

2

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS,  
et al.,

Plaintiffs,

versus

L. C. RAINEY, et al.,

Defendants.

*Motion for Temporary Restraining Order*

Plaintiffs, by their attorneys, move the Court on all the pleadings, affidavits and testimony had herein, and on all the proceedings herein, for a temporary restraining order pending the decision of the Court on plaintiffs' motion for a temporary injunction:

(1) restraining and enjoining the defendants herein, their agents, attorneys and all others acting in concert or combination with them, from in any way conspiring to utilize or in any way utilizing force, violence or any terroristic act in any attempts to deter, impede or punish the plaintiffs and all classes of citizens they represent from exercising their rights, privileges and immunities as citizens of the United States, and

(2) for an order pursuant to Title 42, U.S.C., 1989, appointing and assigning special United States Commissioners with full powers of arrest pursuant to law to be stationed in Neshoba and Pike counties in the State of Mississippi and that these special United States Commissioners be directed as provided by law to protect the lawful civil rights and elective franchise activities of citizens of the United States and to provide for the speedy arrest of any persons in the State of Mississippi engaged or threatening to engage in activities in violation of the laws of the United

Exhibit I

States which protect the civil rights of citizens and the elective franchise; and that the said special United States Commissioners be ordered to report to this Court at regular intervals any and all incidents of violation of the orders of this Court and any and all arrests, pursuant to Title 42 U.S.C. 1989, for activities of the defendants or others acting in concert with them for violations of laws of the United States protecting the civil rights of citizens and the elective franchise.

Plaintiffs by their Attorneys.

*B/L. H. ROSENTHAL*

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS,  
et al.,

Plaintiffs,

versus

L. C. RAINEY, et al.,

Defendants.

CIV ACTION  
NO 3549 (J) (M)

AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER.

Plaintiffs, by their attorneys, move the Court on all the pleadings, affidavits and testimony had herein, and on all the proceedings herein, for a temporary restraining order pending the decision of the Court on plaintiffs' motion for a temporary injunction:

(1) restraining and enjoining the defendants herein, their agents, attorneys and all others acting in concert or combination with them, from in any way conspiring to utilize or in any way utilizing force, violence or any terroristic act in any attempts to deter, impede or punish the plaintiffs and all classes of citizens they represent from exercising their rights, privileges and immunities as citizens of the United States, and

(2) for an order pursuant to Title 42, U.S.C., 1989, appointing and assigning special United States Commissioners with full powers of arrest pursuant to law to be stationed in Amite, Adams, Pike, Forrest, Madison, Coahoma and Neshoba counties in the State of Mississippi and that these special United States Commissioners be directed as provided by law to protect the lawful civil rights and elective franchise activities of citizens of the United States and to provide for the speedy arrest of any persons in the State of Mississippi engaged or threatening to engage in activities in violation of the laws of the United States which protect the

Exhibit N

civil rights of citizens and the elective franchise; and that the said special United States Commissioners be ordered to report to this Court at regular intervals any and all incidents of violation of the orders of this Court and any and all arrests, pursuant to Title 42 U.S.C. 1989, for activities of the defendants or others acting in concert with them for violations of laws of the United States protecting the civil rights of citizens and the elective franchise.

Plaintiffs, by their Attorneys,

*L. H. Rosenthal*  
L. H. ROSENTHAL  
221 N. President St.  
Jackson, Mississippi

KUNSTLER KUNSTLER & KINOY  
511 Fifth Avenue  
New York, New York 10017

By William M. Kunstler  
Arthur Kinoy

SMITH, WALTZER, JONES & PEEBLES  
305 Baronne St.  
New Orleans, Louisiana

By Benjamin E. Smith  
Bruce C. Waltzer

MELVIN L. WULF  
156 Fifth Avenue  
New York, New York 10010

MORTON STAVIS  
744 Broad St.  
Newark, New Jersey

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS,  
et al.,

Plaintiffs,

-versus-

L. C. RAINEY, et al.,

Defendants.

ORDER TO SHOW CAUSE

Good and sufficient reasons appearing, now, on motion of the attorneys for the plaintiffs herein and on the verified complaint herein,

IT IS ORDERED that the defendants show cause at a term of this Court at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of the \_\_\_\_ day of July, 1964, at the United States Post Office and Court House in \_\_\_\_\_, Mississippi,

(a) why a temporary injunction should not be entered as prayed for in the verified complaint enjoining and restraining the defendants, each of them, their agents and representatives, and all others acting in concert with them, from in any way conspiring to utilize or in any way utilizing force, violence or any terroristic acts in attempts to deter, impede or punish the plaintiffs and all classes of citizens they represent from exercising their rights, privileges and immunities as citizens of the United States; and

(b) why an order pendente lite should not be entered pursuant to Title 42 U.S.C. 1989,

(1) ordering and directing the increase of the number of United States Commissioners in the State of Mississippi and ordering and directing that a United States Commissioner or Deputy Commissioner with full powers of arrest pursuant to law be assigned in each and every office of Sheriff in the 82 counties of Mississippi;

(2) and that said Special United States Commissioners be directed as provided by law to protect the lawful civil rights

and elective franchise activities of citizens of the United States and to provide for the speedy arrest of any persons in the State of Mississippi engaged or threatening to engage in activities in violation of the laws of the United States which protect the civil rights of citizens and the elective franchise; and that,

(3) pursuant to Title 42 U.S.C. 1989, the said Special United States Commissioners be ordered and directed to appoint in writing one or more suitable persons who shall be required to serve and execute any such warrants of arrest; and that

(4) wherever required to afford reasonable protection to all persons in their constitutional rights of equality and the exercise of the elective franchise, the said Special United States Commissioners or their Deputies be temporarily assigned to be stationed in any public buildings or other places throughout the State of Mississippi where their presence may be required; and that

(5) the said Special United States Commissioners be ordered to report to this Court at regular intervals any and all incidents of violations of the orders of this Court and any and all arrests, pursuant to Title 42 U.S.C., 1989, for activities of the defendants or others acting in concert with them for violations of laws of the United States protecting the civil rights of citizens and the elective franchise; and

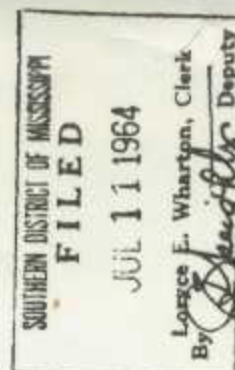
(c) for such other and further relief as may be proper and may be prayed for by the plaintiffs as the situation may urgently require.

IT IS FURTHER ORDERED that service on the defendants personally or by leaving a copy at their residence or place of business by the \_\_\_\_ day of July, 1964, shall be deemed sufficient service of this Order to Show Cause.

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United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



CIVIL ACTION NUMBER 3599(J)(M)

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL

PLAINTIFFS

V.

L. C. RAINEY AND CECIL PRICE,  
INDIVIDUALLY AND AS SHERIFF AND  
DEPUTY SHERIFF OF NESHABA COUNTY,  
MISSISSIPPI, ET AL

DEFENDANTS

F I A T

THE CLERK of this Court is requested to issue a citation to the defendants in this case, returnable before Honorable S. C. Mize, United States District Judge, in the United States District Courtroom at Meridian, Mississippi, at 9:00 A.M., July 23, 1964, requiring the defendants then and there to show cause why a temporary injunction should not be issued as prayed for in the complaint in this case.

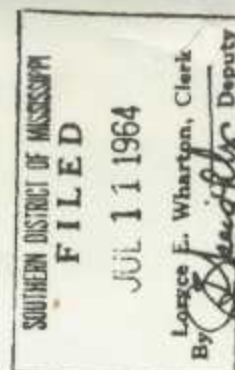
DATED, this July 11, A. D., 1964.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

A TRUE COPY, I HEREBY CERTIFY.  
LORYCE E. WHARTON, CLERK  
BY:

*[Signature]*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



CIVIL ACTION NUMBER 3599(J)(M)

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL

PLAINTIFFS

V.

L. C. RAINEY AND CECIL PRICE,  
INDIVIDUALLY AND AS SHERIFF AND  
DEPUTY SHERIFF OF NESHABA COUNTY,  
MISSISSIPPI, ET AL

DEFENDANTS

F I A T

THE CLERK of this Court is requested to issue a citation to the defendants in this case, returnable before Honorable S. C. Mize, United States District Judge, in the United States District Courtroom at Meridian, Mississippi, at 9:00 A.M., July 23, 1964, requiring the defendants then and there to show cause why a temporary injunction should not be issued as prayed for in the complaint in this case.

DATED, this July 11, A. D., 1964.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

A TRUE COPY, I HEREBY CERTIFY.  
LORYCE E. WHARTON, CLERK  
BY:

*[Signature]*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FIDELITY ORGANIZATIONS,  
ET AL.,

Plaintiffs,

vs.

vs.

NO. 3599 (J) (H)

L. C. RAINY, ET AL.,

CIVIL ACTION

Defendants.

Without waiving any right, privilege or immunity which they or any of them have or may have under the Federal Rules of Civil Procedure or the Constitution and laws of the United States and the State of Mississippi, plaintiffs, by their attorneys, moves the Court as follows:

1.

The above named plaintiffs moves the Court to allow them to withdraw plaintiffs' MOTION TO AMEND which was filed in this court on July 23rd, 1964.

2.

The above named plaintiffs moves the Court to allow them to file an amendment to the Complaint herein changing the designation WHITE CITIZEN COUNCILS OF MISSISSIPPI where over it appears therein to ASSOCIATION OF CITIZEN COUNCILS OF MISSISSIPPI.

3.

The above named plaintiffs moves the Court to allow them to file an amendment to the Complaint herein changing the designation L. C. RAINY where over it appears therein to L. A. RAINY.

4.

The above named plaintiffs moves the Court to allow them to file an amendment to the Complaint herein changing the date of June 19, 1964 which appears on line 19 of page 3 thereof to June 16, 1964.

RESPECTFULLY SUBMITTED.

  
L. H. BARNES

Exhibit K


ATTORNEY'S CERTIFICATE

I, I. H. Rosenthal, one of the attorneys of record for all of the Plaintiffs, do hereby certify that I have caused to be served upon the Defendants in the above styled and numbered action, true copies of the foregoing motion, by mailing the same by United States mail, postage prepaid, to the following attorneys of record for Defendants:

Honorable Will S. Wells  
Asst. Attorney General  
State of Mississippi  
Jackson, Mississippi

Honorable Ben H. Hall  
Suite 240  
1st National Bank Building  
Jackson, Mississippi

Done this the 24th day of July, 1964.

  
I. H. ROSENTHAL  
ATTORNEY FOR PLAINTIFF

I. H. Rosenthal  
222 N. President St.  
Jackson, Mississippi

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599(J)(M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

MOTION TO REQUIRE THE PLAINTIFFS TO  
SHOW PROBABLE CAUSE FOR THE  
PRODUCTION OF CERTAIN  
RECORDS

Comes Gwin Cole, by his attorney, and would respectfully show unto the Court the following:

1. Plaintiffs in this action have caused civil subpoena to issue to him requiring the production of certain records, a true and correct copy of which subpoena is attached hereto, marked Exhibit "A", and by so filing and marking is made a part hereof for all purposes.
2. Said subpoena is unreasonable and oppressive in that it requires the production of a great mass of documents and records which could have no conceivable bearing or probative value in determining the issues set forth in this action as between the Plaintiffs and the Defendants.
3. There is no such department in the Mississippi Highway Patrol as a Department of Investigations and the undersigned is not the director of investigations, but is

Exhibit G

the assistant director of the Bureau of Identification. This department is a bureau or department set up by the Mississippi Highway Patrol solely for the purpose of aiding and assisting state and local law enforcement officials as well as the Federal Bureau of Investigation in the solving of felonies and major crimes, identifying fingerprints, doing ballistic work and the like. Many of the files in this bureau contain confidential information, involving major crimes, not yet solved and to require the production and public exposure of the information contained therein would seriously handicap, thwart and greatly impede continued investigation by this bureau and endanger the state and even the national interest.

All of the records, memoranda, etc., relating to Michael Schwerner, James Chaney and Andrew Goodman are of a confidential nature and involve the present investigation of the disappearance of those three men. Much of this memoranda concerns the joint activity of the bureau of identification and the Federal Bureau of Investigation. The said Gwin Cole and any officers working under his command, are engaged in a joint effort with the Federal Bureau of Investigation to solve this crime of national interest and to require the revealing of this memoranda and information would handicap, impede and hamper this entire investigation both by the bureau of identification of the Mississippi Highway Safety Patrol and the Federal Bureau of Investigation.

WHEREFORE, the said Gwin Cole moves this Court to require the Plaintiffs herein, to show cause, if any they

can, why the Plaintiffs are entitled to acquire the records demanded in the subpoena attached hereto, and further to quash said subpoena as being an unreasonable and oppressive demand.

*Shirley S. Sheels*

Attorney for Gwin Cole

ATTORNEY'S CERTIFICATE

This is to certify that I have served upon Plaintiffs, a true copy of the foregoing motion, by delivering the same, in person, to \_\_\_\_\_, one of the attorneys of record for Plaintiffs.

WITNESS my signature this the 23<sup>rd</sup> day of July, 1964.

