Killen, Posey, Rainey, Roberts, Sharpe, Townsend, Tucker and Willis join him in requesting under Criminal Rule 41(e) that the search under the warrant be adjudged unlawful, and that the property taken be adjudged to have been illegally seized without warrant, or that the warrant be adjudged insufficient on its face, or that the property seized is not described in the warrant, or that there was no probable cause for the issuance of the warrant or that the warrant was illegally executed. Evidence was adduced before the Court on this motion. The contentions and the evidence somewhat overran the bounds of the motion. Some nebulous testimony before the Court was to the effect that government agents with permission had been on open land searching for some clue to the whereabouts of three human bodies. No search was made of any improvements on the 'Jolly lands' now belonging to Burrage. No case of an unreasonable search or seizure is shown. Much 1004

"of the description in the affidavit and warrant is void but the description of the premises known as the 'Old Jolly Farm' under control of Olen Burrage in the north half of Neshoba County in the Southern District of Mississippi is sufficient for all purposes. The objects of the search were sufficiently stated. The affidavit of an FBI agent sufficiently set forth grounds for probable cause which were effectually adjudicated to exist by the issuance of the subsequent warrant. Hester v. United States, 265 U.S. 57; 44 S.Ct. 445. Monnette v. United States, (5CA) 299 F.2d 847. The search warrant described the premises to be searched as the 'Old Jolly Farm' under control of Olen Burrage. This place consisted of two hundred fifty acres. It had formerly been owned by Jolly and was the only place of such kind in the county under control of Burrage. The description of the premises to be searched was sufficiently clear to enable an officer with reasonable effort to ascertain and identify the place to be searched. That is the rule and the test. The warrant clearly stated that the search was for the bodies of the three identified victims. This warrant was served at 8:12 A.M., August 4, 1964, according to FBI agents' testimony supported by memoranda made at the same moment as an official record. The Court believes from the evidence that the government agents acted with full authority under this warrant in doing all that was done on said date toward searching for and discovering these bodies. This evidence was not illegally obtained and the process therefor was valid. This motion to suppress is without merit and will be overruled.

"5. The defendants move for a production of evidence under Criminal Rule 16. The two motions seek material to which they are not entitled under this rule. The motion does not bring the request within the ambit of the rule. The motions will be overruled.

"6. The defendants seek a bill of particulars under Criminal Rule 7(f). An indictment is required by Criminal Rule 7(c) to contain "a plain, concise and definite

"written statement of the essential facts constituting the offense charged." It is not necessary to allege with technical precision all of the elements essential to the commission of the offense which is the object of the conspiracy. In Wong Tai v. United States, 47 S.Ct. 300, it is said: 'In charging such a conspiracy certainty, to a common intent, sufficient to identify the offense which the defendants conspired to commit, it is all that is necessary.' There the defendants sought as here to discover the government's evidence to which the Court said that the defendants were not entitled. A defendant in a criminal case may not resort to a motion for a bill of particulars as a discovery device. In Van Hieu v. United States, 321 F.2d 664, the Court in this circuit said that it is not the office of a bill of particulars to ascertain what offense is charged. In Johnson v. United States, 207 F.2d 314, the Court in this circuit said: 'The government should not be compelled by a bill of particulars to give a detailed disclosure of its evidence, as would have been required by compliance with the motion.' The indictment here contains a sufficiently definite written statement of the offense to enable the defendants to properly and fairly present their defense thereto. It is likewise sufficiently definite and clear to forestall any possibility of double jeopardy. The motion is without merit and will be overruled.

"7. Numerous motions are presented by the defendants for severance under Criminal Rule 14. Criminal Rule 8 authorizes the joinder of offenses and of defendants under stated circumstances. Criminal Rule 14 vests the Court with a sound judicial discretion to grant such relief as may be necessary in any case to assure a fair trial for each defendant. Opper v. United States, 75 S.Ct. 158. Nothing has been presented to the Court to convince it that a severance of any other defendants, other than Horace Doyle Barnette who has already been severed from this proceeding, is necessary in this case. But under the circumstances it would appear to be fair and just that all of the defendants be first tried under the first count of this indictment in

NY 44-1

Case No. 5216, and that the trial of the official defendants under Count 2, Count 3 and Count 4 should be next tried. The motion will thus be sustained in part and overruled in part as indicated.

"8. The defendants by separate motions request a trial by jury. Those motions will be sustained.

"A judgment disposing of said motions as indicated may be presented for entry.

