

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 06/30/2005

To: Jackson ✓

Attn: Squad 6
SA [REDACTED]

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From: Charlotte

Squad 4

Contact: SA [REDACTED]

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Approved By: [REDACTED] *h198*

1141340-0134130-0000
1141340-0134130-0000
1141340-0134130-0000
1141340-0134130-0000

Drafted By: [REDACTED] *jmp*

Case ID #: 44A-JN-30292-77 (Pending)

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Title: EDGAR R. KILLEN,
KLEAGLE, WHITE KNIGHTS OF THE KU KLUX KLAN
JAMES CHANEY - VICTIM;
MICHAEL SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE;
JUNE 1964;
STATE OF MISSISSIPPI VS. EDGAR RAY KILLEN,
TRIAL FOR MURDER;
PHILADELPHIA, MISSISSIPPI;
06/13/2005

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Synopsis: To forward a disc containing scanned images of documents related to Buford W. Posey.

Reference: 44A-JN-30292 Serial 72

Enclosure(s): For Jackson Division, one compact disc.

Details: Charlotte Division has reviewed [REDACTED]

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44A-JN-30292-77

JUL 18 2005

To: Jackson From: Charlotte
Re: 44A-JN-30292, 06/30/2005

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Charlotte has scanned documents that had any plausible connection with the Jackson investigation, specifically, those documents that referred to Buford Posey. These images are on the enclosed compact disc. More documents exist than were included, however most were related to general KKK activity during the period in North Carolina. If Jackson determines that more of these records are needed for review, they can be provided in a similar format.

To: Jackson From: Charlotte
Re: 44A-JN-30292, 06/30/2005

LEAD(s) :

Set Lead 1: (Discretionary)

JACKSON

AT JACKSON, MS

Information provided for whatever action deemed appropriate by Jackson.

♦♦

44A-JN-30292-78

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 25 2005	
FBI - JACKSON	

July 5, 2005

INVOICE/STATEMENT

No. 005-2005

From: James O. Ingram

Contractor Number: DUNS Number

To: Federal Bureau of Investigation

Attn: Special Agent

100 West Capitol Street, Suite 1553

Jackson, Mississippi 39269

Re: Edgar Ray Killen Investigation

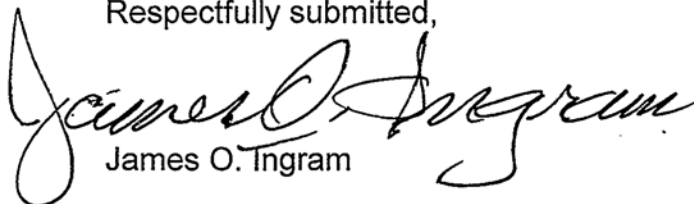
Investigative efforts conducted by James O. Ingram to include dates of work performed and total number of hours worked providing assistance to Special Agent (SA) are as follows:

<u>Date</u>	<u>Worked performed</u>	<u>Hours</u>
June 1-12, 2005	Pre-trial interviews of witnesses related to case of Mississippi v. Edgar Ray Killen conducted with District Attorney, Mississippi Attorney General, Mississippi Bureau of Investigation and FBI	32
June 13-19, 2005	Attended trial of Mississippi v. Edgar Ray Killen to assist prosecution team	54

Total Hours: 86

Total Invoice: 86 hours @**per hour =**

Respectfully submitted,


James O. Ingram

Original

7/18/05

Date Invoice Rec'd.

Date Goods/Services Rec'd.

Date Invoice Forwarded to FBIHQ

Date Invoice Returned to Vendor

Date Corrected Invoice Rec'd.

PO

Page 1 of 1

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1. Classification _____

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(AC) Criminal Case
 (AD) Criminal OCDETF Case
 (AF) FCI Case
 (BC) Informant/CW
 (BD) Informant/CW Providing Drug Info

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(CF) Asset
 (DC) Group II UCO
 (DD) OCDETF Group II
 (E) Group 1
 (F) FCI UCO

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(GA) SOG
 (GB) OPS
 (GC) Air Operation
 (H) SSG
 (J) FCI Lookout

Draft Request

2. Date: 7/18/05

3. Request for: () Advance (X) Expense

4. Social Security No:

5. Payee Name: JAMES O. INGRAM

6. File No: 44AJN030292

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16. Cat	Item No	7. Description	8. Amount
01		INVESTIGATIVE SERVICES 6/1/05 - 6/19/05	\$
02			\$
03		PURCHASE ORDER #	\$
04			\$
05			\$
06			\$
07			
9. Total \$			\$

10. Justification: INVESTIGATIVE SERVICES RE EDGAR RAY KILLEN
 DATES OF SERVICES 6/1/05 - 6/19/05; INVOICE NO. 005-2005

Asset/Informant File No _____ Symbol No. _____
 Payment/Code Name _____ Period Covered _____ to _____
 One Time Non-symbol Source Payment:
 True Name: _____ DOB: _____ SSAN: _____
 Date of Waiver: _____

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11. Payment for reimbursable expense - forfeiture or drug related? Yes No

12. Requested by: _____ 13. Telephone No: _____

14. Approval _____ Date _____
 Supervisor Initials: _____
 SAC/ASAC/AO/SAS Approval: _____
 Supply Technician Approval: _____
 Draft Approval Officer: _____
 Procurement Authorization: _____

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Shaded areas for draft use only

Classification: _____
 Classified By: _____
 Declassify on: _____

7/18/05
 10/1/05

44A-JN-30292-~~CE~~
79

of of
SEP 10 2005
[Signature]



August 12, 2005

INVOICE/STATEMENT

No. 006-2005

From: James O. Ingram

[Redacted]

Contractor Number: DUNS Number

[Redacted]

To: Federal Bureau of Investigation
Attn: Special Agent [Redacted]
100 West Capitol Street, Suite 1553
Jackson, Mississippi 39269

Re: James Ford Seale; [Redacted] Investigation

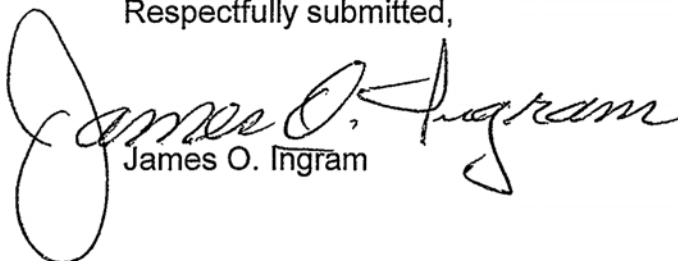
Investigative efforts conducted by James O. Ingram to include dates of work performed and total number of hours worked providing assistance to Special Agent (SA) [Redacted] are as follows:

<u>Date</u>	<u>Worked performed</u>	<u>Hours</u>
July 28, 2005	Conference with United States Attorney	2
July 29, 2005	Conference with United States Attorney, District Attorney and FBI	4
July 30, 2005	Locate retired FBI agents living on Mississippi Gulf Coast who investigated 1965 case and others	10
July 31, 2005	Locate retired Mississippi Highway Patrol officers	4

Total Hours: 20

Total Invoice: 20 hours @ [Redacted] per hour = [Redacted]

Respectfully submitted,


James O. Ingram

Original

8/23/05

Date Invoice Rec'd. _____
Date Goods/Services Rec'd. _____
Date Invoice Forwarded to FBIHQ _____
Date Invoice Returned to Vendor _____
Date Completed Invoice Rec'd. _____
PO # [Redacted]

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(AC) Criminal Case
 (AD) Criminal OCDETF Case
 (AF) FCI Case
 (BC) Informant/CW
 (BD) Informant/CW Providing Drug Info

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(CF) Asset
 (DC) Group II UCO
 (DD) OCDETF Group II
 (E) Group 1
 (F) FCI UCO

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(GA) SOG
 (GB) OPS
 (GC) Air Operation
 (H) SSG
 (J) FCI Lookout

Draft Request

2. Date: 8/24/2005

3. Request for: () Advance (X) Expense

4. Social Security No:

5. Payee Name: JAMES O. INGRAM

6. File No: 44AJN030292

16. Cat	Item No	7. Description	8. Amount
01		INVESTIGATIVE SERVICES 7/28/05-7/31/05	\$
02			\$
03		PURCHASE ORDER #	\$
04			\$
05			\$
06			\$
07			
9. Total \$			\$

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10. Justification: INVESTIGATIVE SERVICES RE EDGAR RAY KILLEN
 DATES OF SERVICES 7/28/05 to 7/31/05; INVOICE NO. 006-2005

Asset/Informant File No _____

Symbol No. _____

Payment/Code Name _____

Period Covered _____ to _____

One Time Non-symbol Source Payment:

True Name: _____ DOB: _____ SSAN: _____

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Date of Waiver: _____

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11. Payment for reimbursable expense - forfeiture or drug related?

Yes

No

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12. Requested by: _____

13. Telephone No: _____

14. _____ Approval

Date

Supervisor Initials:
 SAC/ASAC/AO/SAS Approval:
 Supply Technician Approval:
 Draft Approval Officer:
 Procurement Authorization:

8/24/05
 8/24/05

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Shaded areas for draft use only

Classification: _____

Classified By: _____

Declassify on: _____

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

1-Bureau
②-Jackson

Report of:

SA [REDACTED]

Office: Jackson

Date:

09/21/2005

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Case ID #:

44A-JN-30292

Title:

EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
Character: RACIAL DISCRIMINATION-VIOLENCE

Synopsis:

In June 1964, James Chaney, Michael Schwerner and Andrew Goodman, three young civil rights workers, disappeared outside Philadelphia, Mississippi, where they had been involved in registering African-American voters. Given the racial climate in Mississippi during the 1960s, President Lyndon B. Johnson ordered the Department of Justice to intervene in the investigation, causing approximately one hundred and fifty FBI Special Agents to converge on Mississippi. This immediate response was followed by FBI Director J. Edgar Hoover flying to Jackson, on Air Force One, to officially dedicate the opening of the Jackson FBI Field Office. Prior to this opening, FBI investigative matters in northern Mississippi were managed by the Memphis FBI Field Office while investigative matters in southern Mississippi were managed by the New Orleans FBI Field Office.

This investigation was code named MIBURN an acronym for "Mississippi Burning" and became one of the largest investigations ever conducted in the State of Mississippi. As a result, in August 1964, the bodies of the three civil rights workers were found buried in an earthen dam near Philadelphia, Mississippi. Ultimately, seven men were convicted of federal conspiracy charges and sentenced to prison terms ranging from three to ten years.

DETAILS:

ADMINISTRATIVE

This investigation was re-opened to provide investigative assistance to the Mississippi Attorney General's Office and the Neshoba County District Attorney's Office. KILLEN could not be charged with a Civil Rights (CR) statute under Title 18 of the Federal Criminal Code due to the expiration of the statute of limitations. Although the Department of Justice (DOJ) did not have jurisdiction in the matter, KILLEN could and was charged with three counts of murder in state court. Given the FBI conducted the original CR investigation, all evidence related to KILLEN's involvement was in the custody and control of the FBI. This information was provided to local prosecutors as well as the FBI conducting a supplemental investigation. Inasmuch as the DOJ did not have jurisdiction in the prosecution of KILLEN, the Jackson Division of the FBI is considered this matter closed.

MIBURN Facts

In 1964, the FBI investigated the disappearance of three civil rights workers and found the bodies of Michael Henry Schwerner, Andrew Goodman, and James Earl Chaney buried in the vicinity of Philadelphia, Neshoba County, Mississippi. Subsequent to several arrests and indictments being dismissed by the United States District Court (USDC) for the Southern District of Mississippi (SDM), the charges were re-instated by United States Supreme Court, and again dismissed by USDC, SDMS, on February 28, 1967. Eventually, nineteen subjects were indicted by a Federal Grand Jury and, after trial by jury beginning on Monday, October 9, 1967, seven subjects were convicted of civil rights violations. There was no state criminal homicide prosecution of persons responsible for the murders.

Date of Incident: **June 21, 1964**

Names of Victims: **James Earl Chaney**
 Twenty-two year old black male
 Meridian, MS

Michael Henry Schwerner
 Twenty-four year old white male
 New York

Andrew Goodman
 Twenty-four year old white male
 New York

Indictments: February 28, 1967 of nineteen defendants

Trial: October 9, 1967 in Meridian, Mississippi

Convictions: Cecil R. Price (died May 6, 2001)
Neshoba County Deputy Sheriff
Sentenced to six years confinement

Billy Wayne Posey (living in Meridian, MS)
Sentenced to six years confinement

Sam Holloway Bowers (prosecuted for the
death of Vernon Dahlmer and currently
incarcerated by the State of Mississippi)
Imperial Wizard, WKKKK
Sentenced to ten years confinement

Alton Wayne Roberts (died September 11, 1999)
Sentenced to ten years confinement

Jimmy Arledge (living in Meridian, MS)
Sentenced to three years confinement

Horace D. Barnette (died September 1993)
Sentenced to three years confinement

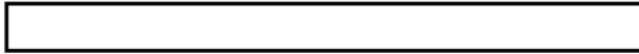
Jimmy Snowden (living in Meridian, MS)
Sentenced to three years confinement

Mistrials: Ethel Glen Barnette
EDGAR RAY KILLEN
Jerry McGrew Sharpe (died March 10, 2001)

Acquitted: Bernard L. Akin (died February 2, 1968)
James T. Harris [REDACTED]
[REDACTED]
Herman Tucker (died March 14, 2001)
Travis Maryn Barnette (died May 5, 1976)
Frank J. Herndon (died March 29, 1999)
Richard A. Willis [REDACTED]
[REDACTED]
Olen Burrage (living at 10841 Road 383,
Philadelphia, Mississippi and owner of farm
where bodies were buried)
Lawrence Rainey (died November 8, 2002 and
former Neshoba County Sheriff)

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Cooperating
Witness:



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Appeal: On July 17, 1969 the 5th Circuit refused to hear appeal of seven convictions

KILLEN's Involvement in 1964 Murders

A review of the MIBURN case file and confidential informant files revealed that EDGAR RAY KILLEN, a thirty eight year old, ordained Baptist minister, actively recruited members into the White Knights of the Ku Klux Klan thereby giving him the title of Klan Kleagle. KILLEN, the owner of a local sawmill and a former unsuccessful candidate for sheriff, was a "marginal character" until Sam Bowers, Imperial Wizard of the White Knights of the Ku Klux Klan, appointed him "Kleagle," or Klavern recruiter and organizer, for the Neshoba and Lauderdale County Klan. KILLEN was successful in these duties, as evidenced by the seventy men who met, on June 16, 1964, in Meridian to plan a trip to Mount Zion Church in Longdale, Mississippi where they hoped to find and kill Michael Schwerner. Instead of encountering Schwerner, they found only local African-Americans, who were badly beaten before the Klan burned their church.

During 1964, members of the Congress of Racial Equality (CORE) were leading a massive voter registration campaign in Mississippi called "Freedom Summer." Prior to June 21, 1964, Michael Schwerner, despised by the Klan and known as "Goatee," had traveled to Mississippi and spoken with the African-American community concerning their rights to register as voters. On one such occasion, because Schwerner spoke to an African-American church congregation, the White Knights of the Ku Klux Klan appeared at the church and intimidated the congregation. Based on this incident, KILLEN became knowledgeable of Schwerner's identity and activities. After this initial trip to Mississippi, Schwerner returned to New York. During this time frame, KILLEN received authorization from Sam Bowers to "eliminate" Schwerner. In an effort to lure Schwerner back to Mississippi, KILLEN organized the burning of the church where this meeting was held. KILLEN also participated in organizing the White Knights of the Ku Klux Klan to confront Schwerner when he returned to Mississippi.

Multiple witnesses provided the FBI with information that detailed KILLEN's "planning and orchestration" of the civil rights worker's murders. This information included, but is not limited to, KILLEN's carefully planned alibi wherein he attended a wake in Meridian on the night of the murders and later

attempted to dispose of the weapons allegedly used to murder the workers. On the day of the murders, KILLEN contacted Cecil Price, a Neshoba County sheriff's deputy, to advise local Klansmen that Price was holding the three civil rights workers for their later "disposal." After KILLEN received word from Price that Schwerner and the other two civil rights workers were being held in jail, he traveled to Meridian, Mississippi where he met with other Klan members at the Longhorn Drive-In. Telephone calls were made and a group was assembled for a trip that evening to Neshoba County. A larger group of the Klan met at Akin's Mobile Homes in Meridian, Mississippi, where KILLEN informed them of the plan he had devised with Price for the three men's release shortly after sundown. He told Klan members participating in the murders to get rubber gloves and to meet near the courthouse in Philadelphia at 8:15 p.m. When the Klan arrived in Philadelphia, KILLEN took them on a drive-by of the jail that held the civil rights workers, then left to establish his alibi by attending a wake for an uncle at a local funeral home. KILLEN was later arrested with eighteen other Klansmen, on December 4, 1964. During the trial in 1967, KILLEN created a disturbance in the courtroom by passing a question to his defense attorney for a prosecution witness, Reverend Charles Johnson, that was asked during cross-examination. The question was, "Is it true that you and Michael Schwerner had tried to get young Negro males to sign statements that they would rape one white woman a week during the hot summer of 1964 here in Mississippi?" The all white jury convicted Bowers and six others, but deadlocked eleven to one in favor of KILLEN's guilt with one lone holdout who stated "she could never convict a preacher."

Recent Developments

In 1989, the FBI released approximately six hundred pages of redacted material pursuant to a request made by the Mississippi Attorney General's Office. In December 1999, pursuant to a second request from Mike Moore, then Mississippi Attorney General, forty thousand pages of the FBI's file, code named MIBURN, were released to the Mississippi Attorney General's Office in support of their homicide investigation. In 2000, this initial request was followed by the FBI releasing copies of exhibits and the current location of FBI Agents who investigated the original case. Since these two initial requests for information or investigative assistance there were no subsequent requests until 2004.

Between 1999 and 2004 several newspaper articles appearing in the Clarion-Ledger written by reporter Jerry Mitchell sought criminal prosecution of the subjects by the State of Mississippi. In two of these articles, dated March 2, 2003

and March 4, 2003, the Clarion-Ledger called for the FBI to produce its informant files and electronic surveillance material associated with MIBURN. Substantive information provided by FBI informants was contained in the forty thousand pages of the MIBURN case file previously released to the Mississippi Attorney General's Office; however, the identity of these informants have never been disclosed. [REDACTED]

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On May 26, 2004, United States Attorney Dunn Lampton, Southern District of Mississippi, advised the Jackson Field Office of the FBI that Jim Hood, Mississippi Attorney General (Mike Moore's successor), would request, by letter, the MIBURN investigation be re-opened to pursue possible murder indictment(s). This request was in response to a Clarion-Ledger newspaper article dated May 25, 2004 titled Philadelphia Residents Seek Justice, '64 slayings still haunt city. Jim Hood's letter, made an official request for FBI assistance by his re-opening of this investigation.

On August 19, 2004, Robert J. Garrity, Jr., Special Agent in Charge, Jackson FBI Field Office, attended a meeting at the office of United States Attorney Dunn Lampton. Also present during this meeting were Mississippi Attorney General (MAG) Jim Hood, Assistant Attorney General [REDACTED] Attorney General [REDACTED] Assistant United States Attorney [REDACTED] Executive Assistant United States Attorney [REDACTED] and Neshoba County District Attorney [REDACTED]

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Investigation

On September 28, 2004, [REDACTED] Public Integrity Division, Office of the Attorney General, State of Mississippi requested the FBI's assistance in resolving the following issues:

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1. That the FBI solicit [REDACTED] to assist in the investigation by [REDACTED] EDGAR RAY KILLEN while KILLEN made a public appearance at the Mississippi State Fair. KILLEN later withdrew from making the appearance; therefore, the FBI did not pursue the matter.

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2. That the FBI locate and interview [REDACTED]

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[REDACTED]
[REDACTED] John Doar
(former prosecutor), John Proctor (retired FBI agent), [REDACTED]
[REDACTED] (retired FBI agent), William Cox (presiding Judge in
1967 trial), Jimmy Snowden (former Klansman) and Billy Ray Posey
(former Klansman who was prosecuted in the 1967 trial).

On September 28, 2004, a confidential informant who was currently providing information to the FBI and who has requested his/her identity remain anonymous advised that EDGAR RAY KILLEN still resided in the Neshoba County, Mississippi area. The informant characterized KILLEN as "getting up in age, but still gets around quite a bit." The confidential informant further advised that KILLEN is known throughout Neshoba County as one of the subjects in the 1964 murder of three civil rights workers, who often jokes that he "never got caught" and claims that he thinks all of attention in the media on the issue is "funny."

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[REDACTED]

On September 29, 2004, the Jackson Division of the FBI conducted a surveillance in Neshoba County, Mississippi to verify KILLEN's current residence. Through this surveillance, a white Mercury, bearing Mississippi license 502-NEA and registered to EDGAR RAY KILLEN was associated with 10561 Road 515, Union, Mississippi, 39365. A white male, wearing khaki overalls was observed standing in the front yard and is believed to be [REDACTED]

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On October 5, 2004, [redacted] United States Postal Inspection Service, Jackson Division, verified that EDGAR RAY KILLEN and [redacted] receive mail at [redacted]

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On October 4, 2004, the FBI contacted [redacted] under the guise of verifying KILLEN's attendance at the Mississippi State Fair, to determine KILLEN's health condition. [redacted] advised the FBI agents that she resides at the aforementioned address [redacted] EDGAR RAY KILLEN, and [redacted] whose name she did not provide. She verified that EDGAR RAY was inside the residence, but was "unavailable" and could not speak with the interviewing agents. When questioned concerning [redacted] appearance at the Mississippi State Fair, [redacted] confirmed that EDGAR RAY would not be making an appearance.

[redacted] was further questioned concerning EDGAR RAY's well-being and general health condition. She informed the interviewing agents that EDGAR RAY still "works" his cows, operates a sawmill that is on their property and occasionally preaches when called upon. With the exception of a breathing problem mentioned by [redacted] her general characterization of EDGAR RAY, indicated he was in good health.

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On October 4, 2004, the FBI contacted [redacted] to establish KILLEN's health condition. He informed the interviewing agents that he does not associate with EDGAR RAY on a frequent basis and does not share in the care of cattle on the family property. EDGAR RAY owns a few head of cows that he works on his own without [redacted] assistance. EDGAR RAY does not currently work at the sawmill, but does involve himself in a logging operation. In addition to this activity, EDGAR RAY preaches periodically and, according to [redacted] "gets around okay." EDGAR RAY lives [redacted] and [redacted] and was characterized as "a good family man." [redacted] described EDGAR RAY as someone who will do anything to help people, including African-Americans. Finally, [redacted] believed EDGAR RAY "talked too much" and that he was not guilty of any involvement in the 1964 murders of the three civil rights workers.

On October 4, 2004, [redacted] were located and interviewed at their residences. Two attempts were made to locate and interview [redacted] at her residence with negative results. Likewise, an attempt was made to locate and interview [redacted] at his residence with negative results.

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[redacted] advised the FBI that he is not willing to cooperate with the FBI or the Mississippi Attorney General's Office concerning the 1964 murders of the three civil rights workers. He attributed his unwillingness to cooperate [redacted] [redacted] former law enforcement officers who are deceased. [redacted] other reasoning for his unwillingness to cooperate was due to the State of Mississippi not pursuing due process in a matter wherein [redacted]

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(protect identity)

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[redacted]
[redacted]
[redacted]

On October 5, 2004, through contacts with the United States Attorney's Office for the Southern District of Mississippi, it was determined that William Cox (presiding judge in the 1967 trial) is deceased. Through contacts with former FBI agents it was determined that John Proctor (FBI agent assigned to the Meridian office in 1964), Frank Watts, John B. "Jack" Rucker (FBI agents assigned to the Jackson office in 1964) and John Sullivan (FBI inspector sent to Mississippi by J. Edgar Hoover) were all deceased. These four agents were considered to be the most knowledgeable of the investigation. As an added note, *Gene Hackman's character in the 1988 movie Mississippi Burning was loosely based on Proctor's role in the investigation while Willem Dafoe's character was loosely based on Sullivan's role in the investigation.* James Tucker, former United States Attorney for the Southern District of Mississippi, provided contact information for John Doar (prosecuting attorney in the 1967 trial) as a partner in the law firm of Doar Rieck & Mack, 217 Broadway, Suite 707, New York, New York, telephone number (212) 619-3730.

On or about October 8, 2004, Billy Ray Posey's [redacted] was contacted to arrange an interview with Posey; however, [redacted] speaking on behalf of Posey declined the interview.

On October 12, 2004, [redacted] [redacted] Public Integrity Division, Office of the Attorney General, State of Mississippi requested the FBI's assistance in resolving two issues.

1. Locate and provide [redacted] with a copy of the trial transcript from 1967.
2. Locate and provide [redacted] with a copy of the warrant used to search the Olen Burgess Farm (location of buried bodies).

In response to [redacted] request, a copy of the aforementioned warrant and transcript were released to the Mississippi Attorney General's Office.

During November 2004, Jim Ingram, former FBI supervisor assigned to the MIBURN investigation, was contacted concerning this matter. Ingram informed the FBI that former FBI agents [redacted] [redacted] were directly involved in the MIBURN investigation. [redacted] was present when the bodies were exhumed and

had compiled a historical record containing persons, places and events that would be made available to the FBI. In February 2005, Ingram entered into a contractual agreement with the FBI to assist with the investigation.

A review of FBI files revealed the following witnesses provide direct testimony in reference to KILLEN's involvement:

[redacted]
[redacted] who testified at the 1967 trial.

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Billy Ray Posey, Klan member who participated in murders, represented by [redacted] attorney at law.

Jimmy Snowden, Klan member who is knowledgeable of murders.

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[redacted]
[redacted]
[redacted]

Jerry Sharp, [redacted]
[redacted] identified by a current FBI confidential informant.

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[redacted] former Klan member, who is believed to have direct testimony concerning KILLEN's involvement.

Informants

In order to better evaluate this matter for prosecution, Hood requested the precise number of informants who had assisted the FBI in this investigation, which informants are still living and the amount each was paid by the FBI. During October and November of 2004, the Jackson Field Office of the FBI reviewed the MIBURN case file and identified one hundred and sixty confidential informants who could be associated with the case file but not necessarily having provided information directly related to the investigation. From this list, each individual was fully identified and searched in various public domain databases to determine current whereabouts and whether or not they were deceased. From the original list of one hundred and sixty confidential informants, it was determined that ninety five are deceased and sixty five are still alive or there was insufficient information to determine their current status. Each individual file for the remaining sixty five was reviewed to determine the nature of information provided to the FBI. This review revealed that most of the files contained Klan activity throughout Mississippi during the period beginning in January

1959 and ending in December 1973 with some information directly related to the MIBURN investigation; however, the majority of the information was not directly related to the investigation. In general, the information provided by the confidential informants related to bombings, church burnings and identities of Ku Klux Klan members.

One confidential informant was identified as "anonymous" [redacted] [redacted] A common thread that runs through the case file and many confidential informant files is KILLEN's efforts to identify the confidential informant [redacted]

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[redacted] The Klan maintained several theories concerning the identity of the confidential informant and at one point left a dead chicken on an individual's front porch as a warning that he/she had been identified by the Klan as the "FBI snitch." A thorough review of the MIBURN case file and informant files revealed the person identified by the Klan was never a confidential informant. Other theories among Klan membership included KILLEN as the "FBI informant" who was paid \$30,000 for his information. The anonymous informant's identity was only known to [redacted] and to date has never been identified by the FBI.

Two FBI confidential informants who provided the best information and did not testify in the 1967 trial were identified; however, the FBI agents that "handled" these informants are deceased. Both informants were contacted wherein one, [redacted] refused to assist the FBI and the other, [redacted] agreed to cooperate [redacted] The informant was re-opened by the FBI as a cooperating witness.

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During interviews with the FBI in April and May of 2005, this cooperating witness stated that [redacted]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

b7D

During the 1967 trial for the murders of the civil rights workers, the cooperating witness [REDACTED]

b7D

After the events of 1964 through 1967, the cooperating witness [REDACTED]

Telephone Toll Information

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At the outset of the FBI's re-opening of MIBURN, a federal court order was obtained to place a trap and trace on [REDACTED]

The FBI has [REDACTED] This information was released to the Mississippi Attorney General's Office.

Indictment and Trial

On January 6, 2005, EDGAR RAY KILLEN was indicted by a Neshoba County grand jury on three counts of murder with trial set for April 2005. On March 10, 2005, KILLEN sustained two broken legs in a logging accident delaying his trial. On June 21, 2005, KILLEN was convicted by a Neshoba County jury for three counts of man slaughter and sentenced to serve sixty years. The jury deadlocked on first degree murder charges alleged in the indictment. During post trial media coverage, the Clarion-Ledger reported that jurors would have voted to convict KILLEN on murder charges but the prosecution had not presented sufficient evidence.

Prosecution witnesses called to testify during KILLEN's trial were as follows:

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[REDACTED]

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Several relatives of the victims.

Two retired FBI agents.

44A-JN-30292

The Mississippi Attorney General elected not to call
the former FBI informant

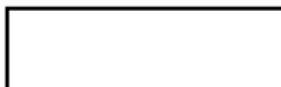
b7D

44A-JN-30292

KILLEN's Descriptive Information

Name: EDGAR RAY KILLEN
Race: White
Sex: Male
Date of Birth: January 17, 1925

Social Security
Account Number:

A rectangular box used to redact the Social Security Account Number.

b6
b7c

Address: 10561 Road 515
Union, Mississippi 39365

Telephone: (601) 656-8417

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE JACKSON	OFFICE OF ORIGIN JACKSON	DATE 09/21/2005	INVESTIGATIVE PERIOD 09/27/2004 - 08/12/2005
TITLE OF CASE EDGAR RAY KILLEN, Kleagle (Recruiter) WHITE KNIGHTS OF KU KLUX KLAN; JAMES EARL CHENEY - VICTIM; MICHAEL HENRY SCHWERNER - VICTIM; ANDREW GOODMAN - VICTIM;		REPORT MADE BY SA 	TYPED BY wjs
		CHARACTER OF CASE RACIAL DISCRIMINATION - VIOLENCE	

b6
b7cSummary ReportReference:

FD-610 to Bureau dated 10/05/2004 and EC with LHM to Bureau dated 12/06/2004.

-C-

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 1-BUREAU 2-JACKSON (44A-JN-30292)					
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency					
Request Recd.					
Date Fwd.					
How Fwd.					
By					

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/12/2005

To: Jackson

From: Jackson

Squad 4

Contact: SA [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

ws

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Case ID #: 44A-JN-30292 (Closed)

Title: EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE

Synopsis: To close investigative file.

Details: The Jackson Division has completed its investigation in reference to captioned matter that resulted in the successful prosecution of subject.

1-44A-JN-30292-MAG -6
1-44A-JN-30292-MIBURN -11
1-44A-JN-30292-PEN -44
1-44A-JN-30292-SURV -4
1-44A-JN-30292-INS -17
1-44A-JN-30292-302 -9
1-44A-JN-30292-CNTR -8
1-44A-JN-30292-NC -157

♦♦



44A-JN-30292
SEARCHED
SERIALIZED
INDEXED
FILED

44A-JN-30292-82

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 28 2005	
FBI - JACKSON	

September 27, 2005

INVOICE/STATEMENT

No. 007-2005

From: James O. Ingram

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Contractor Number: DUNS Number

b7E

To: Federal Bureau of Investigation

Attn: Special Agent

100 West Capitol Street, Suite 1553

Jackson, Mississippi 39269

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Re: James Ford Seale;**Investigation**

Investigative efforts conducted by James O. Ingram to include dates of work performed and total number of hours worked providing assistance to Special Agent (SA) are as follows:

<u>Date</u>	<u>Worked performed</u>	<u>Hours</u>
August 2, 2005	Locate and interview retired MHP officers and retired FBI agents in Mississippi	4
August 3, 2005	Locate and interview retired MHP officers and retired FBI agents in Mississippi	3
August 4, 2005	Locate and interview retired MHP officers and retired FBI agents in Mississippi	6
August 5, 2005	Locate retired MHP officers	4
August 6, 2005	Locate and interview retired FBI agents in San Diego	4
August 7, 2005	Locate and interview retired FBI agents in Texas	2
August 8, 2005	Locate and interview retired FBI agents in Texas	2
August 9, 2005	Locate and interview retired FBI agent in Texas	3

Original

9/27/05

(Continued on page 2)

Date Invoice Rec'd.

Date Goods/Services Rec'd.

Date Invoice Forwarded to FBIHQ

Date Invoice Returned to Vendor

Date Corrected Invoice Rec'd.

PO #

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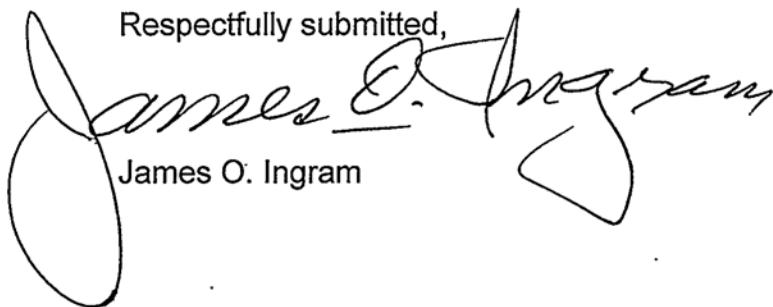
August 10, 2005	Locate and interview retired FBI agents in Chicago, California and Texas	3
August 13, 2005	Locate and interview retired FBI agent in Texas	2
August 22, 2005	Review FBI informant files and testimony	2
August 23, 2005	Review FBI informant files and testimony	2
August 24, 2005	Review FBI informant files and testimony	6
August 25, 2005	Review FBI informant files and testimony	3
August 26, 2005	Review FBI informant files and testimony	2

Total Hours: 48

Total Invoice: 48 hours @ per hour =

b7E

Respectfully submitted,


James O. Ingram

(AC) Criminal Case
 (AD) Criminal OCDETF Case
 (AF) FCI Case
 (BC) Informant/CW
 (BD) Informant/CW Providing Drug Info

(CF) Asset
 (DC) Group II UCO
 (DD) OCDETF Group II
 (E) Group 1
 (F) FCI UCO

(GA) SOG
 (GB) OPS
 (GC) Air Operation
 (H) SSG
 (J) FCI Lookout

Draft Request

2. Date: 9/27/05

3. Request for: () Advance (X) Expense

4. Social Security No: _____

5. Payee Name: JAMES O. INGRAM

6. File No: 44AJN030292

16. Cat	Item No	7. Description	8. Amount
01		INVESTIGATIVE SERVICES 8/2/05 - 8/26/05	\$
02			\$
03		PURCHASE ORDER #	\$
04			\$
05			\$
06			\$
07			\$
9. Total \$			\$

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10. Justification: INVESTIGATIVE SERVICES RE EDGAR RAY KILLEN
 DATES OF SERVICES 8/02/05 - 8/26/05; INVOICE NO. 007-2005

Asset/Informant File No _____

Symbol No. _____

Payment/Code Name _____

Period Covered _____ to _____

One Time Non-symbol Source Payment: _____

True Name: _____

DOB: _____

SSAN: _____

Date of Waiver: _____

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11. Payment for reimbursable expense - forfeiture or drug related? Yes _____ No _____

12. Requested by: _____

13. Telephone No: _____

14. _____

Approval

Date

Supervisor Initials: _____
 SAC/ASAC/AO/SAS Approval: _____
 Supply Technician Approval: _____
 Draft Approval Officer: _____
 Procurement Authorization: _____

9/27/05
 9/27/05
 9/27/05

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Shaded areas for draft use only

Classification: _____

Classified By: _____

Declassify on: _____

2085210
 9/28/05

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/25/2005

To: Jackson

From: Jackson

Squad 4

Contact: SA [REDACTED]

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Approved By: [REDACTED] *IDF/BAW*

Drafted By: [REDACTED]

WS

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Case ID #: 44A-JN-30292 (Pending)

Title: EDGAR R KILLEN,
Kleagle,
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES CHANEY-VICTIM;
MICHAEL SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE

Synopsis: To re-open captioned matter.

Reference: JN 44-1; Serial 1 through 7352

Administrative: Based on the recovery of a weapon believed to be the one used to kill the captioned victims, it is recommended this matter be opened and assigned to SA [REDACTED].

