Trial of 18 Charged With Conspiracy

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in Mississippi Goes to All-White Jury

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MERIDIAN, Miss., Oct. 18—The case of 18 men charged with conspiracy in the 1964 lynching of three young civil rights workers went to an all-white jury in Federal District Court this afternoon.

The panel of five men and seven women retired at 4:24 P.M. and began to consider one of the most celebrated criminal cases to emerge from the direct assault waged on racial segregation in the nineteen-sixties.

The jury began its deliberations after a nine-day proceeding in which it heard about 160 Government and defense witnesses, final arguments by lawyers for both sides, and a charge by United States District Court Judge W. Harold Cox.

The prosecution itself asked the jurors to acquit one of the 18 defendants. Robert Hauberg, the United States Attorney for Southern Mississippi, said "we do not feel the evidence was sufficient" to convict Travis M. Barnette.

Barnette, a 38-year-old garage mechanic in Meridian, had been identified by the Government as a member of the lynch party. But a key prosecution witness, James E. Jordan, acknowledged during the trial that Barnette was not an actual participant.

Judge Cox turned down a defense motion to direct a verdict of acquittal, however, and repeated his view that to do so before the jury considered the case might prejudice it in reaching a decision on the 17 other defendants.

The jury, drawn from across the southern half of Mississippi has a predominantly working class background. It includes a school cafeteria cook, a laborer, an electrician, a textile worker, and a pipefitter.

The panel also consists of three housewives, a secretary, a clerk, and a grocery store owner. The foreman, Langston S. Anderson of Lumberton, is an oil exploration operator and a member of the state Agricultural and Industrial Board (AIB).

The dead rights workers were Michael H. Schwerner, 24 years old, of New York, a white field worker for the Congress of Racial Equality; Andrew Goodman, 20, of New York, a white college student, and James E. Chaney, 21, of Meridian, a Negro plasterer.

In a summation of the Government's case by John Doar, the Assistant Attorney General for civil rights, the other defendants were portrayed as the authors of a "diabolical plot" to stage "midnight murder" in nearby Neshoba County.

Mr. Doar pointed dramatically to Cecil R. Price, the chief deputy sheriff of Neshoba County, and charged that the defendant had used "the machinery of his office—the badge, the car, the jail, the gun . . ." to further the conspiracy.

The Government has argued that Mr. Price arrested the three victims on the afternoon of June 21, 1964, released them from jail that night, recaptured them, and turned them over to be shot.

The prosecution has also argued that the lynching stemmed from a plot hatched by the White Knights of the Ku Klux Klan, an organization established to oppose the civil rights advocates who poured into Mississippi during the summer of 1964.

"If you find them not guilty," Mr. Doar said of the defendants today, "it would be as true to say there was no nighttime release by Cecil Price, there are no White Knights, there are no young men dead, there was no murder."

Associated Press Wirephoto

U.S. District Court Judge W. Harold Cox arriving at court in Meridian yesterday.

The Government based much of its case on the testimony of former Klansmen, and Mr. Doar noted that the jurors "probably have an initial resentment against paid informants." But, the prosecutor continued:

"A thousand eyes explored every corner of Neshoba County, but Neshoba County remained silent. Rarely in history of law enforcement was information so difficult to obtain. Neshoba County closed ranks and remained silent."

Mr. Doar told the jurors that while he had prosecuted only one criminal case in the past, "the United States Government thought it was essential that one of its officers [demonstrate] your National Government's concern with local law enforcement."

If there is to be any hope for this land of ours, the Federal Government has the duty [to oppose] evil forces that seize control of local law enforcement. It does not mean the Federal Government has invaded Mississippi or Neshoba County."

The defense lawyers placed heavy emphasis on the Government's use of paid witnesses. One of the attorneys, Mike Watkins, noted while the 18 men often relied on friends and relatives for alibis, "at least they're not called paid informants."

As far as the civil rights workers were concerned, Mr. Watkins said, "If life in Mississippi is miserable for the agitators who come here it's because they made it that way."

The defense also made a number of references to the racial controversy in Mississippi, and several of the attorneys asserted that Neshoba County was on trial along with the 18 defendants.

"If Sheriff [Lawrence A.] Rainey [a defendant] is convicted of this crime then Neshoba County is convicted," one lawyer said. "And if Neshoba County is convicted, then the state of Mississippi is convicted."

W. D. Moore, a third defense

awyer, charged that the Government's prosecution was instigated by President Johnson, Vice President Humphrey, and Senator Robert F. Kennedy, Democrat of New York, for political reasons.

The Federal authorities were sent into Mississippi in order to bring in a conviction, Mr. Moore said. "They commenced to distribute monye the likes of which I have never heard." Herman Alford, a fourth attorney, declared:

"They (the defendants) are as innocent and pure as the driven snow. They have been harrassed by the Federal Government. Neshoba County is innocent; these defendant are innocent."

Judge Cox, drawing on suggestions from both sides in the case delivered a careful explanation of the legal questions involved. He pointed out that the defendants were accused of conspiracy under Federal law, not murder.

Judge Cox explained to the jury that under the conspiracy law if any of the defendants were found guilty the verdict would have to be returned against two or more of them since a conspiracy cannot involve only one person.

The other defendants, in addition to Sheriff Rainey, Deputy Price, and Mr. Barnette, are:

Bernard L. Akin, a Meridian house trailer dealer; Jimmy Arledge, a Meridian truck driver; Horace Doyle Barnette, a former Meridian salesman who is Travis Barnette's half-brother; Olen L. Burrage, on whose property the three bodies were discovered.

Also, James (Pete) Harris, a Meridian truck driver; Frank J. Herndon, a Meridian drive-in restaurant operator; Edgar Ray (Preacher) Killen, a fundamentalist minister and sawmill operator; Billy Wayne Posey, a Philadelphia service station operator; Alton Wayne Roberts, a Meridian salesman and former nightclub bouncer.