February 25, 1965

"/s/ Harold Cox  
UNITED STATES DISTRICT JUDGE"

58-43<sup>507</sup>

II. COMPENDIUM CONCERNING RICHARD  
ANDREW WILLIS, PATROLMAN,  
PHILADELPHIA, MISSISSIPPI,  
POLICE DEPARTMENT

58-44  
1008

RICHARD ANDREW WILLIS

RICHARD ANDREW WILLIS, [REDACTED]-old white male, is currently employed as a police officer on the Philadelphia, Mississippi, Police Department. b7C

[REDACTED]  
[REDACTED] b7C

Since his tenure on the Philadelphia, Mississippi, Police Department, WILLIS has been the subject of numerous Civil Rights complaints, one complaint which resulted in an indictment by a Federal Grand Jury which convened in September and October, 1964, at Biloxi, Mississippi.

As a result of this indictment, WILLIS was arrested on October 3, 1964, for violation of Title 18, Sections 242 and 371, United States Code, and was taken before the United States Commissioner at Meridian, Mississippi, who released him on \$1,000 bond. WILLIS advised at the time of his arrest that he did not wish to make any statement.

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The following investigation was conducted by SA  
[redacted] at Jackson, Mississippi. b7c

On July 29, 1964, [redacted] Veterans  
Administration Center, Route 51, made available the file on  
RICHARD ANDREW WILLIS, [redacted] b7c

The file contained the following information:

[redacted]  
[redacted]  
[redacted]  
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III. SUPPLEMENTAL INFORMATION AND INTERVIEWS  
WITH JAMES EDWARD JORDAN

58-49 1012

## FEDERAL BUREAU OF INVESTIGATION

1Date January 22, 1965

JAMES E. JORDAN conferred in the Atlanta Office of the FBI with Departmental Attorney D. ROBERT OWENS, Chief, Southwestern Region, Civil Rights Division, U. S. Department of Justice, U. S. Attorney CHARLES L. GOODSON, Northern District of Georgia, and ALLEN L. CHANCEY, Assistant U. S. Attorney, Northern District of Georgia. JORDAN was advised at the outset by Mr. OWENS of his right to counsel, that he was not required to make a statement, and that any statement he made may be used against him. No threats or promises were issued to Mr. JORDAN. Mr. OWENS explained that the purpose of the conference was to determine whether or not JORDAN desired to sign a consent to plead guilty or nolo contendere and transfer his case under Rule 20, Federal Rules of Criminal Procedure, from the Southern District of Mississippi to the Northern District of Georgia and, if so, whether or not he desired counsel prior to making this decision. The provisions of Rule 20 of the Federal Rules of Criminal Procedure were fully explained to JORDAN by Mr. OWENS.

Mr. JORDAN stated that he did not desire counsel and that he desired to sign a consent to transfer his case for plea and sentence under Rule 20 from the Southern District of Mississippi to the Northern District of Georgia. Mr. JORDAN then signed the Consent to Transfer Case for Plea and Sentence.

65  
43  
7

58-50

1013

On 1/22/65 at Atlanta, Georgia File # Atlanta 44-1633  
Jackson 44-1

by SA's [REDACTED] and b7c Date dictated 1/22/65

FEDERAL BUREAU OF INVESTIGATION

1

Date December 24, 1964

JAMES E. JORDAN was interviewed [redacted]

[redacted] and after being advised that he did not have to make any statement, that any statement he did make could be used against him in a court of law, that he had the right to an attorney before making any statements or that he could talk to anyone else, and that if he could not afford the services of an attorney the judge would appoint one for him, furnished the following information:

[redacted]

[redacted]

[redacted]

[redacted]

Miss.

*all  
b7c  
b7D*

On 12-22-64 at [redacted] File # AT 44-1633  
by SA [redacted] *b7c* :jlm:wr Date dictated 12-23-64 *1014*

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*58-51*

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1015  
58-52 FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

Date December 30, 1964

1

JAMES EDWARD JORDAN, [redacted] was recontacted and interviewed by SAs [redacted] and [redacted]. JORDAN had previously been interviewed and was aware of the identities of SAs [redacted].

JORDAN was again advised that he did not have to make any statements and that any statements he made could be used against him in a court of law and that he had a right to consult with an attorney before making any statement. No promises of immunity from arrest or prosecution were made to JORDAN. SA [redacted] informed JORDAN of the above information. JORDAN advised that he was not presently represented by counsel and did not desire to consult with counsel prior to the interview.

JORDAN's entire signed statement of November 5, 1964, was gone over with him at which time he again stated that information furnished by him in the signed statement was accurate and truthful to the best of his knowledge.

[Large redacted block]

JORDAN again stated that he was not physically present when the victims SCHWERNER, GOODMAN, and CHANEY were shot on the gravel road off Highway 19, claiming that he was on foot on Highway 19 at the time of the shootings.