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Details: In June 1964, three young civil rights workers (CHANEY, SCHWERNER and GOODMAN) disappeared outside Philadelphia, Mississippi, where they had been involved in registering African-American voters. Subsequent investigation by the FBI revealed the three had been murdered by the WKKOTHER pursuant to sealed court order

[REDACTED]

♦♦

297wjsol.ec

*Re-Opened
11/13/05*

44A-JN-30292

10/27

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/24/2005

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To: Criminal Investigative

Attn: SSA [REDACTED]
Hate Crimes Unit/Room 3043

From: Jackson

Squad 4

Contact: SA [REDACTED]

Tel. No [REDACTED]

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Approved By: [REDACTED]

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Drafted By: [REDACTED]

WS

Case ID #: 44A-JN-26759 (Pending)
44A-JN-30292 (Pending)

Title: RALEIGH JACKSON GLOVER (Deceased), aka
R.J. Glover,
Red Glover;

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[REDACTED]
ERNEST PARKER (Deceased);
CLYDE SEALE (Deceased);
JAMES FORD SEALE;
MYRON WAYNE SEALE (Deceased);
Members,
WHITE KNIGHTS OF KU KLUX KLAN (WKKKK);
WHARLEST JACKSON-VICTIM (Deceased);
HENRY HEZEKIAH DEE-VICTIM (Deceased);
CHARLIE EDDIE MOORE-VICTIM (Deceased);
RACIAL DISCRIMINATION-VIOLENCE
(File No. 44A-JN-26759)

EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE
(File No. 44A-JN-30292)

Synopsis: To request funding in support of contract employee.

44A-JN-30292-85

SEARCHED	INDEXED
SERIALIZED	FILED
NOV - 3 2005	
FBI JACKSON	

WSP

To: Criminal Investigative From: Ja^{b6} on^{b7C}
Re: 44A-JN-26759, 44A-JN-30292; 10/24^{b7D} ⁰⁴⁵ OTHER pursuant to sealed court order

Details: Based on a recent request by the United States Attorney's Office for the Southern District of Mississippi, the Sixth Circuit Court District for the State of Mississippi and the Mississippi Attorney General (MAG), the Jackson Division re-opened captioned investigations. These investigations focus on requests made by the aforementioned prosecutors and the examination of all informant files associated with the original investigations.

Furthermore, the Jackson Division of the FBI

Based on this new development and complexity of information produced during the original MIBURN and GLOVER investigations, the Jackson Division has solicited the assistance of Special Agent Jim Ingram (retired) to identify potential witnesses. Ingram acted as the Supervisory Special Agent for civil rights matters investigated by the Jackson Division during the both investigations and subsequent prosecutions. This involvement has provided Ingram with a unique knowledge of agents' participation in the investigation and their current whereabouts, personal knowledge of informants who provided information to the FBI and knowledge of witnesses. It is anticipated that, upon preliminary approval of funding, the Jackson Division will prepare a "Scope of Work Contractual Agreement" designating Ingram as a sole source that will be submitted to FBIHQ for approval. After conferring with Ingram

To: Criminal Investigative From: Jackson
Re: 44A-JN-26759, 44A-JN-30292; 10/24/20045

and taking into consideration his assistance in a prior investigation, it was determined that [REDACTED] would be sufficient to compensate him for his investigative time at a rate of [REDACTED] per hour.

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Based on the successful prosecution of EDGAR RAY KILLEN in June of 2005, Ingram's investigative assistance in the matter proved to be invaluable.

To: Criminal Investigative From: Jackson
Re: 44A-JN-26759, 44A-JN-30292; 10/24/20045

LEAD(s):

Set Lead 1: (Action)

CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

The Jackson Division requests authorization of funding for Jim Ingram's consulting fee.

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44A-JN-30292-87

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not/92w

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/24/2005

[redacted] born [redacted] Social Security
Account Number (SSAN) [redacted] who resides at [redacted]
[redacted] telephone number [redacted]
cellular telephone number [redacted] was interviewed at [redacted]
[redacted] After being advised of the interviewing agents'
identities and the nature of the interview, [redacted] furnished the
following information:

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Investigation on 10/21/2005 at [REDACTED]

File # 44A-JN-30292

Date dictated 10/24/2005

SA		pbm
SA		

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44A-JN-30292

Continuation of FD-302 of , On 10/24/2005, Page 2

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b7D

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

[redacted]
[redacted]
[redacted] Upon being advised of the identity of the
interviewing agents and the nature of the investigation, [redacted]
provided the following information:
[redacted]
[redacted]

OTHER Pursuant to sealed court order

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44A-JN-30292

SEARCHED	INDEXED
SERIALIZED	FILED
NOV - 1 2005	
FBI JACKSON	

Investigation on

at

File # 44A-JN-30292-88

Date dictated

by SA [redacted]
SA [redacted]

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OTHER pursuant to sealed court order

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/22/2005

To: Criminal Investigative

Attn: Budget Unit

Jackson

Attn:

SSRA Oxford RA

From: Criminal Investigative

Integrity In Gov't Section/Civil Rights Unit

Contact: SSA

Approved By:

Drafted By:

clpCW

Case ID #: 44A-JN-26759 (Pending) - 32

44A-JN-30292 (Pending) - 89

Title: RALEIGH JACKSON GLOVER (Deceased), aka
R.J. Glover,
Red Glover;

ERNEST PARKER (Deceased);
CLYDE SEALE (Deceased);
JAMES FORD SEALE;
MYRON WAYNE SEALE (Deceased);
Members,
WHITE KNIGHTS OF KU KLUX KLAN (WKKKK);
WHARLEST JACKSON-VICTIM (Deceased);
HENRY HEZEKIAH DEE-VICTIM (Deceased);
CHARLIE EDDIE MOORE-VICTIM (Deceased);
RACIAL DISCRIMINATION-VIOLENCE
(File No. 44A-JN-26759)

EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE
(File No. 44A-JN-30292)

Synopsis: To document/notify the Budget Unit of the Civil Rights Unit concurrence with the Jackson Field Division's request for funding.

44A-JN-30292-89

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 13 2005	
FBI - JACKSON	

To: Criminal Investigative From: Criminal Investigative
Re: 44A-JN-26759, 11/22/2005

Reference: 44A-JN-26759 Serial 29
44A-JN-30292 Serial 85

Enclosure(s): Enclosed is a copy of the above-referenced communication.

Details: The Jackson Field Division requests and enhancement of their Miscellaneous Other Services Account by [redacted] for a contractor to assist in the captioned investigations.

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The Civil Rights Unit concurs with the Jackson Division's request for the above-mentioned enhancement.

To: Criminal Investigative From: Criminal Investigative
Re: 44A-JN-26759, 11/22/2005

LEAD(s) :

Set Lead 1: (Action)

CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

The Budget Unit is requested to enhance the Jackson
Field Division's Miscellaneous Other Services account by
 in support of referenced request.

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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

December 28, 2005

Mississippi Chapter of Society of
Former Special Agents of the FBI



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RE: Edgar Ray Killen Conviction

Dear Sirs:

On June 21, 2005, Edgar Ray Killen, a Ku Klux Klan member, was convicted by a Neshoba County, Mississippi, court jury of Manslaughter for the 1964 deaths of Michael Schwerner, James Chaney and Andrew Goodman.

In 1964, the Federal Bureau of Investigation (FBI), in response to the disappearance of these three civil rights workers who were engaged in African-American voter registration in Mississippi, launched an investigation into their disappearance. Hundreds of FBI Special Agents were sent to Mississippi to participate in the investigation that acquired the now historic title, MISSISSIPPI BURNING. The investigation located the bodies of Schwerner, Chaney and Goodman and resulted in the 1967 indictment of 19 persons for violation of the constitutionally protected civil rights of the murdered victims. This indictment resulted in the conviction of seven persons, the acquittal of eight, and a mistrial concerning three persons, including Killen. There was no state prosecution of any person for the murders of Schwerner, Chaney and Goodman until 2005.

In 1999, in response to a request from the Mississippi Attorney General's Office, the FBI produced copies of over 40,000 pages of investigative file information, photographs, exhibits, and forensic evidence from the original case file, to prepare for a state investigation of the three murders. The FBI also reviewed its informant data base and provided information to assist the state investigation. It was this documentation and assistance that were the core of the state's investigation and caused the Neshoba County Grand Jury to indict Killen on January 6, 2005, for the murders of Schwerner, Chaney and Goodman. The Neshoba County District Attorney used the documentation and the 1967 trial testimony of deceased witnesses to convict Killen of three counts of Manslaughter on June 21,

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FBI-JACKSON	

44A-JN-30292

2005; the only conspirator, to date, convicted in the deaths of Schwerner, Chaney and Goodman.

The 2005 conviction of Killen is a testament to the professional law enforcement performance of all FBI Agents who participated in the 1964 investigation. A review of the case file disclosed a thorough investigation and documentation of detailed investigative reports of persons and the crime scene, which vividly and accurately captured and recorded information that led to Killen's conviction. The 2005 investigation was assisted by former Special Agent James Ingram, who, as a participant in the 1964 investigation, brought history to life and provided guidance and background information concerning the original investigation that assisted and advanced both the investigative and prosecutive teams in the 2005 investigation.

It is my privilege to commend all the former agents of the FBI who participated in the 1964 investigation and who are now members of the Mississippi Chapter of the Society of Former Special Agents of the FBI for their performance of duty during that investigation. It was their legacy that caused Killen's conviction and provided closure to this historical American civil rights era crime.

With respect,

Robert S. Mueller III
Director

cc:

[redacted]
Society of Former Special Agents
of the FBI, Inc.

The Grapevine

[redacted]
P. O. Box 1027
Quantico, VA 22134

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/30/2005

To: Jackson

Attn: All Employees

From: Jackson

Contact: SAC John G. Raucci

Approved By: Raucci John G

Drafted By: Raucci John G

Case ID #: 66F-JN-A26516-397 (Pending)

Title: RESOURCE MANAGEMENT AND ALLOCATION,
JACKSON FIELD OFFICE;

CIVIL RIGHTS PROGRAM (CRP)
TRANSFER OF PERSONNEL AND PROGRAM MANAGEMENT
AND COORDINATOR RESPONSIBILITIES

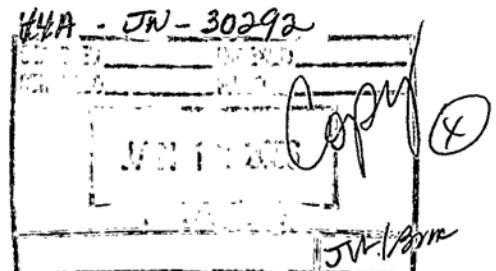
Synopsis: The purpose of this communication is to document the transfer of program management responsibilities, identify the program manager and coordinator of the CRP, and to reassign the overall day to day management of personnel (two special agents) from Squad 4 to Squad 3.

Details:

However, it has become apparent in recent months that the CRP is not only a program of increasing national interest, the overall work, both on-going, anticipated, and currently un- (or under) addressed is significant. Further, unlike other criminal violations, there is no other law enforcement organization which has the knowledge, skill and ability to address CR matters like the FBI. Whether an investigation pertains to a current event or activity, or a "cold-case" requiring investigation or "reinvestigation" (i.e., Emmett Till; Charles Eddie Moore; Henry Hezekiah Dee, Et Al), they all require time consuming, pain staking detail. The current organization of the CRP is not only unfair to the division's program coordinator and the individual SAs assigned to work CR matters, it is

¹FY 2005 Field Special Agent - Funded Staffing Level (FSL) chart and accompanying EC, dated 05/11/2005.

*Remained
JN
01-12-06*



To: Jackson From: Jackson
Re: 66F-JN-A26516, 09/30/2005

illogical, given the national, independent, outside scrutiny to the timeliness, effectiveness and overall efficiency of our work.

As such, SSA [redacted] will identify 2 SAs who are committed, experienced, and dedicated to the CRP to be transferred, with the current case load of Squad 4, to Squad 3. Therefore, effective 10/01/2005, 2 CR SAs will become the responsibility of Squad 3 (A/SSA [redacted])

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In addition, the remaining two CRP SAs (FSL) shall be assigned as follows:

- 1 - Oxford Resident Agency
- 1 - Gulfport Resident Agency

The CRP Program Manager will be ASAC [redacted]
The CRP Program Coordinator will be A/SSA [redacted]

By COB, Friday, 10/07/2005, any personnel within the division who are currently assigned a civil rights case shall prepare a case summary and reassignment EC, and physically transfer any and all documents and case materials to ASAC [redacted] ASAC [redacted] and SSA [redacted] and A/SSA [redacted] will then review the work for compliance, investigative planning, and equitable distribution to the personnel assigned CR matters. Further, at the earliest opportunity, the cases should be discussed with CR Unit personnel from FBIHQ. The CID web-site contains a plethora of information regarding the CRP, including HQ POCs, reporting requirements, deadlines, etc.

Allocation of Program Management - FSL

Program		
C R P	JACKSON - HQ CITY	2
	OXFORD RESIDENT AGENCY	1
	GULFPORT RESIDENT AGENCY	1
Total		4

To: Jackson From: Jackson
Re: 66F-JN-A26516, 09/30/2005

LEAD(s):

Set Lead 1: (Action)

JACKSON

AT JACKSON, MISSISSIPPI

Effectuated SSAs should report to ASAC [] by 10/07/2005, the identities of those SAs assigned to the CRP.

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1. A/SSA [] should initiate immediate action plan to address, among other things, those investigative matters which have experienced investigative delays and/or inactivity;

2. Conduct liaison with community leaders who may be in a position to assist the FBI in CR matters;

3. Conduct file reviews of open investigations and [] files for immediate exploitation of investigative leads.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/29/2005

To: Records Management

Attn: Records Policy & Administration
Section
Executive Secretariate
UC [redacted]
Room 6240

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From: Jackson

Squad 1
Contact: SAC John G. Raucci, [redacted]

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Approved By: Raucci John G. [signature]

Drafted By: [redacted] sp

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Case ID #: 44A-JN-30292 -91 (Pending)

Title: EDGAR RAY KILLEN CONVICTION
JACKSON DIVISION

Synopsis: To forward a letter for the Director's signature.

Enclosure(s): Letter to Mississippi Chapter of Society of Former
Special Agents of the FBI.

Details: The enclosed letter to the Mississippi Chapter of
Society of Former Special Agents of the FBI is submitted for
Director Mueller's signature. Copies should also be sent to
[redacted] Society of Former Special Agents of
the FBI, Inc., and to The Grapevine, [redacted]
both to the same address of P. O. Box 1027, Quantico, VA 22134.

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Ack 3/16/06

Let to [redacted]

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[signature]

To: Records Management From: Jackson
Re: 44A-JN-30292, 12/29/2005

LEAD(s):

Set Lead 1: (Action)

RECORDS MANAGEMENT

AT WASHINGTON, DC

Attention: Executive Secretariate Obtain Director's signature on enclosed letter to the Mississippi Chapter of Society of Former Special Agents of the FBI, and forward to addressees.

♦♦

March 16, 2006

[redacted]
Mississippi Chapter of the Society of
Former Special Agents of the FBI, Inc.

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Dear [redacted]

In 1964, the FBI launched a large-scale investigation into the disappearance in Mississippi of civil rights workers Michael Schwerner, James Chaney, and Andrew Goodman, who were engaged in African-American voter registration in that state. Acquiring the memorable and now-historic title, MISSISSIPPI BURNING, the investigation resulted in the location of the bodies of the three murdered men and the 1967 indictment in federal court of 19 persons for violating their constitutionally protected civil rights. This indictment resulted in the convictions of seven defendants, the acquittal of eight more, and a mistrial concerning three of those charged, including Ku Klux Klan member Edgar Ray Killen. Then, thirty years later, the FBI provided invaluable assistance to the State of Mississippi when it initiated an investigation and, ultimately, a prosecution of Killen for the murders.

In response to a 1999 request by the Mississippi Attorney General's Office, which was overseeing the newly constituted state investigation of the three murders, the FBI furnished over 40,000 pages of investigative information, photographs, exhibits, and forensic evidence from the original case file, along with current FBI database material. This information and evidence were at the core of the state's investigation and led to Killen's indictment in January 2005 for the murders of Schwerner, Chaney, and Goodman. At trial, the Neshoba County District Attorney used this documentation and the 1967 trial testimony of deceased witnesses to gain a conviction of Killen on June 21, 2005, on three counts of Manslaughter. To date, Killen is the only individual believed to be a conspirator who has been convicted in state court in the deaths of the men.

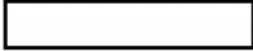
The 2005 conviction of Killen serves as a testament to the professionalism of the FBI Special Agents who participated in the MISSISSIPPI BURNING investigation. A review of the case file disclosed a thorough investigation and documentation of detailed investigative reports regarding persons and the crime scene, which vividly and accurately captured information that led ultimately to Killen's conviction. Of special note regarding the State of Mississippi's investigation was the assistance provided by former FBI Special Agent James Ingram. Mr. Ingram, a participant in the 1964 investigation, provided guidance and background information concerning those original efforts which helped significantly to advance the work of the Mississippi authorities.

①- SAC, Jackson (44A-JN-30292-91),
ReurEC of 12/29/05.

62F-HQ-1077732

NOTE: Letter requested by Jackson Office and is based on information provided by that office.
CHJ

for
3/22/06



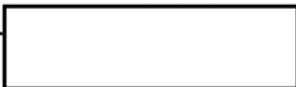
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It is my privilege to commend all of the former Special Agents of the FBI who participated in the Bureau's 1964 MISSISSIPPI BURNING probe for their fine performance of duty throughout that investigation. The ability of the State of Mississippi to ultimately bring Killen to justice remains largely their legacy, and they can forever be proud of their efforts.

Sincerely yours,

Robert S. Mueller, III
Director

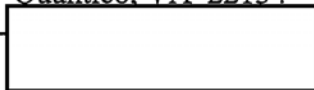
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Society of Former Special Agents
of the FBI, Inc.

Post Office Box 1027
Quantico, VA 22134

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The Grapevine
Post Office Box 1027
Quantico, VA 22134

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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Jackson, Mississippi
March 1, 2006

A submission by the Jackson Division of the FBI to demonstrate effectively using resources to promote human rights within the community and/or the agency.

On behalf of the
Jackson Division of the FBI
and
Retired Special Agent in Charge James O. Ingram

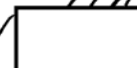
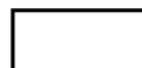
CASE TITLES

EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE
also referred to as
MISSISSIPPI BURNING (MIBURN)

[REDACTED]
ROY BRYANT (DECEASED);
JOHN WILLIAM MILAM, ALSO KNOWN AS J.W. MILAM (DECEASED);
LESLIE F. MILAM (DECEASED);
MELVIN L. CAMPBELL (DECEASED);
ELMER O. KIMBRELL (DECEASED);
HUBERT CLARK (DECEASED);
LEVI COLLINS, ALSO KNOWN AS, "TOO TIGHT COLLINS" (DECEASED);
JOHNNY B. WASHINGTON (DECEASED);
OTHA JOHNSON JR., ALSO KNOWN AS, (DECEASED);
JOE WILLIE HUBBARD (DECEASED);
EMMETT LOUIS TILL (DECEASED)-VICTIM;
CIVIL RIGHTS-CONSPIRACY

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44A-JN-30292 CWH/EP 3-21-06

92

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Introduction

In June 1964, James Chaney, Michael Schwerner, and Andrew Goodman, three young civil rights workers, disappeared outside Philadelphia, Mississippi, where they had been involved in registering African-American voters. Given the racial climate in Mississippi during the 1960s, President Lyndon B. Johnson ordered the Department of Justice to intervene in the investigation, causing approximately one hundred and fifty FBI Special Agents to converge on Mississippi. This immediate response was followed by FBI Director J. Edgar Hoover flying to Jackson on Air Force One and officially dedicating the opening of Jackson's FBI Field Office.

This investigation was code named MIBURN, an acronym for "Mississippi Burning," and became one of the largest investigations ever conducted in the State of Mississippi. As a result, in August 1964, the bodies of the three civil rights workers were found buried in an earthen dam near Philadelphia, Mississippi. Ultimately, seven men were convicted of federal conspiracy charges and sentenced to prison terms ranging from three to ten years.

On August 24, 1955, Emmett Louis Till, a fourteen-year-old black male from Chicago, Illinois, visiting relatives in Leflore County, Mississippi, entered the Bryant Grocery & Meat Market in the town of Money, Mississippi. Till exited the store; shortly thereafter, Carolyn Bryant, the store owner's wife, exited as well. Upon Carolyn Bryant's exit, Till whistled at Bryant. The relatives accompanying him knew his whistle would cause trouble and they left in haste, taking Till with them.

On August 28, 1955, at approximately 2:30 a.m., Roy Bryant (Carolyn Bryant's husband), J.W. Milam, and at least one other person appeared at the home of Mose Wright, Till's great uncle, looking for the boy who had "done the talking" in Money, and abducted Till from the home. Following Till's abduction, Roy Bryant and J.W. Milam were arrested by the Leflore County Sheriff's Department and charged with kidnaping.

On August 31, 1955, a naked body presumed to be Till's, was found floating in a section of the Tallahatchie River, running along the border between Tallahatchie and Leflore Counties. A seventy-five pound cotton gin fan was tied with barbed wire to the neck of the floating body and

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

there was extensive trauma to the head. Upon discovery of the body and its subsequent identification as Emmett Till, Roy Bryant and J. W. Milam were indicted on charges of murder in Tallahatchie County.

From September 19, 1955, through September 23, 1955, Roy Bryant and J.W. Milam were tried for Till's murder in the Circuit Court, Second Judicial District of Tallahatchie County, Seventeenth Judicial District of Mississippi, and acquitted.

On November 8, 1955, a Grand Jury in Leflore County met to consider kidnaping charges against Milam and Bryant. The Grand Jury returned a No Bill; no other charges, to date, have been filed on Milam, Bryant, or any other person in connection with Till's kidnaping and murder.

Milam and Bryant later confessed to William Bradford Huie, a reporter, that they had kidnaped and murdered Till, and the account was published in Look magazine on January 24, 1956.

J.W. Milam died in 1981; Roy Bryant died in 1994. The trial judge, Curtis M. Swango, Jr., the Court Reporter, James T. O'Day, prosecuting attorneys, Gerald Chatam, Robert B. Smith, III, and Hamilton Caldwell, defense attorneys J. J. Breland, C. Sidney Carlton, J.W. Kellum, and John W. Whitten are deceased. Defense attorney Harvey Henderson is the sole surviving court officer who participated in the trial. Additionally, the original court, District Attorney, and investigative records related to the 1955 investigation have apparently been lost.

To date, with the exception of the original 1955 investigation, no further investigation into this matter has been conducted by the Federal Bureau of Investigation, the Mississippi Bureau of Investigation, or any other law enforcement agency.

The instant investigation was opened on May 7, 2004, at the request of the District Attorney, 4th Judicial District, Greenwood, Mississippi, in an effort to determine if other individuals were involved in these crimes, thus bringing forth state indictments against these individuals if it is deemed appropriate.

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

MIBURN Facts

In 1964, the FBI investigated the disappearance of three civil rights workers and found the bodies of Michael Henry Schwerner, Andrew Goodman, and James Earl Chaney buried in the vicinity of Philadelphia, Neshoba County, Mississippi. Subsequent to several arrests and indictments being dismissed by the United States District Court (USDC) for the Southern District of Mississippi (SDM), the charges were re-instated by United States Supreme Court and again dismissed by USDC, SDMS, on February 28, 1967. Eventually, nineteen subjects were indicted by a Federal Grand Jury and, after trial by jury beginning on Monday, October 9, 1967, seven subjects were convicted of civil rights violations. There was no state criminal homicide prosecution of persons responsible for the murders.

Date of Incident: June 21, 1964

Names of Victims: James Earl Chaney
Twenty-two year old black male
Meridian, MS

Michael Henry Schwerner
Twenty-four year old white male
New York

Andrew Goodman
Twenty-four year old white male
New York

Indictments: February 28, 1967 of nineteen defendants

Trial: October 9, 1967 in Meridian, Mississippi

Convictions: Cecil R. Price (died May 6, 2001)
Neshoba County Deputy Sheriff
Sentenced to six years' confinement

Billy Wayne Posey
Sentenced to six years' confinement

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Sam Holloway Bowers (later prosecuted for
the death of Vernon Dahlmer and currently
incarcerated by the State of Mississippi)
Imperial Wizard, WKKKK
Sentenced to ten years' confinement

Convictions:
(Continued)

Alton Wayne Roberts (died September 11, 1999)
Sentenced to ten years' confinement

Jimmy Arledge
Sentenced to three years' confinement

Horace D. Barnette (died September 1993)
Sentenced to three years' confinement

Jimmy Snowden (living in Meridian, MS)
Sentenced to three years' confinement

Mistrials:

Ethel Glen Barnette
EDGAR RAY KILLEN
Jerry McGrew Sharpe (died March 10, 2001)

Acquitted:

Bernard L. Akin (died February 2, 1968)
James T. Harris
Herman Tucker (died March 14, 2001)
Travis Maryn Barnette (died May 5, 1976)
Frank J. Herndon (died March 29, 1999)
Richard A. Willis
Olen Burrage
Lawrence Rainey (died November 8, 2002;
former Neshoba County Sheriff)

Cooperating
Witness:



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Appeal:

On July 17, 1969, the 5th Circuit refused
to hear appeal of seven convictions

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

KILLEN's Involvement in 1964 Murders

A review of the MIBURN case file and confidential informant files revealed EDGAR RAY KILLEN, a thirty-eight year old ordained Baptist minister, actively recruited members into the White Knights of the Ku Klux Klan, thereby giving him the title of Klan Kleagle. KILLEN, the owner of a local sawmill and former unsuccessful candidate for sheriff, was a "marginal character" until Sam Bowers, Imperial Wizard of the White Knights of the Ku Klux Klan, appointed him "Kleagle," or Klavern recruiter and organizer, for the Neshoba and Lauderdale County Klan. KILLEN was successful in these duties, as evidenced by the seventy men who attended a June 16, 1964, meeting in Meridian, planning a trip to Mount Zion Church in Longdale, Mississippi, where they hoped to kill Michael Schwerner. Instead of encountering Schwerner, they found only local African-Americans, who were badly beaten before the Klan burned their church.

During 1964, members of the Congress of Racial Equality (CORE) were leading a massive voter registration campaign in Mississippi called "Freedom Summer." Prior to June 21, 1964, Michael Schwerner, despised by the Klan and known as "Goatee," had traveled to Mississippi and spoken with the African-American community concerning their rights to register as voters. On one such occasion, because Schwerner spoke to an African-American church congregation, the White Knights of the Ku Klux Klan appeared at the church and intimidated the congregation. Based on this incident, KILLEN became knowledgeable of Schwerner's identity and activities. After this initial trip to Mississippi, Schwerner returned to New York. During this timeframe, KILLEN received authorization from Sam Bowers to "eliminate" Schwerner. In an effort to lure Schwerner back to Mississippi, KILLEN organized the burning of a church where Schwerner had recruited voters.

Multiple witnesses provided the FBI with information that detailed KILLEN's "planning and orchestration" of the civil rights workers' murders. This information included, but is not limited to, KILLEN's carefully planned alibi wherein he attended a wake in Meridian on the night of the murders and later attempted to dispose of the weapons allegedly used to murder the workers. On the day of the murders, KILLEN contacted Cecil Price, a Neshoba County sheriff's deputy, to advise local Klansmen that Price was holding the three civil rights workers for their later "disposal." After KILLEN received word from Price that Schwerner and the other two civil rights workers were being held in jail, he traveled to

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Meridian, Mississippi, where he met with other Klan members at the Longhorn Drive-In. Telephone calls were made, and a group was assembled for a trip that evening to Neshoba County. A larger group of the Klan met at Akin's Mobile Homes in Meridian, Mississippi, where KILLEN informed them of the plan he had devised with Price for the three men's release shortly after sundown. He told Klan members participating in the murders to get rubber gloves and to meet near the courthouse in Philadelphia at 8:15 p.m. When the Klan arrived in Philadelphia, KILLEN took them on a drive-by of the jail that held the civil rights workers, then left to establish his alibi by attending a wake for an uncle at a local funeral home. On December 4, 1964, KILLEN was later arrested with eighteen other Klansmen. During the trial in 1967, KILLEN created a disturbance in the courtroom by passing a question to his defense attorney to be asked to a prosecution witness. Prosecution witness Reverend Charles Johnson was asked during cross-examination: "Is it true that you and Michael Schwerner had tried to get young Negro males to sign statements that they would rape one white woman a week during the hot summer of 1964 here in Mississippi?" The all-white jury convicted Bowers and six others, but deadlocked eleven to one in favor of KILLEN's guilt with one lone holdout, who stated "she could never convict a preacher."

TILL Facts

Fifty years have passed since the events under investigation. Persons alleged to have been involved in the kidnaping and murder of Emmett Louis Till were born, raised, lived and worked in the Mississippi Delta. At the time of these events in 1955, the Mississippi Delta was a place where racial attitudes, now considered abhorrent, were the norm for a significant segment of society. "Jim Crow" laws were a framework through which the races interacted; "Negro Justice," an unwritten, de facto, separate legal system, served as the foundation for jurisprudence between blacks and whites. The sweeping reforms of the civil rights movement which occurred in the decades following these events caused vast changes, leading to the integration of the black community into main stream society.

J. W. Milam operated an agriculture service business in addition to a store in Glendora, Mississippi, and had interest in at least two other stores, one owned by his half-brother Roy Bryant, and the other by [REDACTED] [REDACTED] At least one other brother, Leslie Milam, managed a farm.

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MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

In 1955, the State of Mississippi was a segregated society, as was most of the South. After the Civil War, many states had enacted laws termed: "Jim Crow" or "Black Code," to maintain a separation of blacks and whites in the use of certain public facilities. By 1907, the list of public places where segregation was mandatory included theaters, water fountains, street cars, boarding houses and other public institutions. By 1955, segregation of the races was a core concept that permeated almost every aspect of Mississippi Delta society.

In the Mississippi Delta, a de facto institution of separate justice was in place for whites and blacks. The white population could rely on the normal vestments of government and call on the local sheriff's department for assistance in criminal matters. This was not the case for blacks. The black population was dealt with in a manner which some historians have called "Negro Law," a system where the gravity of the crime was determined in large part by its impact on whites.

On July 11, 1954, the Indianola Citizens Council was formed to promote segregation. The Indianola Citizens Council's plan for organization served as a model, and soon other similar segregationist groups were formed throughout Mississippi.

On October 12, 1954, the Association of Citizens Councils of Mississippi (ACCM) was formed. ACCM headquarters were initially located in Winona, Mississippi, then in 1955 moved to Greenwood, Mississippi. The Councils openly promoted the cause of segregation through legal means and did not officially advocate violence; however, at least one Council flyer of the time reflects the organization's use of intimidation and the fact that the threat of violence was sanctioned.

The Councils attempted to have an effect on the Till matter. During [redacted] research in 1963, he interviewed the jurors who rendered the acquittal of Bryant and Milam in Till's death and learned that every juror had been visited by members of the Council to make sure they (the jurors) voted "the right way."

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The societal issues and realities noted above set the stage for the kidnaping of Till which occurred on August 28, 1955. The white citizens of Mississippi were bombarded daily with news surrounding the end of segregated schools, efforts by blacks to register to vote, and the heated calls

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

for the defense of their segregated way of life. Senators, Congressmen, the State Assembly, the Governor, and most public officials were calling on the population to defend the status quo, to defy the Supreme Court implementation ruling, oppose federal efforts to enforce segregated schools, and to continue poll practices which disenfranchised blacks. The fear that they would lose control of their way of life permeated the lower socioeconomic segments of the white community. This segment of the community, in particular, believed they had the most to lose if the black community truly became equal.

Reason for developing the Killen investigation

In 1989, the FBI released approximately six hundred pages of redacted material pursuant to a request made by the Mississippi Attorney General's Office. In December 1999, pursuant to a second request from Mike Moore, then Mississippi Attorney General, forty thousand pages of the FBI's file were released to the Mississippi Attorney General's Office in support of their homicide investigation. In 2000, this initial request was followed by the FBI releasing copies of exhibits as well as the current location of FBI Agents who investigated the original case. After these two initial requests for information or investigative assistance, there were no subsequent requests until 2004.

Between 1999 and 2004, several newspaper articles appeared in the Clarion-Ledger, the largest newspaper in Mississippi, written by reporter Jerry Mitchell, wherein the newspaper sought criminal prosecution of the subjects by the State of Mississippi. In two articles, one dated March 2, 2003, and one dated March 4, 2003, the Clarion-Ledger called for the FBI to produce its informant files and electronic surveillance material associated with MIBURN. Substantive information provided by FBI informants was contained in the forty thousand pages of the MIBURN case file previously released to the Mississippi Attorney General's Office; however, the identity of these informants had never been disclosed.

[REDACTED]

[REDACTED]

[REDACTED]

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On May 26, 2004, United States Attorney Dunn Lampton, Southern District of Mississippi, advised the FBI Jackson Field Office that Jim Hood, Mississippi Attorney General (Mike Moore's successor), would request, by letter, the MIBURN investigation be re-opened to pursue possible murder indictment(s). This request was in response to a Clarion-Ledger newspaper article dated May 25, 2004, titled

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Philadelphia Residents Seek Justice, '64 slayings still haunt city. Jim Hood's letter made an official request for FBI assistance by his re-opening of this investigation.

Likewise, at the request of a local district attorney, the Jackson Division of the FBI re-opened the EMMETT TILL matter to determine if there were other living persons who were involved in EMMETT TILLS' murder.

A summary of the factors considered and individuals consulted

In order to more efficiently locate and interview potential witnesses, the Jackson Division of the FBI retained the services of James O. Ingram, a retired Special Agent in Charge (SAC), who supervised the MIBURN investigation during the mid-1960s. SAC Ingram's prior knowledge of the investigation gave Jackson Division agents insight that would not have been available through any other source. SAC Ingram's involvement in the investigation was a perfect marriage between "old school" methods of investigation and "new school" technology used by agents assigned to the Jackson Division. Furthermore, SAC Ingram, following his retirement from the FBI, had served as the Director of Public Safety for the State of Mississippi, affording him the perfect background to act as a liaison between the FBI and local officials involved in the investigation. Basically, SAC Ingram and Jackson agents were given the task of recreating a 1964 investigation from forty year old file documents, court testimony, evidence, and conducting current interviews. In a similar fashion, Jackson Division agents began locating witnesses from fifty years prior to re-create the events that lead to EMMETT TILLS' murder.

While SAC Ingram began locating agents involved in the original investigation, Jackson Division agents began using state-of-the-art computer technology to catalog all written material associated with the case as well as evidence that had been retained for forty years. A database was created that contained over forty thousand pages of investigative material and three hundred volumes of informant information that had been collected by agents of the era. This database was searched and reviewed with SAC Ingram to identify informants who were still alive and could provide information pertinent to the investigation.

Through SAC Ingram's efforts, it was determined William Cox (presiding judge in the 1967 trial) was deceased, and the original prosecutor, John Doar, was living in New York, New York. SAC Ingram, through the Society of Former FBI

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Agents, determined John Proctor (FBI agent assigned to the Meridian office in 1964), Frank Watts, John B. "Jack" Rucker (FBI agents assigned to the Jackson office in 1964), and John Sullivan (FBI inspector sent to Mississippi by J. Edgar Hoover) were all deceased. These four agents were considered to be the most knowledgeable of the investigation. As an added note, Gene Hackman's character in the 1988 movie Mississippi Burning was loosely based on Proctor's role in the investigation, while Willem Dafoe's character was loosely based on Sullivan's role in the investigation. SAC Ingram identified and located [redacted] and [redacted] retired FBI agents, who were directly involved in the MIBURN investigation and testified in the 2005 trial of KILLEN. [redacted] was present when the bodies were exhumed and had compiled a historical record containing persons, places and events that was made available to the FBI, while [redacted] performed all the forensic analysis of evidence collected during the 1964 investigation.

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A review of FBI files, using a database created by Jackson Division agents, revealed there are several witnesses that could provide direct testimony in reference to KILLEN's involvement. They are [redacted]

[redacted] who testified at the 1967 trial; Billy Ray Posey, Klan member who participated in murders; [redacted]

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Informants

In order to better evaluate testimony that would be used to prosecute KILLEN, Hood requested the precise number of informants who had assisted the FBI in this investigation, and which informants were still alive. During October and November of 2004, SAC Ingram and Jackson agents reviewed the MIBURN case file by loading all the information into a computer database and thereafter identifying one hundred and sixty confidential informants who could be associated with the case file, but not necessarily having provided information directly related to the investigation. The database was designed to search for names and places in order to focus attention on those informants who were directly connected to the investigation. From those informants who were identified, each one was fully searched in various public domain databases to determine current whereabouts and whether or not they were still alive. From the original list of one hundred and sixty confidential informants, it was determined that ninety five

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

are deceased and sixty five are still alive, or there was insufficient information to determine their current status. Each individual file for the remaining sixty five was reviewed to determine the nature of information provided to the FBI. This review revealed that most of the files contained Klan activity throughout Mississippi during the period beginning in January 1959 and ending in December 1973, with some information directly related to the MIBURN investigation. In general, the information provided by the confidential informants related to bombings, church burnings, and identities of Ku Klux Klan members.