*Shirley S. Sheels*

Attorney for Gwin Cole

Box

COFO-  
Rainey

✓

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS,  
ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 3599 (J)

L. C. RAINEY, ET AL

DEFENDANTS

MOTION TO DISMISS AND ANSWER OF DEFENDANT  
ASSOCIATION OF CITIZENS COUNCILS OF MISSISSIPPI

MOTION TO DISMISS

Comes the Defendant Association of Citizens  
Councils of Mississippi and moves the Court to dismiss  
this action and the Amended Complaint filed herein as  
against this defendant, and as grounds therefor, assigns  
the following:

1. The Amended Complaint fails to state a  
claim upon which relief can be granted.
2. This is not a proper class action.
3. The Plaintiffs lack standing to maintain  
this action.

ANSWER

Comes the Defendant Association of Citizens  
Councils of Mississippi, by its attorneys, and files  
herewith its separate answer to the Amended Complaint  
in the above styled and numbered action.

1. Defendant is without knowledge or informa-  
tion sufficient to form a belief as to the truth of the  
averments of paragraph 1 of the Amended Complaint.  
Specifically, this defendant denies that plaintiff COFO  
may maintain any class action on behalf of all Citizens  
of the United States, white and negro.
2. Defendant is without knowledge or informa-  
tion sufficient to form a belief as to the truth of the

averments of paragraph 2 of the Amended Complaint. Further, this defendant denies that plaintiffs Geller and Morris may maintain any class action on behalf of all staff workers and volunteer workers situated similarly to themselves.

3. The averments of paragraph 3 of the Amended Complaint are admitted except this defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of said paragraph that the said King is actively concerned with assisting the efforts of the Negro Citizens of this state "to achieve freedom, equality and the right to vote". This defendant denies that the said King may maintain any class action on behalf of all other white citizens of Mississippi similarly situated to himself.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4 of the Amended Complaint except this defendant denies that plaintiff Palmer may maintain any class action on behalf of all Negro Citizens of the State of Mississippi.

5. Through hearsay this defendant is advised that L. C. Rainey is the sheriff of Neshoba County Mississippi and that he is a citizen of the United States and is a resident of Philadelphia, Mississippi. Through hearsay defendant is advised that Cecil Price is a Deputy Sheriff of Neshoba County Mississippi, is a citizen of the United States and is a resident of Philadelphia, Mississippi. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment that the said Rainey and the said Price are sued as representatives of each and all sheriffs and

deputy sheriffs of the eighty-two (82) counties of the State of Mississippi, pointing out that these averments do not affect this defendant, and if mistaken, such averments are denied.

6. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 6 of the Amended Complaint, said defendant not being acquainted with the parties therein named and having no relationship with them.

7. Defendant is advised by hearsay that T. B. Birdsong is Commissioner of Public Safety of the State of Mississippi. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of said paragraph 7 that the said T. B. Birdsong is in charge of the Mississippi State Highway Patrol. Through hearsay, the defendant is advised that the said Birdsong is a citizen of the United States and a resident of the State of Mississippi. This defendant is without knowledge or information sufficient to form a belief as to the averments that the said Birdsong is representative of all of the members of the Mississippi State Highway Patrol.

8. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8 of the Amended Complaint. This defendant specifically denies that it has any knowledge of or connection whatsoever with the defendant Ku Klux Klan.

9. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 9 of the Amended Complaint. This defendant denies that it has any connection whatsoever with the defendant Americans for the Preservation

of the White Race.

10. This defendant denies that it is an organization with members throughout the State of Mississippi. Defendant is an association of organizations. It does not have individual members throughout the State of Mississippi. It admits that it is an affiliate of the Citizens Councils of America. This defendant denies that it is dedicated to either impeding or deterring by all means the lawful efforts of Negro Citizens of Mississippi to "achieve the Federal Constitutional objectives of freedom, equality and the right to vote".

11. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 11 of the Amended Complaint.

12. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 12 of the Amended Complaint. This defendant further denies that the said John Smith or the said Paul Jones are members of the Association of Citizens Councils of Mississippi and denies that they may be sued individually or as members of an alleged class of members of the defendant Association of Citizens Councils of Mississippi.

13. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13 of the Amended Complaint, further denying any knowledge whatsoever as to an alleged William Brown or an alleged Charles Green or Americans for the Preservation of the White Race.

14. This defendant denies that insofar as this defendant is concerned there is any cause of

action or a basis therefor under any of the sections cited in paragraph 14 of the Amended Complaint.

15. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 15 of the Amended Complaint.

16. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 16 of the Amended Complaint.

17. This defendant denies each and every allegation of the first unnumbered paragraph under paragraph 17 of the Amended Complaint.

Insofar as this defendant is concerned, this defendant denies each and every allegation of the second unnumbered paragraph of paragraph 17 of the Amended Complaint.

18. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 18 of the Amended Complaint.

19. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 20 of the Amended Complaint.

20. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 20 of the Amended Complaint.

21. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 21 of the Amended Complaint.

22. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 22 of the Amended Complaint.

23. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 23 of the Amended Complaint.

24. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 24 of the Amended Complaint.

25. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 25 of the Amended Complaint.

26. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 26 of the Amended Complaint.

27. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 27 of the Amended Complaint.

28. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 28 of the Amended Complaint.

29. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 29 of the Amended Complaint.

30. Insofar as this defendant is concerned, this defendant denies each and every allegation of paragraph 30 of the Amended Complaint.

31. This defendant neither admits nor denies the authority of this court to take action pursuant to Title 42 U. S. C. Section 1989, however, this defendant denies that there is any basis, insofar as this defendant is concerned for this court to invoke the provisions of the aforesaid section.

The portion of the Amended Complaint beginning with the paragraph, unnumbered starting approximately one-third of the way down on page 16 of the

of the Amended Complaint, and continuing on to the beginning of paragraph 32 of the Amended Complaint is denied insofar as this defendant is concerned.

32. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 32 of the Amended Complaint.

This defendant denies that the plaintiffs are entitled insofar as this defendant is concerned, to the relief prayed for under paragraph 1 of the Prayer of the Amended Complaint commencing on page 17.

This defendant denies that the plaintiffs are entitled to the relief prayed for under paragraph 2 (a) (b) (c) (d) (e) of the Amended Complaint insofar as this defendant is concerned.

This defendant denies that the plaintiffs are entitled to the relief prayed for under paragraph 3 of the Prayer in the Amended Complaint insofar as this defendant is concerned.

This defendant denies that the Plaintiffs are entitled to general relief as prayed for under paragraph 4 of the Prayer of the Amended Complaint.

Further answering the Amended Complaint, this defendant will show unto the court that it has never entered into any plan or conspiracy of any type, kind, or description with any person, including, but not being limited to, any other defendant named in the Amended Complaint to do any of the acts alleged to have been done in the Amended Complaint herein filed against it.

Wherefore, defendant respectfully submits that this action and the Amended Complaint filed herein against it should be dismissed and that the

plaintiffs are not entitled to any of the relief  
prayed for.

ASSOCIATION OF CITIZENS COUNCILS OF MISSISSIPPI

BY: Dan H. Shell, of  
SATTERFIELD, SHELL, WILLIAMS AND BUFORD  
552 First National Bank Building  
Jackson, Mississippi

Attorneys for defendant Association of  
Citizens Councils of Mississippi

CERTIFICATE

I, Dan H. Shell, of counsel for the defendant  
Association of Citizens Councils of Mississippi, do  
hereby certify that I have this day personally delivered  
a true and correct copy of the above and foregoing Motion  
to Dismiss and Answer of Defendant Association of  
Citizens Councils of Mississippi to L. H. Rosenthal,  
406 Medical Building, Jackson, Mississippi, one of the  
attorneys of record for the plaintiffs herein and have  
likewise delivered a true and correct copy of the above  
and foregoing Motion to Dismiss and Answer of Defendant  
Association of Citizens Councils of Mississippi to  
Will S. Wells, Attorney General's Office, New Capitol  
Building, Jackson, Mississippi, counsel of record for  
some of the co-defendants having heretofore appeared  
in this cause.

Witness my signature on this the 7<sup>th</sup> day  
of September, 1965.

Dan H. Shell  
Dan H. Shell

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599 (J) (M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

MOTION TO DISMISS AND ANSWER  
OF L. A. RAINEY

MOTION TO DISMISS

Comes the Defendant, L. A. Rainey, erroneously named in the Complaint as L. C. Rainey, individually, and as Sheriff of Neshoba County, Mississippi, by his attorneys, and moves the Court to dismiss this action and the Complaint filed herein, as against him, and on grounds therefor assigns the following:

1. The Complaint fails to state a claim upon which relief can be granted.
2. This is not a proper class action.
3. The Plaintiffs lack standing to maintain this action.

ANSWER

Comes L. A. Rainey, erroneously named in the Complaint as L. G. Rainey, individually, and as Sheriff of Neshoba County, Mississippi, by his attorneys, and files

Exhibit D

herewith his separate answer to the Complaint in the above styled and numbered action.

1. Defendant denies the allegations of Paragraph 15 of the Complaint.

2. Defendant denies the allegations of Paragraph 16 of the Complaint.

3. Defendant denies the first paragraph of Paragraph numbered 17 of the Complaint.

Defendant denies that he, individually, or as Sheriff of Neshoba County, Mississippi, has ever engaged in any terroristic acts as charged in the second Paragraph of Paragraph 17, or that any other person, as a result of any conspiracy with him, has ever engaged in any such acts for any purpose whatsoever. Defendant is without information sufficient to form a belief as to any report by any agency of the United States Government or by any personal representative of the President of the United States, and, therefore, denies the same. Each and every other allegation of Paragraph 17 is denied.

4. Defendant admits that prior to 1955, a majority of negroes in many rural communities and in some urban communities of Mississippi, did not offer themselves as voters and did not seek to register or participate actively in the political life of Mississippi. He denies that this was because of any accepted pattern of life in Mississippi, and denies that such pattern was reinforced by any terroristic act on his part or by any person acting in conspiracy with him. The Defendant is without information sufficient to form a belief as to the second sentence of

Paragraph numbered 18, and, therefore, denies the same. Defendant denies the allegations of the third sentence of Paragraph 18. Defendant denies the allegations of the fourth sentence of Paragraph 18. Defendant is without information sufficient to form a belief as to the allegations of the fifth sentence of Paragraph 18, and, therefore, denies the same. Defendant is without information sufficient to form a belief as to the allegations of the sixth sentence of Paragraph 18, except that he denies that he, or any person acting in concert with him, did any of the acts therein alleged to have been done. Defendant denies the allegations of the seventh sentence of Paragraph 18.

5. Defendant denies the allegations of Paragraph 19 of the Complaint.

6. Defendant is without information sufficient to form a belief as to the allegations of Paragraph 20 of the Complaint, except that he denies that any act alleged therein to have been done, was done by him or by any person acting in concert with or as the result of any conspiracy with him or that any such act was done with his knowledge or consent. He, therefore, denies each and every allegation contained in Paragraph 20.

7. Defendant denies the allegations of Paragraph 21 of the Complaint, and again denies that he has ever engaged in any conspiracy, with any person, to violate the constitutional rights of Plaintiffs or any other person.

8. Defendant denies the allegations of Paragraph 22 of the Complaint.

9. Defendant denies the allegations of Paragraph 23 of the Complaint.

10. Defendant denies each and every allegation of Paragraph 24 of the Complaint, except that he admits that Title 42 U.S.C. 1989 reads as is set out in said Paragraph 24.

Further answering the Complaint, Defendant would show unto the Court that he has never entered into any plan or conspiracy with any other Defendant named in this action or with any other person, whether named or not, to do any act alleged to have been done in the Complaint herein filed against him.

Defendant denies that he is a representative of the sheriffs of the eighty-two counties of Mississippi.

WHEREFORE, Defendant respectfully submits that this action and the Complaint filed herein against him should be dismissed and that Plaintiffs are not entitled to any of the relief prayed for.

JOE T. PATTERSON, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI

WILL S. WELLS, ASSISTANT ATTORNEY  
GENERAL OF THE STATE OF MISSISSIPPI

RAIFORD JONES, PHILADELPHIA,  
MISSISSIPPI, SPECIAL COUNSEL

BY:

Will S. Wells  
ATTORNEYS FOR DEFENDANT, L. A. RAINEY

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599(J)(M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

CERTIFICATE

The undersigned counsel of record for the above named Defendant hereby certifies that true copies of the foregoing motion and answer have been this day forwarded, by United States mail, postage prepaid, to Kunstler, Kunstler & Kinoy, 511 Fifth Avenue, New York, New York 10017, and to L. H. Rosenthal, 221 North President Street, Jackson, Mississippi, attorneys of record for Plaintiffs.

THIS the 22nd day of July, 1964.

*Shirley L. Shells*

Of Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599(J) (M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

MOTION TO DISMISS AND ANSWER  
OF CECIL PRICE

MOTION TO DISMISS

Comes the Defendant, Cecil Price, individually,  
and as Deputy Sheriff of Neshoba County, Mississippi, by  
his attorneys, and moves the Court to dismiss this action  
and the Complaint filed herein, as against him, and on  
grounds therefor assigns the following:

1. The Complaint fails to state a claim upon  
which relief can be granted.
2. This is not a proper class action.
3. The Plaintiffs lack standing to maintain  
this action.

ANSWER

Comes Cecil Price, individually, and as Deputy  
Sheriff of Neshoba County, Mississippi, by his attorneys,  
and files herewith his separate answer to the Complaint  
in the above styled and numbered action.

Exhibit E

1. Defendant denies the allegations of Paragraph 15 of the Complaint.

2. Defendant denies the allegations of Paragraph 16 of the Complaint.

3. Defendant denies the first paragraph of Paragraph numbered 17 of the Complaint.

Defendant denies that he, individually, or as Deputy Sheriff of Neshoba County, Mississippi, has ever engaged in any terroristic acts as charged in the second Paragraph of Paragraph 17, or that any other person, as a result of any conspiracy with him, has ever engaged in any such acts for any purpose whatsoever. Defendant is without information sufficient to form a belief as to any report by any agency of the United States Government or by any personal representative of the President of the United States, and, therefore, denies the same. Each and every other allegation of Paragraph 17 is denied.