*all b7C b7D*

On 12/28/64 at [redacted] File # JN 44-1 AT 44-1633  
by SAs [redacted] and b7C Date dictated 12/29/64 1016

43

58-53

JN 44-1  
AT 44-1633

2

He estimated the distance to be possibly 200 yards or less, again claiming that he was within hearing distance of the shootings as well as being able to hear sounds of the car motors.

[REDACTED]

[REDACTED]

*all  
b7C  
b7D*

1017

58-54

FEDERAL BUREAU OF INVESTIGATION

Date January 15, 1965

1

JAMES E. JORDAN was interviewed [redacted] at which time he was made aware of the identity of the interviewing agent. JORDAN was advised that he did not have to furnish any information and any information he did furnish could be used against him in a court of law. No threats or promises were made to JORDAN to get him to furnish any information and he was advised that he had a right to an attorney of his own choice before making any statement.

[Large redacted block]

[Large redacted block]

On 1-9-65 at [redacted] File # Jackson 44-1  
by Special Agent [redacted] <sup>45</sup> <sub>b7c</sub> Date dictated 1-14-65 <sup>1018</sup>

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58-56 1019  
FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

Date January 15, 1965

1

JAMES EDWARD JORDAN was contacted in the Jury Room, U.S. Post Office Building, Jackson, Mississippi. He was advised by Special Agent [redacted] of the identity of Inspector [redacted] and Special Agent [redacted] both of the FBI. JORDAN was advised that he did not have to furnish any information and any information he did furnish could be used against him in a court of law. No threats or promises were made to JORDAN to get him to furnish any information and he was advised that he had a right to an attorney of his own choice before making any statement. *b7c*

[Large redacted block of text]

*b7c, b7D*

On 1-11-65 at Jackson, Mississippi File # Jackson 44-1  
by Inspector [redacted] and SAs [redacted] *b7c* Date dictated 1-15-65 *1020*  
*kg*

*58-57*

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1021  
58 - 58 FBI/DOJ

IV. SUPPLEMENTAL INFORMATION CONCERNING  
HORACE DOYLE BARNETTE

FEDERAL BUREAU OF INVESTIGATION

Date 12/15/64

1

HORACE DOYLE BARNETTE was contacted at 11:30 AM,

[REDACTED]

[REDACTED] was advised by Special Agent [REDACTED] of the identity of Special Agent [REDACTED] whom he did not know, and was advised by Special Agent [REDACTED] that he did not have to talk to FBI Agents, that anything he did say could be used against him in a court of law, and that he could see his attorney before making any statement.

[REDACTED]

[REDACTED]

*all  
b7c  
b7D*

On 12/10/64 at [REDACTED] File # NO 44-2227  
by SA's [REDACTED] and [REDACTED] *b7c 53* Date dictated 12/10/64 *58-60  
1003*

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58-61 1024  
FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

Date 1/15/65

1

HORACE DOYLE BARNETTE, [redacted] furnished the following information after advising he knows the identity of interviewing Agent and being advised he does not have to make a statement, any statement he does make can be used against him in a court of law, and he can see a lawyer before making any statement:

[redacted]

[redacted]

[redacted]

*all  
b7c  
b7D*

[redacted]

On 1/8/65 at [redacted] File # NO 44-2227 58-62  
by SA [redacted] *b7c dejo 55* Date dictated 1/8/65

NO 44-2227

b7c [redacted] cjo

2

[redacted]

b7c, b7D





FEDERAL BUREAU OF INVESTIGATION

Date 1-12-65

1

HORACE DOYLE BARNETTE was interviewed in a witness room at the Federal Building, Jackson, Mississippi.

[REDACTED]

[REDACTED] *Misc*

[REDACTED]

[REDACTED]

*b7c  
b7D*

On 1-11-65 at Jackson, Mississippi File # JN 44-1

by SA [REDACTED] /pag *b7c* Date dictated 1-12-65

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*58-64*

FEDERAL BUREAU OF INVESTIGATION

1

Date 1-14-65

~~X~~  
[redacted] Deputy U. S. Marshal, Southern District of Mississippi, voluntarily furnished the following signed statement to [redacted] who identified himself to [redacted] as a Special Agent of the Federal Bureau of Investigation: *b7C*

"January 11, 1965  
Jackson, Mississippi

"I, [redacted] Deputy US Marshal, Southern Dist. of Mississippi, Jackson, Miss., make the following voluntary statement to [redacted] who has identified himself to me as a Special Agent of the FBI. *b7C*

"While on duty at Jackson, Mississippi, at about 2:30 PM on Jan. 11, 1965, I engaged HORACE DOYLE BARNETTE in conversation. [redacted]

[Large redacted block of text]

*b7C  
b7D*

On 1-11-65 at Jackson, Mississippi File# JN 44-1

by SA [redacted] :wr *b7C* 58 Date dictated 1-14-65

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*1028  
58-65*

2  
JN 44-1

b7c  
b7D

[REDACTED]

"/s/ [REDACTED] b7c

"Witness:  
/s/ [REDACTED] <sup>b7c</sup> Special Agent,  
FBI, Jackson, Miss."

