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# SEVEN LOSE PLEA IN RIGHTS DEATHS

## Judge Denies Motions for New Mississippi Trials

Special to The New York Times

MERIDIAN, Miss., Nov. 29 — Federal District Judge W. Harold Cox rejected today motions to throw out convictions of seven men in the Philadelphia civil rights conspiracy case who contended that reversible errors were committed in their trials.

His action cleared the way for sentencing of the seven men, including Neshoba County Deputy Sheriff Cecil R. Price and Sam H. Bowers Jr. of Laurel, Klan wizard, who were found guilty of conspiracy by an all-white Federal Court jury in Meridian last month.

Judge Cox, who wrote a 14-page opinion denying the new trial motions, gave no indication when the men would be sentenced. They face a maximum of 10 years and $5,000 fine under an 1870 Federal civil rights statute used to convict them.

The conspiracy case stemmed from the slaying of Michael H. Schwerner, 24 years old and Andrew Goodman, 20, both white New Yokers, and James E. Chaney, 21, a Meridian Negro. They were killed June 21, 1964, near Philadelphia.

The 65-year-old Federal judge turned down the key points raised by the defense that all the convictions should be thrown out because Assistant Attorney General John M. Doar erroneously read Price's name from the confession of another defendant in his arguments to the jury.

Associated Press

Judge W. Harold Cox

"It is the view of this court that the naming of the defendant Price under such circumstances was an innocuous incident," Judge Cox held in an extensive discussion of the slip-of-the-tongue issue. "The facts are that the incident actually added nothing to the Government's proof of Price's guilt. His complicity in and guilt of this comspiracy was abundantly proved by eyewitnesses which the jury had the right to and did believe."

In his argument to the jury at the end of the 10-day trial, Mr. Doar read the name of Price rather than James Edward Jordan from a confession by Horace Doyle Barnette, one of the other defendants, which had been put into evidence in the trial.

Barnette was one of the seven men convicted out of the 18 men originally charged by the Federal Government as conspirators in the slaying.

All the names listed in the Barnette confession had been blanked out by Judge Cox when the statement was put in evidence, excepting that of Jordan, a former Meridian handyman who turned Government witness in the trial.

The defendant Price was acting in his official position under color of laws of the state of Mississippi in liberating these victims and in setting them up for their fate," Judge Cox wrote in the opinion.

Defense lawyers had hit hard on the motion to throw out Price's conviction, which would have removed the "color of law" factor in the civil rights conspiracy conviction and quashed the convictions of the other six men.