One confidential informant, identified as "anonymous," [redacted] A common thread that runs through the case file and many confidential informant files was KILLEN's efforts to identify the confidential informant [redacted]

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The Klan maintained several theories concerning the identity of the confidential informant and, at one point, left a dead chicken on an individual's front porch as a warning that he/she had been identified by the Klan as the "FBI snitch." A thorough review of the MIBURN case file and informant files revealed the person identified by the Klan was never a confidential informant. Other theories among Klan membership included KILLEN as the "FBI informant" who was paid \$30,000 for his information. The anonymous informant's identity was only known to Inspector Sullivan and, to date, has never been identified by the FBI.

SAC Ingram's and Jackson Division agents' painstaking review of the informant files lead to the identification of two FBI confidential informants who provided the best information and did not testify in the 1967 trial; however, one of the FBI agents that "handled" these informants was deceased. Both informants were contacted; one, [redacted] refused to assist the FBI, and the other, [redacted] agreed to cooperate and [redacted]

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[redacted] This informant would have never agreed to cooperate forty years later if SAC Ingram had not contacted his old agent handler, who convinced the informant to work with SAC Ingram and SA [redacted] This informant's cooperation was a classic example of the FBI "marrying" the old with the new through SAC Ingram and Jackson Division agents.

During interviews with the FBI in April and May of 2005, this cooperating witness stated that [redacted]

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MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

[REDACTED]

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[REDACTED]

b7D

[REDACTED]

b7D

[REDACTED]

b7D

[REDACTED]

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

[REDACTED]

b7D

[REDACTED]

[REDACTED]

[REDACTED]

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

Results

MIBURN Indictment and Trial

On January 6, 2005, EDGAR RAY KILLEN was indicted by a Neshoba County grand jury on three counts of murder with trial set for April 2005. On March 10, 2005, KILLEN sustained two broken legs in a logging accident, delaying his trial. On June 21, 2005, KILLEN was convicted by a Neshoba County jury for three counts of manslaughter and was sentenced to serve sixty years. The jury deadlocked on first degree murder charges alleged in the indictment. During posttrial media coverage, the Clarion-Ledger reported that jurors would have voted to convict KILLEN on murder charges, but the prosecution had not presented sufficient evidence.

Prosecution witnesses called to testify during KILLEN's trial were as follows:

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Several relatives of the victims.

Two retired FBI agents.

The prosecution decision is pending and should not be released to the public.

EMMETT TILL Investigation

Jackson Division agents have completed a two-year investigation and prepared a ninety-five page report that has been forwarded to the Department of Justice and local district attorney for review.

Conclusion

Through SAC Ingram's and the Jackson Division's exhaustive investigation, sufficient evidence was presented to the Mississippi Attorney General (MAG) that lead to the successful prosecution of EDGAR RAY KILLEN after forty years. Moreover, SAC Ingram acted as a consultant to the MAG during

MIBURN AND EMMETT LOUIS TILL
CIVIL RIGHTS MATTERS

the trial and to local law enforcement, who were charged maintaining the integrity of court proceedings.

Based on the successes of SAC Ingram and the Jackson Division, the two have teamed together and initiated an investigation into the murder of three African-Americans who were murdered by the Klan in 1965 and 1967 near Natchez, Mississippi. This investigation will be followed by more investigations of unresolved murders perpetrated by the White Knights of the Ku Klux Klan that occurred between 1955 and 1967 in south Mississippi.

Newspaper articles have been attached hereto that chronicle the investigation.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

100 West Capitol Street
Suite 1553
Jackson, Mississippi 39269
[Redacted]

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March 1, 2006

Civil Rights Committee
IACP Headquarters
515 North Washington Street
Alexandria, Virginia 22314

Attention: IACP Civil Rights Committee

RE: *Innovative Approach to Promote Human Rights*

Dear Gentlemen:

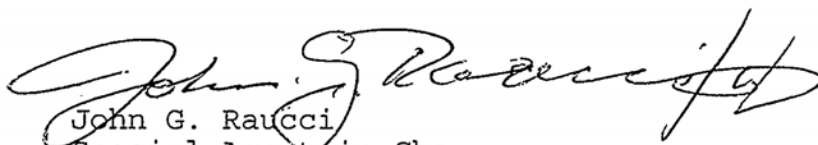
I am pleased to inform you I have nominated two candidates for your Civil Rights Award under the program of Developing creative and innovative approaches that promote human rights within the community and/or the department. My nominees are James O. Ingram, former Special Agent in Charge of the New York and Chicago FBI Offices, and Special Agent [Redacted] who is currently assigned to the Jackson Office of the FBI.

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I have enclosed a narrative of the nominees' investigation that lead to the successful prosecution of Edgar Ray Killen, a former member of the White Knights of the Ku Klux Klan, who was involved in the 1964 murders of three civil rights workers.

If you have any questions concerning this matter, please do not hesitate of contact me.

Sincerely,


John G. Raucci
Special Agent in Charge

93
44A-JN-30292 CWH/EP
058WJS 02.LTR 7-2006



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

March 16, 2006

[Redacted]
Mississippi Chapter of the Society of
Former Special Agents of the FBI, Inc.

b6
b7C

Dear [Redacted]

In 1964, the FBI launched a large-scale investigation into the disappearance in Mississippi of civil rights workers Michael Schwerner, James Chaney, and Andrew Goodman, who were engaged in African-American voter registration in that state. Acquiring the memorable and now-historic title, *MISSISSIPPI BURNING*, the investigation resulted in the location of the bodies of the three murdered men and the 1967 indictment in federal court of 19 persons for violating their constitutionally protected civil rights. This indictment resulted in the convictions of seven defendants, the acquittal of eight more, and a mistrial concerning three of those charged, including Ku Klux Klan member Edgar Ray Killen. Then, thirty years later, the FBI provided invaluable assistance to the State of Mississippi when it initiated an investigation and, ultimately, a prosecution of Killen for the murders.

In response to a 1999 request by the Mississippi Attorney General's Office, which was overseeing the newly constituted state investigation of the three murders, the FBI furnished over 40,000 pages of investigative information, photographs, exhibits, and forensic evidence from the original case file, along with current FBI database material. This information and evidence were at the core of the state's investigation and led to Killen's indictment in January 2005 for the murders of Schwerner, Chaney, and Goodman. At trial, the Neshoba County District Attorney used this documentation and the 1967 trial testimony of deceased witnesses to gain a conviction of Killen on June 21, 2005, on three counts of Manslaughter. To date, Killen is the only individual believed to be a conspirator who has been convicted in state court in the deaths of the men.

The 2005 conviction of Killen serves as a testament to the professionalism of the FBI Special Agents who participated in the *MISSISSIPPI BURNING* investigation. A review of the case file disclosed a thorough investigation and documentation of detailed investigative reports regarding persons and the crime scene, which vividly and accurately captured information that led ultimately to Killen's conviction. Of special note regarding the State of Mississippi's investigation was the assistance provided by former FBI Special Agent James Ingram. Mr. Ingram, a participant in the 1964 investigation, provided guidance and background information concerning those original efforts which helped significantly to advance the work of the Mississippi authorities.

44-406
(4)

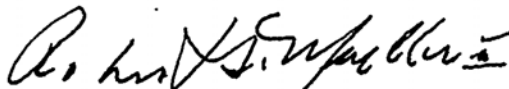
44A-JN-30292-94

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[Redacted]

It is my privilege to commend all of the former Special Agents of the FBI who participated in the Bureau's 1964 MISSISSIPPI BURNING probe for their fine performance of duty throughout that investigation. The ability of the State of Mississippi to ultimately bring Killen to justice remains largely their legacy, and they can forever be proud of their efforts.

Sincerely yours,



Robert S. Mueller, III
Director

1

[Redacted]
Society of Former Special Agents
of the FBI, Inc.
Post Office Box 1027
Quantico, VA 22134

b6
b7C

1

[Redacted]
The Grapevine
Post Office Box 1027
Quantico, VA 22134

☐
☐
☐
☐

(AC) Criminal Case
 (AD) Criminal OCDETF Case
 (AF) FCI Case
 (BC) Informant/CW
 (BD) Informant/CW Providing Drug Info

☐
☐
☐
☐

(CF) Asset
 (DC) Group II UCO
 (DD) OCDETF Group II
 (E) Group 1
 (F) FCI UCO

☐
☐
☐
☐

(GA) SOG
 (GB) OPS
 (GC) Air Operation
 (H) SSG
 (J) FCI Lookout

Draft Request

2. Date: 5/1/06

3. Request for: () Advance (X) Expense

4. Social Security No:

5. Payee Name: JAMES O. INGRAM

6. File No: 44AJN030292

b7E

16. Cat	Item No	7. Description	8. Amount
01		INVESTIGATIVE SERVICES 3/1/06-3/30/06	\$
02			\$
03		PURCHASE ORDER	\$
04			\$
05			\$
06			\$
07			\$
9. Total			\$ \$

10. Justification: INVESTIGATIVE SERVICES

DATES OF SERVICES 3/1/06 - 3/30/06 ; INVOICE NO. 002-2006; DATED 3/31/06

Asset/Informant File No _____

Symbol No. _____

Payment/Code Name _____

Period Covered _____ to _____

One Time Non-symbol Source Payment:

True Name: _____

DOB: _____

SSAN: _____

b6

Date of Waiver: _____

b7C

b7E

11. Payment for reimbursable expense - forfeiture or drug related?

Yes

No

12. Requested by: _____

13. Telephone No: _____

14.

Approval

Date

b6

b7C

Supervisor Initials:
 SAC/ASAC/AO/SAS Approval:
 Supply Technician Approval:
 Draft Approval Officer:
 Procurement Authorization:

5/3/06
 5/1/06

b7E

Shaded areas for draft use only

Classification: _____

Classified By: _____

Declassify on: _____

44A-JN-30292-95

5/5/06

March 31, 2006

INVOICE/STATEMENT

No. 002-2006

From: James O. Ingram

[Redacted]

b6
b7C

Contractor Number: DUNS Number

[Redacted]

b7E

To: Federal Bureau of Investigation
Attn: Special Agent [Redacted]
100 West Capitol Street, Suite 1553
Jackson, Mississippi 39269

b6
b7C

Re: James Ford Seale; [Redacted] Investigation

Investigative efforts conducted by James O. Ingram to include dates of work performed and total number of hours worked providing assistance to Special Agent (SA) [Redacted] are as follows:

<u>Date</u>	<u>Worked performed</u>	<u>Hours</u>
March 3, 2006	Contact with WKKK informant	1
March 5, 2006	Re-interview retired MHP officers	2
March 10, 2006	Conference with case agent in reference to interview with SA [Redacted]	1
March 13, 2006	Contact SA [Redacted] to schedule interview	1
March 14, 2006	Travel with case agent to Adams and Jefferson Counties to conduct investigation	11
March 15, 2006	Conference at United States Attorney's Office	4
March 16, 2006	Meet with case agent to review testimony	2
March 23, 2006	Re-interview retired MHP officers	3
March 30, 2006	Contact with WKKK informant	1

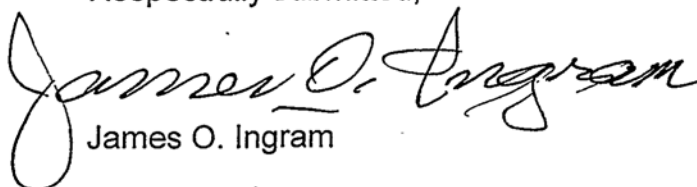
b6
b7C

Total Hours: 26

b7E

Total Invoice: 26 hours @ [Redacted] per hour = [Redacted]

Respectfully submitted,


James O. Ingram

COTR/POC Name [Redacted]

Date Invoice Received 5/2/06

Date Goods/Services Verified 5/10/06

COTR/POC Signature [Redacted]

Date Invoice Forwarded to [Redacted]

*Rec'd by
Cashier
5/8/06
pja*

b6
b7C

To: Records Management Division
Executive Secretariat Unit, Room 6236

Date: 01/10/2006

From: SAC, Jackson

Approved By: Raucci John G

Drafted By: [redacted]

(Phone number) [redacted]

Case ID: 44A-JN-30292
(If appropriate)

b6
b7C
b7E

REQUEST FOR CERTIFICATE OR LETTER FROM DIRECTOR (not both)

NOTE: This form is NOT to be used for contract employees or FBI employee-for more information on recognizing contractors and FBI employees, contact PRAU, ASD, on [redacted]

LETTERS: Phone inquires [redacted] Fax [redacted]

Reason for letter: ☐ Provided assistance to FBI ☐ Illness/Death
(check one) ☐ Retirement/Reassignment/Resignation ☐ Promotion/Appointment/Award ☒ Other

Letters of appreciation to individuals who provide assistance to the FBI may be prepared one of two ways: (1) sent directly to person being commended, with a copy sent separately to superior (if desired), or (2) sent to superior of person being commended, with extra letterhead copy included for the person being commended. Full address should be provided for those receiving letters or copies. **Set forth justification and details on separate page.** Include (1) brief description of case; (2) accomplishments, i.e. arrest/convictions/seizures; and (3) specific contributions of person being commended. If letter is being presented by FBI representative, check the box below and provide name and full address if not being sent directly to a field office.

Letter should be addressed to: Mississippi Chapter of Society of Former Special Agents of the FBI,

(list additional request on separate page)

(Legats-provide proper salutation)

Designate copy for superior, if desired:

(provide full address)

Person(s) being commended:

(if letter goes to superior)

[redacted] Society of Former Special Agents of the FBI, Inc.,

and The Grapevine, [redacted] P. O. Box 1027, Quantico, VA 22134

☐ Letter will be presented by FBI representative, as set forth on separate page.☐ Deadline for receipt, if any:

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b7C

CERTIFICATES: Phone inquires [redacted]

Fax [redacted]

b7E

Provide **BRIEF JUSTIFICATION** for request and additional names on separate page. Certificates contain approved language which cannot be altered, are usually processed within 5 days, and are mailed to the field offices or resident agency for presentation. They are encased in a leatherette holder or a cardboard holder when numerous certificates are requested. Both holders contain an embossed gold seal.

Type of Certificate:

(Check one)

☐ 1. Federal Prosecutor☐ 3a. Joint Investigation☐ 7. Retirement☐ 1a. Federal Prosecutor☐ 4. Joint Task Force☐ 8. Foreign Assistance☐ 2. General Support☐ 4a. Joint Task Force☐ 9. Local Prosecutor☐ 2a. General Support☐ 5. Task Force Investigation☐ 10. Eagle Scout/Gold Award☐ 3. Joint Investigation☐ 6. General Exceptional Service☐ 11. International Terrorism Assistance

Name on Certificate:

(include rank or title; name of agency/department; and information necessary to complete text of certificate.)

Month/Year on Certificate: _____

Deadline for receipt, if any: _____

Send to for presentation: _____

(Name and field office or RA) _____

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/12/2006

To: Jackson

From: Jackson

Squad 3

Contact: SA [REDACTED]

Tel. No [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

WS

Case ID #: 44A-JN-30292-97 (Pending Inactive)

Title: EDGAR R KILLEN,
Kleagle,

WHITE KNIGHTS OF KU KLUX KLAN (WKKKK);

JAMES CHANEY-VICTIM;

MICHAEL SCHWERNER-VICTIM;

b6

ANDREW GOODMAN-VICTIM;

b7C

RACIAL DISCRIMINATION-VIOLENCE OTHER pursuant to sealed court order

Synopsis: To place captioned matter in pending inactive status.

Reference: JN 44-1; Serial 1 through 7352

Administrative: Based on information, infra, provided by [REDACTED]

Details: In June 1964, three young civil rights workers (CHANEY, SCHWERNER and GOODMAN) disappeared outside Philadelphia, Mississippi, where they had been involved in registering African-American voters. Subsequent investigation by the FBI revealed the three had been murdered by the WKKKK.

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S:\DRAFTS\ [REDACTED] 163wjs02.ec

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- Place & PI
STATS.
- Let 6 month Ticker to
SA [REDACTED] for review.
7/20/06

To: Jackson From: Jackson
Re: 44A-JN-30292, 06/12/2006

[REDACTED]

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b7D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OTHER pursuant to sealed court order

[REDACTED]

[REDACTED]

[REDACTED]

b6

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OTHER PURSUANT TO SEALED COURT ORDER

b6
b7C

July 31, 2006

INVOICE/STATEMENT

No. 006-2006

From: James O. Ingram

[Redacted]

Contractor Number: DUNS Number

[Redacted]

To: Federal Bureau of Investigation
Attn: Special Agent [Redacted]
100 West Capitol Street, Suite 1553
Jackson, Mississippi 39269

Re: James Ford Seale; [Redacted] Louis Allen
Investigations

Investigative efforts conducted by James O. Ingram to include dates of work performed and total number of hours worked providing assistance to Special Agent (SA) [Redacted] are as follows:

<u>Date</u>	<u>Worked performed</u>	<u>Hours</u>
July 6, 2006	Review [Redacted] Investigative Report for meeting with U.S. Attorney	1
July 7, 2006	Meet with U.S. Attorney and [Redacted]	5
July 10, 2006	Conference with case agent in reference to murder in Tallahatchie County	2
July 11, 2006	Contact MHP in reference to investigation in Tallahatchie County	2
July 20, 2006	Travel with case agent to [Redacted] and meet with [Redacted] then serve FGJ subpoena	9
July 24, 2006	Contact Sheriff Newman	1

(Continued on page 2)

COTR/POC Name [Redacted]

Date Invoice Received 8/1/06

Date Goods/Services V [Redacted]

COTR/POC Signature [Redacted]

Date Invoice Forwarded to CO 8/10/06

Page 1 of 2

44A-JN-30292-99

Chitt

July 25, 2006

Contact Confidential Informant (CI) in
Jackson with case agent

5

re: [redacted] then interview

[redacted] at U.S. Courthouse

July 26, 2006

Contact SA [redacted] re: contents of report

2

July 28, 2006

Travel with case agent to Franklin County

8

re-interview [redacted]

then locate 1964 crime scene in
Homochitto National Forest

July 31, 2006

Review FD-302 of interviews with

3

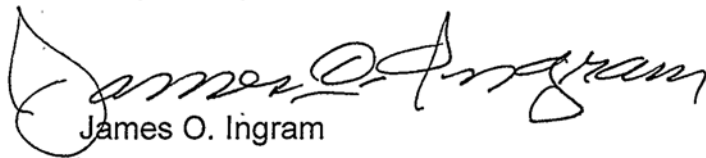
[redacted] CI and

investigative insert re: location of
1964 crime scene

Total Hours: 38

Total Invoice: 38 hours @ [redacted] per hour = [redacted]

Respectfully submitted,


James O. Ingram

☐ (AC) Criminal Case
☐ (AD) Criminal OCDETF Case
☐ (AF) FCI Case
☐ (BC) Informant/CW
☐ (BD) Informant/CW Providing Drug Info

☐ (CF) Asset
☐ (DC) Group II UCO
☐ (DD) OCDETF Group II
☐ (E) Group 1
☐ (F) FCI UCO

☐ (GA) SOG
☐ (GB) OPS
☐ (GC) Air Operation
☐ (H) SSG
☐ (J) FCI Lookout

Draft Request

2. Date: 8/09/06

3. Request for: () Advance (X) Expense

4. Social Security No:

5. Payee Name: JAMES O. INGRAM

6. File No: 44AJN030292

b7E

16. Cat	Item No	7. Description	8. Amount
01		INVESTIGATIVE SERVICES 7/6/06 - 7/31/06	\$
02			\$
03		PURCHASE ORDER	\$
04			\$
05			\$
06			\$
07			\$
9. Total			\$ \$

10. Justification: INVESTIGATIVE SERVICES

DATES OF SERVICES 6/01/06-6/28/06; INVOICE NO. 005-2006; DATED 7/11/2006

Asset/Informant File No _____

Symbol No. _____

Payment/Code Name _____

Period Covered _____ to _____

One Time Non-symbol Source Payment:

True Name: _____ DOB: _____ SSAN: _____ b6

Date of Waiver: _____ b7C

11. Payment for reimbursable expense - forfeiture or drug related? Yes No b7E

12. Requested by: _____ 13. Telephone No: _____

14. _____ Date b6

Supervisor Initials: _____ b7C

SAC/ASAC/AO/SAS Approval: _____

Supply Technician Approval: _____

Draft Approval Officer: _____

Procurement Authorization: _____

Date

8/8/06

8/9/06

b7E

Shaded areas for draft use only

Classification: _____

Classified By: _____

Declassify on: _____

2/19/06

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/19/2007

To: Jackson

From: Jackson

Squad 3

Contact: SA [redacted]

Tel. No [redacted]

Approved By: [redacted]

Drafted By: [redacted]

ws

Case ID #: 44A-JN-30292-100 (Pending Inactive)

Title: EDGAR RAY KILLEN,
ET AL;
RACIAL DISCRIMINATION-VIOLENCE

Synopsis: To update status of case.

Details: During the previous file review period, the case agent focused his investigative resources on the logical conclusion of 44A-JN-26759 that lead to an indictment on 01/24/07. Based on an investigation conducted after this case was placed in a pending inactive status (07/20/06), this matter should be closed.

*Review for pending leads
& evidence. If clear
close case & sub file*

S:\DRAFTS\ [redacted] 050wjs03.ec

*2/20/07
C:Y*

b6
b7C
b7E
b6
b7C

b6
b7C

44A-JN-30292-100

To: Jackson From: Jackson
Re: 44A-JN-30292, 02/19/2007

LEAD(s):

Set Lead 1: (Action)

JACKSON

AT JACKSON, MISSISSIPPI

Prepare LHM and documentation to close investigation.

♦♦

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/17/2007

To: Jackson

From: Jackson

Squad 3

Contact: SA [REDACTED]

Tel. No [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 44A-JN-30292-101 (Closed)

Title: EDGAR RAY KILLEN,
Kleagle (Recruiter),
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE
(File No. 44A-JN-30292)

Synopsis: To close investigative file.

Reference: 44A-JN-30292 Serial 81

Administrative: This matter was previously closed on 08/12/05 at the conclusion of KILLEN's trial and later reopened to determine

[REDACTED] Therefore, this evidence (44A-JN-30292-1B1) should be transferred to [REDACTED] and (44A-JN-30292-1C1) should be destroyed by ECT.

Details: The Jackson Division has completed its investigation in reference to captioned matter that resulted in the successful prosecution of subject. On 04/12/07, the Mississippi Supreme Court affirmed KILLEN's conviction which exhausted all of KILLEN's appeals.

S:\DRAFTS\ [REDACTED] 107wjs03.ec

44A-JN-30292-101

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b7C
b7E

b7E

*Review for pending leads
& evidence. if clear, 44A
+ 5/5/07 close case
C:Y
4/17/07*

To: Jackson From: Jackson
Re: 44A-JN-30292, 04/17/2007

CC:

SA [REDACTED]
ECT [REDACTED]

b6
b7C

1-44A-JN-30292-DNR/T&T -4
1-44A-JN-30292-ELA -2
1-44A-JN-30292-MAG -7
1-44A-JN-30292-MIBURN -12
1-44A-JN-30292-PEN -47
1-44A-JN-30292-SURV -5
1-44A-JN-30292-INS -18
1-44A-JN-30292-302 -11
1-44A-JN-30292-CNTR -10
1-44A-JN-30292-NC -168

b7E

♦♦

b6
b7C

Westlaw.

--- So.2d ---

Page 1

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

C

Killen v. State
Miss., 2007.

Only the Westlaw citation is currently available.
NOTICE: THIS OPINION HAS NOT BEEN
RELEASED FOR PUBLICATION IN THE
PERMANENT LAW REPORTS. UNTIL
RELEASED, IT IS SUBJECT TO REVISION OR
WITHDRAWAL.

Supreme Court of Mississippi.
Edgar Ray **KILLEN**
v.

STATE of Mississippi.
No. 2005-KA-01393-SCT.

April 12, 2007.

Background: Defendant was convicted in the Circuit Court, Neshoba County, Marcus D. Gordon, J., of three counts of manslaughter as a lesser-included offense of murder. Defendant appealed.

Holdings: The Supreme Court, Dickinson, J., held that:

(1) state was entitled to jury instructions on manslaughter, and

(2) forty-one year delay bringing indictment for murder did not violate defendant's due process rights.

Affirmed.

[1] Criminal Law 110 ⇨ 1144.13(2.1)

110 Criminal Law
110XXIV Review
110XXIV(M) Presumptions
110k1144 Facts or Proceedings Not

Shown by Record

110k1144.13 Sufficiency of Evidence
110k1144.13(2) Construction of
Evidence

110k1144.13(2.1) k. In General.
Most Cited Cases

Criminal Law 110 ⇨ 1144.13(5)

110 Criminal Law
110XXIV Review
110XXIV(M) Presumptions
110k1144 Facts or Proceedings Not
Shown by Record

110k1144.13 Sufficiency of Evidence
110k1144.13(5) k. Inferences or
Deductions from Evidence. Most Cited Cases
In reviewing a jury verdict, Supreme Court views the evidence in the light most consistent with the verdict and gives the prosecution the benefit of all favorable inferences that may reasonably be drawn from the evidence.

[2] Criminal Law 110 ⇨ 1043(3)

110 Criminal Law
110XXIV Review
110XXIV(E) Presentation and Reservation in
Lower Court of Grounds of Review
110XXIV(E) l In General
110k1043 Scope and Effect of
Objection

110k1043(3) k. Adding to or
Changing Grounds of Objection. Most Cited Cases
Defendant was procedurally barred from arguing on appeal that trial court erred in giving instructions on manslaughter in murder trial on the ground that manslaughter was not a lesser-included offense of murder, where defendant did not object to manslaughter instructions on such ground at trial.

[3] Criminal Law 110 ⇨ 1038.1(1)

110 Criminal Law

--- So.2d ---

Page 2

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

110XXIV Review
110XXIV(E) Presentation and Reservation in
Lower Court of Grounds of Review
110XXIV(E)I In General
110k1038 Instructions
110k1038.1 Objections in General
110k1038.1(1) k. In General.

Most Cited Cases

In order to preserve a jury instruction issue for
appellate purposes, a defendant must make specific,
on-the-record objections to proposed instructions.

[4] Homicide 203 ⚡ 1457

203 Homicide

203XII Instructions

203XII(C) Necessity of Instruction on Other
Grade, Degree, or Classification of Offense

203k1457 k. Manslaughter. Most Cited
Cases

Evidence was sufficient to support finding in
murder trial that victims were killed during course
of a kidnapping that defendant planned and
participated in, and thus state was entitled to jury
instructions on lesser-included offense of
manslaughter; evidence showed that defendant
instructed certain individuals to follow victims upon
their release from jail and "tear their butts up," that
defendant informed individuals that a highway
patrol car would stop victims on outskirts of town,
that defendant showed such individuals where to
park to wait for victim, and that such individuals
were present when victims were stopped, placed in
patrol car, and taken to a secluded place where they
were then killed. West's A.M.C. § 97-3-53.

[5] Criminal Law 110 ⚡ 814(2)

110 Criminal Law

110XX Trial

110XX(G) Instructions: Necessity,
Requisites, and Sufficiency

110k814 Application of Instructions to
Case

110k814(2) k. Evidence Justifying
Instructions in General. Most Cited Cases

Jury instructions must be supported by the evidence..

[6] Homicide 203 ⚡ 1457

203 Homicide

203XII Instructions

203XII(C) Necessity of Instruction on Other
Grade, Degree, or Classification of Offense

203k1457 k. Manslaughter. Most Cited
Cases

Evidence was sufficient to support finding in
murder trial that defendant participated in victims'
killings in the heat of passion, without malice and
without premeditation, and thus state was entitled to
jury instructions on lesser-included offense of
manslaughter; defendant's instruction to individuals
who were to assist in grabbing victims was to "pick
them up and tear their butts up," and testimony
indicated that defendant had asked to be dropped
off at a particular location because if anything
happened, he knew that he would be the first person
questioned by authorities.

[7] Criminal Law 110 ⚡ 145.5

110 Criminal Law

110X Limitation of Prosecutions

110k145.5 k. Nature and Scope of
Limitations. Most Cited Cases

Lesser-included offense for which defendant was
charged with in murder trial was manslaughter,
rather than kidnapping, and thus since the statute of
limitations had not run on manslaughter, defendant
could be convicted of such offense.

[8] Constitutional Law 92 ⚡ 265

92 Constitutional Law

92XII Due Process of Law

92k256 Criminal Prosecutions

92k265 k. Indictment and Information;
Grand Jury. Most Cited Cases

Indictment and Information 210 ⚡ 7

210 Indictment and Information

210II Finding and Filing of Indictment or
Presentment

210k7 k. Term of Court or Time of Finding.
Most Cited Cases

Forty-one year delay in bringing indictment for
murder did not violate defendant's due process
rights; all six of defendant's witnesses testified live

--- So.2d ---

Page 3

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

at his trial and he did not suggest any witness he was unable to call on his behalf as a result of the forty-one-year delay, testimony in the record did not indicate that defendant's witnesses failed to remember the events that surrounded the murders, and state's delay was not an intentional device used to obtain a tactical advantage. U.S.C.A. Const.Amend. 14.

Forty-one year delay in bringing indictment for murder did not violate defendant's due process rights; all six of defendant's witnesses testified live at his trial and he did not suggest any witness he was unable to call on his behalf as a result of the forty-one-year delay, testimony in the record did not indicate that defendant's witnesses failed to remember the events that surrounded the murders, and state's delay was not an intentional device used to obtain a tactical advantage. U.S.C.A. Const.Amend. 14.

Percy Stanfield, Jr., Jackson, Glen W. Hall, attorneys for appellant.
Office of the Attorney General by Jim Hood, John R. Henry, attorneys for appellee.

Before COBB, P.J., DICKINSON and RANDOLPH, JJ.
DICKINSON, Justice, for the Court.

*1 ¶ 1. During the night of June 21, 1964, several members of the Neshoba County and Lauderdale County chapters of the White Knights of the Ku Klux Klan (the "Klan") kidnaped and killed Michael Schwerner, James Chaney, and Andrew Goodman, and buried their bodies in an earthen dam in rural Neshoba County, Mississippi. Although the State of Mississippi prosecuted no one during that period of time for the deaths, the federal government brought charges against Edgar Ray Killen ("Killen") and seventeen others for conspiracy to violate the civil rights of Schwerner, Chaney, and Goodman. At the conclusion of the trial in October, 1967, a federal jury found seven of the defendants guilty and eight not guilty, but it was unable to agree on a verdict as to Killen and two others.^{FN1} The federal government did not retry Killen, and he remained free for thirty-eight years.

¶ 2. In January, 2005, the Grand Jury of Neshoba County indicted Killen for the deaths, and on June 21, 2005-exactly forty-one years from the date of the deaths-a Neshoba County jury found him guilty of three counts of manslaughter. Killen was sentenced to serve twenty years for each count, with the three sentences to run consecutively, for a total sentence of sixty years. Killen appeals. We affirm.

I.

[1] ¶ 3. Killen was indicted and prosecuted forty years following the deaths. We therefore think it is important to set forth in detail the facts received into evidence at the trial. Bearing in mind that our authority to interfere with a jury's verdict is limited, we must view the evidence in the light most consistent with the verdict, and we must give the prosecution "the benefit of all favorable inferences that may reasonably be drawn from the evidence." *Wilson v. State*, 904 So.2d 987, 995 (Miss.2004) (citing *McFee v. State*, 511 So.2d 130, 133 (Miss.1987)). Consistent with this standard of review, we shall set forth the facts received into evidence ^{FN2} in the light most consistent with the jury verdict, and shall include facts inconsistent with the verdict only to the extent necessary to analyze Killen's assignments of error.

The civil rights struggle in Mississippi

¶ 4. During the years leading up to 1964, racial discrimination in Mississippi was rampant and largely unchecked. It was practiced at all levels of state government, and by many citizens, in varying degrees. Most were non-violent, with some silently supporting segregation in the public schools, while others actively and publicly worked through state and local government to keep the races separated in Mississippi's public schools and public accommodations. The White Knights of the Ku Klux Klan, however, was a violent and radical organization, whose members passionately believed that the white race was superior to other races; that integration of the races violated the laws of God and nature; and that educational and social mingling of the races was to be prevented at all costs.

--- So.2d ---

Page 4

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

*2 ¶ 5. The Klan was highly structured, with numerous levels of state and local officers who bore curious titles such as "Imperial Wizard," "Kleagle," and "Province Titan." It was also a secret organization whose applicants for membership were required to swear an oath of loyalty, and whose members often donned white robes and placed hoods over their heads with eye holes cut out so they could see while concealing their identity.

¶ 6. Although the Klan professed lofty principles such as good government, love for America, and allegiance to God, it practiced hatred and violence, and enforced its will through decisions made in secret meetings. The Klan's official policy, which was openly discussed at Klan meetings, was to use whatever force necessary-including harassment, intimidation, physical abuse, and even murder-to maintain racial and social segregation in Mississippi.

¶ 7. In 1870, the Fifteenth Amendment to the U.S. Constitution established that the right of male citizens to vote could not be denied "on account of race, color, or previous condition of servitude," and in 1920, the Nineteenth Amendment extended the same right to women. In 1954, the United States Supreme Court held that African-American children could not be turned away from white schools because of their race.^{FN3} Nevertheless, in the years leading up to the 1964 murders, Mississippi's public schools remained essentially segregated. Few African-Americans registered to vote, resulting in all-white juries^{FN4} and the complete domination by whites of state and local government, including law enforcement. As a result, the Klan experienced virtually no serious opposition. Indeed, the Klan included among its members and sympathizers several law enforcement officers who provided both protection against prosecution and the appearance that Klan activities-to some extent-were conducted under color of state law.^{FN5}

¶ 8. In the early 1960s, racial tensions were high in Mississippi. In 1962, James Meredith became the first African-American to register for and attend classes at the University of Mississippi. The FBI actively investigated numerous civil rights cases in Mississippi, including church burnings in several cities. Many white citizens, however, were

unwilling to assist the FBI with civil rights investigations. Special Agent Dean Lytle, who testified at the 2005 trial, described some of the people in Neshoba County in 1964 as "hostile to the federal agents," adding, "they were unhappy we were here...."

¶ 9. A movement to end the discrimination also emerged during those years. This movement became known as the civil rights movement and, despite the threat of harassment and harm to themselves, many persons-black and white-traveled to Mississippi from around the country to help organize and encourage African-Americans and assist them in registering to vote. These persons-known as civil rights workers-were viewed and labeled by many white Mississippians, including the Klan, as "outsiders" and "troublemakers" who had no business in Mississippi. Some even felt that, should any of the civil rights workers fall victim to the Klan's violence, they had brought it upon themselves.

*3 ¶ 10. It is against this history that Michael Schwerner, James Chaney and Andrew Goodman found themselves working together in the civil rights movement in Meridian, Mississippi, in 1964.

Schwerner and Chaney in early 1964

¶ 11. In January of 1964, Schwerner, who was twenty-four years old, and his twenty-two year old wife, Rita, traveled from their home in New York to Mississippi to work in the civil rights movement. When the Schwerners, who were white, arrived in Meridian, they befriended Chaney, a young African-American, and together they set out to establish a community center to provide African-American teens a safe place to meet and visit, and also to provide African-American children access to books. The public library facilities were segregated and, according to Rita, "the idea was to have a library with books that weren't available in the black library at the time ... to help children with reading." The Schwerners solicited and received thousands of books for the library, while Chaney built bookshelves and established reading hours for the children.

--- So.2d ---

Page 5

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

¶ 12. While in Meridian, the Schwerners lived in a variety of places. They would move in as guests of an African-American family, but then be forced to leave when the family received threats. After this process repeated several times, the Schwerners moved into an upstairs apartment which had no running water. Each day, they went to Young's Hotel to shower, but were forced to sneak in the back door because the hotel was owned by an African-American named Young ^{FN6} and, according to Rita, they were afraid of what would happen to Young if word got out that he was "allowing whites to use the facilities." In March, a man named George Raymond from Canton, Mississippi, provided the Schwerners a 1963 blue Ford station wagon, bearing license plate number H-25503.

¶ 13. The Schwerners were increasingly subjected to threats. Rita received calls telling her she better "watch out" or her husband would be killed. Sometimes the caller would tell her that her husband had already been killed. Despite the threats, the Schwerners continued their work. Rita primarily worked in the community center in Meridian, while her husband and Chaney worked in various places outside Meridian, including Neshoba County.