4. Defendant admits that prior to 1955, a majority of negroes in many rural communities and in some urban communities of Mississippi, did not offer themselves as voters and did not seek to register or participate actively in the political life of Mississippi. He denies that this was because of any accepted pattern of life in Mississippi, and denies that such pattern was reinforced by any terroristic act on his part or by any person acting in conspiracy with him. The Defendant is without information sufficient to form a belief as to the second sentence of

Paragraph numbered 18, and, therefore, denies the same.

Defendant denies the allegations of the third sentence of Paragraph 18. Defendant denies the allegations of the fourth sentence of Paragraph 18. Defendant is without information sufficient to form a belief as to the allegations of the fifth sentence of Paragraph 18, and, therefore, denies the same. Defendant is without information sufficient to form a belief as to the allegations of the sixth sentence of Paragraph 18, except that he denies that he, or any person acting in concert with him, did any of the acts therein alleged to have been done. Defendant denies the allegations of the seventh sentence of Paragraph 18.

5. Defendant denies the allegations of Paragraph 19 of the Complaint.

6. Defendant is without information sufficient to form a belief as to the allegations of Paragraph 20 of the Complaint, except that he denies that any act alleged therein to have been done, was done by him or by any person acting in concert with or as the result of any conspiracy with him or that any such act was done with his knowledge or consent. He, therefore, denies each and every allegation contained in Paragraph 20.

7. Defendant denies the allegations of Paragraph 21 of the Complaint, and again denies that he has ever engaged in any conspiracy, with any person, to violate the constitutional rights of Plaintiffs or any other person.

8. Defendant denies the allegations of Paragraph 22 of the Complaint.

9. Defendant denies the allegations of Paragraph 23 of the Complaint.

10. Defendant denies each and every allegation of Paragraph 24 of the Complaint, except that he admits that Title 42 U.S.C. 1989 reads as is set out in said Paragraph 24.

Further answering the Complaint, Defendant would show unto the Court that he has never entered into any plan or conspiracy with any other Defendant named in this action or with any other person, whether named or not, to do any act alleged to have been done in the Complaint herein filed against him.

Defendant denies that he is a representative of the deputy sheriffs of the eighty-two counties of Mississippi.

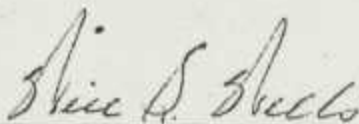
WHEREFORE, Defendant respectfully submits that this action and the Complaint filed herein against him should be dismissed and that Plaintiffs are not entitled to any of the relief prayed for.

JOE T. PATTERSON, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI

WILL S. WELLS, ASSISTANT ATTORNEY  
GENERAL OF THE STATE OF MISSISSIPPI

RAIFORD JONES, PHILADELPHIA,  
MISSISSIPPI, SPECIAL COUNSEL

BY:



ATTORNEYS FOR DEFENDANT, CECIL PRICE

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599(J)(M)

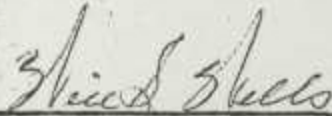
L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

CERTIFICATE

The undersigned counsel of record for the above named Defendant hereby certifies that true copies of the foregoing motion and answer have been this day forwarded, by United States mail, postage prepaid, to Kunstler, Kunstler & Kinoy, 511 Fifth Avenue, New York, New York 10017, and to L. H. Rosenthal, 221 North President Street, Jackson, Mississippi, attorneys of record for Plaintiffs.

THIS the 22nd day of July, 1964.



Of Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL, . PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599 (J) (M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

MOTION TO DISMISS AND ANSWER  
OF T. B. BIRDSONG

MOTION TO DISMISS

Comes the Defendant, T. B. Birdsong, individually,  
and as Commissioner of Public Safety, by his attorneys, and  
moves the Court to dismiss this action and the Complaint  
filed herein, as against him, and as grounds therefor  
assigns the following:

1. The Complaint fails to state a claim upon  
which relief can be granted.
2. This is not a proper class action.
3. The Plaintiffs lack standing to maintain  
this action.

ANSWER

Comes T. B. Birdsong, individually, and as  
Commissioner of Public Safety of the State of Mississippi,  
by his attorneys, and files herewith his separate answer to  
the Complaint in the above styled and numbered action.

Exhibit F

1. Defendant denies the allegations of Paragraph 15 of the Complaint.

2. Defendant denies the allegations of Paragraph 16 of the Complaint.

3. Defendant denies the first paragraph of Paragraph numbered 17 of the Complaint.

Defendant denies that he, individually, or as Commissioner of Public Safety of Mississippi, has ever engaged in any terroristic acts as charged in the second Paragraph of Paragraph 17, or that any other person, as a result of any conspiracy with him, has ever engaged in any such acts for any purpose whatsoever. Defendant is without information sufficient to form a belief as to any report by any agency of the United States Government or by any personal representative of the President of the United States, and, therefore, denies the same. Each and every other allegation of Paragraph 17 is denied.

4. Defendant admits that prior to 1955, a majority of negroes in many rural communities and in some urban communities of Mississippi, did not offer themselves as voters and did not seek to register or participate actively in the political life of Mississippi. He denies that this was because of any accepted pattern of life in Mississippi, and denies that such pattern was reinforced by any terroristic act on his part or by any person acting in conspiracy with him. The Defendant is without information sufficient to form a belief as to the second sentence of Paragraph numbered 18, and, therefore, denies the same. Defendant denies the allegations of the third sentence of Paragraph 18. Defendant denies the allegations of the fourth

sentence of Paragraph 18. Defendant is without information sufficient to form a belief as to the allegations of the fifth sentence of Paragraph 18, and, therefore, denies the same. Defendant is without information sufficient to form a belief as to the allegations of the sixth sentence of Paragraph 18, except that he denies that he, or any person acting in concert with him, did any of the acts therein alleged to have been done. Defendant denies the allegations of the seventh sentence of Paragraph 18.

5. Defendant denies the allegations of Paragraph 19 of the Complaint.

6. Defendant is without information sufficient to form a belief as to the allegations of Paragraph 20 of the Complaint, except that he denies that any act alleged therein to have been done, was done by him or by any person acting in concert with or as the result of any conspiracy with him or that any such act was done with his knowledge or consent. He, therefore, denies each and every allegation contained in Paragraph 20.

7. Defendant denies the allegations of Paragraph 21 of the Complaint, and again denies that he has ever engaged in any conspiracy, with any person, to violate the constitutional rights of Plaintiffs or any other person.

8. Defendant denies the allegations of Paragraph 22 of the Complaint.

9. Defendant denies the allegations of Paragraph 23 of the Complaint.

10. Defendant denies each and every allegation of Paragraph 24 of the Complaint, except that he admits that

Title 42 U.S.C. 1989 reads as is set out in said Paragraph 24.

Further answering the Complaint, Defendant would show unto the Court that he has never entered into any plan or conspiracy with any other Defendant named in this action or with any other person, whether named or not, to do any act alleged to have been done in the Complaint herein filed against him.

WHEREFORE, Defendant respectfully submits that this action and the Complaint filed herein against him should be dismissed and that Plaintiffs are not entitled to any of the relief prayed for.

JOE T. PATTERSON, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI

WILL S. WELLS, ASSISTANT ATTORNEY  
GENERAL OF THE STATE OF MISSISSIPPI

BY:

Will S. Wells  
ATTORNEYS FOR DEFENDANT, T. B. BIRDSONG

CERTIFICATE

The undersigned counsel of record for the above named Defendant hereby certifies that true copies of the foregoing motion and answer have been this day forwarded, by United States mail, postage prepaid, to Kunstler, Kunstler & Kinoy, 511 Fifth Avenue, New York, New York 10017, and to L. H. Rosenthal, 221 North President Street, Jackson, Mississippi, attorneys of record for Plaintiffs.

THIS the 22nd day of July, 1964.

Will S. Wells

Of Counsel for Defendant

NOTICE OF MOTION

TO: L. H. Rosenthal  
221 N. President Street  
Jackson, Mississippi

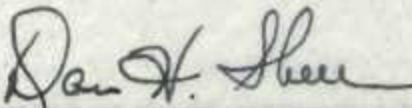
Kunstler, Kunstler & Kinoy  
511 Fifth Avenue  
New York, New York 10017

Smith, Waltzer, Jones & Peebles  
305 Baronne Street  
New Orleans, Louisiana

Melvin L. Wulf  
156 Fifth Avenue  
New York, New York

Morton Stavis  
744 Broad Street  
Newark, New Jersey

Please take notice, that the undersigned will bring the above motion on for hearing before this Court in the United States District Courtroom at Meridian, Mississippi, on the 23rd day of July, 1964 at 9:00 o'clock A. M. of that day or as soon thereafter as counsel can be heard.

  
\_\_\_\_\_, of  
SATTERFIELD, SHELL, WILLIAMS AND BUFORD  
Attorneys For Movant

340 FIRST NATIONAL BANK BUILDING  
JACKSON, MISSISSIPPI

CERTIFICATE

The undersigned counsel of record for movant, William J. Simmons, certifies that a true and correct copy of the foregoing motion was personally served upon L. H. Rosenthal and that true and correct copies of the foregoing motion were forwarded by United States Mail, Air Mail, postage prepaid, to each of the other attorneys of record for

plaintiffs, as follows:

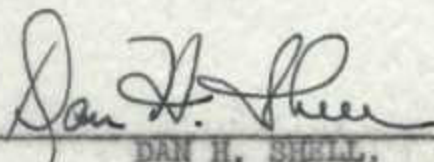
Kunstler, Kunstler & Kinoy  
511 Fifth Avenue  
New York, New York 10017

Smith, Waltzer, Jones & Peebles  
305 Baronne Street  
New Orleans, Louisiana

Melvin L. Wulf  
156 Fifth Avenue  
New York, New York

Morton Stavis  
744 Broad Street  
Newark, New Jersey

This 21st day of July, 1964.



---

DAN H. SHELL,  
Of Counsel for Movant

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

COUNCIL OF FEDERATED ORGANIZATIONS, ET AL,

PLAINTIFFS

VS.

CIVIL ACTION  
NO. 3599(J)(M)

L. A. RAINEY AND CECIL PRICE, ET AL,

DEFENDANTS

MOTION TO QUASH SUBPOENA FOR  
PRODUCTION OF RECORDS

Comes Gwin Cole, by his Attorney, and respectfully moves the Court to quash the subpoena directed to him on July 20, 1964, in this action, and would respectfully show unto the Court the following:

1. That Plaintiffs in this cause have caused a civil subpoena to issue to him, requiring the production of certain records, a true and correct copy of which subpoena is attached hereto marked Exhibit "A", and by so filing and marking, is made a part hereof for all purposes.

2. Said subpoena is unreasonable and oppressive and fails to properly designate, with any specificity, the records sought by Plaintiffs.

3. The records sought by this subpoena would entail the removal from the State Highway Patrol Office in Jackson, Mississippi to the site of the hearing of

Exhibit H

this case many large filing cases of records which could only be transported in one or more trucks or moving vans and would entail a burdensome expense on the Highway Patrol of the State of Mississippi.

RESPECTFULLY SUBMITTED.

Shirley L. Shell  
Attorney for Gwin Cole

ATTORNEY'S CERTIFICATE

This is to certify that I have served upon Plaintiffs, a true copy of the foregoing motion, by delivering the same, in person, to \_\_\_\_\_, one of the attorneys of record for Plaintiffs.

WITNESS my signature this the 23<sup>rd</sup> day of July, 1964.

Shirley L. Shell  
Attorney for Gwin Cole

Exhibit A

## United States District Court

FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

CIVIL ACTION FILE NO. ....

Council of Federated Organizations et al

vs.

No. 3599 (j) (m) civil

L. C. Rainey et al

To

G. W. Coles  
Director of Investigations for Ten County Area  
Highway Patrol  
Meridian Station  
Meridian

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the  
Southern District of Mississippi (Eastern Division)  
at United States Courthouse in the city of Meridian on  
the 23rd day of July 19 64 at 10:00 o'clock A. M. to  
testify on behalf of

Plaintiffs

in the above entitled action and bring with you

All books, records, notebooks, logs, memoranda, receipts, orders whatsoever  
kept in the regular course of your duty as Director of Investigations for Ten  
County Area of the Mississippi Highway Patrol, Meridian Station including but  
not limited to all such books, records, notebooks, logs, memoranda, receipts  
and orders for the period June 1, 1964 - July 19, 1964, and including all such  
books, records, notebooks, logs, memoranda, receipts, orders which relate in  
any manner whatsoever to Michael Schwerner, James Chaney and Andrew Goodman, and the  
Council of Federated Organizations.

July 20, 19 64

L. H. Rosenthal, Esq.

Attorney for

221 No. President St.

Address Jackson, Miss.

LORYCE E. WHARTON

Clerk.

By

Deputy Clerk.

## RETURN ON SERVICE

Received this subpoena at \_\_\_\_\_ on \_\_\_\_\_  
and on \_\_\_\_\_ at \_\_\_\_\_  
served it on the within named \_\_\_\_\_  
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage  
allowed by law.\*

Dated:

\_\_\_\_\_, 19\_\_\_\_

By \_\_\_\_\_

Service Fees

Travel \_\_\_\_\_\$

Services \_\_\_\_\_

Total \_\_\_\_\_\$

Subscribed and sworn to before me, a

this

day of

, 19 \_\_\_\_

\* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or  
agency thereof. 28 USC 1825.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

# United States District Court

FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

CIVIL ACTION FILE NO. ....