FEDERAL BUREAU OF INVESTIGATION

1

Date 1-14-65

[redacted], Deputy U. S. Marshal, Southern District of Mississippi, voluntarily furnished the following signed statement to [redacted] who identified himself to [redacted] as a Special Agent of the Federal Bureau of Investigation: *b7c*

"January 11, 1965  
Jackson, Miss.

"I, [redacted], Deputy US Marshal, Southern Dist. of Miss., Jackson, Miss., make the following voluntary statement to [redacted] who has identified himself to me as a Special Agent of the FBI. *b7c*

"While on duty at Jackson, Mississippi, at about 2:30 PM on Jan. 11, 1965. [redacted]

[redacted] FARNETTE made some comments [redacted]

[Large redacted block of text]

*b7c  
b7D*

On 1-11-65 at Jackson, Mississippi File # JN 44-1

by SA [redacted] *WR VC* Date dictated 1-13-65 *1070*

60

58-67

2  
JN 44-1

b7c  
b7D

[REDACTED]

"/s/ [REDACTED]

b7c

"Witness:  
/s/ [REDACTED]  
Special Agent, FBI b7c  
Jackson, Miss."

FEDERAL BUREAU OF INVESTIGATION

Date 1-22-65

1

X  
[redacted] Deputy U. S. Marshal, Shreveport, Louisiana, furnished the following information: *b7c*

[redacted]

BARNETTE engaged in conversation.

[redacted]

*b7c, b7D*

[redacted]

*b7c, b7D*

On 1-18-65 at Shreveport, Louisiana File # JN 44-1

by SA [redacted] *b7c* /bab/kg Date dictated 1-18-65 *1032*

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58-70

FEDERAL BUREAU OF INVESTIGATION

Date 2/8/65

HORACE DOYLE BARNETTE, [REDACTED] was interviewed [REDACTED]

[REDACTED] BARNETTE furnished the following information after being advised he did not have to make a statement, anything he did say could be used against him in a court of law, and he could see his attorney before saying anything:

[REDACTED]

[REDACTED]

*all b7C b7D*

On 2/2/65 at [REDACTED] File # 44-2227

by SA [REDACTED] *lgnl b7C* Date dictated 2/3/65

*1034*



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58-72 1035  
FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

1

Date November 13, 1964

[REDACTED] furnished the following information:

[REDACTED]

[REDACTED]

[REDACTED], BARNETTE drove a blue and white Ford, believed to have been about a 1957 or 1958 model, with Louisiana tags. It could not be recalled as to specifically which part of the car was white and which was blue but it was definitely recalled the car was blue and white. The car body was of a sedan type.

[REDACTED]

*all  
b7c  
b7D*

On 11/11/64 at Meridian, Mississippi File # JN 157-1371  
JN 157-343  
JN 44-1  
by SA [REDACTED] and [REDACTED] **69**  
SA [REDACTED] *amh b7c* Date dictated 11/12/64 1036

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58-74 <sup>1037</sup>  
FBI/DOJ

V. INFORMATION CONCERNING JIMMY (NMN) ARLEDGE,  
DEFENDANT IN THE ABDUCTION AND MURDER OF  
THE THREE CIVIL RIGHTS VICTIMS.

JN 157-1369  
JN 157-343  
JN 44-1

amh:wr  
1 b7c

The following investigation was conducted by SA [REDACTED]

[REDACTED] b7c ~~Arledge~~  
On November 13, 1964, the files of the County Clerk's Office were reviewed and on Page 215, Volume 83 of the Marriage Records for Lauderdale County, it was determined that JIMMY ARLEDGE and MARY JANE JORDAN were issued a marriage license and were married August 10, 1961, in Lauderdale County, Mississippi. JIMMY ARLEDGE was described as a white male, born March 1, 1937, at Union, Mississippi. His residence address was shown as Route 2, Little Rock, Mississippi. His occupation was given as Door Department, Acme Building Supply Company; his father and mother were identified as MACK and LESLIE ARLEDGE.