The Meridian Klan

¶ 14. Killen, who was the Kleagle ^{FN7} for both the Neshoba and Lauderdale County Klaverns, began to recruit new members for the Lauderdale Klavern. One of his recruits was a Methodist pastor in Meridian named Delmar Dennis.^{FN8} In March, Dennis attended his first Klan meeting. In later describing the meeting, Dennis testified that Killen assured him the Klan was a fine, Christian organization, which stood for the American Constitution. Dennis also testified that Killen said the Klan "was for the purpose of segregation and preservation of the white race." Dennis testified that, upon his agreement to join the Klan, Killen administered the Klan oath, and then told him the Klan "was an organization of action, no Boy Scout group, that we were here to do business." Killen further explained that "there would be things the

Klan would need to do, and among those would be the burning [of] crosses, people would need to be beaten, and occasionally there would have to be elimination," which Dennis testified meant killing a person.

*4 ¶ 15. Killen also recruited Carlton Miller, a Meridian police officer, who testified that Killen asked him if he was interested in joining a "strong organization" to "help keep the colored people from integrating [the] schools." Miller told Killen he was "definitely interested." Killen returned to the police station that night when Miller got off work, and they went to Miller's home to discuss what Killen referred to as the "organization." Miller asked if Killen was referring to the Klan. Miller testified that Killen said he was referring to the Klan, and that the Klan "was a very patriotic, political organization, and it was a Christian organization, and in order [sic] that better men and better businessmen and better citizens, officers, doctors, lawyers, and peace officers belonged to it." Killen asked Miller if he was still interested in joining, and Miller said he was. Killen then "read some papers" to him, asked him some questions, and administered the Klan oath, and Miller became a Klansman.

¶ 16. The following weekend, Killen and Miller went to the Longhorn Drive-In restaurant (the "Longhorn") in Meridian, to recruit its owner, Frank Herndon, ^{FN9} and James Jordan, to join the Klan. After Herndon and Jordan agreed to join, the four men went to a place Miller testified was called "the mountain," where Killen administered the Klan oath.

¶ 17. Miller later recruited Meridian police officer Joseph M. Hatcher, who described his first Klan meeting at an old army barracks at the Meridian airport, as follows:

Sat there, and after a while, here comes somebody,^[FN10] and I thought, oh, my God. He had on this hood and all of that. Of course, I had heard about the Klan back in the old days wearing sheets and this and that and the other, and I done forgot what all was said. You know, told some things about white supremacy and stuff like that, and being a good citizen, and what we was fixing to get into, and I don't remember who took over.

--- So.2d ---

Page 6

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

¶ 18. Miller said he attended several other Klan meetings at the airport in Meridian. Other Klan members were present, including "Mr. Barnette" who Miller identified as the ex-sheriff and sheriff-elect of Neshoba County. At one of those meetings, Miller testified that Killen explained the Klan's methods of "controlling Negro citizens in the State of Mississippi." Killen said pressure was to be applied at various levels, starting with threatening telephone calls and other threats "on their jobs and things of that nature." If the Klan didn't get the desired response, they resorted to the next level, which was physical pressure, such as whippings and beatings. This level of pressure required a vote by the lodge. Killen told Miller that, if the threats, pressure, whippings, and beatings didn't work, the Klan would implement the third level, which was "elimination." When asked what elimination meant in the Klan, Miller testified, "Murder." Any request for an elimination was presented to the lodge for approval and, if approved, was turned over to the Kleagle who, at that time, was Killen. The Kleagle would then seek approval for the proposed elimination from the Imperial Wizard,^{FN11} who Miller said was Sam Holloway Bowers.^{FN12}

*5 ¶ 19. Members of the Klan in Lauderdale and Neshoba Counties often worked together. On one occasion, Miller testified that he and Killen met at the Longhorn with Neshoba County Sheriff Lawrence Rainey,^{FN13} and Neshoba County Deputy Sheriff Cecil Price,^{FN14} to discuss how to "keep some Negroes from playing baseball in Philadelphia."

The Klan targets Schwerner

¶ 20. Schwerner, who was referred to by the Klan as "Goatee," became the subject of discussions at Klan meetings. Dennis testified that, at an early April Klan meeting, someone suggested the elimination of "Goatee," and Killen responded that they were "not yet organized as a Klavern and it would not be necessary for a local Klavern to approve that project..." Killen further stated "that [the elimination] had already been approved by the state officers of the Klan and had been made a part of their program, and it would be taken care of."

¶ 21. Later, Killen and Herndon were in charge of another Klan meeting in Meridian where several members discussed whipping Schwerner. Miller testified that Killen "told us to leave him alone, that another unit was going to take care of him, that his elimination had been approved" by the Imperial Wizard.

The burning of the Mt. Zion Church

¶ 22. Around Memorial Day of 1964, Schwerner and Chaney met with the members of Mount Zion Church in Neshoba County to seek permission to use the church facilities that summer for a school similar to the community center in Meridian. They also wanted to use the church facilities for training persons to help African-Americans register to vote.

¶ 23. A few weeks later, in mid-June, the Schwerners traveled to Oxford, Ohio, to attend a training session for workers and volunteers in the civil rights movement. It was there that the Schwerners met Goodman, who was a volunteer worker. Goodman would later decide to join the Schwerners and Chaney in their work in Mississippi.

¶ 24. At approximately eight o'clock p.m. on June 16, Killen and several other members from Meridian attended a Klan meeting in an abandoned gym in Neshoba County. Approximately seventy-five Klansmen were present. Dennis testified that, after the meeting was called to order, Klansman Hop Barnett ^{FN15} interrupted to say that, on his way to the meeting, "he had passed Mt. Zion Church, and there was a meeting being held, [which] must be an important meeting, because the Church was heavily guarded." Barnett said "he wanted to present what he had found to the group and see what they wanted to do about it." Dennis testified that, when Killen asked if the group thought that anything should be done about it, "[s]omeone suggested that there were probably some civil rights workers in the church, or it would not have been heavily guarded, and it was agreed that something would be done." Killen asked for volunteers to go to the church. Several men volunteered and left. When the men returned about an hour later, Klansman Billy Birdsong from

--- So.2d ---

Page 7

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

Meridian reported to the group that the Meridian Klansmen had guarded one of the Church's exits while the Neshoba County Klansmen guarded the other. Birdsong angrily reported that all of the persons who came out of the exit guarded by the Meridian Klansmen were beaten, while those who came out the exit guarded by the Neshoba County Klansmen were not. Dennis said Birdsong "stated very heatedly that he disapproved of this, that he didn't like it at all. He thought that they should have been beaten." That night, the Mt. Zion Church was burned.

*6 ¶ 25. Two days later, on June 18, the Schwerners, Chaney, and Goodman received word in Ohio of what had happened at the Mt. Zion Church. They decided that Rita would remain in Ohio, and Schwerner, Chaney and Goodman would travel back to Mississippi to meet with the church members. On Saturday, June 20, Schwerner got up early, dressed, kissed Rita goodbye, and left with Chaney and Goodman in the blue station wagon for Mississippi. This was the last time Rita would see her husband alive.

¶ 26. That evening, Schwerner called to tell Rita that they had arrived in Meridian and were planning to go to Philadelphia, in Neshoba County the next day. Goodman-either unaware of the pending danger, or in an attempt to allay his parents' fears-sent a postcard home which stated,
Dear Mom and Dad,
I have arrived safely in Meridian, Mississippi. This is a wonderful town and the weather is fine. I wish you were here. The people in this city are wonderful and our reception was very good.
All my love,
Andy

The murders-June 21, 1964

¶ 27. In the early afternoon on the day of the killings, Mississippi Highway Patrolman Earl Robert Poe went on duty in Neshoba County. At approximately three o'clock, he parked his patrol car under a tree about four miles east of Philadelphia on Highway 16. Deputy Sheriff Price,

who was traveling east on Highway 16 in a blue, 1957 Chevrolet, passed Poe's vehicle. About fifteen minutes later, Price called Poe on the radio and said "he had a good one or [was] chasing a good one." Poe later learned that Price was chasing civil rights worker George Raymond. Poe (who was still parked under the same tree) later observed Price traveling west on Highway 16 behind a blue station wagon. Four or five minutes later, Price radioed Poe and requested assistance in arresting the occupants of the station wagon. Poe proceeded east on Highway 16, and met Price and the station wagon at the intersection of Beacon and Main Streets in Philadelphia. Schwerner, Chaney and Goodman were changing a flat tire on the station wagon. Price told Poe he had arrested Chaney for speeding and requested assistance in transporting the three to jail. Poe's partner, patrolman Wiggs, took Chaney in the station wagon and Poe took Schwerner and Goodman. Price took charge of the three men at the jail and had them locked up between three-thirty and four o'clock. Poe testified that he did not learn until later at the Philadelphia police station that the three men they had just arrested were the three civil rights workers-Schwerner, Chaney and Goodman. Poe said Price asked him to check the tag number of the station wagon and get a registration. Poe ran the license plate number, which was H-25503, and learned the station wagon belonged to the Congress of Racial Equality.

¶ 28. Minnie Lee Herring and her husband operated the Neshoba County Jail, where they also lived. She remembered that Price brought Schwerner, Chaney, and Goodman to the jail at around four o'clock.

*7 ¶ 29. Killen received word on June 21, 1964, that Schwerner, Chaney and Goodman had been arrested. Killen went to Meridian and met with Herndon at the Longhorn where they made several calls on the pay phone. Killen told Miller that they then "got some boys together and went to Philadelphia."

¶ 30. At around six o'clock, James Jordan went to the Longhorn to pick up his wife, who was working there at the time. When he arrived, several Klan members were there including Herndon, who had

--- So.2d ---

Page 8

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

administered the Klan oath to Jordan. Later, Killen arrived at the Longhorn and went in to talk with Herndon. Jordan testified that, when Killen came out from his meeting, he said "he had a job he needed some help on over in Neshoba County, and he needed some men to go with him." Killen also informed them that "three of those civil rights workers were locked up, and they needed their rear-ends tore up." Killen identified one of the civil rights workers as "Goatee," who Jordan testified he knew to be Schwerner. Some of the men began using the phone at the Longhorn to recruit help, and while others went down the street to Akin Mobile Homes to use the phone there.

¶ 31. As the men were preparing to leave for Neshoba County, Killen instructed Jordan to get some of the men they had not been able to reach by telephone. Jordan was able to recruit Wayne Roberts,^{FN16} and they left to join the men who had gathered at Akin's Mobile Homes. Jordan testified that, when they arrived, "Mr. Akin^{FN17} was there, Pete Harris, myself, Wayne at that time. Then he said there would be some more boys on their way, [and] they arrived in just a few minutes." They were joined by Travis and Doyle Barnette, Jimmy Snowden, and Jimmy Arledge.^{FN18} Jordan testified that Killen, who was also there, said to the men that "they had three of the civil rights workers locked up, and we had to hurry and get over there, and we were to pick them up and tear their butts up." Killen also said that "a Highway Patrol car would stop [the three civil rights workers] on the outskirts of town."

¶ 32. Killen then sent Jordan, Sharp and Wayne Roberts to get some gloves. They returned with the gloves and gassed up their cars. Then, according to Jordan's testimony, Killen "said he would go ahead, as he had to get on back there as fast as he could and make the arrangements, there were several cars coming in, and these guys couldn't be held much longer." Killen then left with Sharpe and Wayne Roberts. Jordan testified he "left with Doyle and Travis, Jimmy Arledge, and Jimmy Snowden," and headed for the "far side of the courthouse" in Philadelphia, where Killen had told them to park and wait for further instructions." When they arrived, Barnette "was standing out there beside his

pickup truck." Barnette said he had to leave, but they were to wait for further instructions. Jordan testified that, after Barnette left, Killen "came from around the corner, told us that he would take us by and show us the jail, and then we would be told where to wait until [Schwerner, Chaney and Goodman] were released." Killen then took them by to show them the jail, and had them drive to a spot behind an old warehouse where he told them they were to wait. After he showed them the place they were to wait, Killen then instructed the men to take him to a funeral home in Philadelphia. According to Jordan, Killen explained to the men that he needed to be seen at the funeral home "because if anything happened, he would be the first one questioned." After delivering Killen to the funeral home, Jordan and the other men returned to the spot behind the warehouse to wait.

*8 ¶ 33. Mrs. Herring testified that the following events took place at approximately ten-thirty that night:

Well, Price came into the jail and up in the hall to our quarters at ten-thirty and said, "Mr. Herring, Chaney wants to pay off," and he said, "We'll let him pay off, and we'll release them all." Well, my husband opened the door, and he walked around. The white boys were in the front cell, and the colored boy was on the back, so he walked around the bars and asked the colored boy if he wanted to pay off, and Chaney asked him how much it was, and he told him it would be twenty dollars. Well, he didn't have the twenty dollars on him, so he borrowed it from Schwerner and paid the fine, and, so, my husband wrote the receipt, and Cecil went back and unlocked the combination and let them out and walked on out in the little hall. He had their belongings in a little box, and I had their driver's license, so each one of them reached in and got their billfolds and put their driver's license in their billfolds, and my husband gave them the receipt, and Price told them, "See how quick you all can get out of Neshoba County," and they thanked him and went on out.

¶ 34. The men waiting behind the warehouse learned that Schwerner, Chaney and Goodman had been released from jail when, according to Jordan's

--- So.2d ---

Page 9

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

testimony, "a city police car [sic] came up and said, 'they're going on Highway 19 toward Meridian. Follow them.' " The men drove out Highway 19 toward Meridian behind a red Chevrolet driven by Billy Wayne Posey.^{FN19}

¶ 35. When they reached the outskirts of Philadelphia, Posey pulled over beside a Highway Patrol car, and the car in which Jordan was riding pulled up behind. Jordan testified that Posey got out and talked with the driver of the Highway Patrol car, and then "he walked back to our car and said, 'Never mind. They will be stopped by the Deputy Sheriff. These men are not going to stop them.' " About that time, Deputy Price came by, said something to Posey (which Jordan couldn't hear), and then drove off. Deputy Price was followed by Posey, and the car Jordan was in "took off to follow them." When Posey's car broke down, he got in the car with Jordan, and they proceeded at a high rate of speed to catch up with Deputy Price. When they caught up with him, he had "a little wagon" pulled over to the side of the road. Jordan testified that Price "got out and went up and told the three men that were in the car to get out." Price ordered the three men into the back seat of his patrol car, and they drove back toward Philadelphia.

¶ 36. They turned left onto a graded clay road. Jordan testified that he got out of the car "to watch and see if anything was happening. The other cars proceeded on up this road." Jordan then testified, "Well, I heard a car door slamming, and some loud talking. I couldn't understand or distinguish anyone's voice or anything, and then I heard several shots." Jordan walked up the road and saw Schwerner, Chaney and Goodman lying dead beside the road.^{FN20} The men put the three bodies into the back of the station wagon and drove to the site of a dam construction where the men waited for a bulldozer operator named "Herman" to arrive. When Herman arrived, he cranked up the bulldozer and buried Schwerner, Chaney and Goodman in the dam.

*9 ¶ 37. The men then drove back to Philadelphia to a warehouse. Everyone gave Jordan their gloves and told him to get rid of them. They then went to a parking lot in Philadelphia where they met up with

Deputy Price and some other men. Posey got out and went over to talk, and then returned and told the men in the car to go home, "that everything would be taken care of."

¶ 38. About midnight, Rita (who was still in Oxford, Ohio) was awakened by a knock at her door. She was asked to go to the office, where she was told that her husband, Chaney and Schwerner had not returned to Meridian from their trip to Philadelphia.

June 22, 1964-Killen admits his participation

¶ 39. The next day, Hatcher was at City Court in Meridian, when he got word to go to an automotive repair shop where he worked part time because someone wanted to see him. When he arrived, he was told that Killen was outside and wanted to see him. Killen asked him to deliver a gun to someone, and Hatcher agreed. Then, Hatcher testified that Killen said "we got rid of those Civil Rights workers, and you won't have no more trouble out of Goatee." Hatcher then testified that Killen said that they was stopped on Highway 19, and they had some trouble. One of the people who was supposed to be in on it, car broke down, and two Highway Patrol was supposed to be involved in it. I don't remember what their names was. But they backed out, and they ended up shooting them and killing them and buried them in the middle of a pond dam out here off of Highway 21 where a pond dam was being built. They were buried in a shallow grave, and that the bulldozer operator, who I believe he told me was a Tucker,^{FN21} got there the next morning to cover them up, and then two workers showed up early and found some blood there or something, and they had to get out there and get them other two people swore in and sworn to secrecy and threatened, so they wouldn't tell, and they covered them up under that pond dam. He told me the car was supposed to have been covered up too, but the trouble they had or something with it, and he was worried about them finding it, and he told me that he was at the funeral home, signed the book, made sure he talked to people in front and rear of him, and that was his alibi, and I told him, well, good.

--- So.2d ---

Page 10

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

¶ 40. When asked what he did as a result of receiving this information, given that he was a Meridian police officer, Hatcher testified, "Well, I thought about it, wasn't really worried about it, and then later on, I took the firing pin out of the gun." Hatcher later heard that various people were giving information to the FBI. He testified:

I was told by the Police Department it's time for you to go tell what you know, cooperate with the FBI before you get in an embarrassing situation and you lose your job, which I didn't want to do. So, then I went and started telling the FBI, and I believe this was after the bodies had been found before I did that, talked to the FBI.

*10 Hatcher testified he neither asked for, nor received, any pay for his cooperation with the FBI.

¶ 41. Miller testified that, sometime in June after the deaths of the civil rights workers, Killen came to his home and said that "they had been shot, that they were dead, and that they were buried in a dam about fifteen feet deep, and [Killen] told me that Deputy Price told the FBI the truth about what time [Deputy Price] turned them out." Miller also testified that, in that same meeting, Killen told him that "they burned the [Mount Zion] Church to get the Civil Rights workers up there, referring to Schwerner."

The investigation

¶ 42. Because of the difficulty in obtaining information from the public and the lack of cooperation from local law enforcement, the FBI hired numerous informants in Mississippi, some of whom were in the Klan. One of the informants provided information about the location of the Schwerners' station wagon. On June 23, John Proctor, who was the resident agent in Meridian, met Special Agent Dean Lytel ^{FN22} and several other Special Agents in Philadelphia. Proctor took the agents out Highway 21 to a place called Bogue Chitto Creek, in Neshoba County, where they found the badly burned blue Ford station wagon hidden about seventy-five to a hundred feet off the road. The agents searched the area, but were unable to locate any clues. When they returned to

Philadelphia, they met in the Neshoba County Courthouse with Sheriff Rainey and a Captain from the State Police. When the agents left the meeting at approximately ten o'clock that night, a crowd had gathered. Special Agent Lytel described the scene as follows:

We went out the front door of the Courthouse, and the square was filled with people. The people were shoulder to shoulder on two sides of the Courthouse, and the crowd was a very hostile crowd, with catcalls and boos, and Inspector Sullivan at that time told us that we should all get in our cars and stay close together, and we would leave town as a caravan, because he was concerned about the safety of the agents.

¶ 43. On July 31, FBI Special Agent Jay Cochran, Jr., was informed that the FBI had received information that "the three civil rights workers were buried in an earthen dam under twelve to fourteen feet of earth on a farm known as the Old Jolly Farm in Neshoba County." The Old Jolly Farm was located southwest of Philadelphia off Highway 21. The FBI had very specific information about where the bodies were buried. They hired a construction crew to dig where they had been told the bodies were buried, and at approximately three o'clock that afternoon, they uncovered Schwerner's body. Over the course of the next few hours, the bodies of Goodman and Chaney were also uncovered. The parties stipulated that Schwerner died as a result of a gunshot wound to the chest; Chaney died as a result of a gunshot to the head; and Goodman died as a result of a gunshot wound to the chest.

Killen's second admission of his participation

*11 ¶ 44. During 1967, Odell Rush regularly took his grandson, Mike Winstead, to church at the Pine Grove Baptist Church, where Rush was a Sunday School teacher. The church was located in the House community, on Highway 19, between Philadelphia and Meridian. Winstead knew who Killen was "just from living around the community" and because "his brother was married to one of [Winstead's] cousins." One Sunday morning after Sunday School ended and Church was beginning,

--- So.2d ---

Page 11

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

people in the congregation turned around to watch Killen come in the Church and sit on the back pew. Even though Winstead was only ten years old at the time, he testified ^{FN23} his memory of the events that day was vivid. Winstead stated:

to me it was just like somebody would say Matt Dillon just walked in, because, you know, I had heard the name around. I had heard the adults talking around all this that had went on. You know, I was a kid, curious about, you know, this name, this person. People said that Edgar Ray just came in, and people were turning around looking, and I looked to the back and seen him sitting on the back pew.

¶ 45. Later that afternoon, Killen went to Rush's house. They were sitting on the front porch talking, and Winstead overheard part of the conversation. When asked what he heard, Winstead testified:

The only thing I remember about the conversation that struck my mind, that stayed in it, I don't know if I just wasn't paying attention [to] the conversation at the time, my grandfather asked Edgar Ray if he had anything to do with those boys being killed, and he told my grandfather, yes, and he was proud of it.

¶ 46. In October, 2004, while serving a prison term ^{FN24} in Jefferson County, Winstead came forward with the information about Killen's conversation with his grandfather. Winstead testified he neither asked for, nor received, anything for his testimony.

¶ 47. On January 4, 2005, a Neshoba County Grand Jury returned a three-count indictment charging Killen with the three murders. Killen's trial began on June 13, and on June 21, 2005, the Neshoba County jury found him guilty on three counts of manslaughter. On June 23, Circuit Judge Marcus Gordon sentenced Killen to serve twenty years for each count, with the three sentences to run consecutively, for a total sentence of sixty years.

¶ 48. Following the trial, Killen filed post-trial motions which were denied on June 27. He now appeals, claiming that the pre-indictment delay in bringing him to trial denied him due process of law

and that the circuit court committed reversible error by allowing the jury to consider manslaughter as a lesser-included offense of the murders for which he was indicted.

II.

¶ 49. Killen's first assignment of error is that the trial court erred in granting the State's request for jury instructions on manslaughter. The State offered three instructions related to a lesser-included offense of manslaughter, and Killen's counsel objected to all three. The first of these three was Jury Instruction S-6, which stated:

*12 If the State has failed to prove all of the essential elements of the crime of Murder, you may consider the lesser charge of Manslaughter. However, it is your duty to accept the law given to you by the Court; and if the facts and the law warrant a conviction of the crime of Murder, then it is your duty to make such finding uninfluenced by your power to find a lesser offense. This provision is not designed to relieve you from the performance of an unpleasant duty. It is included to prevent failure of justice if the evidence fails to prove the original charge but does justify a verdict for the crime of manslaughter.

Killen's counsel objected to this instruction, stating: Now, they are charging in here that he committed the act of kidnaping. I am going to object to this one right now because the proof does not show that he was doing anything else, either guilty of murder or not guilty of murder, and they charge in another instruction here, saying he would be guilty of kidnaping. Now kidnaping, under Section 97-3-51, that's removal of a child aged fourteen by a non-custodial parent. I couldn't find anything else on kidnaping.

Secondly, there's a statute of limitations on kidnaping. There's a two year statute of limitations on it, and I'm going to cite the Code section if I may, Your Honor. That's Section 99-1-5. Now, 99-1-5 states the limitations on prosecution, and it names several of them in there, and includes murder and manslaughter and arson and a lot more other crimes there's a time limitation. All others are two years, and they never name kidnaping in that

--- So.2d ---

Page 12

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

statute, Judge. So, the statute of limitations is two years on kidnaping.

In other words, they are going to have to show there is a kidnaping and that when he kidnaped him, he accidentally killed him, killed these three Civil Rights workers, but they can't get kidnaping in because the statute of limitations has run on it, and, number two-

Secondly [sic], Your Honor, there is no definition of manslaughter in the Code.

We feel like the jury may compromise. Get up there and say, well, he's not guilty of murder and then they come together and compromise. We feel like our defense is stronger than the prosecution.

¶ 50. After hearing these objections to Jury Instruction S-6, the trial judge stated: "All right. S-6 is given. What do you say to S-7? Jury Instruction S-7 stated:

Every killing of a human being without authority of law is either murder or manslaughter. It is murder when done with a deliberate design to cause the death of the person killed, and it is manslaughter when the killing is done in the heat of passion, without malice and without any premeditation.

Killen's counsel responded to this instruction by stating: Well, manslaughter is done with killing in the heat of passion. There's been no testimony whatsoever that he was even there and put him there at the scene. He could not have killed anybody in the heat of passion, because you've got to be there to do it.

*13 ¶ 51. The trial judge stated he would give S-7, and then asked about S-8, which read:

If the State has failed to prove all of the essential elements of the crime of Murder, you may consider the lesser charge of Manslaughter. The Court

instructs the jury that as to Count One of the indictment, if you find from all the evidence in this case beyond a reasonable doubt that:

1. the deceased, Michael Schwerner, was a living person;
2. Edgar Ray Killen on or about June 21, 1964, in Neshoba County, Mississippi, did willfully, unlawfully, feloniously and without malice kill Michael Schwerner while the defendant was engaged in the commission of, or the attempt to commit, the felony crime of kidnaping; and
3. the killing was without authority of law and not in necessary self defense.

Then you shall find the defendant guilty of manslaughter in Count One. After addressing counts two and three similarly, the instruction went on to state:

Now for you to find that the defendant was engaged in or attempting to commit the offense of kidnaping, you must find from all the evidence in this case beyond a reasonable doubt that the defendant:

1. in Neshoba County, Mississippi, on or about June 21, 1964, did willfully and without lawful authority, forcibly seize and confine the said Michael Schwerner, James Chaney and Andrew Goodman against their will; and
2. did then and there unlawfully remove the said Michael Schwerner, James Chaney and Andrew Goodman from a place where they had a lawful right to be, to another place, with the intent to cause such persons to be secretly confined against their will, or to be deprived of their liberty.

¶ 52. Killen's counsel objected to this instruction by stating, "That's the kidnaping statute on manslaughter. My same arguments." The trial judge then stated, "It's given."

¶ 53. No other instructions related to manslaughter were given. After the trial court instructed the jury and counsel made their closing arguments, the jury retired, deliberated, and returned a verdict of "guilty" on all three counts of manslaughter.

Lesser-included offense argument.

--- So.2d ---

Page 13

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

[2] ¶ 54. On appeal, Killen first raises an argument not raised to the trial court prior to submission of the instructions to the jury. Killen says that "any lesser offense not 'included' in the greater, charged offense, is not one which was 'presented' by a grand jury, and hence may not be the subject of a conviction, or consequently, of a jury instruction as to the conviction in the case subjudice."

¶ 55. The State responds that Killen is procedurally barred from arguing on appeal that manslaughter is not a lesser-included offense of murder. The State supports its argument by pointing out that Killen made two specific objections to the giving of the manslaughter instruction, and that he is limited here to the grounds he asserted to the trial court. Upon review of the record, however, we find that Killen's counsel actually made three objections ^{FN25} to the manslaughter instructions: (i) that kidnapping required "removal of a child aged fourteen by a non-custodial parent," (ii) that the statute of limitations on kidnapping had run, and (iii) that no kidnapping occurred.

*14 [3] ¶ 56. This Court has strictly enforced the rule that, in order to preserve a jury instruction issue for appellate purposes, a defendant must make specific, on-the-record objections to proposed instructions. In *Morgan v. State*, 741 So.2d 246 (Miss.1999), this Court held:

In order to preserve a jury instruction issue on appeal, a party must make a specific objection to the proposed instruction in order to allow the lower court to consider the issue. (internal citation omitted). Further, "[a]n objection on one or more specific grounds constitutes a waiver of all other grounds." *Stringer v. State*, 279 So.2d 156, 158 (Miss.1973). See also *McGarrh v. State*, 249 Miss. 247, 276, 148 So.2d 494, 506 (1963) (objection cannot be enlarged in reviewing court to embrace omission not complained of at trial).

741 So.2d at 253. See also *Rubenstein v. State*, 941 So.2d 735, 801 (Miss.2006); *Harris v. State*, 861 So.2d 1003, 1017 (Miss.2003); *Ballenger v. State*, 667 So.2d 1242, 1256 (Miss.1995). We see nothing that distinguishes this case from our holding in *Morgan*. Thus Killen's argument that the manslaughter instruction was not a lesser-included

offense of murder, is procedurally barred.

Evidence supporting manslaughter.

[4] ¶ 57. Next, Killen argues that the manslaughter instruction should not have been given because (1) there was no evidence of a kidnapping, (2) there was no proof that Killen participated in the killing "in the heat of passion, without malice and without premeditation," and (3) the statute of limitations had run on kidnapping.

[5] ¶ 58. It is well established that jury instructions must be supported by the evidence, *Smith v. State*, 835 So.2d 927, 937 (Miss.2002), and we find the record replete with evidence that there was a kidnapping, and that Killen planned and participated in it.

¶ 59. Under the statute in effect in 1967, kidnapping was defined as the seizure or confinement of another person against his or her will, without lawful authority with the intent to deprive such person of his or her liberty. See Miss.Code Ann. § 2238 (1942) (now codified as Miss.Code Ann. § 97-3-53 (Rev.2006)). Jordan testified that, after Schwerner, Chaney and Goodman were locked up in the jail in Philadelphia, Killen met with Herndon and others at the Longhorn in Meridian at around six o'clock, and told them that "he [Killen] had a job and he needed some help over in Neshoba County, and he needed some men to go with him." Killen also informed them that "three of those civil rights workers were locked up, and they needed their rear-ends tore up." Killen identified one of the civil rights workers as "Goatee," who Jordan testified he knew to be Schwerner. Jordan also testified that Killen later said, "they had three of the civil rights workers locked up, and we had to hurry and get over there, and we were to pick them up and tear their butts up." Killen also said that "a Highway Patrol car would stop [the three civil rights workers] on the outskirts of town."

*15 ¶ 60. Furthermore, Jordan testified that it was Killen who sent Jordan, Sharp and Wayne Roberts to get some gloves, after which Killen said "he would go ahead, as he had to get on back there as

--- So.2d ---

Page 14

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

fast as he could and make the arrangements, there were several cars coming in, and these guys couldn't be held much longer." According to Jordan, Killen showed him and the other men where to park and "wait until [Schwerner, Chaney and Goodman] were released." Jordan and the men waited, as instructed by Killen, until Schwerner, Chaney and Goodman were released from jail and drove away in the station wagon. They then fell in behind the station wagon and were present as Price placed them in his patrol car and took them to a secluded area. Jordan stood watch as the three men were killed.

¶ 61. In the face of this testimony, Killen's argument that there was no evidence he participated in a kidnapping is completely lacking in merit.

Heat of passion without malice.

[6] ¶ 62. Killen also argues that there was no evidence that Schwerner, Chaney and Goodman were killed in the heat of passion without malice. However, the record reflects that Killen's instruction to the Klan members who were to assist in grabbing Schwerner, Chaney and Goodman was to "pick them up and tear their butts up." Further, testimony indicated that Killen asked to be dropped off at the funeral home because *if anything happened*, he knew that he would be the first person questioned by authorities. The jury could certainly have found that Killen planned the abduction of the three men and that he intended that they be whipped or beaten, but that he did not intend for them to be killed. Thus, this argument has no merit.

Statute of limitations.

[7] ¶ 63. The third reason Killen argues we should reverse based upon the manslaughter instruction is that the statute of limitations had run as to the underlying crime of kidnapping. Killen's counsel repeatedly argued to the trial judge that the State was "charging [Killen] with kidnapping." In response, the trial judge appropriately pointed out that Killen was not being "charged" with kidnapping, but the state was merely attempting to "define" kidnapping as the underlying crime to the

lesser-included offense of manslaughter.^{FN26}

¶ 64. Killen cites authority that stands for the proposition that a conviction of a lesser-included offense is not permitted where the statute of limitations has run on the lesser-included offense. *See Riggs v. State*, 30 Miss. 635, 647 (1856) (simply stating that the jury could not convict the defendant of a lesser-included offense where the statute of limitations had run on the lesser-included offense). However, kidnapping was not the lesser-included offense in this case, but was used only to establish an element of the lesser-included offense, which was manslaughter. Since the statute of limitations had not run on manslaughter, the statute of limitations had not run on the lesser-included offense, and *Riggs* is therefore inapposite. *See also McGowan v. State*, 200 Miss. 270, 25 So.2d 131 (1946) (finding indictment for a second-offense crime does not cause the charge to be barred by the statute of limitations by referring to former offense which was barred by the statute of limitations).

*16 ¶ 65. Killen was convicted of the lesser-included offense of manslaughter. There is no statute of limitations on manslaughter in Mississippi; therefore, the statute of limitations could not have run. Thus, Killen's argument is without merit.

III.

[8] ¶ 66. The second issue presented by Killen is whether the delay of forty-one years in bringing the indictment denied him due process of law. Killen first attempted to persuade the trial court to quash the indictment by arguing that the State violated his Sixth Amendment right to a speedy trial. However, upon being reminded by the State at the motion hearing that the delay of which he complained was pre-indictment, and that the trial took place only five months following the indictment, Killen conceded that his claim was not a violation of the Sixth Amendment, but rather of the Fifth Amendment.

¶ 67. The State of Mississippi did not bring

--- So.2d ---

Page 15

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

charges against Killen until 2005, some forty-one years following the deaths of Schwerner, Chaney, and Goodman. Killen argues that the State's delay was intentional and resulted in actual prejudice to him. Specifically, Killen claims that the State intentionally used delay to obtain a tactical advantage, pointing to the change of the political climate in Mississippi in 2005 as compared to 1964, so that a jury was much more likely to convict him in 2005. Killen argues that he suffered actual prejudice by the forty-one year delay, in that he was eighty years old at the time of the trial, in poor health and many witnesses had died or their memories had failed. The State responds that the delay was not intentional and that the delay failed to result in actual prejudice to Killen.

¶ 68. The United States Supreme Court noted in *United States v. Lovasco*, 431 U.S. 783, 790, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977), that, in making the determination as to whether a defendant's due process rights have been violated, courts "are not free ... to impose on law enforcement officials our 'personal and private notions' of fairness and to 'disregard the limits that bind judges in their judicial function.'" 431 U.S. at 790, 97 S.Ct. 2044 (quoting *Rochin v. California*, 342 U.S. 165, 173, 72 S.Ct. 205, 96 L.Ed. 183 (1952)). The Court further stated that courts "are to determine only whether the action complained of ... violates those 'fundamental conceptions of justice which lie at the base of our civil and political institutions,' *Mooney v. Holohan*, 294 U.S. 103, 112, 55 S.Ct. 340, 79 L.Ed. 791 (1935), and which define 'the community's sense of fair play and decency.'" *Lovasco*, 431 U.S. at 790, 97 S.Ct. 2044 (quoting *Rochin*, 342 U.S. at 173, 72 S.Ct. 205).

¶ 69. This Court has previously stated "in a pre-indictment analysis of due process violations that the burden of persuasion is on the defendant." *Stack v. State*, 860 So.2d 687, 700 (2003) (citing *Hooker v. State*, 516 So.2d 1349, 1351 (Miss.1987)). In order to analyze claims of due process violations for pre-indictment delay in bringing prosecutions, the United States Supreme Court set forth the two-prong test in *United States v. Marion*, 404 U.S. 307, 324, 92 S.Ct. 455, 30 L.Ed.2d 468 (1971), and *Lovasco*, 431 U.S. at 795-96, 97 S.Ct.

2044. This Court adopted the two-prong test in *Hooker*, which held that in order for a defendant to prevail on such a claim there must be a showing that (1) the pre-indictment delay prejudiced that defendant, and (2) the delay was an intentional device used by the government to obtain a tactical advantage over the accused. *Hooker*, 516 So.2d at 1351.

Prejudice.

*17 ¶ 70. Killen argues that the following factors have caused him actual prejudice due to the forty-one-year, pre-indictment delay: (1) he is now eighty years of age and has deteriorated in mind and body; (2) he was sick and in severe pain from injuries received from a falling tree; (3) witnesses had died and memories had failed; (4) he could not be judged by his peers as they had long passed away or were too old to serve on juries; and (5) he suffered from high blood pressure and was on blood pressure medication.

¶ 71. With regard to Killen's claims that the pre-indictment delay caused him actual prejudice due to his old age, ill health and inability to be judged by a jury of his peers, Killen cites no legal authority for these claims in his brief. Killen merely asserts that at the time of the 2005 trial, he was eighty years old, in poor health, suffered from high blood pressure ^{FN27} and could not be judged by his peers. Because Killen cites no authority that these factors are sufficient to constitute actual prejudice, we hold that these factors warrant no consideration. See *Cleveland v. Mann*, 942 So.2d 108, 115 (Miss.2006) (citing *Ferrell v. River City Roofing, Inc.*, 912 So.2d 448, 456 (Miss.2005)) (this Court's obligation to review the issue ceases upon party's failure to cite relevant authority).