Council of Federated Organizations et al

vs.

No. 3599 (j) (m) civil

L. C. Rainey et al

To

Gain Coles  
Director of Investigations for Ten County Area  
Highway Patrol  
Meridian Station  
Meridian

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Southern District of Mississippi (Eastern Division)  
at United States Courthouse in the city of Meridian on  
the 23rd day of July 19 64 at 10:00 o'clock A. M. to  
testify on behalf of

Plaintiffs

in the above entitled action and bring with you

All books, records, notebooks, logs, memoranda, receipts, orders whatsoever kept in the regular course of your duty as Director of Investigations for Ten County Area of the Mississippi Highway Patrol, Meridian Station including but not limited to all such books, records, notebooks, logs, memoranda, receipts and orders for the period June 1, 1964 - July 19, 1964, and including all such books, records, notebooks, logs, memoranda, receipts, orders which relate in any manner whatsoever to Michael Schwerner, James Chaney and Andrew Goodman, and the Council of Federated Organizations.

July 20, 19 64

L. H. Rosenthal, Esq.

Attorney for

221 No. President St.

Address Jackson, Miss.

LORRYCE E. WHARTON

Clerk.

By

Deputy Clerk.

## RETURN ON SERVICE

Received this subpoena at \_\_\_\_\_ on \_\_\_\_\_  
and on \_\_\_\_\_ at \_\_\_\_\_  
served it on the within named \_\_\_\_\_  
by delivering a copy to h \_\_\_\_\_ and tendering to h \_\_\_\_\_ the fee for one day's attendance and the mileage  
allowed by law.<sup>1</sup>

Dated:

\_\_\_\_\_, 19\_\_\_\_

By \_\_\_\_\_

Service Fees

Travel \_\_\_\_\_\$

Services \_\_\_\_\_

Total \_\_\_\_\_\$

Subscribed and sworn to before me, a \_\_\_\_\_

this

day of \_\_\_\_\_

, 19\_\_\_\_

<sup>1</sup> Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1835.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- X  
: COUNCIL OF FEDERATED ORGANIZATIONS, :  
: et al. :  
: Plaintiffs, :  
: v. : CIVIL ACTION  
: L. A. RAINY, et al. : NO. 3599 (J) (M)  
: Defendants. :  
----- X

STATE OF MISSISSIPPI )  
 ) SS.:  
COUNTY OF **FORREST** )

Reverend John Kersten, being duly sworn, deposes and says:

Since I was not at home when the blaze occurred, I will give a picture of what happened to the parish hall of Rosary Catholic church, 902 Dabbs-street Hattiesburg at Tuesday night about 3 A.M. by quoting the "Hattiesburg American" of June 17, 1964 with my statement:

"Firefighters who answered the call at 3:07 A.M. said they noted a strong scent of gasoline. Rev. John Kersten, white pastor of the Negro church, said today that the damage will probably amount to \$4,000 or more. The big frame hall is located directly behind the church and although it is listed as a total loss firefighters were able to save the church. Kersten said: "There was a meeting of 20 or 30 respectable and responsible Negroes. They met between 9 and 11 P.M. Monday to discuss ways and means of avoiding violence in this area during the summer. Although I did not attend the session, these people assured me that they had no desire to discuss picketing or any other kind of civil rights demonstration. Most of the group were preachers, teachers, doctors and businessmen, all Negroes, most of them elderly. They want to do what they can to see that Hattiesburg does not become a second St. Augustine, Fla., and I have every reason to believe them. Perhaps one or two of them are members of the Church but the meeting was not sponsored by the Church. They simply asked if they might use the hall and I gave them permission to use it for what I consider a worthy cause". The group of Negroes plans to meet with the mayor later in the week to discuss means of minimizing the chance of racial violence here"- So far the newspaper.

I can assure that there was no gasoline in the building and that the "Hattiesburg American" of June 16 suggested arson as the probable cause of the blaze.

Hattiesburg July 29, 1964.

*J. Kersten*  
Rev. John Kersten.

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

|                                     |   |                  |
|-------------------------------------|---|------------------|
| -----                               | x |                  |
|                                     | : |                  |
| COUNCIL OF FEDERATED ORGANIZATIONS, | : |                  |
| et al.                              | : |                  |
|                                     | : |                  |
| Plantiffs,                          | : |                  |
|                                     | : | CIVIL ACTION     |
| v.                                  | : |                  |
|                                     | : | NO. 3599 (J) (M) |
| L. A. RAINEY, et al.                | : |                  |
|                                     | : |                  |
| Defendants.                         | : |                  |
| -----                               | x |                  |

STATE OF MISSISSIPPI)  
                                  ) SS.:  
COUNTY OF Hinds )

Rita L. Schwerner, being duly sworn, deposes and says:

I am 22 years old and the wife of Michael H. Schwerner, one of the three civil rights workers who have been missing in or near Philadelphia, Miss. since June 21, 1964. Michael and I came to Mississippi on about January 16 of this year as field staff workers for the Congress of Racial Equality, assigned to the Council of Federated Organizations. On about January 21 we went to Meridian, Mississippi with the purpose of establishing a community center in that city which would provide such services which the state and local authorities would not provide for Negro citizens. From that time until June 21, 1964, we worked continually in and around the area of Meridian, and other counties in the eastern half of the Fourth Congressional District. To my knowledge, the only times that Michael left the state in those six and a half months were for a four day conference in New Orleans in February, a one day trip the two of us took to New York in March, and the Oxford orientation session in Oxford, Ohio, immediately prior to his disappearance. The only additional time that I was out of the state was for a ten day visit to New York City from May 24 to June 2.

Shortly after we arrived in Meridian in January, we met Mr. James E. Chaney, a 21 year old Negro man who worked with us and eventually became part of the Congress of Racial Equality staff. From about the middle of February to the end of March, James was out of Meridian, working first in Canton and then, for a short time, in Greenwood. At the end of March, he returned to Meridian to work with us.

In the first few weeks that Michael and I were in Meridian, we had to change our place of residence some three or four times, because the Negro families who took us in received intimidating phone calls and became afraid to house us. In February we were able to rent a house from a Negro, Mr. Albert Jones, which he rented from a white woman, Mrs. Roy Cunningham. We lived in that house until the beginning of June, when Mrs. Cunningham insisted that we leave. Prior to our eviction, we had had our rent raised by her.

In the first few weeks that we were in Meridian, we received no threats, nor did we suffer harassment at the hands of the local authorities. However, as people came to know us better, to recognize us, and to know what we were attempting to do, the tension increased. On several occasions my husband was picked up by the local police, and taken to the police station, where he was questioned as to our activities, asked to show proof of ownership of our car, etc. They never did pick me up for questioning.

As we achieved some success in establishing the community center, the threats and intimidation began to increase. By May we received so many phone calls at late hours of the night, that in order to get some sleep we were forced to remove our telephone receiver before going to bed. We finally resolved this problem by obtaining an unpublished telephone number when we moved to our new apartment after being evicted. The phone calls at the office during the day and evenings continued. They were of several forms. Some were extremely

unpleasant in that when I picked up the phone the party at the other end of the line would use extremely offensive language towards me. Other calls we received were threats of violence, such as someone calling and telling me that he was planning to kill my husband, or that my husband was already dead. Michael received anonymous calls telling him that they intended to kill me or that I was already dead.

A man by the name of Mr. Oliver, who runs an electrical shop a few doors down the block from our office, used abusive language directed towards me and my husband continually. He constantly referred to my husband as "jew-boy" and "nigger-lover". I have been told by workers in Meridian that on at least one occasion in the last month, several of them were threatened by Mr. Oliver with an axe handle.

As the car which we drove became well known, we were followed by the police and by white citizens on many occasions. We became extremely cautious about driving at night, and would not do so unless it was a necessity. The white cab drivers took to following us, and did so even when I returned for the hearing on July 23.

At the end of April, my husband was arrested on two counts of blocking a cross walk. He was held in the Meridian City Jail from Monday until after his trial on Wednesday. When he was released he told me that he had narrowly escaped a beating. The police officer who took him to his cell on Monday afternoon called one of the other prisoners out of the cell. My husband could not hear what the police officer said to the other prisoner, but when that man returned to the cell he took Michael aside and told him that he didn't know who he, my husband, was, or what he did, but that he better keep quiet about it while in the jail, because the police officer had said that if this prisoner got the others to beat Michael, no action would be taken by the police.

On Friday, April 18, my husband and I were visiting Reverend R. S. Porter, when he received word that a cross was burning in front of his church. We arrived at the First Union Baptist Church as the fire department was extinguishing the flames, but the cross was still smoldering.

In the beginning of June, a large group of people were arrested in Meridian when they attempted to form a picket line in front of three of the five and ten cent stores. They were charged with obstructing traffic. My husband went down to the police station to find out the charges on the arrested persons. Officer Kirkland, whom I believe was the desksergeant that day, threatened my husband. From what Michael told me, his words were something like this, "If you get any more of these damn kids arrested, Schwerner, I'm going to get you, and that's a promise."

Working so closely with my husband and James Chaney, I was able, over the course of the months, to observe their habits and attitudes as workers. I have had the opportunity to observe other civil rights workers at their job, but I do not believe that there are any other workers in the state any more cautious or meticulous in their work than were Michael and James. Michael's concern about the danger to other people and the importance of minimizing it came from his experience as a rights worker, and his feeling of responsibility as the Project Director. James undoubtedly, derived much of his feeling of caution from the experiences he underwent in the 21 years of his life as a Mississippi Negro, subject to all the whims and capricious acts of the white citizens of this state.

Michael started making trips into Neshoba County in February and, in all, made about 30 such expeditions. Everytime he went into that county to work, I remained in the office in Meridian to receive his phone calls when he checked in, or in the event that anything went wrong and he needed to contact someone. The only times that I did not serve in that capacity were the few trips he made into Neshoba County when I was out of the state. Because the county was known to be so dangerous, I insisted on assuming that job myself, out of obvious concern for my husband's safety. When James Chaney returned

to Meridian at the end of March, the two of them usually traveled to Neshoba together, although there were one or two occasions when one of them went alone or with another person. Neshoba County has had a reputation for being so volatile that it has been nicknamed, "Bloody Neshoba", and many experienced civil rights workers, for very good reason, declined to work in that territory.

My husband believed very strongly in security precautions, such as phoning in one's whereabouts, and on several occasions I heard him reprimand others who did not call in to the office when they were supposed to. I remember only one incident prior to his disappearance when Michael was two hours late returning from Neshoba County and did not call to tell me why. I was frantic and at the point of calling the jails, but refrained because I knew that if he had not been picked up, this would inform the authorities of his whereabouts, and make the situation far graver. When he and James returned that particular evening, they said that they had been detained in talking with a contact, who had no telephone, and that they were fearful of stopping on the road to call in and advise me of their delay.

On one occasion, I believe at the beginning of May, the two men, James and Michael, were planning to drive to Philadelphia during the day to see some people. As I had met several of the Neshoba County contacts in Meridian, and I had information to relate to them about community center programs which I believed would benefit them, I requested permission of the two men to accompany them. At first they both refused, but when I persisted, Michael finally agreed, and I believe that he agreed because he felt he might have been over-protective of me as his wife. James, however, did not have any of these personal involvements, so that he was able to rationally say that if I went, he would not, as he said that if he were seen in Neshoba County with a white woman, we would all be killed. His sound advice was heeded and I did not enter Neshoba County on that day, or at any other time until after the disappearance of my husband, James Chaney and Andrew Goodman.

On one or more occasions, James told me that the car had been followed in Neshoba County by white persons in cars with the license plates either covered or removed. On one occasion he said he had been followed by an official car, either that of police or sheriff's department, but I don't know which.

On June 21, 1964, Michael and James made another trip to Philadelphia, this time accompanied by Andrew Goodman, one of the volunteer COFO summer workers. I was in Oxford, Ohio, at the time, but before my husband left Oxford at 3 a.m. Saturday, June 20, he told me of his intention to go on Sunday to Philadelphia to investigate the burning of the Mt. Zion Church in the Longdale Community. The three men never returned to Meridian, nor did they call in their whereabouts. All knowledge I have of my husband's habits and training indicates that, given the opportunity, he certainly would have called in. It is foolish to assert that he would have turned down the opportunity to do so. The information from officials is vague and contradictory, and all knowledge of the situation in Neshoba County would lead me to believe that the three men have been murdered.

On June 25, at about 3 p.m., I went to the State Capitol Building in Jackson with John Robert Zellner, a Student Non-violent Coordinating Committee field secretary, and Reverend Edwin King, the Tougaloo College chaplain. I attempted to see Governor Johnson to ask for his promise of help in the search for the three men. We were told by Senator Barbour that the governor was out for the afternoon and could not be contacted. He was extremely rude in his treatment of me. We then walked over to the Governor's Mansion, arriving just as Governor Johnson walked up the steps with Governor Wallace of Alabama. We followed them up the steps and Mr. Zellner introduced himself by name to Governor Johnson and they shook hands. Mr. Zellner then turned towards me and introduced me as the wife of Michael Schwerner, one of the three missing men. He said that I would like to speak for a moment with the Mississippi Governor. The moment Johnson heard who I was, he turned and bolted for the door of the mansion. The door was locked behind him and a group of Mississippi Highway Patrolmen

surrounded the three of us. An officer with the name plate, "Harper", refused to allow us to request an appointment with the governor. Harper said that he would not convey our request to Johnson.