The 1964 edition of the Meridian, Mississippi, City Directory, reflects that JIMMY ARLEDGE, wife MARY JANE ARLEDGE, residence 2718 Valley Street, Meridian, Mississippi, was employed as a driver for the Magnolia Steel Company.

The 1962 Meridian, Mississippi City Directory lists JIMMY ARLEDGE, identifying him as a stock clerk for the Meridian Cigar and Tobacco Company.

[REDACTED] b7c, b7D  
On November 17, 1964, and again on November 18, 1964, spot checks were conducted at the residence of JIMMY ARLEDGE and at the Magnolia Steel Company, his place of employment. The automobile belonging to ARLEDGE, a 1962 white Corvair, two-door sedan, bearing 1965 Mississippi license 51B687, was observed on both days at the Magnolia Steel Company. On the evening of November 18, 1964, this car was also observed in front of the residence at 2718 Valley Street, Meridian, Mississippi.

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58-77 1040  
FBI/DOJ

D

FEDERAL BUREAU OF INVESTIGATION

Date December 15, 1964

1

[REDACTED]  
[REDACTED] the following information:

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED] has never seen ARLENE  
[REDACTED] with a revolver [REDACTED]  
[REDACTED]

*all  
b7c  
b7D*

On 12/15/64 at Neshitah, Mississippi File # JN 44-1

by [REDACTED] *b7c* Date dictated 12/15/64

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58-78 1041

VI. INFORMATION CONCERNING BERNARD L. AKIN,  
DEFENDANT IN THE ABDUCTION AND MURDER  
OF THE THREE CIVIL RIGHTS WORKERS

77 - ■ -

58 - 79 1042



FEDERAL BUREAU OF INVESTIGATION

Date 12/19/64

1 -

*X*  
[REDACTED]

[REDACTED] has never observed a rifle of any kind in the possession of B. L. AKIN or EARL AKIN [REDACTED]

[REDACTED]

[REDACTED]

*all b7c b7D*

On 12/16/64 of [REDACTED] <sup>*b7c*</sup> 78 File # NO 44-2227  
JN 44-1  
by SA [REDACTED] <sup>*b7c*</sup> :dmm Date dictated 12/19/64

*1043*

*58-80*

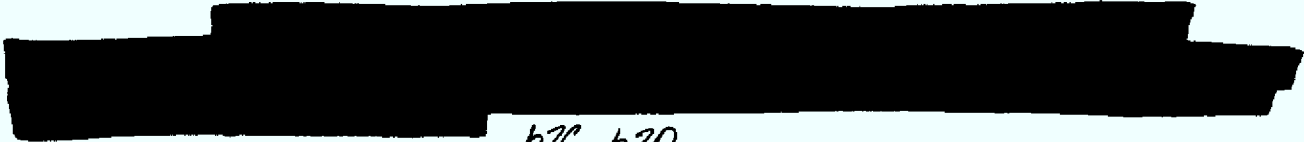
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NO 44-2227

JN 44-1

 dmm

b7c



b7c, b7D

79

58-811044

FEDERAL BUREAU OF INVESTIGATION

Date January 5, 1965

1

[redacted] was interviewed at [redacted] Meridian, Mississippi. He was advised prior to the interview by SA [redacted] that he did not have to furnish any information to the FBI and that any information furnished by him could be used against him in a court of law. He was advised that he had a right to counsel before furnishing any information and that no threats, promises or duress would be made to induce him to make any statement whatsoever.

[redacted]

[redacted]

On 1/2/65 at Meridian, Mississippi File# JN 157-1104  
JN 157-343  
JN 44-1 *all b7C b7D*  
by SA [redacted] *b7C* / amh Date dictated 1/2/64

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58-83 1046  
FBI/DOJ

VII. INFORMATION CONCERNING OLEN LOVELL BURRAGE,  
A DEFENDANT IN THE ABDUCTION AND MURDER  
OF THE THREE CIVIL RIGHTS WORKERS

FEDERAL BUREAU OF INVESTIGATION

1

Date January 9, 1965

Photographs were taken of OLEN BURRAGE's place of business directly across the road from his residence at Route 9, Philadelphia, Mississippi.

Two black and white photographs were taken by SA [REDACTED] with a Speed Graphic Camera. b7c

Two black and white photographs were taken by SA [REDACTED] with a Polaroid camera. b7c

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On 1-8-65 at Philadelphia, Mississippi File # Jackson 44-1

by SA [REDACTED] and [REDACTED] b7c  
SA [REDACTED] amh:wr Date dictated 1-9-65

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58-85 1048



LEN BURRAGE'S garage, looking south

86

58-86<sup>1049</sup>