¶ 72. Killen also claims that he suffered actual prejudice due to deceased witnesses and deteriorated memories. In a case very similar to the case at bar, this Court analyzed whether a twenty-one year, pre-indictment delay violated the due process rights of defendant Byron De La Beckwith ("Beckwith"). Beckwith was initially charged for the murder of Medgar Evers, first Field

--- So.2d ---

Page 16

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

Secretary for the NAACP in Mississippi, who was shot in the back on the front steps of his family home in Jackson, Mississippi. *Beckwith v. State*, 707 So.2d 547, 555 (Miss.1997). Beckwith was tried twice for the murder in 1964, but both trials ended in mistrials. *Id.* at 568. Following the mistrials, a *nolle prosequi* was entered in 1969. *Id.* No further action was taken against Beckwith until some twenty-one years later, when the State of Mississippi re-indicted him in 1990. *Id.* Beckwith was tried and convicted in 1994 and sentenced to a life term. *Id.* Beckwith appealed his conviction. A due process violation claim for the twenty-one-year, pre-indictment delay was among the many issues on appeal before this Court. *Id.*

¶ 73. Beckwith asserted similar claims of “deceased witnesses” and “faded memories” as a basis for his due process argument. *Id.* at 570. This Court stated, “[w]itnesses for both the state and the defense [have] died in the interim between the trials, but testimony from previous trials was available and was read to the jury.” *Id.* This Court further noted that “Beckwith did not put into the record any facts he could have proved by these deceased witnesses that did not go to the jury through their prior testimony.” *Id.*

*18 ¶ 74. Similarly, Killen has failed to show how he was prejudiced in this regard. All six of Killen's witnesses testified live at his 2005 trial, and he has not suggested any witness he was unable to call on his behalf as a result of the forty-one-year delay. Further, the testimony in the record does not indicate that Killen's witnesses failed to remember the events of 1964. In fact, Killen's sister testified in detail about the events that took place on June 21, 1964, when she and her siblings, including Killen, gathered at their parent's home for Sunday dinner. Killen's brother also testified in detail about the family gathering at the Killen home on the afternoon of June 21, 1964. He also testified that Killen was present at the funeral home around seven or eight o'clock on the evening of June 21, 1964. Killen's other witnesses similarly had no problems recalling the events that took place in 1964.

¶ 75. Of the State's fourteen witnesses at the 2005 trial, six were called by transcript and eight testified

live. Killen, through his counsel, had the opportunity to cross-examine all of the State's witnesses at both trials. This Court has stated that “[v]ague assertions of lost witnesses, faded memories, or misplaced documents are insufficient to establish a due process violation from preindictment delay.” *Beckwith*, 707 So.2d at 570 (citing *United States v. Harrison*, 918 F.2d 469, 474 (5th Cir.1990)); *United States v. Ballard*, 779 F.2d 287, 294 (5th Cir.1986). Accordingly, we find that Killen has failed to meet his burden of proving actual prejudice and hold that the trial court did not err in finding Killen suffered no actual prejudice as a result of the forty-one-year delay.

Intentional Delay Used to Obtain a Tactical Advantage.

¶ 76. Having found no actual prejudice, we need not address the reasons for the delay, as a due process violation requires both a showing of actual prejudice and intentional delay. *Hooker*, 516 So.2d at 1351. In other words, where a defendant fails to show actual prejudice resulting from a claimed due process violation, the inquiry ends, and the reason for the delay need not be addressed. However, in the interest of completeness, we shall address Killen's argument that the State's delay was an intentional device used to obtain a tactical advantage.

¶ 77. Killen argues that the State intentionally delayed prosecution to obtain a tactical advantage. Specifically, Killen tells us in his brief: This Court could take judicial notice that jurors and jury duty has materially changed since the sixties; that the political climate in Mississippi had completely reversed in 2005 from the sixties. It would be foolish to argue that the attitude of the general public has not changed from the sixties all to the advantage of the State and to actual prejudice against the Appellant.

¶ 78. As we understand this argument, Killen would like us to take judicial notice that, had he been prosecuted in the 1960s, he likely would have drawn an all-white jury, the members of which

--- So.2d ---

Page 17

--- So.2d ---, 2007 WL 1080391 (Miss.)
(Cite as: --- So.2d ---)

would probably have been reluctant to convict a white man whose only crime was doing harm to a black man (Chaney) and two white civil rights workers (Schwerner and Goodman). Stated another way, Killen argues that-because of the low regard for the civil rights of African-Americans held by white juries and politicians in 1964-he was far less likely to have been convicted in a 1964 trial.

*19 ¶ 79. We cannot say Killen's premise is inaccurate, that is, that "jurors and jury duty has materially changed since the sixties; that the political climate in Mississippi had completely reversed in 2005 from the sixties," and that "the attitude of the general public" has "changed from the sixties." That said, however, Killen cites no authority for the proposition that he may satisfy *Hooker's* actual prejudice requirement by demonstrating he was denied a trial in a prejudiced "political atmosphere" before a prejudiced "jury" selected from the virtually all-white voter rolls used to select persons for "jury duty." We shall say no more than to add that we find this argument has no merit, and we are surprised it is made.

¶ 80. In summary, we note that this Court has previously stated "where there [is] no bar to prosecution by an applicable statute of limitations, 'the constitution places a heavy burden on the defendant to show that the pre-indictment delay has offended due process.'" *Beckwith*, 707 So.2d at 570 (quoting *Stoner v. Graddick*, 751 F.2d 1535, 1540 (11th Cir.1985)) (court rejecting defendant's due process claim despite no reason given by the state for the revival of the 19-year-old case). Killen has not met this burden. Therefore, the trial court did not err in denying Killen's motion to quash the indictment based on a due process violation.

¶ 81. Finding no merit to either of the assignments of error, we affirm the judgment of the Circuit Court of Neshoba County, both as to Edgar Ray Killen's conviction of three counts of manslaughter, and the trial court's sentence of twenty years for each count, with the sentences to run consecutively.

¶ 82. COUNT I: CONVICTION OF MANSLAUGHTER AND SENTENCE OF TWENTY (20) YEARS IN THE CUSTODY OF

THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, AFFIRMED.

COUNT II: CONVICTION OF MANSLAUGHTER AND SENTENCE OF TWENTY (20) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, AFFIRMED. SENTENCE IN COUNT II SHALL RUN CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT I.

COUNT III: CONVICTION OF MANSLAUGHTER AND SENTENCE OF TWENTY (20) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, AFFIRMED. SENTENCE IN COUNT III SHALL RUN CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS I AND II, OR A TOTAL OF SIXTY (60) YEARS TO SERVE.

SMITH, C.J., WALLER AND COBB, P.J.J., DIAZ, CARLSON, GRAVES AND RANDOLPH, JJ., CONCUR. EASLEY, J., NOT PARTICIPATING.

FN1. Although the federal jury's verdict was not provided to us in the record, it is a historic fact beyond debate, has no bearing on the outcome of this case, and is included herein to provide historic context. See *Posey v. United States*, 416 F.2d 545, 548 (5th Cir.1969).

FN2. The evidentiary record consists of sixteen exhibits and the testimony of twenty witnesses, fourteen of whom testified live and six of whom testified through transcripts of their testimony in the 1967 federal prosecution.

FN3. See *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954).

FN4. Only citizens who are either qualified electors or resident freeholder may serve on juries in Mississippi. Miss.Code Ann. § 13-5-1 (Rev.2002).

FN5. According to the testimony of

--- So.2d ----

Page 18

--- So.2d ----, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ----)

Delmar Dennis (a witness identified and discussed later in this opinion), Killen stated at a Klan meeting that "any project that was carried out by the Klan had to be approved by the Klan, that no person was to do anything on their own, and if they did, they would not receive any protection or any money or help whatsoever from the Klan."

FN6. The record identifies this individual only as "Mr. Young."

FN7. The "Kleagle" was the organizer, or recruiter, for the Klan.

FN8. Dennis was to later serve as First Chaplain of the local Klavern, and then as its Province Titan, which was the administrative officer who represented the Imperial Wizard.

FN9. Herndon was found not guilty in the 1967 federal trial.

FN10. Hatcher later identified the "somebody" as Killen.

FN11. The Imperial Wizard was the statewide leader of the Klan.

FN12. Bowers was found guilty in the 1967 federal trial.

FN13. Rainey was found not guilty in the 1967 federal trial.

FN14. Price was found guilty in the 1967 federal trial.

FN15. The jury in the 1967 federal trial was unable to reach a verdict as to Barnett.

FN16. According to Jordan's testimony, Roberts was the triggerman who killed Schwerner, Chaney and Goodman. Roberts was found guilty in the 1967 federal trial.

FN17. Bernard L. Akin was found not

guilty in the 1967 federal trial.

FN18. Horace Doyle Barnette, Snowden, and Arledge were three of the seven defendants found guilty in the 1967 federal trial. Travis Barnette was found not guilty.

FN19. Posey was found guilty in the 1967 federal trial.

FN20. Jordan testified that the men present at that time were "Travis and Doyle Barnette, the deputy Sheriff and myself, and Jimmy Snowden, and Jimmy Arledge, and Wayne Roberts ... and Sharpe." The jury in the 1967 federal trial was unable to reach a verdict as to Jerry McGrew Sharpe.

FN21. Herman Tucker was found not guilty in the 1967 federal trial.

FN22. Special Agent Lytle worked out of the New Orleans office of the FBI, but during 1963 and 1964, he was assigned to numerous cases in Mississippi investigating civil rights cases, including church burnings.

FN23. Winstead was called by the State to testify live at Killen's 2006 trial.

FN24. The crime which led to Winstead's imprisonment was unrelated to Killen.

FN25. Killen also suggested that only he had the right to seek an instruction on a lesser-included offense. However, this Court has stated that Mississippi law "allows the prosecution to request and obtain lesser-included offense instructions, as it does the defense." *Harveston v. State*, 493 So.2d 365, 375 (Miss.1986).

FN26. The State offered the instruction based upon the felony manslaughter statute that was in existence in 1964 which defined manslaughter as the "killing of a human being without malice by the act, procurement or culpable negligence of

--- So.2d ---

Page 19

--- So.2d ---, 2007 WL 1080391 (Miss.)
 (Cite as: --- So.2d ---)

another, while engaged in a perpetration of any felony, except rape, burglary, arson, or robbery, or while such other is attempting to commit any felony....” The State used kidnaping as the underlying felony. Miss.Code Ann. § 2220 (1942).

FN27. The record reflects that Killen was physically present throughout his trial. In fact, during one point of the trial, Killen was taken to the hospital due to high blood pressure. When the judge indicated that, in Killen's absence, he would like to proceed with the trial with the reading of transcript testimony, Killen's attorney stated that he did not feel comfortable without first getting his client's permission because Killen “tries to run the defense.” Because Killen refused to consent, the trial judge recessed the trial until the next morning when Killen could be present. Thus, we find no merit to Killen's argument that he was too ill or deteriorated to assist in his defense.

Miss.,2007.

Killen v. State

--- So.2d ---, 2007 WL 1080391 (Miss.)

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STATE OF MISSISSIPPI

OFFICE OF THE DISTRICT ATTORNEY

EIGHTH CIRCUIT COURT DISTRICT

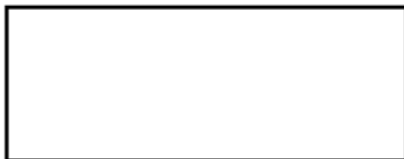
P. O. BOX 603

PHILADELPHIA, MS 39350

KEN TURNER
DISTRICT ATTORNEY
MARK DUNCAN
ASSISTANT DISTRICT ATTORNEY
JACK THAMES
ASSISTANT DISTRICT ATTORNEY

TELEPHONE (601) 656-1991
FAX (601) 656-2287
HUGH H. (BOOTS) HARPOLE
INVESTIGATOR
RHONDA THOMAS
VICTIM ASSISTANCE COORDINATOR

June 12, 2000



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b7c

RE: Billy Wayne Posey

Dear :

As per our discussion, the State of Mississippi desires to take a statement from your client, Billy Wayne Posey, regarding any and all information he can provide concerning the deaths of Michael Schwerner, Andrew Goodman and James Chaney.

It is hereby agreed by the State of Mississippi that upon Mr. Posey's full and truthful cooperation, nothing he says in this statement will be used against him in any state proceedings, either on direct or cross examination, or in any manner whatsoever.

Sincerely,



KT/rt

44A-JN -30292 -106

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/09/2008

To: Jackson

From: Jackson

Squad 3

Contact: James O. Ingram, FBI Contractor

Approved By: [redacted] JW

b6
b7C

Drafted By: Ingram James O:rew JOI/CSA

Case ID #: 44A-JN-30292 - 101

Title: EDGAR R. KILLEN,
KLEAGLE, WHITE KNIGHTS OF
KLU KLUX KLAN;
JAMES CHANEY-VICTIM;
MICHAEL SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE

Synopsis: Information relating to Edgar Ray Killen.

Details: Reference attached written material relating to Killen.

[redacted]
[redacted]
and convinced Killen he, [redacted] would write a book on Killen's life. Among items attached is signed written permission for [redacted] to use notes and information provided by Killen.

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①
CSA

Review of data reveals no admissions by Killen regarding MIBURN. Killen states he never saw the movie "Mississippi Burning" since it was made by Communist Jews. He describes [redacted] as a close friend of Communist Jews.

He describes [redacted] with no facts presented, but names a [redacted]
[redacted]

The only reference to FBI Agents is not trusting Jack Rucker. He described Rucker as a double crosser. Killen

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44A-JN-30292

S:\DRAFTS\3\

[redacted] 161CSA01.EZ

To: Jackson From: Jackson
Re: 44A-JN-30292, 06/09/2008

reportedly writes that Rucker turned Killen against any Agent being honest. Killen states FBI had volumes of evidence against Gordon they could have used (this is in reference to Judge Gordon who was the Judge who heard evidence against Killen in the June 2005 murder matter). The written material appears to be pure Killen as Rucker was one of the best Agents who worked MIBURN.

For information, James Ingram supervised Rucker and the Resident Agency (RA) and Rucker was an outstanding Special Agent (SA). He died about two years ago in Alabama.

SA [] and James Ingram used Rucker's informant [] the past three years. SA [] discovered [] when he began to review MIBURN file.

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Per instructions from SA [] James Ingram contacted former SA [] telephonically in Tennessee. He was told the FBI appreciates his efforts but [] did not furnish through Killen any pertinent data. He advised if he received additional data he would forward to the FBI.

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May 9, 2008

SA [redacted]
FBI
Jackson, MS

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[redacted]

Enclosed are the documents I spoke with you about by phone recently. As you can see, they look like typical "jail house" generated material, but... could there be something in this that would be of value? You can be the best judge of that. Anyway as a courtesy to [redacted] [redacted] I'm forwarding it on to you for what ever use it may be.

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[redacted]

If this stuff is bogus, it is just another example of [redacted] trying to use them and others for his own purposes.

Thanks for taking the time to look this stuff over. Let me know if there is anything I can do for the cause.

Eraternally

[redacted]

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NO, JN (Gulfport RA)

10-31-07

JURANT DECLARATION

I, EDGAR RAY KILLEN, DO SWEAR THAT THE
WRITTEN RESPONSES, NOTES, AND INFORMATION I
HAVE PROVIDED [REDACTED] AND AUTHORIZED HIM
TO USE, IS TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE AND MEMORY, UNDER PENALTY
OF PERJURY, IF FALSE. He MAY write my story.

Edgar Ray Killen
EDGAR RAY KILLEN #UZ 906
CMCF III, MSU # 11
P.O. Box 88550
PEARL HARBOR 39288-8550

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GETTING THE LAST WORD IN THE EDGAR RAY KILLEN STORY

HIS HISTORY AND BELIEFS,
his message AND STORY;

ONE HUNDRED QUESTIONS,
ONE HUNDRED ANSWERS;

His FINAL CONFESSION..

"HE IS THE LAST OF A GENERATION OF
RADICAL KLANSMEN, HE'S SURE THE "KING-
OF THE KLAN," NATION" NOW. SITING IN A MAXIMUM
SECURITY CELL UP A PARACHMAN. ONCE HE'S GONE
THE STATE AND NATION CAN BEGIN TO HEAL. HE'S
NO BETTER THAN HITLER OR SADAM. HE'S PROBABLY
THE MOST HATED MAN ALIVE IN UNITED STATES."

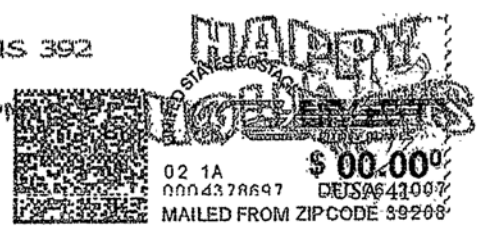
GENERAL R. U. ZULU-PEARL, Miss.

Edgar Ray Killen 112906
C MCFIT Unit 720
PO Box 88550
Pearl, Miss. 39208

#1
Dec-10, 07

JACKSON MS 392
WARNING

Not responsible for content.
Any enclosed money orders
should be referred to your local
Post Master before cashing.
MS Dept. of Corrections

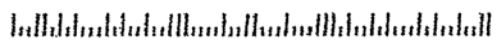


*Typed, saved
and mailed to
on Jan. 15, 08*



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33340+4713



I know
you would
think I
was
lying
but here
is only
the fact
I fought
them over
50 years

I ain't
the Lone
Ranger
but some
times feel
like it

more
Details
later
if you
want
it.

NIXON
Had the
US
attorney
General
to drop
all my
Federal
charges
The news
media knew
this.

This is over 50 years ago starting dates
Do you remember in history reading about the
alger Hiss and Chambers case about the pumpkin paper
discovery of internal security being on microfilm and
hidden in a pumpkin in the field Chambers was
conducted & sent to Federal prison I forget about this
He testified against his comrade Chambers. They were
selling these films to Communist Russia as both
of them were members of the Communist Party
USA - They were from California but made
business trips for the party to N.Y. city where
they spent their time with the Guener Blodgett
family in their home - They all were Communist
Jews - USA party. Richard Nixon was a young
Congressman from Calif and booked the boat
until the Justice Dept. had to do something and
this is where they never forgave Nixon & finally
got him out of office - Not every Jew belongs to the
Party but have a feeling for it - The Communist Jews
ruin Hollywood even the news. Plus most financial
institutions of the world - This is the descendants of
those who lived on gold only forgotten now - the
Hollings ~~and~~ MaB who said Kill Him Kill Him - The
Spot - Spot on Him made him & kept killing Kill Him.
There were about 5 or 6 of them at my trial and
Jim Hood used them as witnesses against me - The
do not interpret too much just use the block
to tear down the white race
Ronald Reagan - John Wayne - Jimmy Stewart gave
money to help fight this crowd.

10/28/07

Hey Neighbor - I am proud to have you as a
white Christian Neighbor even in this hell hole
we are trying to get me a public defender to
keep us straight on our legal work [redacted]
calls for me quite a bit she wrote me and
said tell you she believed your mom to
be a fine nice Christian lady.
The warden wrote me that I was getting my
junk call's and phone calls and that I would
remain on Administration P.C. we are replying
to her letter and my next stop will be to
Federal Court if she keeps lying - I know
how to get out of here but might be moved
a 1000 miles or more from home. [redacted] wrote
me I got it today if it would help my condition
she would come to see me where ever, she &
[redacted] he has not missed a visiting day,
well here is the start of why I am here today
you may not believe my story but I will tell it
under oath so if not true I would be committing
perjury - Around 50 years ago I took my Bible
along and spoke by invitation only at Community
Centers - Court Houses - High School Auditoriums
or any decent place to seat hundreds I got pretty
good at it some people heard me that later on
for Gov. or Lt Gov come to see me and ask for me
to speak for them at Political Rallies.

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Hi Ray, Hope you are feeling P.K. today, I must have some type liver problem, lots of pain But, I'm taking Antibiotics + Tylenol. I'm mixed up about that F.B.I. stuff, I even had dreams about it.

1) Why did it get said that you decided who went to prison? And how + By who?

This is my first to hear I decided who went to prison. However, all I helped represent in court ^{W.D.N.} was their case.

The last two I never heard about. The News media wrote many complete lies about me and the 64 case.

2) If F.B.I., had informant who showed where bodies were at who was it? _____; why didn't he get charged, cause he had to be involved?

They gave [redacted] immunity from even being arrested but he never knew enough to help them. He is Dead.

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(FBI drilled into sand dam the sides sensing Device Beeped and they marked drilled hole and brought Heavy Equip. and Dug the Dam down. Claimed they found them there.

3. You said they came to you also; I think, who and did they threaten you. They had a question for me every time

an agent saw me but the offer and threats were when they carried me to Truck Base and arrested and heavily guarded. The C.I.A. Mafia sharp shooter (assassin) came to my mill in Seake County and got caught at my mill. He was the only one I made a deal with (Deal was) If I ever saw him again he would die on the spot. He got more nervous than I did. They even denied coming to see me, but he was with a F.B.I. Agent I knew + threatened as well. He is ~~still~~

DEAD.

My \$25,000 lawyer filed the weakest appeal I have ever read - The State Supreme Court never allowed a oral argument. Had did not want one and my lawyer did not ask.

My lawyer agreed when I hired him they would have the judge ~~for~~ my case - Never made any attempt. He would get my appeal bond reinstated - They gave a court hearing on my bond - Lawyer would not go. He had the \$25,000. He came to see me and ask \$25,000 to file a Habeas Corpus. He mentioned my first conviction to the State court. The Federal Court would have refused my Habeas Corpus until I filed the first conviction and it is ruled on.

{ The Germans in Germany white papers have me listed as a P.O.W. also a Political Prisoner of which I am. They have me listed on the internet }

The lawyer who filed my appeal -

[redacted] and [redacted]
[redacted]

The put them out here at midnight and he ran away.

[redacted] [redacted] He ran away.

I was here in lockdown.

[redacted] is trying to help me see if we can get some of my money back.

I have had 4 lawyers on this case.

They have broke me and I would not want them for free when they are on the other side.

10/28/67

Are we as if you going to your new source
I will have my stories - noticed at his library
if need be to prove my telling the truth.

Hey [] Did you make canteen? Do you have
any coffee? I did not order enough but will share
with you my next order will be double this one
I needed to be where I can talk to you. I want
to (first step) see what the news media C.P. is
fine I can write you unbelievable things between
the judge & myself all our adult life I was
very close to his family all but he himself
we have always been crossed and he wanted
for my injury to set & try me he let them use
its in the transcript of which is being used
now kidnapping of which the stature of limitation
was expired 29 yrs before my trial,
I conducted his parents several times him
oposing me being there. you need that story
Remember the major & all news media is
owned and dominated by Communist Jews or
those who believe as the Communists do. and I
am not an extremist when I say that they were
the ones who got (Nixon out of office) I know that
is not street or conduct talk I have seen the
records from justice Dept. I will talk to you
about Eastland but not the news Eastland has
a family (children) one son in miss and I do not
intend to give him them problems Jim had
2 or 3 daughters in Texas & miss. OK
write me back

b6
b7c

Big Jim (Eastland) stayed by me long as he lived even after he retired I could tell some tall stories but have never done so.

He was known as the King Maker in Mississippi. He really named (quietly) about 708 Senators and I always got involved when Jim decided who he wanted O'Dog? Mess Him - I could go almost anywhere in the Nation and give them J.O.E. phone number and tell them to call that number and let him identify me every time they would say no we know that number just tell us what you want it will be done. I am not ~~just~~ just popping off Jim was like family now you know why I went to his grave so often. I always told them I sure was missing him.

He told my mother he was a fool over me. He was family to me. He has a son [redacted] who is not the type of politician that Jim was. I went to the family when he died. I told Mrs. Eastland we called [redacted] - I told her I did not know a word I could say to her. [redacted] the son said preacher before you got word of his death we discussed you and I told mother we wondered how you would take his death. Mrs. Eastland is buried there beside him now.

He offered me jobs but I stayed with my preaching. I did not answer all ask me later.

I appreciate your friendship and help. Write me & I will answer any questions I can.

b6
b7c

10/27/07

I'm sorry some how you misunderstood about hanging up
no one hanging up on [redacted] after they hung up from
her cell. Which she enjoyed very much and was
impressed with your folks. [redacted] was afraid
they did not get your present address so she called b7C
back and left the message you read at 7:40. I hope
she got it you went at 11:50, she [redacted] thought that
she talked to [redacted] they discussed how we met
and all about our marriage. Also [redacted] (or)
[redacted] even she talked to told her a close friend had
lost her husband and was getting married and
she was going to the wedding. Might have been
yesterday. I did not get the date of wedding.
[redacted] is proud for you and I to be so close
together (11/12) and for us to be friends we are of
the old school we stand by our friends and
especially the whites we hate no one because of
their color. I have given away more food to Blacks
than to whites. When they had mean me I put them
off and tell them I am afraid of their gangs,
Question # 13. [redacted] I would like to get the
media before Nov 7, 07. Several election day to give
some things for me against him. He thinks he is b6
above the law. He believes he is the law. b7C

[redacted]
They admitted here on the warden's part her
main helper that they had [redacted]
[redacted] I am not lying

10/20/01

I was
the same
as
kidnapped

Dec. 4, 64

I against
all my
const-

rights

carried

to a

military

base

Meridian

Naval

Station

I want

to tell

the

Communist

Story

More

than

any

and

won't
sign
until
it
is
over

How Did Law Enforcement treat you back then? Was
your Home searched? when

My Home was never searched. The FBI tried to break
in to buy the place we ran them off.

I was the pastor of the following County Sheriffs
or Constables back then 1- Nashoba Co. 2 Newton Co.

Loake Co. 4 Lauderdale Co. 5 Kemper Co. and the
other Counties around us had Sheriffs who were

Great Friends of mine I had no problems

In 1964 the FBI carried me and others (separated)
to the Naval Air Base out of Meridian. They

Threatened to call a SWAT team to beat me up.
They put guns pointing at my head and said I would

be killed within the hour. Then they offered me
in excess of 8 millions Dollars in Colorado Ranch

stocked with High Blooded Registered Horses and
keep my checking acct - above 1 million for

the rest of my life - could carry all of my relatives
I wanted none of us would ever have to work

again - all I had to do was tell them how to break
the case and I would never hear any more about it.

9K early 64 LBJ called in Director of FBI - CIA both
and ordered them to get something going in the South

to draw the minds of the public off Vietnam
that (Johnson's words) G.D. was was running them

politically. The CIA were supposed to have
Suerner and Spadwin under 24 hours surveillance

because of their long in the American Communist movement
They & family were Party workers.

Why didn't JAG prosecute you? #1, they had only
 hearsay no evidence - all witnesses were given from
 \$ to 6 thousand dollars to testify #2 Pres. Richard
 Milhouse Nixon had the Justice Dept. to ask
 the Federal Court to ~~dismiss~~ Dismiss all charges
 and they did in a morning session of Court
 at 8 AM. recessed before 9 and left the
 Court House before the news media arrived. This
 was never in the news.

How many marriages did you perform? what - where
 churches - for years I kept records then got too
 busy to keep up with everything so I do not have
 an accurate count. But hundreds - I had wedding
 in most all the churches I pastored most of
 my weddings were performed in my home or
 the homes of the Bride and Groom. Lots of
 these weddings were at the home of the Bride's
 parents. I have performed weddings in my Hospital
 Room and even here at C M C F administration building.
 For over 40 years none of the couples I had married
 Divorced but finally times had changed and I
 thought I was going to lose them all - over 50
 years ago I married some of the white Nurses
 (from C M C F Clinic) Father & Mother. (How about that?)

Parents
 of the
 Record

Before [redacted] fired these whites they kept me
 posted real up to date. I might could help
 you about her conduct, they were not fired for
 talking to me but because they were white.

10-26-07

I liked
Ronald
Reagan
I never
did see
one of
his movies
Reagan was
a liberal
Democrat
Roosevelt
Style
when the
Communist
took control
he could
not get
FBI to
investigate
50
Reagan
John
Wayne
Cobb
and
Jimmy
Stewart
spent their
even money
and really
them out
all 3 went
Red Neck
I like
them

you should have studied part of this in History
and it kind of explains why I like and support
some people as I do. We are going to have to give
account to God for every vote we cast, and I will
face any false thing I write here or later.
Some sixty odd years ago there was a young
man named Richard Milhous Nixon from
Calif. He was Anti Communist - some of his people
in Calif informed him of Communist Spies in
Calif. He had trouble getting our Justice Dept. to
act. He would not give up so they FBI found
micro films in a pumpkin patch where the
Russian Agent (KGB) could pick them up they
sent the Russian Name tried. Chambers and
used Alger Hiss as (turned supporter in crime) they
convicted Chambers and sent him to prison. Both
these Spys were Communist Jews as you are bound
to know Communism began with a Russian Jew. ^{Kare Marx}
was in N.Y. Chambers & Hiss never got Hotel Rooms
they stayed in the Goodwin & Tiernan Homes (Does
these names register with you) A Swearer and a
Goodman testified at my trial in ^{June} 2005 against me of
course - This year Mrs Goodman and a Mrs Cheney both
died - so they won't give me no more problems unless
I go to Hell and they are running it. The C.I.A. were
supposed to have Swearer and Goodman under 24 hr
surveillance. How could some kill them and the C.I.A. watch
(lots of questions there) The fact was our C.I.A. had to explain
where they were & why they did not see who did this

10/26/01

Mr. Ray, tell me about Communist + what was the CIA + F.B.I. trying to get you to tell them to break the case? Didnt they find bodies? - They claimed to. I am going to go back years + years ago when Russia was its strongest the cold war was raging. Bring you up to my trial + Oswald was alleged to have shot Kennedy I never believed He did. a mo Ruby shot + killed Oswald

I have never used his name for the news media to take after James E. Eastland (Deceased ^{Now} re wife) Had it not been for Senator Eastland the sharpshooters would have assassinated me like Ruby Ridge mountain. He ~~stayed~~ stayed at the top never talked to the agents in the field. I could get tapes and transcripts of their investigations any where and any one name of agent. Questions answers and who they were date + hour of interview so I did not guess about what they were doing. ^{For} even ask me how I know how much money they had paid witness to testify at 67 Federal Trial - Lyndon Johnson was the worse turned out on the South - He lived most of his life not of the Klan but the Kennedy Mafia - He Johnson was up under John F. Kennedy and his only hope to the President was to get Kennedy to Dallas. In LBJ's Home State In 1964 Jim Eastland said he really didn't believe Johnson had Kennedy killed until Johnson and I had a head on (No kidding) He almost had a heart attack and ordered FBI to put me in jail until He said I could he released the Director call Jim E. and told him ^{what} what Johnson ^{ordered} - On Thanksgiving Day of 1964 I told LBJ's agent that he was not going to get to go Deer Hunting (Why) Mrs Oswald would not let him have his rifle back. He went crazy. Jim said he believed he had Kennedy killed after that incident - Ruby ~~did~~ did or maybe CIA to close his mouth

There were a minimum of a dozen Communist Jews
at my trial I testified They were from N.Y. Oregon
and Chicago Ill.

I don't call them Communist unless the Justice Dept.
lists them as such because of their work

The A.C.L.U. has been financed and started by
Communist Jews

all major news media is owned (stock held) and controlled
by Communist Jews

The largest Banks are owned & operated by Com. Jews
They control the wealth of the world.

The Communist Jews never forgave Nixon or me. They
got Nixon. I am very familiar with that.

They got me + I am very aware look what they did with
the news media. I am more than familiar with that.
I am experiencing their hatred here.

I wrote Nixon to come to Miss and we would elect him
Governor or Senators

The Communist are using the Blacks to whip the white
race and doing a good job at it.

10/26/07

Dear Christian white Brother:

The warden told [redacted] that they were afraid^{b6 b7C} what the gangs would do if they let me out of lockdown - I told the warden that I was not afraid of her gangs (Talk is cheap) she said they knew there were enough white supremacists here to protect me but they might burn down the buildings here and in ~~some~~ ^{most} cities like Jackson. I ask her who was running this place her or the gangs - I told several of the little gang members I was not afraid of them. "Whitey" won't stand by his brother like a nigger will - there is white movements going on all over the world, but then they slow down and start giving up - I read your note I know most of the names I am filing A.P.R.'s and starting on them this is my first stop to Federal Court, I have been page & company on several issues with CID but I got different ones than you have listed. Walker cut off my medicine claiming having to order it I stayed out a month and would not have gotten it then but [redacted] sent the warden and [redacted] a registered letter explaining my medication problem mentioning my constestnal right to medical care and in 2 or 3 days they came after me from the clinic and the Dr. ask me if they could do my test me²²

[redacted] has undermined all white employees and got

[redacted] They had several older white nurses she fired I had married some of those nurses parents over 50 yrs ago. 30 days talked to me.

15 I talk too much. I told the warden the prison / Deal grape vine got me the message they had made a ~~deal~~ with A5 - hood that they would lock me down and ignore me and I would be dead by Christmas 2005. The old timers here got the message to me within a week she ask me if I believed them and oh boy I told her they were 99% more truthful ~~than~~ than anyone working here. I liked the old grape vine from 50 yrs ago it really was good then. I am for you - I am not a con man I live to make my word good. If I get my call in the morning I will know if [redacted] got to talk with [redacted] for ^{several} ~~times~~ times. [redacted] had some one to mess me phone up at the computer she has a lots of nigger mean, cruel thinking if she can think she is a Lesbian as you have know. And that is all she is interested in. I can get out of here if I ask the Federal Courts for protection - fear of my life - but my luck is they would send ^{me} to Calif - too far for [redacted] to come see me every month or twice a month.

b6
b7C

The officials here are aware of my feelings - [redacted] ask me why I hated her race so bad - I ask her who said I hated them that was a lie - I just didn't like them because of the way they lived and acted. - Couldn't trust them. I have never trusted the news media but do you suppose I might use them against this place.. Do you know any one might contact?

I could write you a more tender letter but next time I just do not like these people and I am a political prisoner and the most hated by officers of all the Const. h...

Mr. Ray

10/26/07

they
listed
Jasey as
a witness
but had
got afraid
to bring
him to
Neshoba
County.
He has
been
hated
there since

Why did you become a suspect?
we had a native miss man who was a communist
and the Communist (U S A party) sent him to
lead demonstrations all over the South. He was
caught in Florida & told if he ever came back he
would be killed (He was white faced nigger heart). He went
back to New York and months later the party ~~was~~ ordered
him back to Florida & sent a Co worker to check on
him - He told his comrade as they approached Wash DC
Did they find bodies of people?

That he knew a Congressman that could help them
so the comrade waited in the waiting room

He would
have
probably
helped
become
a witness

The Congressman was my double 2nd cousin. He told
him what I have written above & said the Communist
would have him killed unless he went to Florida.
~~My~~ my cousin Congressman Arthur Winstead called.
How were they killed?

Supposedly shot FBI claimed they were shot

was one
com.
He hid
in
Neshoba
Co

The FBI - They came in a private way from the
other communist listened a few minutes. Had a
heart attack & was carried out on a stretcher
to save him used him as a pimp. He lost his
Citizenship in Neshoba Co. court & He told the
FBI that He had information I would kill him so
they did not want me to bother their pimp. I
had not talked or made any attempt or threat

b6
b7c

11-5-67

Ray: Manslaughter means, To Kill! How did the State D.A. say to claim you killed those three men! How did he convince a jury, Beyond a doubt!

He did not convince them beyond a reasonable doubt
He told them Phila could not get any industry
until they convicted 1020,

They kept the jury sequestered until last night
They were 6-6 Sent them home next morning
They came back 12-0 Guilty

What weapon did he say you used & where did it come from
and go to? All he presented was 3 killed these 3
and he would prove it - he did not prove it

How did he say you did this to 3 men, all by yourself? I don't
understand how anyone could do that?

That was left with out explaining

Did Glen Burrage get charged w/anything? Why or why not?

In 1964 Glen Burrage was charged with
conspiracy and acquitted in Federal Court in 67-

Who says your most hated by media?

11-05-07

I say One says it.

Most of the Nigger officers of OMC F

What are the doctrines of the Communist Jew's that you speak of? They go by the doctrine that Karl Marx (Russian Jew) organizer of com party the chief point I hate. They teach there is no Supreme being God - you cannot believe in God and belong in party. This is not all ^{the} Jews, some Jews believe in God but not Christ.

Who/what is the Underworld? Who catered to you?

The under world is the common name for Mafia.

I don't write down nor record Names.
Will keep you private.

"Through an unknown source"

How did you have access to FBI files?