On June 26, 1964, when I went to Neshoba County to speak with Sheriff Rainey, the car which I was in was followed by a blue, late model, pick up truck without license plates. There were two white men in the truck. At one point the truck blocked us off in front and a white, late model car blocked us from behind. We turned our automobile around and were able to get by the white car; the pickup truck followed us a while farther. We reported this to the FBI agents who were working in Philadelphia on the investigation. After I spoke with Sheriff Rainey, who denied any knowledge of the circumstances of the disappearance of the three men, we obtained permission from Rainey and the FBI to follow the sheriff's car to the garage where the station wagon (which the men had driven on June 21) was being kept, in order that I could see it. Several young white men whom I believe were workers at the garage, laughed and made screams which are usually referred to as rebel yells when they realized who I was. When we left the garage the sheriff's car was close behind ours, and the blue pick up truck once more followed after us, to the outskirts of town, with the sheriff making no attempt to stop it or question the occupants about the lack of license plates.

Signed: Rita J. Schwane

Sworn to and signed before me this 29 day of July 1964

Signed: Margaret A. Lewis

Notary Public

MY COMMISSION EXPIRES APRIL 5, 1966

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

COUNCIL OF FEDERATED  
ORGANIZATIONS, ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 3599 (J) (M)

L. C. RAINEY, ET AL

DEFENDANTS

AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, William J. Simmons, personally known to me, whereupon the said William J. Simmons stated on oath, as follows, to-wit:

1. That affiant is also referred to as "Bill Simmons";

2. That affiant is the same person as the "Bill Simmons" on whom an attempt was made to serve process against the named defendant "White Citizens Councils of Mississippi" on July 14, 1964.

3. That affiant knows of no corporation, partnership, person, association, or other entity bearing the name or proper designation "White Citizens Councils of Mississippi";


4. That affiant is not an officer in nor a member of "White Citizens Councils of Mississippi";

5. That affiant knows of no corporation, partnership, person, association or other entity bearing the name or proper designation "White Citizens Council."

6. That affiant is not an officer in nor a member of "White Citizens Council".

And further affiant sayeth not.

This 18th day of July, 1964.

  
William J. Simmons  
WILLIAM J. SIMMONS

Sworn to and subscribed before me on this  
18th day of July, 1964.

Ruby St. Majors  
NOTARY PUBLIC  
My Commission Expires: 7-6-64

State of Mississippi  
County of Sunflower

I, Mrs. Fannie Lou Hamer, a Negro,

Being duly sworn and deposed: to-wit:

I am 46 years of age, and reside in Ruleville, Sunflower County. My mailing address is 626 East Lafayette St., and I <sup>am</sup> married to Mr. Perry Hamer.

On the 9th of June, 1963, I, Mrs. Anelle Ponder, and eight other women were returning from a voter registration workshop which had been in South Carolina. We were on a Continental Trailway bus which stopped at Winona, Montgomery County, at the bus station. Anelle Ponder, and others of our party, including, James West, from Ita Bena, Rosemary Freeman, from near Greenwood, June Johnson, a 15 year old girl, ~~xxx~~ got off the bus to go to the rest room. <sup>(RESTAURANT)</sup> Two, Evester Simpson and Ruth Day, also of our party, got off the bus to use the rest room. I remained on the bus.

The four that got off the bus to go to the restaurant - and had gone to the "white side" of the restaurant were coming back to the bus. I got off the bus and asked them "what happened". They said that there were some policemen and high-patrolmen in there. Anelle said policemen with billy-clubs told them to get out of there. I said that this can be reported and Anelle said, "Yes/I am going to get the tag number". The four of them were standing outside to get the tag number - and Evester Simpson was standing with them talking when all five of them were put in the patrol-car, which I think was the high-way patrolman bar, he also was the one giving orders.

I got off the bus when all at once, an officer from the patrol car said "get that one too". A county-deputy, Earl Wane Patric and one more got <sup>out</sup> of the car and opened the door to his car and said "you are under arrest". I was going into the car when this Patric "kicked me" me into the car. While driving me to the jail, they were questioning and calling me "bitch".

We got to the jail, I saw all five of the above in the booking room. As soon as I got to the booking room, a tall policeman walked over to James West and jumped hard on James West Feet.

I was led into a room - a cell - with Evester Simpson. While I was in the cell, I could hear screaming and the passing of licks. Pretty soon, I <sup>SAW</sup> several whitemen bringing Anelle Ponder past my cell - she was holding onto the jail walls - her clothers all torn - her mouth all swelled up and her eyes were all bloody - one eye looking like itself.

After a while they came for me. John L. Bassinger, a high-way patrol man (his name on a metal plate on his pocket), the policeman who had jumped on James West feet, and another policeman with a crew-cut haircut.

They came into my cell and asked me why I was demonstrating- and said that they were not going to have such carryings on in Mississippi. They asked me if I had seen Martin Luther King Jr. I said I could not be demonstrating- I had just got off the bus- and denied that I have seen Martin Luther King. They said "shut up" and always cut me off. They ~~think~~ then asked me Where I was from. I said Ruleville. They then left- saying that they were going to check it out.

They then returned. John Bassinger said: "You damn right you are from Ruleville. We/going to make you wish that you were Dead bitch". They led me to a r another cell. Before I had been led out of the cell- I saw a Negro- who I reckoned was a trustee- who stayed around the jail- bring a mop and bucket to take some where. When I was brought to another cell- I saw two Negro's who were in their 20's or a little younger. John Bassinger- he said- "take this" talking to the youngest Negro. John Bassinger had in his hand a long, 2 feet black jack- made out of leather- wider at one end, and one end being filled with something heavy. The young Negro said: "You mean fo r me to beat her with this?" John Bassinger said "You damn right"- "If you don't, You know what I will do for you".

The young Negro told me to get on the bunk and he began to beat me. I tried to put my hands to my side where I had polio when I w s a child- so that I would not be beat so much on that side. The first Negro beat me until/ he got tired. Then the second Negro was made to beat me. I took the first part of it, but couldn't ~~xx~~ stand the second beating. I began to move- and the first Negro was made to sit on my feet to keep me from kicking. I remember that I tried to smooth my dress, <sup>which</sup> was working up from all of the beating. One of the white officers ~~xxxxxxx~~ pushed my dress up. I was screaming and going on- and the young officer with the crew-cut betan to beat me about the head and told me to stop my screaming. I then began to bury my head in the mattress and hugged it to kill out the sound of my screams. It was impossible to stop the screaming. I must have passed out- I remember trying to raise my head and heard one of the officers, "Bassinger" who said that's enough. He said get up and walk. I could barely walk. My body was real hard- feeling like metal. My hands were navy blue - and couldn't bend the fingers. I was taken back to the cell.

While I was back in the cell, I could talk to June Johnson, Annette Ponder, and Rosemary Freeman who were in their cells. I learned that June Johnson had a hole in her head from her beating. I learned ~~that~~ that the trustee had used the bucket and mop to mop the blood.

~~We had given our~~

Then they got us up one night to take our pictures and John Bassinger, ~~he~~ who had taken the pictures, forced me to sign a statement which they already made me write, that I had been treated all right. That night was the following Monday night. I tried to write the statement in such a way that anybody would know that I had been forced to write the statement.

The following Tuesday ~~night~~, we had our trial. There was no jury. We had no lawyer. We were charged and were found guilty of Disorderly Conduct and Resisting Arrest.

When we were put in the jail, and when I was put in the jail, I told them that nothing is right around here. The arresting officer had lied and said that I was resisting arrest. I told them that I was not leaving my cell - and that if they wanted me, they had to kill me in the cell and drag me out. I rather be killed inside my cell instead of outside the cell.

On that Tuesday, I heard some white men talk to the chief and jailer that they were F.B.I. and had to report what they say. I was able to see ~~xxx~~ Lawrence Guyot, a field secretary of SNCC who I had known before in voter registration work, and saw him in the booking room and saw that he had been beaten.

On the following Wednesday, James Bevel, Andrew Young, and Dorothy Cotton of SCLC (Southern Christian Leadership Conference) came to see us and to get us (the people who had been on the bus and were arrested) out. But before I left the jail - I was able to see that Lawrence Guyot's head had been beaten out of shape.

In 31st of August, 1962, I had been fired from my Plantation job, Deemarlow's Plantation, Ruleville, because I attempted to register to vote. I had been working for ~~of~~ SNCC and SCLC before I had been beaten. At the present time, I am a candidate for Congress in the coming Primary, for the second Congressional District.

Doctor Searcy, Cleveland, Mississippi, said that I had been beaten so deeply that my nerve endings are permanently damaged - and I am sore.

signed. Mrs. Annie Lee Adams

Sworn to and signed before me  
this 24 day of May, 1964  
signed: John D. Dine Jr.  
Notary Public  
My Commission Expires:  
May 22, 1968

AFFADAVIT

My name is Samuel Block. I am 24 years old. I reside at 708 Avenue N, Greenwood, Mississippi. I am a field secretary for the Student Nonviolent Coordinating Committee, working in Greenwood on voter registration activities.

We left Greenwood about 6pm. Monday, June 8, 1964, enroute to Atlanta, Georgia. We arrived in Starkville, Miss., about 80 miles from Greenwood. We made a couple of stops in Starkville to visit friends. We left about 9pm. After getting 20 miles from Starkville, a car pulled up from the side of the highway, driven by a white man, a '56 Mercury, black and white. We passed the car, he caught up behind us. He blew his horn. He came up very close to the back of our car. He cut off his lights. We thought he would shoot into our car, because our car was very well known in Otterbein and Lowndes Counties in voter registration work. The car trailed us for 5 miles, he kept coming up to us and falling back and turning his lights on and off. When we came to Mayhew Junction, he turned left.

We were pulled over by Mississippi State Highway Patrolman Roy Elder, badge number 358. The car had license tag MHP 97. He ordered the driver, James Black, 17, of Ruleville, Miss., to get out of the car. He got out and the highway patrolman asked him, why did he try to force that man in the Black and White Mercury off the highway? We all replied that we hadn't tried to force anyone off the highway. He said, "You all are the niggers that are trying to change our way of life in the State of Mississippi." He then ordered all of us to get out of the car on the right side. There was an unidentified white man in the car with the highway patrolman, dressed in a black suit. Elder then opened the trunk of our car, and saw literature for Mrs. Hamer, a ~~congressional~~ congressional candidate, and brochures on the Mississippi Summer Project and Freedom Schools. He took the literature out, and put it in the back of his car.

He called the sheriff, who came and got it out of his car with a long stick in his hand, ; Elder told the Sheriff, "these are the niggers who are trying to change our way of life."

Elder said, "that nigger over there tried to run a man off the highway!" Sheriff said, "which one, that little short nigger over there?" Pointing at me. Elder said, "no, that big fuzzy-lipped nigger over there," pointing at James Black.

Elder ordered the sheriff to carry Charles McLaurin, James Jones, Willie Peacock, and I back to the county jail. They handcuffed all of us, so tight that they almost cut our wrists. The sheriff put all four of us in the back of the car and carried us back to the county courthouse, which is also the county jail. He took our names and checked our belongings and then ordered the trusty and the jailor to carry us upstairs and lock us up. Before we went upstairs, there was a phone call, which the jailor answered and he gave it to the sheriff. It was a lady asking him permission to come and visit the jail that night. He told her, "No, because we have some very very important business tonight, and we don't have time, but you can come first thing in the morning."

He then told the jailor, "these are the niggers that are trying to change our way of life; they are working for the NAACP and CORE." The jailer replied, "The river is just right, let's carry them out and rifle them right now."

Then James Black walked in with Elder. His nose was bleeding very badly, and his eyes were swollen very badly and he had dirt in the right side of his hair. Elder said, "this nigger here, he can't even stan on his own two feet. He fell up side of the car."

They then carried us up stairs and put us all in the same cell. They didn't tell us we were under arrest. About five minutes later, about 10:00 pm. a white trusty along with a Negro trusty named Moore came to get James Black. They ~~quy~~ questioned him about a draft registration card that he had in his pocket that didn't belong to him. (Black had a billfold belonging to someone who had left it at his house.) He stayed down about five minutes, and then they brought him back.

The white trusty returned about 10 minutes later, told all of us to line up at the door of the cell. He said, "they want to interview all of you down-stairs." He pointed to me and said, "we want to take you first."

They carried me downstairs first and outside in back of the jail. Inside were the Negro trusty, the white trusty and the jailer. I walked outside with Roy Elder, and he began questioning me about trying to change their way of life. I told him we weren't trying to do that. He then hit me on my left cheek with his fist. I staggered and fell back to the window, and he grabbed me and hit me in the groin with his fist very hard. I fell down and he kicked me hard in the shin. I got up and he said, "tell me the truth nigger, tell me the damn truth." "Where are you going?" I told him we were headed to Atlanta for a staff meeting. Then another highway patrolman wearint brown horn-rimmed glassed walked up and Elder asked why did you have all of that god-damn literature in the car? I told him I didn't put the literature in the car. The other cop said, "its your car, isn't it? You mean to tell me you don't know what's in your car?" Elder said, no that isn't his car. Elder said, "come on and tell me the damn truth, nigget, just why are you all here, had any white person mistreated you in the state of Mississippi?" I answered "yes, you are mistreating me now." He then hit me again with his fist on the left cheek and knocled me back. He shouted, "stand up, stand up!" "what are you, a Negro or a nigger?" I said a Negro. He said what? And drew back his fist again, he then asked me the same question again. To keep him from hitting me again, I told him I was a nigger. He said, alright, go on back in. I could just barely make it back upstairs to the cell. After I got back into the cell, I fell to the concrete floor and blacked out and lajd there for about 20 minutes.

The same procedure was gone through for all the others except Black. We requested to make a telephone call several times and were refused. We spent the night in the cell. In the morning, we again requested to make a call, about 9:30 and were again refused.

About 10:00 am, the jailer and the trusty told us to come down to be fingerprinted and photographed, which we did.

The sheriff said we were charged with transporting illegal literature. Black was also charged with transporting illegal literature and running a stop sign. Afterwards, Elder and another highway patrolman, different from last night, came and carried us over to the justice of the peace office. We went in the front and out the back of the office and were put in the back of three highway cars. We were carried about 8 ~~111/4/41/41~~ miles west on route 82, to judge R. V. Whittaker's office. We stood in there for about 20 minutes. The judge, some white citizens and lawyers went into the back of the judge's office, along with about 5 or 6 highway patrolmen. They talked for about 20 minutes. Then they carried us outside, handcuffed, except James Black. They put us under a tree and were guarded by a highway patrolman. They kept Black inside. After about 10 minutes, they called us individually into the office. I was called third. The judge questioned me, along with Roy Elder. He questioned me about, (general personal information), then James Black. How long had I known him? I said yesterday was my first time meeting him. Judge Whittaker said, "you can sit there and act a damn mother-fucking fool if you want too, but we are trying to help this 17 year old boy, whom we have two charges on." He then questioned me about SNCC, the summer project and about my leaders. This lasted about 15 minutes. I had been sworn in. I again asked for legal counselor. He said, "we are not trying you, we are trying this boy here, and you are a witness to him." He said when we get ready to try you, we will allow you to get legal counsel. Then he told me to go back outside. This continued until every-body had been questioned.

Then a man who I think was the county prosecuting attorney came out and told us, "boys, I don't have anything against you all for working for your cause, but the laws are on the book and they must be obeyed. And when you come into my town, I want you to obey all laws. I am going to drop the charges on you all and see if I can get the judge to fine him, (Black), and if he didn't appeal, to drop the other charges in Otterway county. But if he does appeal, the other charges will remain." He talked to the judge. We were called back to judge's office, and the judge told all the people in the room, "take a good look at these niggers, because it is more than sure that you will be seeing a lot of them this summer working on the Mississippi Summer Project. I don't want to catch none of you around here any more. If we see you again, we are going to get you, because we don't want you around. If we don't get you the colored people here will get you because they don't want you around either." We were then carried back to the county jail. We paid \$28 fine. Plus \$2.08 for car storage fee and we were released.

We then drove to Atlanta. We went to Dr. James D. Palmer in Atlanta and were examined. He said I had a very badly bruised muscle in my cheek. And in my back and groin, and he told me to get plenty of rest and gave me a prescription for pain and told me

to soak in a hot tub. He said tomorrow I would be sorer.

Samuel Theodore Block  
Samuel Theodore Block

The above statement sworn and subscribed to before me this 11  
day of June 1964.

Howard Julius Bond  
Notary Public

Notary Public  
My Commission Expires Dec. 1, 1967

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- x  
: COUNCIL OF FEDERATED ORGANIZATIONS,  
: et al. :

Plaintiffs, :

v. :

L. A. RAINEY, et al. :

Defendants. :  
----- x

CIVIL ACTION

NO. 3599 (J) (M)

STATE OF MISSISSIPPI)

COUNTY OF )

) SS.:  
)

Julius Samstein

I, \_\_\_\_\_, being duly sworn, deposes and says:

On Monday, July 19, 1964, at approximately 4:30 p.m., I was driving from the Beartown section of McComb to our voter registration office in the Burgland section of McComb. I had left Venable Street and made a right turn on route 24. I stopped at a Texaco station for some gas. I was followed into the station by a 1960 white Ford with two white men. The younger of the two men, in his thirties, of strong build and over six feet, got ~~me~~ out of the car and walked around toward my car and began looking at me. After purchasing the gas, I left the station and drove the 100 to 200 yards to the traffic light at the intersection of route 24 and highway 51. There I stopped for a red light. As I sat there I ~~noticed~~ noticed that the 1960 white Ford was directly behind my car and that the same man who had gotten out of the car to look at me in the gas station had gotten out of the car and was walking toward my car. As he approached my open window, he swung his fist into the car and hit me in the ear. He swung three more times after this. At least one of the times he caught me again on the ear. Then he turned around, without saying anything to me at any time and got back into the white 1960 white Ford. Meanwhile the light had changed and I drove off, making a left turn on to highway 51. The 1960 white Ford also made a left turn but turned off the highway after 20 or so yards into a shopping area.

I ~~continued~~ continued on to the McComb Police Station where I reported the incident to the local law authorities.

I later learned that four local Negroes ~~had~~ had witnessed the assault on me. Two are Curtis Bryant and Curtis Bryant, jr. They were behind the car which was directly facing me on the other side of the traffic light. They got a good look at both the man who assaulted me and the other person in the car. Curtis Bryant jr. also noted part of the license plate of the 1960 white Ford. It was S-65.

Sworn to and signed before me  
this 22 day of July, 1964

I hereby certify that a notary public is not available to me and that the above is true to the best of my recollection; this 22 day of July, 1964.

Signed: Julius Samstein

Two witnesses:

Daniel D. Pearlman Morris R. Lewis

A F F I D A V I T

STATE OF MISSISSIPPI  
COUNTY OF "Pike

NAME Miss Sherry Everett

AGE 20

ADDRESS 702 Wall Street, McComb, Mississippi

OCCUPATION Voter's Registration worker

PHONE 684-2110

Being duly sworn deposes and says: to-wit: I am a citizen of the United States of America and am a Negro or a white participant in civil rights and desegregation work. On (day) Friday, (month) July, (date) 17th, 1984, at about 11:00 time, the following happened:

In the course of my work, I went to witness the burning of the church

Mt. Zion, near Percy Quinn Park. We arrived somewhere between the hours of 11:00 and 11:15 a.m., Friday morning. Mt. Zion church or what was the remainder of it was the following. The church was still burning slightly and all that was left was the two side walls and the back was completely destroyed. My first impression was that a bombing had taken place, but later discovered that it was burned.

It seems to me that whoever burned the church had spread around the area of the parking lot ~~xxxx~~ large tacks, in which I believe are used in construction of putting on roofs. These may ~~be large tacks~~ have been used in obstruction of traffic.

This is the conclusion to what I have seen. This above is is answer to the best of my knowledge. This is true.

Sworn to and signed before me this 12 day of

(Signature)

Signed:

Notary Public

I hereby certify that a notary public is not available to me and that the above is true to the best of my recollection, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed:

Two witnesses: My Commission Expires June 22, 1965

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- x  
:  
COUNCIL OF FEDERATED ORGANIZATIONS, :  
et al. :  
  Plaintiffs, :  
  :                   CIVIL ACTION  
  :                   NO. 3599 (J) (M)  
  :                   :  
  :                   :  
v. :  
  :                   :  
L. A. RAINEY, et al. :  
  Defendants. :  
----- x

STATE OF MISSISSIPPI)  
  ) SS.:  
COUNTY OF                            )

Curtis Hayes, being duly sworn, deposes and says:

On July 8, 1964, at about 3:40 a.m., I was asleep in a bed that was about 2½'(feet) away from the window. A bomb was placed about 1½'(feet) from the outside of the window.

I don't recall hearing any noise. I only remember lying on the floor beside my bed under glass from the window and the lumber from the window frame.

I assume that I had been unconcious for sometime for everyone had already made it to safety by the time I realized what had happened.

When I finally made it to safety (the kitchen) I was still quite dazed and noticed that I was bleeding profusely. I later learned that my body was covered with small cuts and some 30 of them were deep cuts.

I believe the house (702 Wall St., McComb, Mississippi) was bombed because it was occupied by myself and other Cofo workers and was being used as a Freedom House.

My home address is Rte. 2, Box 100, Summit, Mississippi. I am a citizen of the United States of America.

I hereby certify that a norary public is not available to me and that the above is true to the best of my recollection, this 29 day of July, 1964.

Curtis Hayes

Two Witnesses:

Marshall G. Lundy / Daniel D. Pearlman

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- x  
COUNCIL OF FEDERATED ORGANIZATIONS,  
et al.

Plantiffs,

v.

L. A. RAINEY, et al.

Defendants.  
----- x

CIVIL ACTION

NO. 3599 (J) (M)

STATE OF MISSISSIPPI)

COUNTY OF )

SS.:

Ora Lee Bryant

, being duly sworn, deposes and says:

I live at Rte 1, Box 49, McComb, Mississippi. I am a citizen of the United States of America. I have permitted the members of COFO to use my grounds for youth meetings of local young people. The first such meeting was held on July 18, 1964.

On July 26, 1964, at 1:00 a.m., I was in bed when I heare a car stop in front of my house. I got up to see who it was and I saw a black car. It was an old model car. The lights from a car coming from the opposite direction shone on the black car and the black car pulled off. I came out of the house and watched the car go over the hill. I came back into the house and all at once it came into my mind that they could have been the bobmbers who have been going around. So I got my gun and came into the living room to watch and see if they would return. A few minutes later they returned and parked in the same spot. This time I got up and aimed my gun at the car. The window was up and the screen was closed. I did this after the first time I saw them. I waited about three or four minutes to see what they were going to do. I then heard a nois4 like a bundle of sticks hitting the ground right in front of the window. It landed on the ground and then I opened fire and the car took off. It was going north. Just as the car took off a small blast went off in the yard. I then ran to get my husband who was sleeping and he grabbed the gun from me and ran out the back door and came around to the front yard. By the time he got to the front yard a car was coming back by the house at a very high speed. When it appoache d the house two shots wefe fired: one hit the window and the other hit high above the window on the outside. At the same time the last shot was fir3d the big blast went off and I saw my husband being knocked around and to the ground by the blast. He fired two shots in the ground because he had lost his balance due to the blast. After this we tried to get ouselves together because people began coming over and we wefe in our pajamas. About five minutes after the bombing a local cop whom we know as "Big John" came up the walk to our house and told us to put our guns away.

The only reason that I can give for them bombing my house is hat I have let the COFO civil rights workers use ymy yard and cafe for meetings ad and picnics.

Ora Lee Bryant

Sworn to and signed before me  
this \_\_\_\_ day of \_\_\_\_\_, 1964.

\_\_\_\_\_  
(notary public)

I hereby certify that a notary public is not available to me and that the above is true to the best of my recollection, this 24 day of July, 1964.

Signed: Ora Lee Bryant

Two witnesses: Daniel D. Pearlman / C. J. Fopar

STATE OF LOUISIANA        }  
PARISH OF ORLEANS        } ss.:

SUSAN B. PATTERSON, being duly sworn, deposes and says:

I reside at 134 West 15th Street, New York, New York.

I am a native born citizen of the United States of America and am 26 years old.

I am a member of the "freedom school" teaching program that is being operated in Mississippi by the Council of Federated Organizations (COFO). I am a graduate student at Hunter College in New York City, and I have been teaching history and the United States/Constitution to Negro children at the "freedom school" in Hattiesburg, Mississippi, at the Truelight Baptist Church there.

Peter Werner is also a teacher at that school. He teaches science, math and music to Negro children. On July 20, 1964, two teachers from that school, the aforesaid Peter Werner and William D. Jones, and I went shopping in downtown Hattiesburg. At about 2:00 P.M. William D. Jones entered the Standard-Walgreen drug store on Main Street. Peter Werner and I remained standing outside the store although we were about to enter. Peter Werner walked to the street curb to signal a car which he thought contained some of his friends. I watched him as he was doing that. At that point I saw a man strike Peter Werner about the head and neck with his fists. I subsequently learned that this man's name is Houston Hartfield. He is a white man. Peter Werner fell to the pavement and curled up, clasping his hands behind his head, with his knees drawn up and his ankles crossed. Houston Hartfield kicked him about his head and back. Peter Werner at no time attempted to fight back, nor did he say anything to Houston Hartfield while he was being beaten. I screamed, "Help, Police!" many times. A policeman then came and stopped Hartfield from beating Peter Werner. That policeman took Hartfield to the police station, and Jones, Werner and I followed. In the station, Peter was told he was under arrest for assault and battery, and he was then booked on that charge. He was released on \$25. cash bond for a hearing that afternoon.

Sworn to before me this  
27th day of July, 1964

Lolis E. Elie

Susan B. Patterson  
SUSAN B. PATTERSON

LOLIS E. ELIE  
Notary Public, Parish of Orleans, State of La.  
My Commission is issued for life.

AFFADAVIT

June 9, 1964

My name is James Black. I am 18 years old and live in Ruleville, Mississippi. On the afternoon of June 8th, 1964, Charles McLaurin and I started out from Ruleville. In Greenwood, Miss. we picked up Sam Block, Willie Peacock, James Jones. Our destination was Atlanta, Georgia where we were to attend a meeting of the SNCC staff.

Between Mayhew Junction and Starkville we were followed by a '56 Mercury. The car pulled up behind us and cut his lights off, then pulled out like he was going to pass and then didn't pass. We slowed down at that point. At Mayhew Junction he turned off. At the intersection of Rt. 45 and 82 the Highway Patrol pulled up behind us and pulled us off the road. Ron Elder, the Highway Patrolman, said to us: "you god damn niggers want to change our way of life." He then told me (I was driving at the time) to get out of the car. Then he told the others to get out on the other side of the car and stand by our car. Then he searched the car. He then went to call the sheriff and told the sheriff to pick us up cause we were "god damn niggers trying to change our way of life." Then we were searched one by one. By this time the sheriff had arrived. (The sheriff of Lowndes County).