Destroy His name

tried to protect his ^{enlightenment}

Eastland is dead and I have

I do not wish to smear Sen. Eastland's name for media to lie about. He brought them to me when I ask for certain information.

(I had help from anon. source,) No name.

5.1 ~~OK~~ KKK Informant told where bodies were, ~~and~~ knew who killed them & who kidnapped them & surely told that to Mafia & FBI. Why wouldn't the Feds prosecute the Snitch or Killers? 11/4/67

The FBI does not prosecute their informers Snitches and they do not have to be truthful.

6. Is your Conviction Kidnapping or Conspiracy?

My conviction was manslaughter after kidnapping the 3. They could not charge manslaughter with committing another felony at time, so they used kidnapping statute of

7. Did you ever Confess to anyone? Why did the people (394 in California say, "You were proud you did it in the play?" They were justifying the convict (child rapist) who never heard me say anything.

Are they still Communist Jews in USA? They own & control all major news media and financial institutions world wide at least 5 or more were at my trial and 2 or 3 testified against me they knew nothing about me

Why did they want just you? I had exposed Communist Jews all my adult life - [redacted]

Like holocaust sweeping man [redacted] gave too, as for inf. to be called in to Hoo's office they would not let us have any see the information some hoosocally. Most were helping my innocence

1. Did they testify you did or said something to show guilt? (I did "it" or do you know who the killer was, ~~between us~~) Instead the Rapist said he heard me tell his Grand witness [redacted] testified that I told him we got rid of them - ~~then~~ admitted he was lying under oath.

11/4/07

Ray, heres questions that just came up, please try to answer them + my last page of questions

(1) If F.B.I. paid a Mafia to snitch he said he put they drilled in KKK's mouth to get info. on location of Bodies. How did that KKK know where they were? I had access to the FBI files if I knew it to ask for they could not find anyone who knew - Agents had a helicopter and set it down on any fresh earth they had a battery powered drill and drills - a W5WII saw, sensing machine to find bodies

2. Why didnt FBI, Ask that KKK man who killed the. The best answer is that there were no KKK man sure, sounds like the FBI does a good job. They asked thousands + thousands of people if they did or if they knew who killed the 3.

3. Why didnt Feds or State use the KKK info, or informant at your trial? They just did not have anything - [redacted] Maynard King, Clayton Lewis

Soon after 4. they found bodies he done like

divided the 30 thousand dollar reward. all 3 are dead King was Inspector with Miss Highway Patrol - His heart explod If State knew this, which they must have, do you realize they withheld vital information from you? your Defense lawyer? Why? my attorneys want nothing that would rock Prosecutors Boat.

[redacted] no request The reward

[redacted] was a boot legger - [redacted] + Louis took me Clayton Lewis was a Lawyer and Mayor of Phila at Tim

11/03/07

How did you choose the lawyer to do your appeal? What did you pay him (Name + Address) What exactly did he do, what law firm, where? I knew [redacted] from about 50 years ago. He was one of the best and wisest lawyers in Jackson. He has for about 20 years had [redacted] I did not know when I hired [redacted] He had this [redacted] I agreed I could pay 10,000 and later pay 15,000 a total of 25,000. [redacted] objected wanted all the money & I was in this lock down & wanted out [redacted] agreed to get my appeal bond re-instated and get the Judge off my case for cause also to file my appeal & [redacted] which he said he had no problem to get me a new trial. He never done any of above but filed a very weak appeal that the Supreme Court would not give any consideration. Just rejection only. If you could tell Media anything, what would you say if you had 15 minutes. (Full answer please) Very important.

b6
b7c

The News Media today is one of the most trusted of all people. I get letters from all over the world and none of them believe anything the News Media puts forth. All media is controlled by Liberal Communist believing Jews. They own controlling interest in most all News written or spoken. I have never at any time in my life advocated destroying the Nation & Jews nor a single Jew I have advocated that the white race take back the power of the News Media by buying 51% of the stock in all media & official institutions. I would tell the media that each one of them must accept Jesus Christ for their souls salvation as there is no other way to be saved. They need to stop hating Christ and Trust Him - He will forgive them for the way their forefathers mistreated Gods only begotten Son.

Now, One of yours started communism a Russian Jew Karl Marx at one point in history you were the Chosen People, Not true today. He Jesus came unto his own and His own received him not. Jesus said the first shall be last and the last shall be first - So here I am - me and mine on the front row.

The Lawyers Lie

Jackson
Miss

I did not know but [redacted] was [redacted]
[redacted] His family put him in [redacted] and he ran away
2006 [redacted] put him in some [redacted] NE
ran away [redacted]

So while [redacted] knew the 25000 I drank all the
row with His women I sat in lockdown waiting
for him to get me a new trial of ~~which~~ which they are
paid to represent me - I had only a verbal contract with Pers
but they were to do all my legal work since they did not
work my trial but saw it on TV.

3) What were those other convicted of in 1964 and if they were convicted because of 3 civil rights workers, then how & why were you convicted also 41 yrs. later - Wasn't the case closed then.

Conspiracy which carries a 10 yr. max. sentence

The case was closed then but since two of the three were members of The Communist Party and Jews the Jews and the NAACP has kept something going every day since they have raised millions and millions of dollars. Again I remind that the news media is owned and controlled by Jews

1) If they were shot, where's evidence, a gun? Surely modern Ballistics would prove weapon, etc.?

The FBI would not let Sheriff Rainey see what they called the bodies. They FBI claimed to do an autopsy and that each one was shot in the chest. They only had (paid testimony) and no evidence. They actually did not prove anything. No gun. No eye witnesses. Sheriff Rainey was the Chief law enforcement officer in the County. FBI never mentioned Guns shells nor bullets.

2) What is your view of how USA will be in 20-50 years?

If you are ~~fanatic~~ ^{fanatic} ~~fanatic~~ with old Rhodesia South Africa America with a turning back to God and Right, well he just about as bad or worse before. The 50 years are here as of 2007 most plantations are occupied by Natives who murdered the original white owners raped and killed the women. Lawlessness rules the country seeds and their leaders have caused (5000%) five thousand percent inflation and food is extremely scarce and almost unavailable. Mandela was a communist for most if not all his life. He went to prison and the Blacks made a majority of them.

Mr. Ray, Please answer these!

11-03-07

1) Why was prayer taken from schools, 10 Commandments removed, etc. Will they remove "In God we trust off \$'s hat? Who did this & why?

The organizations that go to Court are all Communist front orgs. financed with Jewish & about money you are not suppose to mention the name of Christ around the Jews nor in public places they are unbelievers in Christ they still as of today tell tall tales about who what and other lies about Jesus! - Take prayer out and you are on your way to centricity and conquering those people. The 10 Commandments were given to Moses and the children of Israel and all mankind. Jesus used them in his life here.

The Constitution guarantees that the State - Congress, will or cannot, order a state religion and am I proud, I do not want the Govt to write a prayer for me to read to God. Worship to the dictates of my own conscience. The Jews are 99% or more the ones causing all the problems in school & public places. They are already working on the new Fed we built on money -

2) What were the 3 civil rights workers doing in South, were they Jews or what? Did more come? Please explain!

Ginsner and Goodman were raised in N.Y. City their family were workers in the party helped Chambers and Hess during and after their Calif Federal conviction for betraying America selling Communist Russia our secret security info. found in the pumpkin patch by J.W.I.

The third was a black fellow from Meridian never heard of. The three (by news media) were portrayed as working to register black people to vote - But their main mission was to recruit

young black males send him to a school on the Coast - Jackson County - buy their clothes board and check all Govt money and they signed a pledge to rape a white woman once a week all summer long during the hot summer of 1964. George Wallace went to Wash DC to see LBJ with the literature they were putting out - as soon as Johnson saw what he had he ordered Wallace get your shit & get out - Had

not have been with

4.) How did you become so powerful, didn't the Newspaper say you was head of KKK; or some Mafia Group. The newspapers & mass media claimed I was Head of the most violent KKK group there had ever been - They news reporters were afraid of the mafia in those days and were afraid to print or say on the air that I belonged to mafia all the above I have denied for over 50 years even NOW

5.) How could it be Manslaughter, ain't that accidental death, why not murder? They tried me for 3 counts of murder - realized they had no case then gave it to jury as Kidnapping and manslaughter I was not tried for kidnapping nor manslaughter least was convicted of Manslaughter. They could not charge me according to the statute of manslaughter without I was in the act of another felony

6.) How do they think you got all three of the people all by yourself? They never proved I even saw one of the three all they had was transcripts from Dead people who said I was in the Klan. It was not against the law to belong to the Klan they had no proof of any crime

Yes if things continue - Tatoo has been the first to really try to help me - we have lost every V.R. and He helped me get 1500 pages of my transcript. They asked 3700. I got it for 410. Tatoo has been the first to really try to help me - we have lost every V.R. and He helped me get 1500 pages of my transcript. They asked 3700. I got it for 410.

7.) If Tatoo gets out are you letting him keep all your files and records? Cell # 7, is best in Prison on Appeals. Ray, I was told no one did a Appeal - What did the lawyer do you paid \$75,000 to? I do not know Cell 7 I wanted you to help me.

30 years
Kidnapping had been off 30 years, no in the transcripts
After several Kidnapping

5) you mention Communist Jews, are they still in U.S.A. + what do they do now?

There were 3 or more known Communist Jews at my trial. They do not advertise the fact they are Communist but they teach the doctrine. Lots of Liberals in America are not card carrying members of Com. party but they preach their doctrine.

They control the news media (you will hear) both printed + spoken word. They want complete control of world. They are very intelligent.

6) Why do you feel the Jews want or do control newspapers/T.V., the media? What is their goal or intentions.

They have thought control over the American public through the T.V. and press. you need to hear [redacted] 10 Commandments Judge tell how the liberals have control of our schools through what the teachers teach for K-12 to the universities. They want to control America. b6 b7C

7) How is A.C.L.U./Jews/negroes connected, was it Jews who sent the 3 Civil Rights workers? Not only did they send them but

Severer and Goodman were raised in a Communist Jewish home. ^{he went to Com. schools} A.C.L.U. started and is financed by Communist Jews. Most of their first workers lawyers etc. were Jews. A Com. Jew called the Judge from Oregon and got my appeals bond revoked.

8) The newspaper article this week said F.B.I. used Mafia to find bodies and had person who told where they were in damn who told, shouldn't he be charged, if he knew about bodies and F.B.I. didn't charge you but stated did 39 yrs. later. Why?

(41) yrs later
for 41 years I just ignored what the news media said. I will not deny (you are forgetting I had access to the Wash. D.C. FBI tapes of interviews for years + years) the FBI made efforts to trade with the mafia. The mafia kept me under surveillance long as the FBI had. The mafia would bring me info. after I got the drop on Cassin Italian hit man. They catered to me + told me lots - I like the under world better than FBI. (I have no respect for mafia)

Ray^{11/26/61} I was told on phone today to tell you that you + [] are on the national prayer line of Christians and that they believe you were framed by [] + Mississippi politicians, because of lots of pressure from Johnson funded groups. You are loved!

b6
b7c

Question: I heard you saying something one day that the media said you were most hated, or something, please explain -

The officers here make me the most hated in the prison system

The falsehoods of the media is the cause

I am the most hated by the media,

12. If 6 guys went to prison for the killings back in the 60's, did any of them implicate you in any way - Explain! It said they were K.K.K. None of the six implicated me what so ever

Bowers got 10 years + Wayne Roberts got 10 years Both are Dead
Most of these were not guilty, the public in miss in 1964 claimed you a hero of the FBI accused you and most of these claimed to know something until they were arrested then they denied everything.

13. Whose property was the Bodies found on at dam?

Wen. Burrough I believe the property was in Mrs. Burroughs home according to Land records at Court house

14. I didn't see movie "Mississippi Burning", did it Blame you, how did it show your involvement in the movie, Kidnapping or Murder or what?

I have never seen this movie - it was made - written + Directed by a Communist and it was fiction all the way some one told me it showed the KKK having no members ~~except~~ except Moron Types spitting out racial hatred
I understand they never used my name but had a ~~person~~ person called Procher who owned a sawmill. it was ~~fictional~~ not the way

11/6/07

4. His speech that won Bel 'ace Prize (M.L.K.) was known by you before it was given. How? Was there any proof or evidence that M.L. King was homosexual? The FBI went to King's office and told him that they had evidence that his speech writer was a Com. and they wanted him to know. Of course King played dumb & was his phone was tapped and soon as agents (2) left his office he grabbed the phone and said Hey-man the FBI has done found us out they told me you were Com but did not say they knew I was Com. so we will have to not be seen together for a while. By the way I have known the motel people since I got my acceptance speech ready - if your set, is not here I will dictate it right now while she typed it so did you know what he would say. b6
b7C

5) [redacted] knew you for lifetime did he still write against you? he knew you? He knew nothing yet he wrote articles [redacted] Com. Jew that he claimed I told him you are confused about Mitchell we read what? said I told you he was almost very close friends to the Com. Civil rights families I do not read the Elarion Ledger. He wrote articles quoting me and at the time did not know me.

about King I heard him on tapes telling the women involved with him that he was going to let them - that he was going to be a white man tonight. It was never in the news.

6) The Philadelphia Coalition was for segregation. It was made up of white niggers, whores and homosexuals. Only one or two would have been hard to prove. All the others were trash. b6
b7C

7) [redacted] No, [redacted] at [redacted] taken back room I had a friend who followed him there and saw them in action. [redacted] has a family but [redacted] knew him off. The warden knew told me that had heard [redacted]

8) Why did homo editor of Nisholia Democrat turn on [redacted] This has happened the split up since I have been here. I do not know if they even speak now. I saw a clipping where editor said he did not.

Some of the supervisors got defeated and after today [redacted] the supervisors got in that waterway. (1) No. 11. [redacted] \$20,000 Gold. The supervisors got in that waterway.

11/6/07

From what you told me today, I've got these questions.

Who + why + when did they plan to come on Sen Eastland's property, were they against Mr. Eastland?

At Memphis Tenn. King said on Nat. TV that Eastland had rented some of his farm land to the Govt. & that he was going to march from Mem. Tenn. to D.C. & build a tent city for his people. Eastland called Washington D.C. & told Justice to call up there to mem. & tell King that was private land & stay off. Justice told Jim E. that King was a private citizen & they could not tell him what to do. Eastland informed them he was Chairman of Judiciary and had access to the Records where they were paying King a Govt. check.

1) Did the Feds Kill the (3) to take public off Vietnam War? That is the mystery question. How could I have been kidnapped or shot & buried them with the CIA keeping them under 24 hour surveillance, could they not see - what were they doing not to stop - if they were doing their job - they sure got in a tight spot over that.

I am worn out & got to write Baby Doll will try to clear any points you don't understand -

b6
b7c

3. Was it ever made public about [redacted] [redacted] [redacted] No - he owned the local paper & naturally he won't print that I bought fuel & gas from his father a number of years. He was very honest with me and I feel greatly for [redacted] feelings. He told me to never think that boy was a chip off the block.

\$50,000
Chand mother in Penn
They say Jim King the Governor
A farcel was given this year

Leake Academy is the white school over [redacted] [redacted] grandchild. Have you heard from [redacted] or wrote him? [redacted] goes there. I have received no letter from [redacted] but he sent me word he thought I was Paul Robeson - I got a letter from [redacted] today [redacted] grandchild.

Where the 3 C.R. workers Christian or proclaiming other faiths?
 Some where's you are missing my answers! The 2 New Yorkers were
 Communist Jews and religion nor Christianity was not a question
 according to their Morals and Teachings there was no God,
 their families were workers for the Com. Party U.S.A - there was
 not a question of religion. Swerner's wife had sex with 4 or 5 Black
 men in bed with no curtains on windows in broad day light and
 Swerner sitting watching to show they believed in integration and
 was not prejudice toward blacks, I did not see this but later some
 Policeman told me of seeing this & FBI kept them under surveillance and
 told the Cops to stay away they were civil rights workers, you-like
that story
 were others killed, hurt, threatened - Blacks or white's for the
 Civil Rights actions.

all over America - I was not involved but in July 1964 spent a
 week in N.Y. the night I arrived the blacks not knowing I was there
 killed scores of people and burned over 200 stores in Harlem (not mass)
 But in New York City - the Liberal newspapers carried only back page
 stories of this - but every paper had huge headlines of Phila, miss
 there was 250,000 Shakers there from North America - U.S. - Canada - Mexico
 of which I was one - Chaplain

Did Martin L. King get involved w/all this? How & why? Did
 you ever meet him?

yes King came to Phila, I never met him refused to do so. I had
 listened to tapes from phone calls & his office & motel rooms.

He had a com. speech writer attended com. schools for training
 for his marches, demonstrations, His Non violence story was a hoax
 every place he demonstrated had some one killed except Phila, miss
 I had access to his acceptance speech for Nobel Peace Prize before
 he did it was written by a com.

King was a queer ~~by~~ by his own admission on tapes.

To be politically correct you have to deny all this - But if it was
 true in the 60's it's still true today.

Question - When the 3 Civil Rights workers came, what was their real mission. Did they go to your Church members?

To the best of my knowledge they were here only to recruit young blacks to sign up to take training with Gout pay to rape a white woman once a week during hot summer of 1964. Again & again I never heard of these 3 until after they were missing. Then most everyone knew of them. Also again & again the movement even King was financed by 2 sources - The Communist and the US Gout. (Don't laugh it's a fact.) When Eastland told Justice Dept. to tell King to not come on his property they said we cannot tell him what to do. Eastland replied I'm chairman of Jud. Committee. All know you are giving him a check you can tell him. He never came. Who told you about them & what were you told?

Of course it was talked everywhere and people were wondering in really happened - I went to Wash. DC. Spent a week around the Capitol lots of the time at the Pentagon - where I have ~~no~~ connection now. Johnson had called in the FBI & CIA and told them that the Vietnam war was ruining him political rise & for them to get south and start some thing that would get the public's mind off the war and on that occurred. The CIA were supposed to have these 2 New Yorkers under 24 hr surveillance at the time they ~~disappeared~~ disappeared. Now how they explained where they were when this happened.

How did the Sheriff & law enforcement treat & feel about them?

The Sheriff & Policemen (most of) knew about the Civil Rights workers (who ever they are) recruiting young Blacks to rape a white woman once a week. This news sold lots of dunks in Miss. I did not tell any I was pastoring about 4000 people and lots of them talked about the down word movement and really were ready for war. We had a better grade of moral whites in 1964 than we have today. Lots & lots of people are unhappy but they are too politically correct to stand tall and counted.

10/6/07

[redacted] Clarion Ledger and
close friends with Communist all over America he has
connection world wide with the Com. News media of 70-
not think this I know then you might reach him at Clarion
My answers may not be to your understanding or
I could have produced over 100 witnesses who ^{liking}
would have testified they knew me their lifetime
and they did not know of any violence in my life
The liberal element of Phila organized the Phila.
~~Colation~~ Colation They finally got up to 31
members and they consisted of only a few Blacks
3 choctaws the others whites The white women all
had (married) - several black boy friends to satisfy
their ungodly passions - one business man (white
& married) was caught having sex with [redacted]
a ho miss - at the Neshoba Co fair [redacted]

b6
b7C

b6
b7C

[2005]

The \$80,000 per year man who was head of local
Development org. has been fired. And the Colation is
torn to shreds & disbanded (does not exist) The
local Editor of Neshoba Democrat - Homosexual
has now turned on [redacted] He ^{came} comes from a good
family - close friends of mine. His family owns
most all of the oil business in the surrounding
areas of Phila union Decatur Newton ect.
They have paid the Editor his inheritance and
have no connection with him. They are Christians
all but the editor. My friend about a [redacted]
Prince Oil Co. A multi-millionaire and goes to church
even has prayer services in his home.
He almost died over that Homo. Boy.

11-06-07

Thanks for reminding me but my plans are for you to
review all he does I will try to get the Transcript for you
to read. They started on me (us) for \$3700 for that transcript
15 or 1600 pages we finally got it to my door free
for a while we were getting 3 or 4 letters a week,
we have the Bar assn. trying to make my lawyers pay
the transcript. I found they only read it at the Supreme Court
if at all - They told my wife they would get it for \$3700
we have ask the Neshoba Co. Circuit Court to send me a copy
all I have on that is where they filed my motion
I have not told any of about that I have a copy -
at the Law Library got it for me - I think Tattoo is really trying

b6
b7c

He has not said anything but if I were He I would want
all the Help I could get - So far his work has stood the test
better than my high priced lawyers. I am not in a bad
mood with any of you - Thanks for being my friend, my doc
is reacting to my injury and my legs are bothering me.

Dear [redacted]

I hope and pray that you and family are well doing fine and happy. all I do is complain I have been real sick with my head injury and my heart problem I am having problems breathing I sure do appreciate [redacted] and regret not being able to help him more. - Since he left here I have spent most of my time in bed. I hope to soon be able to write more I am thirty odd letters behind with my letter writing. I appreciate what you are doing to help and pray Gods blessings on you.

I deeply appreciate your friendship I really love Christian people they are the Salt of the Earth. I am hoping that my Brain injury is trying to be better some of the sensations I constantly felt has gone away and that encourages me lots.

That blow to my head killed my emotions almost completely and has effected my vision my eyes swell almost closed especially when they fail to bring my medicine to me. When I get better and able I will write you some of my favorite subjects and beliefs about the Bible. I enjoy hunting up in the Bible all the Gardens of the Bible. I also love to talk, write, and think of the angles of the Bible. And am just waiting for Old Gabriel to sound that trumpet I study quite a bit about the origin of the Devil I when able write a lot about the (2nd) Twenty Third Psalm. It along with the other scriptures is a great comfort in my life. I tell [redacted] I have been) all my Christian Love and Care
Edgar Raye.
Mighty Sick and he knows these were hoped will die

b6
b7c

b6
b7c

They gave me 6 units of blood and I am now
taking medication daily when they bring it
I shall keep my system from rejecting the pins
steel plates, screws and Bone grafts.

10/24/07

Do { I believe I have a suit there
you { I paid \$25,000 for a lawyer
that { He was to file my appeals until we won
? { He was to get my head reinstalled never tried
have { He did write 3 pages of why I needed to go
a { to the University and before we could get
Sue { that in court they took me to the Hospital

I will write you more & more as we go along
we are going back to the Supreme Court now on
my last state appeal asking for leave to go to Federal
Court.

You can get packages of this transcript (take care) They
ask me at Circuit Court & lawyer \$3000.00

(2)

They took my wheel chair for 10 days They had heard on T.V. that I could walk, I really thought they were going to kill me, I told them who and what they were - they had a large at least 250 pound black convict sitting in floor forgot they did not have him chained and when I told them they were Black ass sons of bitches Big one came up off the floor chanting free Edgar Ray - we ran away one of them out of that room - they never mentioned that to either one of us again I older officers stuck their head in and told me they would help me if Lee would let them - this was about 6 months after my accident and so I in May 06 had several hours surgery and again in May June July Aug spent in University Hospital they kept me eleven (11) hours in surgery I developed Congestive Heart failure - my kidneys had injury and they still do not know why my blood was so low

Write me when you feel like it.

10/22/07

Hello Friend:

Are you having a good day? I have been reading or sleeping all day. I am kind of having a down day - The brought mail early today. Mine has been mostly after dark. I heard from Germany, Australia and Ireland. Ila + miss. I got 3 letters from my Baby Doll.

If I go to the news media will it hurt my case in Federal Court (appeal)

Do you have any news ~~that~~ folks that will give us a fair deal so far the writers + T.V. have pronounced me guilty with out even knowing me. I can't get a miss. lawyer who will see them for fear of the reactions & block.

This is personal so forgive me. Do you get along well or is there something wrong? I know nothing just asking. I love the painting and will mail it to tonight.

I hope your day is better than mine. However my day could be worse. God does not like for me to try to carry my burdens, but I am too stubborn to do Exaltedly right and leave it all to Him. Thanks for your friendship.

b6
b7c

at \$8,00 - 100 would be \$100,00 A Million would be 1000000
we soon would have control and could name the
President of the net work and demand no play fair
with the Christians and the South.
Talks just look at you and don't know what you
are telling ~~them~~. I know that you are going
to be disappointed with me - I am not ~~interested~~
Guilty as charged. Never advocated killing Jews
but put them out of business by buying not
their product but controlling interest in their stock.
The Jews are shrewd business people they code all
products their CO's produce - you can find it if
you know what you are looking for - I looked at my
bag of Maxwell House Coffee it is owned by Jewish
money - The (R) Registered Trademark anyone could own it.
at bottom of bag (R) that is their symbol and
it must be on every item their family buys.
I did not know they owned (you know a majority of
the stock) well maybe tomorrow we will have
a better day this cool weather is bothering
my lungs and even my muscles.

10-25-60

Hello Neighbor, I got your letter and thought that I
had written you back, Did you get one of the
506 RVR's passed out? I did. That B. is always
terrifying me up and so far I have beat her
every time. I got 1 of my Daily papers today it
was dated the 16th I believe 8 days old. That
paper came to Jackson the night of the 16th & I
am just now getting it. I believe they are holding
them down here in the mail room. You need
not feel too bad you are not the only one who
feels to be alone. I am having a bad day myself
of course it could be worse. I do not have my
transcripts. Tatter has them and is writing my
past conviction to send to the State Supreme Court
My lawyers just absolutely did me no good.
I am a Political prisoner - The Germans have me
listed as a P.O.W. I am Anti Communist from
day one - They through the Com. Jews control the
Money of the world They Dominate and own the
News Media - In my speeches over 50 yrs ago I
told the people of America who owned the news
media and suggested we get some one all right and
get the Conservative Christians of the South to send
\$1.00 or what ever each payday they would receive stock
from which ever Net work we bought and
sooner or later we would have control at 51%

I was injured March 18-2005
I was in Court in June - 05 (3 months)
was not able physically or mentally

My brain damage keeps me even now from
being able to help file these papers.

Here's the shocker for you - I worked in the
lumber business for 40 years - I pastored
a lot of churches for over 50 years
I practiced Law for 10 or 12 years I just lost
trust lawyers and that kept I quit. I was 2
weeks from the Bar Exam. and I went and
bought me a new sawmill and never
went back to Court a day that was in the
late 60's

Jan. 17-1925 I was born in Neshoba Co. Miss
I am now 82 years and 10 months almost.

Q

The blow to my head

(1)

killed my Emotions

14/1/01

(my memory is bad)

(I changed my personality)

b6
b7C

Hello [redacted] I thank you for writing - I really enjoy talking to you or reading your letters

[redacted] cell 10 [redacted] is working on lots of things for me my head injury has done me lots of damage on March 10, 2005 a small tree about 6" hit me directly on top of my head it knocked my skull in about two inches at least and my head about doubled in size. They thought my neck was broken and I wore a collar till I told my Dr. I wanted rid of that thing they did another cat scan and finally took it off. I was standing straight up and that small oak was laying about 50 feet high lodged in another tree and fell out and hit me on top of my head it was about 75 feet tall or long. It broke both of my legs (the tree hit only my head) my right leg was broke (lost to top of leg) in 3 places and my left leg in 2 places also my pelvis was broke in 2 places from top to bottom so now I have pins in both legs and from my hip on both sides pins to my pelvis that is why I am still in a ~~wheel~~ chair - The Dr's did not operate on my head the skull pushed its own self back in shape Sept. 05 they sent me over to Rand C where about 40 or 50 all black is now as they got me in ~~the~~ private place attacked me and pushed me from my wheel chair

2"
A specialist
told me
they were
guessing
I have
Brain lobe
damage
L
RL
These
looked
like
1/2 thick
washer
on XRay

10/20/07

Boy 3000 That's me

b6
b7C

of just the same old story ~~and~~ prejudice as of today. I am prejudice toward that Negro officers they stand tall on me. I know your Negroes. I like. Statement the enemies are afraid of the officers. I officers are afraid of Condole - then at

I do not yell Kell Jews but I tell the world to forget about them being the Chosen people (No more - Not any longer) Ihe threw it away at the foot of the Cross and have not rent it this Day ask forgiveness. Some few become Christians and ^{Oh} Gay are they proud of their knowledge of Christ.

I am not hunting an argument I believe we are
Friends and am not having a good day so write me

3. I need your full name & MOOC# -

10-19-07

Edgar Ray Killen 112906

4. When you have time, let me look over your transcripts ^{OK} ^{has them}

5. Where did you preach at? What religion? Through the years I pastored over a dozen Churches including my Home Church and one for 23 years where some of my ancestors' graves are ^{in it}

6. Did you work for J. Eastland or friends. Did he know you was involved in Civil rights stuff, was you ever a suspect back then? I was never on Eastland's pay roll but yes I worked for him (more in a letter) yes I was a suspect and ~~was~~ all over

Miss - sponsored by Eastland's backing ^{more in letter this is 30 yrs ago work}
I never publicly exposed Eastland to the news media ^{in letter}

7. Did your lawyer mention your injuries in trial? NO

8. What did say to you. I saw her on T.V. saying the medical care here was good & she could take care of you.

b6
b7C

That's a long story I have no respect for a liar.

9. Do you get your canteen? Just when they want to

10. Have guards treated you badly? Who? They cursed me with every oath you can be cursed a long, long story, call with letter

11. Can I start writing lawyers & media & see who I can get to help or publish your personal feelings or story? ^{yes} ^{please}

12. Do you get any type pain medicine, do you hurt? ¹ NO ² yes part time

13. How is Jim Hood involved? Jim Hood is Attorney General of Miss He came in with prestige of his office and indicted me Jan-2005. He now is in a battle for his political life. Some of my neighbors are sending his opponent all they can get on how to use against him He used Miss Behning in his pleading to the court a fictitious story as fact

~~your envelope~~
would like to send. I left room for answers!
it to [redacted] so she can enjoy it & Paige can't get it.

[redacted] I hope you like your picture, I did it yesterday & during the night. I feel a strong kinship to you which is unusual for me, we become so cautious because of many bad experiences with others. I'm totally anti-MOOC, because of such reversed discrimination. They call me a racist, but not for actions/words against them but because I fight for my civil rights continually & have no fear of them. They keep me locked down because of it.

b6
b7C

① Please write & tell me what your wife said, also about "someone hung up?" when she called mom. Thanks! Questions: ② Do you have any lawyers, groups or individuals whom are helping you? Most people don't know what to do. 1. Call [redacted] is doing lots of legal work for me. and I am afraid to file anything to trip him up, you know the system we are working on filing a post conviction with the state supreme court. and then will with their decision go to the federal district court with a Habeas Corpus! I am asking 2. for a public defender - I have written [redacted] a letter to [redacted] (a public defender) and ask her for help she has a boss man that said they would decide after Habeas Corpus when did you get the charge put on you, & why, & who told on you & why? This is a long story. I was pastoring some of the largest Baptist Church in the area of dehor. The 1964 case happened and the FBI told me if any one could break the case for them I could so when it refused they offered \$1 million (Ha Ha I ain't no fool) then they started hiring people to talk. They then, New Orleans, not even at my trial had any evidence just bought testimony.

b6
b7C

Question Number 5. about who helped developed or introduced
 your beliefs about Blacks. No one influenced my
 feelings toward Blacks - I have no hatred toward
~~any~~ race of people - The first census or framers of
 the Constitution counted the Blacks only $\frac{3}{5}$ three-fifths
 of a person not my words this is History and may
 have been part of what made America the world's
 leader. I am of German and Irish blood and all of my
 ancestors were Protestant not the Catholic faith.
 I was reared in a Christian home and taught the
 Golden Rule - In the State offices where people
 pay fees Birth certificates - eat the blacks are
 embezzling most all the cash and the State is
 ignoring all this stealing - Here where I am the
 Blacks have taken over the Clinic and very few
 whites are treated as they need. I am in a dingy
 type cell & custody put here by blacks who are
 very prejudice - Black officers tell the inmates they
 cannot talk to me when passing my door - I have
 quite a few real good friends among the inmates who
 are black but at least 9 out of 10 of the officers are
 very prejudice toward me and show it all the time.
 I am held to last to go on yard call of which is not
 even 10% of the time given by a federal
 court order - I am last to receive a tray at meal
 time and only given $\frac{1}{2}$ cup of coffee or $\frac{1}{2}$ cup of drink
 when I see the officer gave 2 cups to blacks.
 I am last to get to shower sometimes at 11-p.m.
 I will write about the attack at R C where about
 50 Black officers attacked me & took my wheel chair.

There were 8 of me Killeen Children 6 boys & 2 girls
I am the oldest of these and [] is the youngest.

b6
b7c

~~There~~ all are living but Roy Gene (Shorty) 6'3" 250 lbs

He died at age 64 my 2 Sisters have lost their
Husbands the oldest at 80 yrs younger 60 yrs

I can furnish names if you want them

My Mother and Father are both deceased

Mother age 80 Father 91.

Religious beliefs - Church Affiliation Baptist - 2 Sisters
Church's for over 50 years.

I am very Dogmatic about one thing - Jesus Christ is
the Only Source of being saved He is the Son of God.

Jesus is the Way - the Truth and the Life

He died for Every Soul that has ever been or will be ^{ever} on
earth. He is the only Leader that has come from the Father

He is alive today at the Right hand of God the Father.

The Holy Bible is the Divine, Living, Word of God it is
Error Free and will be with us through out Eternity.

Notice [] I did not say you would have to be a Baptist

I said you would have to have Jesus Christ as your
Savior believing in Him and Him only for Salvation.

10/18/07

The ~~genuine~~ traders brought the Blacks to America from Africa and sold them in N.Y. & Mass. I auctioned parts N.Y. Boston, Mass. One in S.C. the rest of the

What do you feel about blacks now? I believe in treating every one, ~~even~~ including blacks as I want to be treated.

What made you believe as you do? About Blacks? Tell me, I have not discussed my feelings. See Lar. your question has me hating & killing Blacks. Fools

This question sounds like the news media. marriages - witness kids info.

I married young and lived with my first wife 52 years - She died at age 70 years and 2 days. She played the ~~for~~ piano at the Church I pastored. We had no children. She was a bad diet which destroyed her heart and kidneys before the doctors found the health problem.

b6
b7C

~~secret trading~~ I am by and my trial made us only closer than ~~the~~

and I have been married

we have been and still are very happy and

is deeply in love - There is no secrets between

and took back her maiden name

had Cancer surgery 3 years ago and is now doing fine - She is a very strong lady and Christian

is years younger than her Birth day is

Birth day I have

She was in Fulton, Miss. He has not missed a visiting. He has a wife and

11/18/07 — 11/07/07

copies

Questions from 

Answers by Kellen

pages in Order according
to dates.

b6
b7C

When I was growing up there were very few
 Jews in Phila my County Seat or Union my post
 office each had one Jew family who owned a
 clothing store in each town they went to
 Meridian for Church as Meridian was a ~~town~~
 heavily populated city of Jews - These Jews were
 of the Jewish Faith and not Christians - As a
 whole they were interested in making money
 than other matters - I was the Chaplain of
 Hamasa Temple for probably 20 years many of
 the Jews belonged to Hamasa I have not said
 drew or attended in 25 years - I had no problems
 with the Jews in the Shrines they came by
 the Scottish rite I went ~~on~~ the York Route
 Both believed in God. The Jews deny Christ
 that's why they are not Christians
 we had no Jews in our local Churches
 we had no blacks except some nannies attended
~~to~~ and tended to the ladies they were treated
 very politely and was appreciated for their service
 Back to the Jews my speeches were not to keep
 Jews but to pool the South's Gentile (white)
 money and buy 51% of the stock in the news
 media which was dominated by Communist thinking Jews
 and liberals who believed in ~~but~~ the Communist
 doctrine - most old people tell me now that heard me
 speak that they did not help because of their ignorance
 and are living with regrets.

(2)
The blacks had their own churches and schools in the communities where I lived and worked. The whites by a very large majority wanted segregation of the races. The liberal yankees hate the blacks as a race. A Rebel accepts the blacks on a ~~individual~~ ^{individual} basis and does not hate them as a race.

I spoke here in Rankin Co Court House in Brandon on the subject Wake Up America you are too young to die. One of the most dedicated Christians ever is a converted Jew who accepts Jesus Christ and washed in the blood - Baruch again. They are so proud that they found out that was Him: (The messiah.)

There has been a active Communist Party U.S.A. since at least the 30's our National politicians are afraid to fight or resist them look at Richard Milhouse Nixon's Record - They never forgave him - even after they forced him out of office.

Because you may did not like Nixon does not make you a Communist nor a Jew. Not all Communists are Jews. However you dislike did say you did not know what was going on. The Watergate Boys were hunting Communist money receipts at Watergate Democratic Hq. The Anti Defamation League (Jewish) is one of the most brutal groups in America made up of Jewish Comm. Hit Men and 100% Mafia. They are protected by the Federal Govt. and this of course consent of the Justice Dept. CIA. etc. FBI

Its folks like these who lied on Jesus and spat in his face and put the crown of thorns on his head.