The sheriff handcuffed all of the others but not me. Then he told me to pick up all the literature in a box and put it in the back of his car. (The literature was Mrs. Hamer campaign literature, summer project brochures). After I put the literature in the back of his car he told me to get in the back of his car (a '63 white ford). He told me he was going to take me to the courthouse but before he took me to the courthouse he took me out of the car; I refused to get out. So he pulled me out. He started hitting me with his fists and after about twenty blows he got his blackjack out and hit me one time with it and knocked me down. Then he told me to get back in the car. While he was beating me he asked me if nary white folks had ever treated me bad; I told him yes and he hit me again. He asked me again had any white folks in Mississippi treated me bad and I told him no. At that point he helped me back into the car. Then he took me to the County Jail (Lowndes) where I was questioned by the sheriff. The sheriff asked for my driver's license and to take everything out of my pockets. Then he told me to step back and told the others to do the same, i.e. to take stuff out of their pockets and step back. Then we were taken into a cell; there was only one cell in the jail so we were all together; a girl and three other boys besides us were all together in the cell. In about 5 minutes I was called again to be questioned and was taken to the sheriff's office. I had a friend's ID card in my pocket and he asked me if my friend was a Negro or a nigger. I told him a Negro. The same Highway Patrolman was there and took out his blackjack and again asked if my friend was a Negro or a nigger. He started to hit me with the blackjack and I told him my friend was a nigger.

Then I was taken back to the jail. 5 minutes later the jailer came to take one of the other guys out. He took Sam Hlock to the sheriff's office, asked him a few questions and beat him up. Then the jailer brought Sam back and took James Jones out. Then he brought James back and took Willie Peacock out. Then the jailer brought Willie Peacock back and took Charles McLaurin out. In each case they were beaten right in the sheriff's office.

We were kept in jail overnight and the next morning about 10am we were taken down to the city police department and finger printed and photographed and interviewed again. We were asked names, addresses and phone numbers and asked where did we work. I am a day laborer and told him so. Then we were taken to the court and the presiding judge was R?V? Whittaker. I was charged with reckless driving. We were going about 35 miles an hour when the incident occurred. He said I was in the wrong lane which is untrue. I was also charged with running two stop signs which was false. After this the judge told me to sit down and that my trial, the State of Mississippi vs. James Black, would begin. I was asked questions then such as: "Where you encouraged to drive the car." I told him no. I told him I was a day laborer. "Are you on the NAACP staff?" I told him no. "Do you belong to any organization?" I told him no. Then he told me to sit down again and called in the other boys one by one. Then they were asked the same questions: Where they on the SNCC payroll. They answered yes. Then we were all told to go out while they had a conference in the court room. About five minutes later I was called back alone. Then I was told that he was going to let me off light providing I would leave town and never return. He charged me \$5 for running each stop sign and \$2 for driver education and charged the other four \$4 each for the night they spent in jail. The reason he didn't charge me the \$4 fee was because I had been officially arrested. We were then taken back to the jail and given our personal belongings. After which we paid the fine and a city policeman drove us to the filling station where the car was. We were charged \$2.08 for storage. Then we continued our trip to Atlanta.

Roy Elder, the Highway Patrolman, has a badge number 358 and his license tag number was MHP 97. We were followed between Mayhew Junction and Starkville between 10 and 10:30pm and were stopped by the Highway Patrolman at about 10:30pm.

James Charles Black  
James Black

The above Statement sworn and subscribed to before me this 11 day of June 1964.

Horace Julian Bone  
Notary Public  
Notary Public, Georgia, State at Large  
My Commission Expires Oct. 9, 1967

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- X  
: COUNCIL OF FEDERATED ORGANIZATIONS, :  
: et al. :  
: Plaintiffs, :  
: v. : CIVIL ACTION  
: : NO. 3599 (J) (M)  
: L. A. RAINEY, et al. :  
: Defendants. :  
----- X

STATE OF MISSISSIPPI)  
                                  ) SS.:  
COUNTY OF LEFLORE)

June Johnson, being duly sworn, deposes and says:  
I am 16 years old and live at 317 Noel Street, Greenwood, Mississippi. A group of Civil Rights workers was traveling from Charleston, South Carolina to Greenwood, Miss. by bus on June 9, 1963. The group consisted of Mrs. Fannie Lou Hamer, Miss Annelle Ponder, Mr. James West, Miss Euvester Simpson, Miss Rosemary Freeman, and myself. On the trip from Columbus, Miss., to Winona, Miss., our group sat in the front of the bus and occasionally sang freedom songs.  
When we got to Winona, the bus stopped at the terminal there. Everybody went into the terminal except Mrs. Hamer. When we got inside the terminal, our group sat down on the "white" side. The Winona Chief of Police came in and told us to "get over where you belong." We got up and went outside the terminal. Soon the Chief of Police and a State Trooper came outside and arrested us. When she saw us getting into the Trooper's car, Mrs. Hamer got out of the bus and asked us "should I go on to Greenwood?" We told her to go ahead, but the Trooper called out "Get that woman," and an unidentified white man grabbed her and put her in his car. The Trooper took us to the Montgomery County jail. Mrs. Hamer arrived in the other car about the same time.

We were taken inside. The Trooper said, "What you niggers come down here for?--a damn demonstration?" We all shock our heads and answered "no". Then he said "You damn niggers don't say 'no' to me--you say 'yes sir'" While he was saying this, the county sheriff and the Winona Chief of Police came in, accompanied by the same white man that brought Mrs. Hamer in.

The Sheriff walked over and stamped James West's toe, and hit Euvester in the side with a ring of heavy keys. Then the Trooper questioned us. While questioning Annelle Ponder, he found out that she lived in Atlanta, Ga. He told her, "I knew you wasn't from Mississippi 'cause you don't know how to say "yes sir" to a white man." Then he turned to the rest of us and said "I been hearing about you black sons of bitches over in Greenwood, raising all that hell--you come over here to Winona, you'll get the hell whipped out of you."

He opened the door to the cell block and told everybody to get inside. I started to go in with the rest of them and he said, "Not you, you black-assed nigger." He asked me, "are you a member of the NAACP?" I said yes. Then he hit me on the cheek and chin. I raised my arm to protect my face and he hit me in the stomach. He asked, "Who runs that thing?" I answered, "the people." He asked, "Who pays you?" I said, "Nobody." He said "Nigger, you're lying. You done enough already to get your neck broken." Then the four of them--the sheriff, the chief of police, the state trooper, and the white man that had brought Mrs. Hamer in--threw me on the floor and beat me. After they finished stomping me, they said, "Get up, nigger." I raised my head and the white man hit me on the back of the head with a club wrapped in black leather. Then they made me get up. My dress was torn off and my slip was coming off. Blood was streaming down the back of my head and my dress was all bloody. They put me in a cell with Rosemary Freeman, and called Annelle Ponder. I couldn't see what they did to Annelle, but I could hear them trying to make her say, "Yes sir." When they brought her back, she was bloody and her clothes were torn.

About 5 minutes later the trooper came in and yanked Rosemary Freeman off the bed and bumped her up against the brick wall of the cell two or three times. Then he turned to me and said, "Pull your dress down and wash off--when I come back in 5 minutes, you'd better be clean." I started to wash up but a man in a blue uniform told me to wait until we left.

Then we heard the policemen shouting at Mrs. Hamer in her cell. Then they took her somewhere into a different part of the building.

A little while later we heard Mrs. Hamer hollering, "Don't beat me no more--don't beat me no more." Later they brought her back to her cell crying. She cried at intervals during the night, saying that the leg afflicted with polio was hurting her terribly.

We stayed in that jail day and night from Sunday till Tuesday, when they booked us and informed us that we were charged with disorderly conduct and resisting arrest. We then went back to jail until Wednesday afternoon, when a group of SNCC people came from Greenwood to get us out of jail. We got back to Greenwood about 7:00PM on June 12, 1963.

Signed: June E. Johnson

Sworn to and signed before me this 28 day of July 1964

Signed: \_\_\_\_\_

Notary Public

I hereby certify that a notary public is (not available to me and that the above is true, this 28 day of July, 1964

Signed: June E. Johnson

Two witnesses: Feta J. Salame, & Robert Weir

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

----- x  
: COUNCIL OF FEDERATED ORGANIZATIONS,  
: et al. :

Plaintiffs,

v.

L. A. RAINEY, et al.

Defendants.

: CIVIL ACTION

: NO. 3599 (J) (M)

----- x  
STATE OF MISSISSIPPI )  
COUNTY OF JONES ) SS.:

Bertie McGill, being duly sworn, deposes and says:

At approximately 2:00 PM. on July 11, 1964, in Laurel, Mississippi, I saw a group of six Negro children, including my son, Larry McGill, Calvin Hughs, Jessie Arrington, and three others who I am not acquainted with, enter the H.S. Kress store on Central Avenue. They took seats at the counter and waited to be served. One of the waitresses placed a large knife in open view behind the counter. A man in a yellow shirt went up to and spoke to the policeman who was in the store at the time. The policeman, who was wearing a white shirt, spoke the word "now" and at this time, the man in the yellow shirt and another man in a checkered shirt, pulled baseball bats from paper sacks and began to beat the children. Larry was hit accross the back with a bat. Jessie was hit in the face with the bat, and his hand was cut badly. The children fled the store and I drove the injured boys to the hospital, where Jessie required stitches in his hand. The policeman did not make an immediate attempt to stop the beating and took action after the children fled the store.

Bertie McGill

Sworn to and signed before me this 28 day of July, 1964.

J. L. Thomas  
NOTARY PUBLIC

My Commission Expires  
Nov. 30, 1966



Southern Regional Office  
2211 Dryades Street  
Room 203  
New Orleans, Louisiana

July 10, 1964

38 PARK ROW  
NEW YORK 18, NEW YORK  
CHANDLER 1-6373

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National Director  
Richard Haley  
Executive Vice President  
Seymour Chwast  
General Secretary  
Tom W. Smith  
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Charles S. Johnson

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Community Relations

Mr. Jack T. Stuart, US Marshall  
Room 41C  
United States Post Office Building  
Jackson, Mississippi

Dear Mr. Stuart:

I am writing to you at the suggestion of Jackson FBI agent Charles M. Kokes with whom I spoke regarding the incident I wish to report to you. I was arrested in Canton, Mississippi on May 29, 1964 charged with "parading without a permit" during a voter registration "demonstration" at which I was present but in which I was not participating. I spent 23 days in the Madison County jail without being tried and during that period received no mistreatment from either officials or the white prisoners with whom I was housed. On Friday, June 26 eight of the fifty-five persons arrested on May 29th were still in jail in Madison County Jail.

At about noon on the 26th three men whom I believe are US Marshalls, though I saw no credentials, took the eight of us to Jackson, Mississippi. I believe two of the Marshalls were Charlie Sutherland and Dan Kelly, and the third, a Negro, whose name I don't know, I believe is the recently appointed Marshall for the southern district of Mississippi. We were chained together in groups of two and three with chains and in that fashion we were driven in three cars to Jackson. In Jackson we were taken to the fifth floor of the Hinds County Court Building where we were "booked" as as federal prisoners. After a wait of about half an hour in the hall on the fifth floor were taken to a second floor county court room where a US Commissioners, whom I believe is John R. Countiss III, interviewed each of us briefly for the purpose of reviewing and resetting bail. After that we were taken to our cells on the fifth floor. I, being white, was of course put into an all-white cell of the Hinds County Jail while the other seven prisoners, all Negroes, were put into an all-Negro cell. I had no difficulties on Friday, June the 26th.

Sworn to and subscribed before me this

13 day of July 1964

John B. Ellis

Notary Public

On Saturday morning, the 27th, however, I was beaten three times by white prisoners and it is this I wish to call to your attention. ~~Shortly~~ One or two hours after the 5A.M. breakfast that morning a white prisoner who had been brought in during the night for, I believe, being drunk, started questioning me in an accusing, aggressive, and profane way as to whether I was a "freedom rider." He stopped after about five minutes only to return in about 15 minutes. None of the other approximately 20 prisoners in the cell had questioned me in this regard the previous day and I do not know why this particular prisoner decided to all of a sudden. Certainly jail officials were around the cell doors enough early that morning to have instigated such questioning, even though I have no specific evidence that they did so. After the second period of "questioning" the man returned in about 15-30 minutes and presented me with a civil rights leaflet which had been taken from the pocket of my coat which was hanging in the night section of the cell block. After he asked me a few questions about the leaflet someone started hitting me in the back of the head and in the face with their fists. The man who had presented the leaflet had been standing behind me and to the right as I sat at one of the long tables in the "day room" cell. While talking with him the third time I had not turned around to face him and so I can not be sure whether he was alone and can not be sure whether he was the one who hit me. He hit me about 15 times, stopped and walked away. I remained seated at the table and did not respond to his implorations to stand up and fight him. As far as I was aware the other prisoners took no interest in the beating <sup>other</sup> than to watch. To the best of my recollection this took place at about 7:30 A.M.

About 15 minutes later a man whom I believe was a deputy sheriff (he was wearing a uniform and a badge) called me to the door to ask what had happened. I told what had happened. He called out to the other prisoners to ask what had happened and the explanation he got from several of the prisoners was that I had been asleep on the table and had fallen off. I continued to explain what had happened because he did not seem to understand. When I mentioned that I was a civil rights prisoner he said "oh" and promptly walked out. After about 15 more minutes the marshalls whom I believe are Kelly and Sutherland called me to the door and asked what had happened; Sutherland did all the talking. I told them; when they asked the prisoners what had happened, they got the same answer that the deputy had. Before leaving Sutherland did shout to the prisoners something like "leave me alone now!" I didn't see any more deputies or marshalls until I was bailed out.

At approximately 9:00 A.M. the first beating was repeated. This time a man approached me from behind where I was seated in the same place but did not say anything before he started to hit me. The beating lasted about as long as before and both I, and the other prisoners as far as I know, had the same reactions as before.

Sworn to and subscribed before me this  
 13 day of July 1964  
 John C. Elie  
 Notary Public

Mr. Jack T. Stuart

July 10, 1964

3.

After another 30-45 minutes a man approached me as the previous two had. I was still sitting at the table, but this time I had my head down on my arms on the table. This man pulled my head up by the hair and hit me once, from behind, directly in the right eye. As he walked away I could hear him mutter something angrily but couldn't really understand what it was.

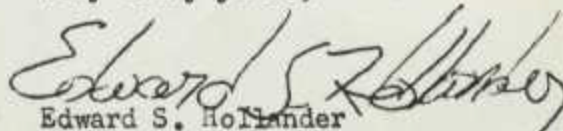
Two drunks had been brought in early Saturday morning, around breakfast time. One of them slept most of the time but the other engaged himself in a lot of loud talking and antics of one sort and another. About 30-45 minutes after I was last hit the "active" drunk picked up a 4-5 foot length of broom or mop handle which I noticed had been lying around the cell on the previous day. He charged at me from the front, but with the table and bench between us. He hit me about 4 times with the wood handle, the blows falling on my arms and shoulders as I was protecting my head.

I was standing in line for ~~for~~ lunch when a deputy called my name and told me to get my things, that I was being bailed out. As the eight of us went one by one to the counter to sign for the return of our belongings a deputy stepped on our toes as we signed the receipt form. I know this happened to me and I understand from the others that he did the same with them, too. Before we were taken down to the first floor the deputy called someone on the phone whom he called the "chief" to come up. When the chief came he asked me in a disinterested way about my beating. I told him briefly what had happened but did not go into any more details than he asked for.

On the first floor all eight of us signed a paper that Mr. Countiss presented us (in the presence of our attorneys, Carsie Hall and Marian Wright). Countiss had a county deputy photograph me; then we were released, about 12:30 P.M. Later that afternoon I talked with FBI agent Kokes in his office and he took a report of the incident and also took photographs. My injuries, which did not cause serious bodily harm, consisted of bruises on the face and head, a black eye, and one or two chipped teeth on the upper right side. On Monday, June 29 I gave a signed statement about the incident to Agent Regis Kennedy in the New Orleans, Louisiana FBI office.

I will look forward to hearing from you about what action can be taken in my case and also about what can be done to prevent future such incidents. If you need additional information I will be glad to provide it.

Very truly yours,

  
Edward S. Hollander

Sworn to and subscribed before me this

15 day of July 1964

Louis E. Kline

Notary Public

STATE OF MISSISSIPPI  
COUNTY OF HINDS

I,

Jesse Harris, being duly sworn deposes and say: to-wit:

I am a resident of Jackson, Negro, 22 years of age.

I was

On July 5, 1961, in Trailways Bus Station in Jackson, Mississippi, trying to get a ticket to New Orleans. Jackson Police came up, asked to move from white section, ~~Harrisxxxxxx~~ I refused and the police hit me three times on the back of the neck with nightsticks. This was during the Freedom Rides sponsored by CORE. I was then taken to City Jail and charged with breach of the peace; and was eventually taken to the State Penitentiary on conviction of \$200 and four months. I served 45 days in the penitentiary. While I was still in City Jail I had to see a doctor ~~xxxxxx~~ because my neck was bleeding from the beating in the Trailways Station. The police allowed a doctor into the jail to give me treatment.

On March 9, 1962, (approximately), I went to the County Courthouse in Jackson (Hinds County), to attend a trial of Diane Nash. I went into the courtroom and I took a seat on the 'so-called' white side. I was approached by the bailiff of the court, asking me to move to the Negro side. I refused. The presiding Judge, Russell Moore, then asked me to move from the bench. He stopped the trial for this purpose. I asked him why. He gave no reason and just said: "Are you going to move?". Then he said I was under arrest for contempt of court. I was then taken to County Jail by the bailiff of the court. On the 22nd I had my trial. I had no lawyer. I asked Judge Russell Moore to continue my trial so that I could obtain a lawyer. He said: "Motion denied". I made another motion that he step down from the bench and have another judge in his place so he could take the witness stand and testify why he had placed me under arrest. He said: "Motion denied", again. He then put the bailiff on the witness stand who testified that I had come into the court to start trouble and that I had been sitting "on the wrong side of the courtroom".

Then I asked the bailiff some questions. I asked him if he had authority to tell everyone in the courtroom where to sit and he said yes. Then I asked him why did he ask me to move. He said that the seats in my area had been reserved for some witnesses in the court. I then asked whether a white minister who had been sitting next to me and had come down from the North to observe the trial had been ~~xxxxxx~~ a witness. The bailiff said no. I asked why not. He said he had the right to ask whoever he wanted to move. Then he said: "We didn't want you to sit there." I then asked: "In other words the courtroom is segregated?" And he replied "Yes". I then testified in my behalf. I said that my arrest had been unconstitutional, and that if released that day I would go right back into the courtroom and sit anywhere I pleased. I was then sentenced to \$100 fine and 30 days on the County Farm.

The bailiff who had testified was the one who took me back upstairs. And on our way back to the elevator, I asked him how long he had been working for the court. He said: "None of your damn business." I then said: "you guys are pretty smart. First you segregate us, and then you testify against us in court and tell lies." At this point he got mad and called over three deputy sheriffs. He said: "Ride on up in the elevator with me. This niggers trying to get tough." The deputies told me to put my hands up against the wall of the elevator. Then they started to beat me. They beat me with their fists until I fell to the floor. Then X X they began to kick me in the face and side. All four officers took part in the beating. When they put me in the cell, I was bleeding from my nose, above my eyes, and on the back of my neck. I asked for a doctor. The jailer refused to call one.

I was in the County Jail for about a week and was then shifted to the County Farm. I was signalled out as a "trouble maker". I was the only prisoner their dressed in completely striped uniform, most prisoners being dressed in overalls and a T-shirt. I was told that if I was seen talking to anybody, the person that I talked to would be beaten. I was told that I must address all the guards as "Captain" and that if I didn't obey the guards orders I would be punished.

I was assigned to the road gang, under a Captain Key. He asked me what I was in for. I said contempt of court. He said: "You're one of those god-damn Freedom ~~XXX~~ Riders." I said I didn't know what that meant. He said: "Well I'm going to have to whip your ass." Then he called four other prisoners and said: "Take this nigger to the woods, and we're going to whip his ass." They threw me on the ground and started pulling off my clothes. He took up a long hose pipe and hit me about fifteen times on the back, neck, buttocks, etc. Then he said, "Get up and put on your clothes". I asked him what he did that for. He said: "We always break in new people like that." Then I said I'm going to have to report you to the Superintendent, and file a complaint with Federal officials. Then he looked at the other prisoners and said: "Well we got a smart nigger here." I laid back down and pulled off my clothes again and asked if he was going to beat me again. He said: "no, get up." When we got back to the County Farm I asked to see the Superintendent. He came in and asked me what I wanted. I told him what had happened. He asked me what I was going to do about it. I told him I wanted to file a complaint against the guard, and if he didn't do anything about it I would file a complaint against him. He asked me not to do that, and that if I did I would "catch hell". Then he left. He seemed both worried and mad. He pleaded with me not to file a complaint, but he shook and acted like he'd like to shoot me.

About a week later, the same guard asked me to move a three-hundred pound log. I told him I wouldn't. He started to hit me with a big stick he picked up off the ground. He hit me fifteen or twenty times. I grabbed the stick out of his hand, and threw it away and said that if he ever hit me again, "Me and him was going to have it." He pulled out his gun and started ~~xx zxxzx~~ backing up and shaking and saying: "Nigger I ought to kill you." Then he put me in a truck and took me back to the County Farm, and took me to the Superintendent and told the Superintendent that I had hit him. Then they put me in a car and brought me back to the County Jail and threw me in solitary.

I was in solitary for 36 hours. The cell was 9 by 12, a "sweatbox". I was naked. The cell was a big steel vault in the ground, with no windows. They turned on heated air into the vault, and left it on all the time I was in the cell. Then they came back and took me back to the County Farm. They started asking me question, such as whether I was ready to "act right". I said "if somebody treat me right." They said that everything would be okay.

Then they put me back on the same road gang. After about one week, the guard (Captain Key), pulled out a long hose pipe again and started to beat me one day without provocation. ~~Xzaskatzkin~~ He struck me about 10 or fifteen times. I asked him why he had done that. He said: "You one of them smart-ass niggers. I don't like your ass." He took me back again to the County Farm. I was put in a cell for about four days until I was released.

Date: June 1, 1964

Signed: James Harris

Sworn to and signed before me this \_\_\_\_ day of \_\_\_\_\_

Signed: \_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF COAHOMA

I, Miss Bessie Turner, a Negro

BEING DULY SWORN DEPOSES AND SAYS: TO-WIT:

I am 21 year old, and at the present time, I live at 515 McKinley ,

On February 6, 1962, when I was 19, I was walking with a young man down a Clarkdale street when Clarkdale police officers, Paul Bratt, and Barrier, stopped us and accused me of having been involved in a theft. I was taken to jail by the officers and they forced me to undress and lie me on my back. One of the officers beat me between my legs with a belt. A few minutes later, the other officer began to beat me across my naked breasts.

signed. Bessie Turner

Sworn to and signed before me this 24 day of May, 1964

Signed: John D. Dineen  
My Commission Expires  
May 22, 1968

I, Greene A. Brewer, a *Negro*, being duly sworn, deposes and says, to wit:

I am 29 years of age, and live in Dutchneck, New Jersey, P.O. General Delivery. At the present time I am visiting my parent and have been visiting my parent, Mrs. Janie Brewer, since December, 1963, who lives in Charleston, Mississippi, RR 2, Box 134.

In the first week of February, 1964, My brother Charles Brewer, a friend David Baskin, and my self had been visiting some friends who live near the Huntly Grocery Store in Charleston, Mississippi. We left our friends and noticed that we needed some air in one of the tires of my car. We then drove to the Huntly Grocery Store to use his air-pump. My brother Charles went inside the store to get some soft drinks. It seemed as if it was taking a long time for my brother Charles to come out. David Baskin walked to the Door into the store, opened the door, stopped, backed away, and then turned around and started to walk real fast to the road.

I then began to hear the sound of some licks. I ran inside the store and saw my brother Charles lying on the floor. He was bleeding. He was unconscious. Mr. Huntly had backed up against the counter, holding an axe handle. Another white-man, Mr. George Little was also holding an axe handle. I bent down to Charles, called him twice, and asked him, "whats the matter- what happened". There was no response. I then pulled him up and was getting him to the door and by that time was beginning to help himself. I then walked back to get the sun-glasses that belonged to my brother. The two men had <sup>not</sup> said anything or started anything with me, so I felt that they were not going to bother me. But as soon as I started to get my sun-glasses, Mr. Huntly started to cuss me, saying that I better get "him out before I Kill him". Mr. Huntly then got his gun- and started to shake- when I got a blow from behind. I received a fractured skull, frx broken jawbone, broken nose, and a burst eye ball, with little use of my eye. However, I was able to help my brother to the car, and drive for about 40 minutes untill a brother, Jesse Brewster met me and drove my brother Charles and me to the Charleston, Miss.

Later, about a week later, the sheriff, Alex Dohan came and said "do you boys want to see me? What happened?" We told him what happened. He said that wasn't the Mr. Huntly said it was. He then said that he was going to see Mr. Huntly and send somebody to take our "story". A white-man later came, who said that he was sent by the sheriff- and interviewed us. Since then, nothing has happened on our behalf.

signed Greene A. Brewer

signed & sworn before me  
My Commission Expires May 23, 1968  
Signed before me May 29, 1966  
J. A. L. D. J.

(b)

AFFIDAVIT  
COFF

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Harris, Arthur  
of Canton, Mississippi

schoolboy

I was with William Galloway in February 1964 when we were arrested.

At the police station, the officers beat me with a rubber siphon hose and broke a night stick over my head as they were questioning me. As a result of this beating I had to see a doctor four or five times.

We were not booked and were released about 1:00 A.M.

signed: \_\_\_\_\_

Statament taken June 7, 1964, at Washington, D.C.

Sworn to and signed before me

\_\_\_\_\_  
Notary Public

*Cof-Rainey*

KUNSTLER KUNSTLER & KINOY

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MURRAY HILL 2-8317

WILLIAM M. KUNSTLER

MICHAEL J. KUNSTLER

ARTHUR KINOY

CABLE ADDRESS

"KANDKLE"

February 15, 1966

Robert Ostrow, Esq.  
25 West 43rd Street  
New York, N. Y. 10036

Dear Bob:

I am enclosing herewith the Waiver of Notice for  
Misseduc Foundation, Inc., duly signed by Lotte and Rev.  
McGowan. I'm sorry for the delay.

As ever,

William M. Kunstler

WMK:bkf  
Enclosure