There is about as many different groups of the KKK as there is Counties and States - I have heard from 165 different groups in ~~the~~ America some tell me who they are what they do and what they believe so I hear it all. When I came to prison I did not belong to any group but have groups all over the free world (so called free world) who use my trial as a 41 year old war with the South. and they all claim me one of them wrote me recently that the local Sheriff (I forget the County in Florida) had a one and one half hour training for his deputies and spent over half that class discussing my trial they said they had not broke any laws but they still wanted to break them up. They showed his picture and then showed me and I together - I had an agreement with most people not to let their name get away from here from me, but I can write and get permission from some I am sure. Lots of my letters come from people who are pillars in their community and some are just common laborers. I will try to list the States and Countries - I get more letters from Fla than any one state of course. Miss is close second. I hear from Miss, Ala, La, Ark, Tenn, Ga, New Jersey - New York, Ohio, Mich, Penn, Oregon, Washington - Calif, Nev, Nebraska, Minn

I get letters from Finland - Canada - Australia - Ireland - Scotland - Germany -

I never met Senator Eastland on any one occasion just grew up knowing him - He was raised in Scott Co. city of Forest where he is buried in the Forest City Cemetery - I became close friends to Leader Percy J. Hall. He was a Judge in La. He claim that Senator Eastland was the only one out of a hundred that you could trust. The different Gov's & Miss would get me to call Judge Percy they knew him but he did not know them. The City of Meridian got me to tell Senator Eastland they were desperate for a \$25,000 Grant said the other Senator (Stennis) + Congress. So many Montgomery said it was approved from Tallie then for 2 years it was ^{forth} coming. I told the Senator and 10 days later they had the grant. (A check or deposit.)

In my church work I pastored a number of churches and had a 45 minute Sun Am Radio program Charge of the Air. Churches Remus Secker Co. New County Line Secker Neshoba Co. Pleasant Grove ^{10 yrs} Newton Co. Greenland ^{11 1/2 yrs} Newton Co. Pine Grove Neshoba Co. County Line Neshoba. Mt Carmel Neshoba Co. ~~Secker~~ ^{33 yrs} Salem Neshoba Co. Oak Grove Landerdale Co. Zion ^{43 yrs} Kemper Co. Center Hill Neshoba Co. These were not full time - every other week in my convictions were It was Jesus Christ or it was in ~~vain~~ VAIN.

I have Baptized hundreds of people
I have Married hundreds of couples
I have buried hundreds of people

} 55 years of active work.

Richard
Nixon
(my friends)
Had all
my federal
charges
dropped
I miss
him even
till today

Rankin
Co. is
where
this
prison is
I try
to
take
care of
my first
friends
family
members
who are
still alive

At my 2005 trial some of the Com. Jews who
helped get Richard Nixon out of office (They never forgave
him for sending Com. Jew. Spies to prison - they haven't forgiven
me either for publicly exposing them) some of the
Com. Jews testified at my trial not even knowing me
nor anything about me. They were from NY Conn. & Boston
Oregon. I am not writing about secret or other KKK
meetings. I spoke to the Citizens of their area in
their Court Houses public speaking. Wake up America
you are too young to die. I do not hate Jews
I just don't trust them unless they become Christians
I spoke once here in Rankin Co. in their Court House in
the 60's. Not all Jews are Com. Not all Com are Jews
Com. began with a Russian Jew - Karl Marx.
The Orthodox Jews were the ones lying - spitting and
whipping on Jesus and yelling Kell Him Kell Him. When
He had come to live and die for them - save
them just for the asking, and they rejected Him and
all He offered. So He came unto His own and they
rejected Him at that time they were the Chosen Ones.
Now remember Jesus said the first shall be last and
the last shall be first. That is why you me
and ours are first we now stand as the Chosen
I just talk to [redacted] she is having trouble
getting the pictures we wanted - still trying.
I will do some writing about money maybe I could
get some one to sell some books and send the
money (just a thought) write me what you think and
how much do you think the book will sell for.
I doubt we could write for more money after we
tell them a price.

you ask me about if there was a KKK yes there
is and its stronger in North. The best I can tell the
largest group is in Ohio - Florida has more than
Miss. I have heard from 165 groups in America
A Montgomery, Ala. Com. org. puts out literature giving them
a bad name there is where I get lots of information
This Jewish Com. Law org. has over 65 million dollars
in the bank money donated to them Morris Dees,
started that group - Ser Justice Dept. lets Dees Communist
front org. help prosecute lots of Federal cases
The Jews got the Federal Govt to forbid their
employees saying Merry Christmas it insults their feelings
to use Christ as in Christmas they say Happy Holidays
The same group sued I stopped prayer in some schools
They removed the 10 Commandments from public display
I have the 10 Commandments in my front yard and ones
had to call the local Sheriff to keep the National news
media from destroying it. They Kicked Judge Roy Moore
off the bench as State Supreme Court Justice in Ala.
I saw a tape of his appeal to be reinstated, the Ala Attorney
General questioned him - (I was expecting it to be will you reinstate
the 10 Commandments if we let you return) No the question
was will you continue to declare a faith in God -
His answer was yes. 5 minutes later their answer was
you are permanently disbarred from the court.
I like the AB's they have supported me from
all over the free world and even Finland. I believe
the AB's are stronger than the Klan - world wide
The Germans where the AB's originated claim me one of them
and say they look up to me like the Catholics look to the Pope
and the Americans look up to the President. Sure I love them
P.L.W.

The out sound of the Bible being read in Edm. O.
The Germans say I am a Political
P.L.W.

Winter 1950

my 3 Hollywood Heroes Ronald Reagan - John Wayne
Jimmy Stewart I have only seen John Wayne in
his Western movies. The Communist had taken
over the Hollywood Screen actors Guild and were
writing into the screen Communist doctrine
The above I tried to get the Justice Dept. to
prosecute and remove the Communist out of
Hollywood. The Govt. refused and they (these 3) spent
their own money and cleaned up their (union) Screen
writers Guild. - Reagan left the Roosevelt Democrat
Party for that and other liberal reasons.
Hon. Richard Milhouse Nixon was elected to
Congress from Calif. He really went after Communism
in Govt. and finally Alger Hiss and Chambers
were caught selling out Top Security Secrets to
Russian Com. Spies - putting the Micro films inside
a pumpkin patch in Calif. They finally went to prison
Hiss and Chambers were members of the Communist
Party U.S.A. - when Chambers or Hiss were in
New York their wife were the Woodman and
Sullivan Name all Communist Jews. Remember
the 2 whites were trained in a Com Training school
and came from there to Mass. I had not heard of
them until after June 21, 64 and the circulars were
posted hunting them I also got their Com. affiliation
after their disappearance (take note of this) I got my
information from records at the Justice Dept.
The C.I.A. was supposed to have Sullivan (check spelling)
and Woodman under 24 hour surveillance for their
Com. affiliation at the time they were buried ????

1930s
1945
1950
+
until now
where was
the C.I.A.
and FBI
when
Sullivan
disappeared
in Wash DC.
They
were
supposed to
keep them
in sight
- 7-5-7
- 7-7-7
you ask
me a question
yes there
was and
there is
a
Communist
Party
U.S.A.

I had a friend during 1964 (before/after) in the Justice Dept.
The CIA & FBI could never figure why I could know
what they were saying & doing in mess & elsewhere if I heard
they are still (unless they see this are) wondering why I hear
I could break their Top Secret Code. My friend never
violated any laws by giving secrets away - He told I gave
copies of information to some one who legally could
see and use them. ^{my other friend} He gave them to me.
My friend never talked to me personally never on the
phone. ^{Never C.I.A. #2} never wrote me a letter never sent me a
package so no way could he be violating the law.
yet I got any thing there I ask for. It was sent to
a Govt office in D.C. the ~~person~~ individual would bring
it to mess in his personal papers & then I saw it.
Lyndon Baines Johnson (L.B.J.) called the directors
of FBI & CIA in and told them, I heard a tape of this
that ^{on tape} G.D. Vietnam War is ruining me in politics so
you set South and start something the world news
will get the public's mind off that war. They set up
a Com Training ~~School~~ School on the West coast to train
young blacks to rape a white woman once a week
during the hot summer of 1969 - I received copies of their
literature it was supposed to be kept secret. The Journal
News Media by news paper Radio TV said it was training
Civil rights workers. What a lie. They paid these
black checks room food and new clothes. I saw
some of the checks and new suits. Gov. George Wallace
made an appointment with L.B.J. carried the above mentioned literature
and L.B.J. saw him out of his office ^{mad} said I would have
never let you in here if I knew you had that

A trusted friend

another letter
to register voters.

Dear [redacted]

I am hoping and praying that this note finds you and family well and happy.

I greatly appreciate all you and family have done in my behalf - Thank for the kind words you all have spoken. [redacted] sure did think

highly of you after she talked to you on the telephone. I sure do appreciate [redacted] and consider him one of my best Christian friends.

Tell [redacted] I have been sick every since he has been gone from here and I know how these officers are they sure treated me bad for three weeks. I missed Canteen for 2 weeks. I got the investigators to admit their officers are prejudice. I am very badly wanting to find a trust worthy news reporter if there is such a thing. They have not let me go to Church for over 2 years. I just keep protesting them not letting me attend ~~CHURCH~~ CHURCH.

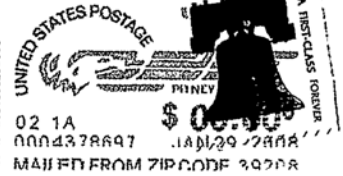
I have not written anyone but [redacted] for about 3 weeks.

Tell [redacted] I am hoping to catch up if I can my head is giving me lots of problems. I really do appreciate from the depth of my heart all the prayers you good Christians have prayed for me and my family.

[redacted] is a very wonderful Christian and we ask for the prayers of all praying people. I send my ~~big~~ thanks for everything. Especially your prayers and my Christian Love Edgar Ray.

Edgar Ray Killen 112906
CMCF II Unit 720
PO Box 88550
Pearl, Miss 39208

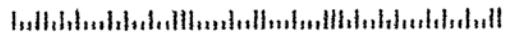
WARNING
Not responsible for content.
Any enclosed money orders
should be referred to your local
Post Master before cashing.
MIS Dept. of Corrections



Original letter -
Typed Copied + mailed
to [redacted] box

b6
b7C

33540+4713 R020



Even after death the Jews lied on ~~the~~ ^{the} said his people stole him from the tomb - But He Conquered death and defeated that Tomb, and drove the devil back into Hell and the Fire of Hell.

The day I arrived here the auditors from parchman stayed over to see me they carried me to a private office (White Gentleman) and ask if they could meet me and tell me they were my friend the oldest man present ~~except~~ ^{no} started laughing he said 80 years old yet I saw you this morning ~~He~~ and knock a black reporter about 25 yet before he fell - you sure got him out of your face - That will not be held against you ^{here} you are no where in our power to help you - Had I not back handed him when I did he would have broke my glasses

They had that on world court TV.

my bond was first a \$500,000.00 bond signed by two Deshoba County Men (Property Bond) approved by the Sheriff. My appeal bond was \$600,000.00 - signed by the same two men beside others including myself. Did I write about the Judge cursing his Father at Cemetery when judges mother died if not write me & I will send you severe things about his life and our experiences - [redacted]

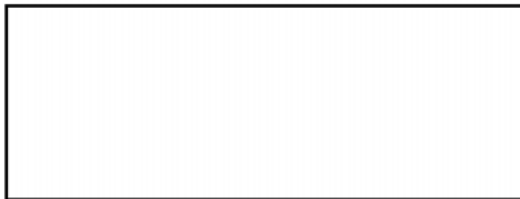
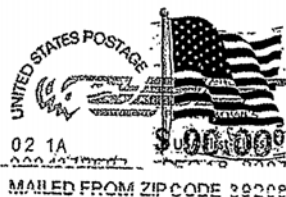
My attorney would not kick him off my Case. [redacted] told the news media that was the thought why I fired him it was but too late I already got the 60 years

They sequestered the jury they reported to the judge let them go home over night the following morning they reported 12 - 0 guilty manslaughter - I believe [redacted] got to the jury (Had it done that night and I believe it was illegal to have them lock up then let them go home)

Edgar Ray Killen 112906
C M C F III unit 720

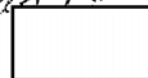
P.O. Box 88550
Pearl, Miss 39208

WARNING
Not responsible for content
Any enclosed money orders
should be referred to your local
Post Master before cashing.
MS Dept. of Corrections

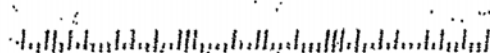


12/18/07

01/31/08 typed & mailed to



3934034719 R020



b6
b7C

[redacted]
Dear [redacted]

Here's hoping and praying that this letter finds you and yours well and happy. No one loves a complainer. However I have been for the last several weeks having lots of problems with my head injury from Mar. 10.05 which was date of my accident. I am of course still in a wheelchair and this is not of choice. b6 b7C

I really love that [redacted] I believe he knows the Lord who is my, yours, and [redacted] Savior - He "Jesus" is the best friend we or any person has ever known. [redacted] has told me of your prayers of which we, me, and my family are most grateful. That is what is holding us together with hope not only here but through out Eternity. [redacted] has told me you are a wonderful Christian. I am very much in love with [redacted] she has meant so much to me - she is my prayer warrior -

Please tell [redacted] I am sorry to be so slow and so ~~slow~~ ^{slowly} with my writing but I am about thirty letters behind with my letter writing. I have only written [redacted] and you in several weeks due to my head problems. My emotions were destroyed by that blow to my head. It never stopped my love for [redacted] and is some times now attempting to return of which is confusing to me. My Christian Love to all
Edgar Ray

7
Hey: I cannot remember if I wrote anything about my
Schooling? - ?

I am
a
Certified
Shipfitter
??

After my
Pastoring
which
was first
I was
in the
Lumber
Business
Former
owner and
operator
of

Decatur
Sho Co.
and
Kellen
Sho. Co.

I have attended different Colleges and Universities
I got my High School Diploma from House Near
School - Nashua Co. I have a diploma in
Ship Fitting from Ross A. Collins in Portland, Me.
I am a Certified Forester with five Certificates
of ~~Certification~~ Certification

and I have a few hours of
Business at Miss State (not a degree) but some
hours toward a degree Starkville, Miss.

I have had several courses (no degree) at the
Southern Baptist Seminary in New Orleans and
was pastor of the oldest Bible ~~teacher~~ teacher at
that time at New Orleans Baptist Seminary - He sold
Home Church in Newton Co. I got all his hand
written notes when he retired, books & books
of them Dr. Rufus Langdon. I studied lots of
Dr. John R. Rice Teachings of the Bible - He was
President of Wheaton College, Wheaton Ill. Dr. Rice
was President there when Billy Graham got his
degree. I spent quite a bit of time with Dr. Rice.
One of my favorite conservative preachers was Dr.
Adrian Rogers. He was a great Bible teacher and
preacher of the Gospel, simple and true. Dr. Adrian
Rogers died in 2006.

I majored in agriculture and loved Dairy Farming
of which I followed for 12 yrs. I love horses &
cattle.

b6
b7c

I attended Law school but dropped out because of dishonest
practice of Law by older lawyers. However the
Schooling its self taught Good and right.
In my business the FBI - CIA Johnson boys messed
with all my business they could - they were not well
liked in Miss to my knowledge. The Agents would
visit banks and tell the pres. of Bank if he let me
Borrow money they would ^{cancel} his insurance. FBI & CIA
of course that would close the Bank. The Agents FBI
& CIA would start all kind of rumors on any one they
did not like they would point blank lie.

Any one alive now can remember 9/11 The FBI
and CIA are still pointing the finger at one another
Some body was being paid to keep up with Security &
Intelligence why and How did that (9/11) happen America
[redacted] had the Child rapist (whom I had never
seen before) to testify that he heard me tell his grandfather
that I killed those 3 + proud of it. I was never at his
grandfathers House and have never told any one I did that.
Instead said he was not promised anything to testify however
he was released very soon after my trial. My attorney
[redacted] would not let the Jury know that instead was
serving time for [redacted]

[redacted] said in his acceptance speech after re election
he was going after the Sex criminals so he may
be tried him self if he brings up the guilty ones
[redacted] is a Habitual Liar. His record proves that
he was seen at Resthome Fair (2005) in [redacted]
Cokein [redacted] - He needs to explain
to the people of Miss. what they were doing -

time*
meant
every year

The two
white?
fellows
were

N.Y. Jews
reared
in a
Communist
Jewish
Home
workers
of
Communist
Party
U.S.A.

This was
a record
in Justice
Dept that
I saw
in late
60's it
may have
been destroyed

(3)
At the time ~~instead~~ ^{instead} was supposed to have heard
ER tell he killed those 3. His family lived in N.Y. and
they did not even come back to visit for years
during that time. He was 6 yrs old. The prisoners
I have met that knew him in prison said that he was
very ~~truthful~~ ^{truthful} & not well liked by none.
He was released soon after I was convicted. I never saw
or heard it in the news.

The News Media is owned and controlled by
Communist Jews or sympathetic people who are socialist.
Not every Jew is a Communist and not every Communist
is a Jew. I would like it stressed that I never
advocated killing nor beating of Jews even though
they have organized gangs for such. The Anti
Defamation League is more brutal ~~than~~ than
any of the Mafia or Crime families of America.
I have no hatred for Jews. However they approved
their life style when they followed Jesus to
Pilate's judgement Hall and yelled give us a
murderer and they killed Jesus. They not only falsely
accused him but lied on him all the way to Calvary.
Today have Communist Jewish Organizing that
help the Justice Dept prosecute the white race.
I had not heard of these three until the FBI
put out their picture and was hunting them. The next
day the FBI came into our area in numbers of
hundreds. They drove the highways of Neshoba Co
& streets of Phila at excessive rates of speed
thinking it would prove their efficiency of which
they had none. The people still had no fear
of them, & no respect.

In the 60's about 65 I had left Greenland Baptist Church a couple of my members were Mr Benton and Mrs. Hussy Gordon, the parents of three sons Ed Gordon, [redacted] and Clay Gordon. Both of the parents were heart patients and Mrs. Gordon was in Linds Hospital, Union, Mo. and she died from this heart problem. The following was told me by Rex Gordon, Dr. He had moved to the Miss Gulf Coast Jackson Co. and was a Chancery Judge. He left Newton Co to keep from having to kill [redacted] in

Union, Newton Co. After Mrs. Gordons death the three brothers carried their father Benton Gordon out to Greenland Church Cemetery to select a grave site for Mr & Mrs Gordon. Rex told me they were very worried about his fathers heart condition and loosing his wife. Mr. Gordon Benton was standing on plot selected to dig grave, he started crying and said has any of you boys called Edgar Ray he would be here if he knew Hussy had died and I need him more than I ever have. [redacted] turned on [redacted] and cursed him and Edgar Ray said he did not want that SOB to even see [redacted] for Mr Gordon died with [redacted] not to do and he is wrong as I was their best friend - Mr Benton Gordon grabbed his chest and fell where we buried him 2 days later along beside his wife in double funeral they rushed Mr Gordon to Linds Hosp. The Dr. immediately told them I sorry He is gone.

taken [redacted] got [redacted] where he could speak he ask and of
[redacted] to call me and tell me they were dead. b6
I went and conducted that funeral knowing how b7C
[redacted] felt about me for no reason that I had caused
him any problem. Judge Rex Gordon later told me that
was the nicest, best Eulogy he ever heard.

I quoted Prov. 31:10 and rest of chapter, for Mr. Bell
I told of his faith and our friendship.

Rex Sr. is deceased now but he told me he felt [redacted]
accurately killed [redacted] knowing how bad his heart was
and at that time throwing a cursing fit toward
Benton. Clay is also deceased - He was Head Lab

Technician at the University Hospital and was
completely different from [redacted]
Both of those Brothers had Cancer & Died.

In early 70's Gordon was D.A. and a gangster told me
he furnished Gordon with lots of hot merchandise New pickup
Horse trailers, Cars, Colored TVs, Motor Homes and any
thing of value. He even furnished his favorite girl friend
a mink coat. so I got a list and hired some one
trust worthy to go on his property and get me all with
or Serial Numbers of vehicle I carried to a FBI Agent
(I was that dumb) He set a date to pick all this up including
the D.A. so the morning before the pickup day my office
phone rang and it was a Meridian Star Reporter named
[redacted] I knew [redacted] because I often visited the
Meridian Star offices. The owner and Editor were friends
of mine. I still [redacted] and his good

Editors of those days - go to page ①

I denied to [] but she was persistent and named every thing I had names for. finally told me agent Rucker told her about all this and she needed to come along. My sixth sense told me something was wrong so I drove over to the Meridian Star office and went to the private offices of the Editor and City Editor and they invited me to sit down and ask if I brought my lawyer. They told me [] came in their office and said she had just got off the phone with [] she had told him every thing - she ask did I do anything wrong they told her to wait just a moment they gave her a check for 2 months salary to have money to hunt a job. [] has not been a journalist nor reporter since - The Star offered me a settlement for the amt of their insurance if I would settle with them - The FBI agent Shoke Rucker was the Double Crosser all the way he broke every confidence any one could have. He sure turned me against any agent being honest. My friend The FBI has volumes of evidence against [] until they use him to get those they want.

I settled with the Star with a hand shake they remained my friend until they sold the paper.

In the early 60's

was

[redacted] in Newton Co. There in Union a young black woman was found dead in a black family's yard. It's night and dark [redacted] wanted a name for himself so he got these 3 adult blacks to go before the grand jury and testify that they saw a black man named [redacted] shoot this girl down in their yard. (Totally dark) all 3 saw it and testified so [redacted] was indicted and put in jail. Charged with Murder no other witnesses. The Law firm assigned the case to me - my first murder case to stand alone so E.R. went to Union to interview the witnesses as you know I had that legal right. The man of the house was a ^{Sir name} ~~Mason~~ I never get his first name all his life he was called [redacted] was a [redacted] who was raised in the House Community and [redacted] were the witnesses after we talked and they saw me step all distances off and explained the law and that the judge could jail anyone for lying under oath they I saw was worried as there was no way they could see who or what happened so I told them to do their duty and tell the truth and they told me they saw nothing that [redacted] told them to say they saw [redacted] shoot the woman. They told [redacted] the morning the trial was ^{at} for they had told me he told them what to say and they told him it was black dark no lights and Nobody could see what happened so he had no case. I should have followed up and got him disbarred but I did not. He has all his witnesses to lie for him we did not go ~~to~~ trial the judge dismissed the case for like 12 witnesses and evidence.

b6
b7c

(3)

b6
b7C

When I made a \$600,000 appeal bond in 2005 [redacted]
[redacted] sent investigators into our area and my
Lawyer [redacted] of Carthage, Mo. told me
[redacted] sent [redacted] (Judge) word that they had
found the evidence where he (the Judge) was
involved in a drug growing deal in Lake
Co. and if he did not cancel that bond he
would be prosecuted so Judge immediately
cancelled or reappearing bond on the grounds
I was not in as bad condition as he thought
Hood is illegally making [redacted] do what he
wants him to do regardless of the law.
[redacted] is covering up lots of illegal deals in [redacted]
[redacted] slammed up after he told me about [redacted]
and [redacted] - I found [redacted] was having to help
[redacted] on account of his being charged with
drug selling and [redacted] covering it for him.
It was illegal grounds that [redacted] revoked
my bond. After I came back here I got worse
and worse healthwise around 6 mo's later I
stayed in surgery 11 hours and am still not
able to walk

[redacted]
has a
case that
could he
found yet.
his is

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/28/2009

To: Jackson

From: Jackson

Squad 3

Contact: [REDACTED]

Approved By: [REDACTED] *ghw*

Drafted By: [REDACTED]

:csaCSA

Case ID #: 44A-JN-30292-¹⁰⁸ (Pending)

Title: EDGAR RAY KILLEN,
ET AL,
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

(X)
CSA

Synopsis: To re-open and assign investigation.

Details: The Department of Justice (DOJ), Criminal Section, Civil Rights Division, has requested above captioned investigation be re-opened.

Information has been received regarding witnesses who wish to provide new information regarding the abduction of above mentioned victims. This information could potentially lead to new prosecutions against subjects involved.

Based on above it is requested above captioned case be re-opened and assigned to SA [REDACTED]

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b7C

♦♦

Re-open
to SA [REDACTED]
ghw
6/1/09

S:\DRAFTS\3 [REDACTED] 149CSA01.EC

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 06/05/2009

[redacted] telephone number [redacted] was telephonically contacted by Federal Bureau of Investigation (FBI) Special Agent (SA) [redacted]. After being advised of the identity of the interviewing Agent and the nature of the inquiry, [redacted] provided the following information:

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b7D

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]

b6
b7C
b7D

[redacted]
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]

Investigation on 05/29&06/05/2009 at Jackson, Mississippi (telephonically)File # 44A-JN-30292 - 109 Date dictated _____by SA [redacted] CSAb6
b7C

FD-71
Revised
7-21-2009

FEDERAL BUREAU OF INVESTIGATION
COMPLAINT FORM

ADMINISTRATION

Classification Level:

U ☐ FISA Derived

It is noted that the individuals and groups identified during the assessment do not warrant further FBI investigation at this time.

RECEIVED BY		Status:	Priority:
Name	(JN) (FBI)	None	Routine
Email		Incident Type:	Receipt Method:
		Criminal Activity	Telephone
		Received On:	Last Updated:
		8/18/2009	8/18/2009

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Originator Type:	Originating Agency:	Originator Telephone:
Complainant	FBI	
Responsible Office:	RA:	Responsible Squad (ACS Designation):
Jackson		Sq3

RESPONSIBLE INVESTIGATOR		RESPONSIBLE SUPERVISOR	
Name		Name	(JN) (FBI)
Email		Email	

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SUMMARY

Synopsis:
Possible historical information provided

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b7D

☐ Sensitive Investigative Matter

Facts of Incident:

--	--	--	--

Occurrence(s): From: To: **Time:** Duration: Duration Units:

COMPLAINANT

Name:	☐ Protect Source	Date of Complaint:	Time of Complaint:
		8/18/2009	9:45:00 AM
Address:	Telephone:		
Date of Birth:	Email Address:		
Gender:	Complaint Received By:		

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SUBJECT

Last Name or Organization Name:	First Name:	Middle Initial:	Telephone Number Text:
	FNU		
Social Security Number:	Date of Birth:	Place of Birth:	

JAW

Gender: 		Build: 		Complexion: 	
Hair Color: 		Eye Color: 		Feet: Inches:	
Weight: 		Age: 		Height: 	
Facial Hair: 		Race: 		Driver's License Number: 	
Accent: 		Public Figure(Politician, Celebrity, Community Leader, etc.) ☐		US Person ☒ Yes ☐ No ☐ Unknown	
Description (dress, mannerisms, or statements made): 					
Address: 					
Other Names: 					
Other Addresses: 					
Scar(s)/Tattoo(s): Scar/Tattoo Description: 					
Associate(s): Weapon(s): Weapon Description: 					
Vehicle(s): 					
INVESTIGATIVE METHODS					
FINDINGS					
Recommended Classification:		Recommended Alpha:			
☐ Disseminate to FIG					
☐ Disseminate to Others					
Recommended Action: No Assessment, Upload to 0 or Case File					
Date: 					
Assessment Findings: 					
Federal Violation: 					
SUPERVISOR REVIEW					
Responsible Supervisor: (JN) (FBI)					
REVIEWS					
Period Start Date: 	Period End Date: 	Days: 	Supervisor Decision: 	☐ Add Comments	
			No Assessment, Upload to Zero File		
Author: 					

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b7E

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b7C

Division:	Classification:	Alpha:	CPI Code:	File Number:	Case ID:
JN	44	A		30292 Sub File	44A-JN-30292
Serial Number: 111					
ATTACHMENTS					
📎 File Attachment			Attachment Description:		

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/25/2009

To: Jackson

From: Jackson

Squad 3

Contact: [REDACTED]

Approved By: [REDACTED] *JW*

Drafted By: [REDACTED]

:csaCSA

Case ID #: 44A-JN-30292 -112 (Pending)

Title: MIBURN

Synopsis: To document conversations with MDOC personnel.

Details: On 08/21/2009, writer spoke with [REDACTED]

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b7C
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b6
b7C

[REDACTED] advised [REDACTED]

On 08/24/2009, writer contacted [REDACTED]

b6
b7C

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44A-JN-30292 -112 5:1 DRAFTS/3 [REDACTED] 237CSA01-EC

b6
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To: Jackson From: Jackson
Re: 44A-JN-30292, 08/25/2009



b6
b7C

A criminal history for [redacted] was conducted and it was discovered [redacted]



The following identifying information was provided for



Descriptive Data:

Main Subject

Name -

Last:

First:

Race:

Sex:

DOB:

POB:

FBI:

SOC:

Hgt:

Wgt:

Eyes:

Hair:



b6
b7C

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/27/2009

To: Jackson

Attn: Third Party Draft

From: Jackson

Jackson

Contact: SA [redacted]

Approved By: [redacted] JAW

Drafted By: [redacted] jdt

JDT

Case ID #: 44A-JN-30292 (Pending) 113

Title: MIBURN

Synopsis: To advise of travel to [redacted] to interview [redacted].

Details: On August 28, 2009, SA [redacted] and SA [redacted] will travel to [redacted] to interview [redacted] regarding MIBURN. SA [redacted] and SA [redacted] will depart Jackson on August 28, 2009 and return to Jackson on August 29, 2009. The expenses are as follows:

Meals [redacted] = [redacted] x 3/4) x 2 days

Lodging

Total [redacted] x 2 individuals = [redacted]

♦♦

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44A-JN-30292- 113

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b7C
b7E

b6
b7C

b6
b7C

b7E

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/22/2009

To: Jackson

Attn: SA [redacted]

From: Jackson

Squad 3

Contact: SA [redacted]

Approved By: [redacted] *fw*

Drafted By: [redacted]

CSA/CSA

Case ID #: 44A-JN-30292 (Pending) *-114*

Title: MIBURN

RACIAL DISCRIMINATION - VIOLENCE

Synopsis: Request for assignment of co-case Agent.

Details: On 05/28/2009, captioned investigation was re-opened based on a request by the Department of Justice (DOJ), Criminal Section, Civil Rights Division. Information has been received regarding witnesses who may possibly have new information to provide regarding the murders of civil rights workers, MICHAEL SCHWERNER, ANDREW GOODMAN and JAMES CHANEY in 1964. This information could potentially lead to new prosecutions against subjects involved.

Based on the complexity and size of previous investigations, it is requested that SA [redacted] be assigned as co-case. It should be noted that several sub-files exist and SA [redacted] should make himself aware of these. Any new documents should be placed in appropriate sub-files.

♦♦

S:\DRAFTS\3 [redacted] 265CSA01.EC

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Assign as co-case agent 9/23/09 fw
SA [redacted] 9/24/2009

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b6
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b7E

b6
b7C

*(X)
CSA*

b6
b7C

b6
b7C

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/28/2009

To: Jackson

Attn: SA [REDACTED]
SA [REDACTED]

b6
b7C

From: Jackson

Squad 3, Meridian RA

Contact: SA [REDACTED]

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b7E

Approved By: [REDACTED] *fw*

Drafted By: [REDACTED]

: rhs *RHS*

b6
b7C

Case ID #: 44A-JN-30292 - *111* (Pending)

Title: EDGAR RAY KILLEN, ET AL,
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: The purpose of this communication is to report the results of the lead set for the Meridian RA on 10/19/2009.

Enclosure(s): -FD-302 interview of [REDACTED]
and FD-340 containing original interview notes;

-FD-302 interview of [REDACTED] and FD-340
containing original interview notes.

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Details: On October 26, 2009, [REDACTED] and
[REDACTED] were located and interviewed pertaining
to the captioned matter. [REDACTED]

The details of these interviews are contained in the enclosed FD-302 reports. Also enclosed are the original interview notes contained in 1A envelopes.

The Meridian RA considers this lead covered.

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S:\DRAFTS\3\ [REDACTED] 301RHS03

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To: Jackson From: Jackson
Re: 44A-JN-30292, 10/28/2009

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To: Jackson From: Jackson
Re: 44A-JN-30292, 10/28/2009

LEAD(s):

Set Lead 1: (Info)

JACKSON

AT JACKSON

Read and clear.

♦♦

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The following investigation was conducted by Special Agent (SA) [redacted]

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[redacted]
On January 11, ²⁰¹⁰ 2009, SA [redacted] conducted an online query of [redacted]

b6
b7C
b7E

[redacted] regarding [redacted] Results for the
aforementioned search have been copied and are attached to this document for reference.

(2) JDT

44A-JN-30292 -118

gfw ps

Reputed Klan leader Edgar Ray Killen now believes in civil rights

On February 26, 2010, In Justice. By Jerry Mitchell

In 1967, reputed Klan leader Edgar Ray Killen went on trial for depriving three young men of their civil rights after Klansmen killed the trio and buried their bodies beneath an earthen dam.



Edgar Ray Killen

Now Killen — serving 60 years in prison for orchestrating the trio's killings — is seeking millions of dollars, claiming in a lawsuit that state and federal officials have violated his civil rights.

"There is a certain irony here," acknowledged Killen's lawyer, Rob Ratliff of Mobile. "The purpose is trying to get to the bottom of what happened in 1967."

That's when Killen and 17 other men went on trial. A federal jury convicted seven and came within one vote of convicting Killen, a part-time Baptist preacher.

The holdout told fellow jurors she could never "convict a preacher."

In 2005, a Neshoba County jury did convict Killen on manslaughter charges, and he is now serving his time in the Central Mississippi Correctional Facility.

The lawsuit trots out the claim that FBI paid mobster Gregory Scarpa Sr. \$30,000 in reward money after he pistol-whipped a man to get him to cough up the location of the trio's bodies. (Check out my recent blog on this.)

The lawsuit also says defense lawyer Clayton Lewis was a paid informant for the FBI.

I haven't seen any evidence so far in the nearly 40,000 pages of FBI reports that Lewis was a paid FBI informant, but I reported back in 2007 that an FBI report showed Lewis had indeed passed on information to agents regarding defense strategy. (Lewis represented Herman Tucker, who was acquitted in the case.)

I mentioned in a recent blog that Lewis may well have been the one who told Mississippi highway patrolman Maynard King where the bodies were buried. (Check out my recent blog on this.)

44A-JN-30292-119

Ratliff wants to see all of the federal files in the case. "We've definitely been shown enough shady actions that it's reasonable to inquire," he said.

In his lawsuit, Killen claims officials conspired to suppress his rights to "defend his society and culture."



Imperial Wizard Sam
Bowers

Those words sound suspiciously like Imperial Wizard Sam Bowers, who ordered the trio's killings. (He died in 2006, spending his last years behind bars for ordering the Klan's 1966 killing of NAACP leader Vernon Dahmer in Hattiesburg, Miss.)

Bowers told an interviewer that "citizens not only have a right but a duty to preserve their culture."

"By taking someone's life, though?" the interviewer asked.

"If that person wants to put his life on the line in order to destroy that culture, yes," Bowers replied.

Tagged with: [Andrew Goodman](#) • [Edgar Ray Kilen](#) • [James Chaney](#) • [Ku Klux Klan](#) • [Michael Schwerner](#) • [Mississippi Burning](#) • [Sam Bowers](#) • [White Knights of the Ku Klux Klan in Mississippi](#)

clarionledger.com

Former Klansman convicted in '64 slayings sues FBI

The Associated Press • February 25, 2010

A former Ku Klux Klansman convicted in the 1964 slayings of three civil rights workers is suing the FBI and Mississippi's attorney general.

Edgar Ray Killen claims they conspired to suppress his rights to "defend his society and culture." The former saw mill operator and one-time Baptist preacher is currently serving a 60-year sentence.

He was convicted in 2005 of manslaughter in the deaths of Michael Schwerner, James Chaney and Andrew Goodman.

The federal lawsuit filed Wednesday seeks millions in damages and a declaration that Killen's rights were violated when the FBI allegedly used a mafia gangster during its investigation.

An FBI spokeswoman had no immediate comment.

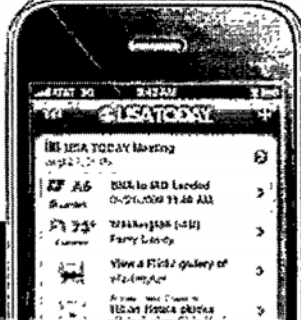
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JW

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Killen seeks millions in suit against FBI

Holbrook Mohr • The Associated Press •
February 26, 2010

A former Ku Klux Klansman convicted in the 1964 slayings of three civil rights workers has sued the FBI, claiming the government used a mafia hit man to pistol-whip and intimidate witnesses for information in the case.

Edgar Ray Killen, an 85-year-old former saw mill operator and one-time Baptist preacher, was convicted in 2005 of manslaughter based in part on testimony from a mistrial 40 years ago in Mississippi.

The lawsuit filed Wednesday in federal court seeks millions of dollars in damages and a declaration that Killen's rights were violated when the FBI allegedly used a gangster known as "The Grim Reaper" during its investigation.

"Money is secondary. We really just want the truth out," said Robert A. Ratliff of Mobile, who represents Killen. "What we're looking for is the complete, unredacted FBI file. Stand up and tell us what happened."

Killen has maintained his innocence in the killings. He is serving a 60-year sentence at a prison in central Mississippi.

Ratliff said one of the defense lawyers, the late Clayton Lewis, who represented Killen and several others in a 1967 federal trial, was a paid FBI informant.

And, he said, known gangster and killer Gregory Scarpa Sr. was hired by the FBI allegedly for \$30,000 to coerce witnesses to tell where the bodies were buried and who put them there.

The FBI has never acknowledged using Scarpa.

FBI spokeswoman Deborah Madden had not seen the lawsuit and had no immediate comment.

Killen walked out of federal court in 1967 because the jury couldn't reach a verdict.

Some of the information and testimony from that trial was later used to convict him, when many witnesses were dead and he no longer had the chance to question his accusers, Ratliff said. Some of that testimony was based on information gathered by Lewis and Scarpa, he said.

Stories about Scarpa, who died in 1994, has been the stuff of gangland lore. But in 2007, Scarpa's mistress testified in an unrelated case involving an FBI agent.

Linda Schiro said she came to Mississippi with Scarpa and he once shoved a gun into a Klansman's mouth to get information for the FBI.

Her entire testimony during that trial was later questioned, though, and an FBI agent accused of conspiring in a mob murder rampage was cleared.

Still, after that trial, New York Supreme Court Justice Gustin Reichbach said he was troubled by Schiro's testimony and referenced the Mississippi Klansman story.

"That a thug like Scarpa would be employed by the federal government to beat witnesses and threaten them at gunpoint to obtain information ... is a shocking demonstration of the government's unacceptable willingness to employ criminality to fight crime," the judge said.

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44A-JN-30292-121

clarionledger.com

The lawsuit also claims Mississippi Attorney General Jim Hood, who helped prosecute Killen in 2005, was complacent in a "conspiracy of silence" for knowing about the FBI's alleged improper conduct.

"I get sued everyday or criticized for playing by the rules and doing my job," Hood said. "I'm getting used to the job. We've got 3,000 suits out there and this is just another one."

In 1964, Michael Schwerner and Andrew Goodman, two white men from New York, came to Mississippi as part of Freedom Summer and teamed up with James Chaney, a young black Mississippian, to help register black voters.

They were ambushed by members of the Klan in June and killed before being buried in an earthen dam. Their bodies were found weeks later after an intense search.

The lawsuit claims the FBI brought in Scarpa, who found the burial site through "the use of intimidation of potential witnesses, pistol-whipping actual witnesses, and assaulting other local residents."

The lawsuit also names as a defendant John Doar, a federal prosecutor in 1967, and six unknown FBI agents. Doar is now in private practice and did not immediately respond to a message left at his New York office.

Killen claims in the lawsuit that Hood, Doar and the FBI conspired to "suppress, chill, and tortuously interfere with his constitutionally protected activities of free speech and freedom of association, all in defense of his society and culture, and otherwise injure him and abridge his civil rights."

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Killen claims God is on his side

Lawsuit filed last week alleges civil rights violations

Jerry Mitchell jtmitchell@clarionledger.com • and Ben Greenberg Clarion-Ledger Correspondent • March 1, 2010

Convicted Klan leader Edgar Ray Killen says there wasn't enough legal evidence to imprison him for the 1964 killings of three civil rights workers and that God is going to get whoever helped put him away.

Those written remarks are among the most recent public stirrings from Killen, who also filed a lawsuit Wednesday against the FBI alleging his civil rights were violated.

"Almighty God ... is listening and is recording your acts, thoughts and deeds. One by one you will give account to him," Killen wrote in a six-page letter obtained by The Clarion-Ledger from a Klansman. His lawyer confirmed the letter is indeed Killen's.

District Attorney Mark Duncan, who along with Attorney General Jim Hood prosecuted Killen, responded, "I don't have any trouble standing before God with my role in it."

In 2005, a Neshoba County jury convicted Killen, now 85, on three counts of manslaughter for his role in the Klan's June 21, 1964, killings of James Chaney, Andrew Goodman and Michael Schwerner, commonly known as the Mississippi Burning case.

The FBI is reexamining the killings. Four suspects in the case are still alive.

In his letter, Killen lambasted prosecutors and Circuit Judge Marcus Gordon, who sentenced Killen to the maximum 60 years in prison. Killen, a former Union sawmill operator and part-time preacher, is serving his time in the Central Mississippi Correctional Facility in Rankin County.

Killen blamed the media and the people of Neshoba County. "You had all the news media that helped indict me for murder on three counts, which you

had no legal evidence," he wrote. "All your grand jury heard was slick tongue talk from a couple of politicians."

Sally Beam, one of those grand jurors, said that's simply not correct.

All the evidence led to Killen, she said. "We were not out to get him, but he was the one every order went out from."

"He's still trying to cover up what needs to be exposed. If I were Edgar Ray Killen, I'd be thinking about my maker and where I'm going to be when I die. He's a preacher. He knows about heaven and hell."

Killen says mobster Gregory Scarpa Sr. pistol whipped "testimony" from Clayton Lewis, the defense attorney in the 1967 federal conspiracy trial of suspects in the civil rights workers' slayings.

The nearly 40,000 pages of FBI files in the Mississippi Burning case obtained by The Clarion-Ledger do not appear to mention Scarpa or list his informant number. Some other FBI records refer to Scarpa being brought in to help crack the 1966 killing of Vernon Dahmer.

Killen said the FBI paid Scarpa \$30,000 in reward money - an allegation FBI agents have disputed.

Retired FBI agent Jay Cochran said the reward money

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The advertisement shows a smartphone screen displaying the AutoPilot app interface. The screen lists travel-related items such as 'USA TODAY Morning', 'USA TODAY Travel App', 'View a Flickr gallery of Hampton', and 'Hampton Hotels'. To the right of the phone, there is a list of features with arrows pointing to them: 'Book 16 MD Landed', 'Check 16/000 Year App', 'Mississippi Falls Ferry Guide', and 'View a Flickr gallery of Hampton'. At the bottom right, there is a logo for 'Hampton' and the text 'SEE HOW IT WORKS'.

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44A-JN-30292-122

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was delivered to Mississippi Highway Patrolman Maynard King, who told the FBI where the bodies were buried. Cochran said King was passing the \$30,000 on to his informant.

Philip Dray, co-author of *We Are Not Afraid: The Story of Goodman, Schwerner, and Chaney, and the Civil Rights Campaign for Mississippi*, said he's not surprised Killen invoked God's name since the White Knights of the Ku Klux Klan in Mississippi often did that.

Dray noted Killen, in his letter, never actually said he was innocent. "Convicted Klansmen have a special problem with justice," he said. "Their 'crimes' were, in their minds, righteous."

In Killen's mind, he said, "it will always be 1865."

In the letter, Killen says he read many hidden Justice Department files. "I only read those of interest, as I was not hired and I was not a pimp, but I had security clearance, so I read and obtained straight evidence," he says. "I am not putting some names in this letter as some are still living and believe it or not I am not a betrayer of anyone, especially my friends."

Larry Ellis, a former inmate who has been interviewed by the FBI, said some of what the letter says mirrors what Killen told him behind bars.

Ellis told the FBI Killen said he had access to these files because of his relationship with then-U.S. Sen. Jim Eastland and "did jobs" for Eastland around the country.

The Clarion-Ledger obtained the letter from Cole Thornton, Imperial Wizard of the United Northern and Southern Knights of the Ku Klux Klan, who attended Killen's 2005 trial. Thornton, whose real name is Charles Denton, said Killen authorized him to release the letter, which expert Thomas Vastrick of Memphis identified as in Killen's handwriting.

Thornton said he wants to see "the scoundrels who railroaded this fine man pay up for their deceit."

In his lawsuit seeking millions of dollars, Killen is demanding all of the federal files in the case.

Hood said his office has given Killen's attorney "every document we have in our files. The federal

prosecutors assured me that they gave us all of the documents in the possession of the federal government."

Killen remains filled with venom, Hood said. "Hate will eat up a person's soul. As with all criminals I have had to prosecute, I still hold out hope that their souls will be redeemed."

Ben Chaney, whose brother, James, was among the victims, said after reading Killen's letter, "I sort of feel bad for Mr. Killen because he's losing. The fact is he refuses to look at reality."

"God knows what he did, and he knows he did something contrary to what God wants. The truth will set him free."

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UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 05/31/2010

Date: 04/29/2010

To: Jackson

Attn: Gulfport RA

From: Jackson

Squad 3

Contact: SA [REDACTED]

Approved By: [REDACTED] BT

Drafted By: [REDACTED]

csa CSA

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✓Case ID #: 44A-JN-30292-123(Pending)

Title: EDGAR RAY KILLEN,
ET AL,
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

(12) CSA JP

Synopsis: To set lead.

Enclosure(s): Two copies of interviews of Earl B. Akin, dated 10/15/1964 and 10/26/1964.

Details: After the murder of captioned victims in 1964, numerous members of the White Knights of the Ku Klux Klan in Mississippi were interviewed. These interviews included that of EARL B. AKIN, date of birth 10/19/1937, Social Security Account Number [REDACTED] who was thought to have been involved in the conspiracy to murder Michael Schwerner, Andrew Goodman and James Chaney. Akin's father, BERNARD AKIN, was originally charged as one of the conspirators. BERNARD AKIN at the time, owned AKIN MOBILE HOMES, which was discovered to be the location in where the conspirators met to plan the murders. BERNARD AKIN was indicted, but was acquitted during trial. EARL AKIN was never charged, since not enough evidence existed of his involvement.

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EARL AKIN was interviewed on 10/15/1964 and 10/26/1964. During the interviews, EARL adamantly denied

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508 assigned to SA 05/04/10 JP

44A-JN-30292-123

52/DRAFTS/3 [REDACTED] 119CSA01.EC

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To: Jackson From: Jackson
Re: 44A-JN-30292, 04/29/2010

being a Klan member and denied any participation in the conspiracy to murder the civil rights workers.

Due to renewed interest in the MIBURN investigation by the U.S. Department of Justice, it is requested that [REDACTED] B. AKIN be located and interviewed regarding information concerning captioned matter.

Information is being sought on original subjects which were thought to have been involved in the conspiracy, to include RICHARD ANDREW WILLIS, OLEN LOVELL BURRAGE and JAMES T. "Pete" HARRIS. In 1964, WILLIS was a Philadelphia Police Department Officer, who allegedly assisted CECIL RAY PRICE in arresting the civil rights workers. BURRAGE's property was used to bury the civil rights workers. HARRIS allegedly planned the kidnaping with EDGAR RAY KILLEN.

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AKIN has shown reluctance to co-operate with law enforcement authorities in the past. AKIN also has a violent nature and has an extensive criminal history. Agents should exercise caution when approaching AKIN.

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[REDACTED]

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To: Jackson From: Jackson
Re: 44A-JN-30292, 04/29/2010

LEAD(s):

Set Lead 1: (Action)

JACKSON

AT WAVELAND, MISSISSIPPI

Conduct logical investigative steps toward locating and interviewing EARL B. AKIN at 523 Garden Lane, Waveland, Mississippi 39576, telephone (228) 467-0592.

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Date October 19, 1964

1
EARL B. AKIN, interviewed at the Akin Trailer Court on Tom Bailey Drive, Meridian, Mississippi, after being advised of the identities of the interviewing Agents, was advised by SA ARTHUR L. MURTAGH that he had a right to an attorney, that no threats, promises, or offers of reward were being made to induce him to make a statement, and that any statement he did make could be used against him in a court of law. AKIN advised that he would talk with the Agents but only to find out what the Agents wanted.

AKIN was advised that the Agents were interested in knowing whether or not he had been involved in any Klan type activity in the Meridian area. AKIN emphatically denied any knowledge of Klan activity. The interview with AKIN was continued and he stated that he is unalterably opposed to any form of integration, but that he is also opposed to the use of violence to prevent integration. AKIN said that he had no objection to talking with Agents and that it might be possible for him to be brought to a point where he would cooperate insofar as he could with the FBI in preventing violence. AKIN asked how he might cooperate and he was advised that he could start by giving the Agents any information he had about Klan activity. AKIN again insisted that he had no connection with the Klan and only knew of it through public sources, such as reading about it in the newspaper. AKIN admitted that he knew FRANK HERNDON.

The following description of AKIN was obtained by observation and interview:

Name	EARL B. AKIN
Home Address	5715 Arthur Street
	Meridian, Mississippi
Race	White
Sex	Male
Age	32
Height	5'11"
Weight	170 pounds
Complexion	Ruddy
Hair	Brown, with brush cut

On 10/13/64 at Meridian, Mississippi

File #

JN 157-343
JN 157-1114
JN 44-1

by SA
SA

esp

Date dictated 10/15/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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Date 10/28/64

EARL B. AKIN, Akin Trailer Courts, Tom Bailey Drive, Meridian, Mississippi, was advised of the identities of the interviewing agents and was advised by SA [redacted] that he had the right to an attorney. He was further advised that no threats, promises or offers of reward were being made to him to induce him to make a statement and that any statement he did make could be used against him in a court of law.

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Upon this reinterview, AKIN was again advised of the investigative responsibilities and jurisdiction of the FBI and particularly of the FBI's interest in stopping violence within its jurisdiction. He was advised that continuing investigation revealed that he and his father, BERNARD L. AKIN, are members of the White Knights of the Ku Klux Klan of Mississippi and that his father held the position of Klan Bureau Investigator in the state organization of the Klan. He emphatically denied membership in any klan-type organization on either his part or his father's and professed ignorance as to what the FBI (Klan Bureau Investigator) meant. Further insistence by the interviewing agents as to his Klan membership resulted only in his insistent denial of any such membership. He said he belonged to the local White Citizens Council in Meridian, that he will resist integration until he dies but that he does not condone violence to combat integration and knows of no one who would resort to violence. He said he has no objection to being interviewed in the future by any representatives of the FBI and that agents are welcome any time they wish to stop by.

On 10/23/64 at Meridian, Mississippi

JN 157-343
JN 157-1114
JN 44-1

File #

by SA [redacted] &
SA [redacted] :bjm

Date dictated 10/26/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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Employment

In business with father,
BERNARD L. AKIN,
Akin Mobile Homes,
619 50th Avenue,
Meridian, Mississippi
Former

Wife

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FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 05/31/2010

Date: 05/24/2010

To: Jackson

Attn: SA [redacted]
Squad 3

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From: Jackson

Squad 8/Gulfport Resident Agency

Contact: [redacted]

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Approved By: [redacted] *MB*

Drafted By: [redacted] :tlh *tlh*

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Case ID #: 44A-JN-30292 *24* (Pending)

Title: EDGAR RAY KILLEN;
ETAL,
WHITE KNIGHTS OF KU KLUX KLAN;
JAMES EARL CHANEY-VICTIM;
MICHAEL HENRY SCHWERNER-VICTIM;
ANDREW GOODMAN-VICTIM;
RACIAL DISCRIMINATION-VIOLENCE

(X)
tlh

Synopsis: Lead to locate Earl Akin at [redacted]
[redacted], generated negative results.

Reference: 44A-JN-30292 Serial 123

Administrative: On 05/20/2010, advise SA [redacted] by telcal of negative results to locate and interview Earl Akin. Advised SA Arias interview results of current residence [redacted]

Enclosure(s): For JN, FD-302 interview of [redacted]

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Details: [redacted] and [redacted] have resided at their current address since [redacted]. They purchased the residence from the previous owner, [redacted]. EARL AKIN, who was also near his [redacted] and may have been [redacted] family sold the house to the [redacted] after they discovered that AKIN was taking advantage of [redacted]

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[redacted] *EC*

44A-JN-30292-124

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A-JN-30292, 05/24/2010

AKIN attempted to file a claim with the FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) following Hurricane Katrina. [redacted] contacted FEMA and advised them that AKIN had not been a resident at [redacted]

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AKIN has continue to use the [redacted] The [redacted] received numerous correspondence and telephone calls for AKIN from attorneys and bill collectors. AKIN was recently in an auto accident in Slidell, Louisiana, where he was at fault and attorneys have attempted to contact AKIN at the [redacted] address. [redacted] has considered changing her telephone number and making it unlisted. [redacted] does not know of AKIN's whereabouts.

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To: Jackson From: Jackson
Re: 44A-JN-30292, 05/24/2010

LEAD(s) :

Set Lead 1: (Info)

JACKSON

AT JACKSON

Lead to locate Earl Akin at [REDACTED]
[REDACTED] generated negative results.

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UNCLASSIFIED

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/24/2010

[redacted] of [redacted]
[redacted] telephone number [redacted] was interviewed telephonically. After being advised of the identity of the interviewing Agent and the nature of the interview, she provided the following information:

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[redacted] and [redacted] have resided at their current address since [redacted]

[redacted] EARL AKIN, who was also near his [redacted]
[redacted] and may have been [redacted]. [redacted]

[redacted] after they discovered that AKIN was taking advantage of [redacted]

AKIN attempted to file a claim with the FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) following Hurricane Katrina. [redacted] contacted FEMA and advised them that AKIN had not been a resident at [redacted].

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AKIN has continue to use the [redacted] address. The [redacted] received numerous correspondence and telephone calls for AKIN from attorneys and bill collectors. AKIN was recently in an auto accident in Slidell, Louisiana, where he was at fault and attorneys have attempted to contact AKIN at the [redacted] address. [redacted] has considered changing her telephone number and making it unlisted. [redacted] does not know of AKIN's whereabouts.

Investigation on 05/20/2010 at [redacted] (telephonically)

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File # 44A-JN-30292 *W* Date dictated 05/24/2010

by SA [redacted] *tlh* *[Signature]*

BT
4/8/10



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to

File No. 44A-JN-30292-126

Jackson, Mississippi

June 7, 2010

MIBURN

PREDICATION

On June 21, 1964, three civil rights workers, Michael Schwerner, James Chaney and Andrew Goodman were murdered in Neshoba County, Mississippi. The United States charged a group of 18 men with conspiring in a Ku Klux Klan plot to murder the men. The trial, conducted in Meridian, Mississippi with U.S. District Court Judge W. Harold Cox presiding, resulted in convictions of 7 of the 18 defendants.

Guilty verdicts were returned against:

- CECIL PRICE, the chief deputy sheriff of Neshoba County.
- SAM H. BOWERS, JR., of Laurel, the Imperial Wizard of the White Knights of the Ku Klux Klan.
- HORACE DOYLE BARNETTE, a one-time Meridian salesman.
- JIMMY ARLEDGE, a Meridian truck driver.
- BILLY WAYNE POSEY, a Williamsville service station operator.
- JIMMIE SNOWDEN, a Meridian laundry truck driver.
- ALTON W. ROBERTS, a Meridian salesman.

Not guilty verdicts were returned for:

- LAWRENCE A. RAINEY, the sheriff of Neshoba County.
- BERNARD L. AKIN, a Meridian house trailer dealer.
- TRAVIS M. BARNETTE, a Meridian mechanic and half-brother of Horace Doyle Barnette.
- JAMES T. HARRIS, a Meridian truck driver.

BT
6/8/10

- FRANK J. HERNDON, the operator of a Meridian drive-in restaurant.
- OLEN L. BURRAGE, the owner of the farm on which the bodies of Schwerner, Chaney, and Goodman were buried.
- HERMAN TUCKER, the builder of the dam in which the bodies were found.
- RICHARD A. WILLIS, a one-time Philadelphia policeman.

No verdict was reached for:

- EDGAR RAY KILLEN, a fundamentalist minister and sawmill operator, however on June 21, 2005 he was found guilty of 3 counts of manslaughter. Killen was sentenced to sixty (60) years for the murders and is currently serving that time at the Central Mississippi Department of Corrections (MDOC) facility in Pearl, Mississippi.
- ETHEL GLEN BARNETT, the Democratic nominee for Neshoba County sheriff.
- JERRY MCGREW SHARPE, a pulpwood hauler.

SUMMARY TO DATE

Because of the Department of Justice's initiative to re-open unsolved cold case murders from the Civil Rights Era, it was determined this investigation should be re-opened.

An investigation was conducted to determine which of the remaining original subjects were still living. Database searches concluded [REDACTED] and Olen Barrage were still living.

The original MIBURN, Federal Bureau of Investigation (FBI) investigative file was reviewed in order to determine if any new information could be obtained regarding subjects. Various witness interviews were also conducted and information gained did not produce any new evidence against Willis, Harris and Burrage.

On May 29, 2009, [REDACTED]

[REDACTED]
of Earl Akin, who he believed could have been involved in the original conspiracy. Earl Akin's father, Bernard Akin, was charged in the original conspiracy, but was acquitted. Earl Akin was interviewed at the time and adamantly denied being involved.

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On August 29, 2009, [redacted] was interviewed. [redacted]
[redacted] Edgar Ray Killen. No new information
regarding the murders was obtained from [redacted]

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On October 7, 2009, Buford Posey, a civil rights advocate during the 60's, was interviewed. Posey had theories regarding the murders, but no evidence relating any involvement of the three remaining subjects.

On October 7, 2009, a query of the Mississippi Department of Vital Records, disclosed a death certificate for Jimmie Snowden, who died on July 7, 2008 of cardiopulmonary arrest.

On October 7, 2009, a query of the Mississippi Department of Vital Records, disclosed a death certificate for Billy Wayne Posey, who died on August 13, 2009 of cardiac arrest.

On October 26, 2009, [redacted]
[redacted]

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On November 5, 2009, [redacted] was interviewed. [redacted] knew the three civil rights workers. [redacted] did not provide any new information regarding the murders.

On November 19, 2009, [redacted] advised that he was contacted by [redacted] who prosecuted Edgar Ray Killen in 2005. [redacted] was asked to review James Chaney's original autopsy records. [redacted]
[redacted]
[redacted]

On May 3, 2010, several individuals were interviewed regarding the three remaining subjects. None of these individuals could provide any new information on the murders. Interviewed were the following: [redacted] Clarence V. Mitchel, [redacted] and two Confidential Human Sources (CHS), [redacted]
[redacted]

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On May 5, 2010, a query of [redacted] for any other witnesses was conducted with [redacted]

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On May 6, 2010, interviews of [redacted] were retrieved from the original investigation. [redacted]
[redacted]
[redacted]

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On May 15, 2010, [redacted] who is believed to be [redacted]
[redacted] was interviewed. [redacted] did not have any
new information to provide regarding the murders.

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On May 20, 2010, attempts to interview Earl Akin were
conducted at [redacted]
[redacted] and [redacted] advised Akin had not been
living at this address since [redacted] Akin frequently gives this
address out as his current residence.

ANTICIPATED INVESTIGATION

No further investigation is anticipated since no new
information has been obtained regarding remaining subjects.

This matter is being forwarded to the United States
Department of Justice Civil Rights Unit (DOJCRU) for review. The
FBI Jackson Division will respond to any positive leads and
information regarding captioned matter.

Copies of the following documents are being forwarded:

1. FD-302, dated May 29 and June 5, 2009, documenting interview of [REDACTED]
2. FD-302, dated August 29, 2009, documenting interview of [REDACTED]
3. FD-302, dated October 7, 2009, documenting interview of Buford Posey.
4. FD-302, dated October 7, 2009, documenting receipt of death certificate for Jimmie Snowden.
5. FD-302, dated October 7, 2009, documenting receipt of death certificate for Billy Wayne Posey.
6. Insert dated October 18, 2009, documenting conversation with [REDACTED]
7. FD-302, dated October 7, 2009, documenting interview of [REDACTED]
8. FD-302, dated October 7, 2009, documenting interview of [REDACTED]
9. FD-302, dated November 5, 2009, documenting interview of [REDACTED]
10. FD-302, dated November 19, 2009, documenting interview of [REDACTED]
11. Insert, dated May 3, 2010, documenting interview of [REDACTED]
12. Insert, dated May 3, 2010, documenting interview of Clarence V. Mitchel.
13. Insert, dated May 3, 2010, documenting interview of [REDACTED]
14. Insert, dated May 3, 2010, documenting interview of [REDACTED]
15. Insert, dated May 3, 2010, documenting interview of a CHS [REDACTED]
16. FD-302, dated May 3, 2010, documenting interview of a CHS [REDACTED]
17. FD-302, dated May 5, 2010, documenting an online query of [REDACTED]

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18. FD-302, dated May 6, 2010, documenting copies of original interview of [REDACTED]
19. FD-302, dated May 14, 2010, documenting interview of [REDACTED]
20. FD-302, dated May 3, 2010, documenting interview of [REDACTED] and copies of 1964 interviews of Earl Akin.

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CSA:csa *CSA*

- 1 - USDOJ, CRD, Criminal Section, Washington, D.C. 20503
- 1 - FBIHQ, Civil Rights Unit
- 1 - USA, SDMS, Jackson, Mississippi
- 1 - Jackson (44A-JN-30292)

(4)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/31/2009

[redacted] date of birth [redacted]
[redacted] Social Security Account number [redacted] who resides at [redacted]
[redacted] telephone number [redacted]
[redacted] was interviewed at his residence. Also present was [redacted]
[redacted] After being advised of the identities of the interviewers and the nature of the inquiry, [redacted] provided the following information:

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Prior to the beginning of the interview [redacted] was asked by the interviewing Agents to leave, as the interview could not take place with [redacted] present. [redacted] wanted to discuss three items of importance that the Agents should ask of [redacted]
[redacted] on previous occasions and had obtained the following information. EDGAR RAY KILLEN has the original gun which was used to kill MICHAEL SCHWERNER, JAMES CHANEY and ANDREW GOODMAN in 1964, buried on his property, along with bloody sheets. KILLEN's property has never been searched. Second, the woods behind KILLEN's residence were logged by KILLEN in the 60s. This property was leased from the U.S. Forest Service. KILLEN has buried several bodies on this property. Third, KILLEN has discussed a property which is either in south Stone County or north Harrison County in Mississippi. In this property is a tree, which was used to hang multiple unknown African-American's in the 60s. The bodies are allegedly buried on this property. At this time, [redacted] was once again asked to leave.

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Once [redacted] left, [redacted] advised [redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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b7CInvestigation on 08/29/2009 at [redacted]File # 44A-JN-30292-302

Date dictated _____

by SA [redacted] CSA _____

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44A-JN-30292-302

Continuation of FD-302 of [REDACTED]

, On 08/29/2009 , Page 2

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[REDACTED]

took a few days to decide to write the book which would be titled, "Getting the Last Word In, the Edgar Ray Killen story."

[REDACTED] told KILLEN he needed written authority from KILLEN to write the book. KILLEN signed a document which provided [REDACTED] with this authority. [REDACTED] initially told KILLEN, he [REDACTED] thought KILLEN was guilty of the murders of SCHWERNER, CHANEY and GOODMAN, three civil rights workers in 1964. KILLEN replied, "I have never done anything wrong in my life." Prior to beginning the project, [REDACTED] decided to contact the National Association for the Advancement of Colored People (NAACP), American Civil Liberties Union (ACLU) and other organizations. [REDACTED] also contacted former Federal Bureau of Investigation (FBI) Special Agent (SA) JIM INGRAM and FBI SA [REDACTED]. [REDACTED] is not sure if these letters were delivered to INGRAM and [REDACTED] [REDACTED] also wrote to Mississippi State Attorney General (MSAG) JIM HOOD. In his letters to these organizations and people [REDACTED] asked for questions that needed to be asked of KILLEN regarding the murders. [REDACTED] and his family also began doing research on the murders.

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[REDACTED] received responses from several organizations and compiled a list of approximately one-hundred (100) questions that should be asked of KILLEN. [REDACTED] wrote the questions on a piece of paper and would then hand the paper to KILLEN to fill out. For the first fifteen days, [REDACTED] and KILLEN worked on the manuscript approximately eighteen (18) hours a day. In the beginning KILLEN would not give [REDACTED] any answers that were conclusive to the murders. As time went by KILLEN admitted his involvement. KILLEN advised he killed one of the civil rights workers. KILLEN referred to one of the civil rights workers as "Goatee", which KILLEN hated. KILLEN also mentioned BILLY WAYNE POSEY, CECIL PRICE and LAWRENCE RAINEY as being involved. The bodies were buried on property belonging to OLEN BURRAGE. KILLEN also admitted involvement in eleven (11) other murders. KILLEN advised SAM BOWERS was involved in five (5) of these murders. KILLEN called true Aryans his Christian brothers. KILLEN believed all "Jews and Communists" were soldiers who were against him. KILLEN referred to other White Knights of the Ku Klux Klan (KKK) members as "the boys". [REDACTED] was

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44A-JN-30292-302

Continuation of FD-302 of _____, On 08/29/2009, Page 3

with KILLEN for approximately thirty (30) days from November to December 2007.

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KILLEN mentioned to _____ that _____ was caught at the Neshoba County fair in a homosexual act and that was why _____ KILLEN. KILLEN's boys had taken a photograph of _____ coming out of a cabin with another man.

KILLEN told _____ there were several white supremacists incarcerated with them. One in particular whose nickname was _____ provided KILLEN with everything he needed, including getting KILLEN's mail out of the prison. _____ also assisted KILLEN on his appeal, since he was a _____ KILLEN also has access to a cell phone. KILLEN gets approximately twenty (20) to thirty (30) letters a day.

b6
b7C

KILLEN shared with _____ information regarding his lifelong friendship with Mississippi Senator JAMES O. EASTLAND (deceased). EASTLAND told KILLEN and RAINEY about the three civil rights workers trip to Mississippi. KILLEN advised the civil rights workers had come down to Mississippi to visit a church in Neshoba County. They had also tried to get, "Blacks to vote and get Jews and Communists into office, so that they could change the south." Spotters were sent out all over Neshoba County to be on the look out for the civil rights workers. KILLEN then began to make preparations to deal with them. KILLEN used an attendance to a funeral as his alibi. KILLEN was in charge of the KKK in Neshoba County. RAINEY was a member of the KKK. Most of the KKK members at the time were leaders in their communities. KILLEN was a preacher and recruited other KKK members from his church. KILLEN advised of a black book where he kept information on members of his congregation who were also KKK members, but it would be difficult to discern who was a church member and a KKK member.

KILLEN admitted to _____ that someone had buried the weapon used to kill the civil rights workers on his property. No other specifics were provided. Also buried were bloody sheets. KILLEN was surprised no law enforcement agencies ever attempted to search his property, but knew his property would never be searched as long as EASTLAND was alive.

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KILLEN advised _____ this book would be considered the "Aryan Bible" and that he (KILLEN) is the last "King of the Klan." KILLEN knows he will die someday and he considers the book to be his prophecy and instructions to his followers. The book is almost

44A-JN-30292-302

Continuation of FD-302 of [REDACTED]

, On 08/29/2009 , Page 4

like a collection of sermons to KILLEN's parishioners and advice to white people. KILLEN does not consider himself a prejudice person. Martin Luther King and others in the black community are considered leaders and KILLEN believed he should be the leader of the white community. KILLEN has stood up for the Aryan/Christian community. KILLEN molds scripture to what he believes. [REDACTED] debated the bible and the constitution with KILLEN. KILLEN believes all men are created equal in mind and body, but there are differences between light and dark skinned people. The ground people walk on is dark. Anyone who is not a Christian is an enemy of the state.

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b7C

KILLEN at one time accused [REDACTED] of being his enemy. [REDACTED] believes KILLEN has a split personality. [REDACTED] advised he at one time saw KILLEN leap from his wheelchair into the air and grab a guard by the neck and lift him up. [REDACTED] admitted to the interviewing Agents this information might ruin his credibility. KILLEN has hypnotic qualities and [REDACTED] has seen KILLEN's eyes turn orange and hypnotize people.

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b7C

[REDACTED] has been in contact with [REDACTED] since he was released from custody. [REDACTED] sent [REDACTED] more questions for KILLEN to answer. [REDACTED] in KILLEN's property, located at [REDACTED] telephone number [REDACTED].

[REDACTED] believes evidence is buried in KILLEN's property. The last time [REDACTED] talked to KILLEN was three months ago. [REDACTED] wrote a letter to [REDACTED] about one and a half weeks ago.

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b7C

[REDACTED] has currently finished a manuscript and provided a copy of this manuscript to the interviewing Agents. KILLEN also provided a copy of the questions he wrote for KILLEN and the answers KILLEN provided. An FD-597 (Receipt for Property Received) was provided to KILLEN. All of these items are being placed in the 1A section of the file.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/13/2009

BUFORD POSEY, white male, date of birth August 28, 1925, who resides at 4445 Old Highway 11, Purvis, Mississippi, telephone number (601)264-0899, was interviewed at his residence. After being advised of the identities of the interviewing Agents and the nature of the inquiry, POSEY voluntarily provided the following information:

POSEY was asked regarding any information he could provide on [REDACTED], RICHARD A. WILLIS and OLEN BURRAGE, who allegedly played a role in the murders of civil rights workers, JAMES CHANEY, MICHAEL SCHWERNER and ANDREW GOODMAN in 1964.

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b7C

POSEY advised he had no knowledge of [REDACTED] or his involvement in the murders. RICHARD WILLIS was with CECIL PRICE the evening CHANEY, SCHWERNER and GOODMAN were picked up and taken to jail. WILLIS has never attempted to hide this fact. POSEY did not think WILLIS was actually involved in the murders. WILLIS at the time wanted to be popular and was looking for political traction in Neshoba County. This was the reason why WILLIS joined the "Klan".

POSEY believes BURRAGE "got by with something" and considers him directly guilty of the murders. BURRAGE in 1964 owned a trucking company called BURRAGE TRUCKING and had several trucks. BURRAGE sold this business approximately twenty (20) years ago. BURRAGE has the reputation of being a talker. CHANEY, SCHWERNER and GOODMAN's bodies were buried in BURRAGE's property. POSEY is convinced BURRAGE gave permission for the civil rights workers to be buried on his property and gave PRICE the key to enter the property. BURRAGE is an "ignorant country boy" and wanted to be recognized without getting himself into trouble. POSEY considers BURRAGE the kind of person who can have someone killed. POSEY advised [REDACTED]

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b7C

No other information was provided.

Investigation on 10/07/2009 at Purvis, Mississippi

File # 44A-JN-30292-302

Date dictated _____

by SA [REDACTED] CSA

b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/29/2009

On October 10, 2009, a query of the MISSISSIPPI DEPARTMENT OF VITAL RECORDS, disclosed JIMMIE SNOWDEN, date of birth September 21, 1933, Social Security Number [REDACTED] died on July 7, 2008, at THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, Jackson, Mississippi. A certificate of death (state file # 08-014210) was obtained from the aforementioned department. Review of the certificate disclosed SNOWDEN died of cardiopulmonary arrest. SNOWDEN's occupation was listed as a truck driver.

b6
b7C

An image of the death certificate is contained on page two of this document and the original is maintained in 44-JN-C32347-1A.

Investigation on 10/07/2009 at Jackson, MississippiFile # 44-JN-30292-SF302 Date dictated 10/29/2009

by IOA [REDACTED] vlr

b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/29/2009

On October 10, 2009, a query of the MISSISSIPPI DEPARTMENT OF VITAL RECORDS, disclosed BILLY WAYNE POSEY date of birth December 2, 1936, Social Security Number [REDACTED] died on August 13, 2009, at JEFF ANDERSON REGIONAL MEDICAL CENTER, Meridian, Mississippi. A certificate of death (state file # 2009-017227) was obtained from the aforementioned department. Review of the certificate disclosed POSEY died of sudden cardiac arrest. POSEY's occupation was listed as an employee of SERVICEMASTER.

b6
b7c

An image of the death certificate is contained on page two of this document and the original is maintained in 44-JN-C32347-1A.

Investigation on 10/07/2009 at Jackson, Mississippi

File # 44A-JN-30292-SF302 -17

Date dictated 10/29/2009

by IOA [REDACTED]

vlr

b6
b7c

Page 1 of 1

On October 18, 2009 at 6:09 p.m., Special Agent (SA) [] was telephonically contacted by [] left a message on SA [] voicemail advising of several articles which appeared on the Jackson Clarion-Ledger regarding [] and EDGAR RAY KILLEN.

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b7c

At 6:20 p.m., SA [] returned [] call. [] seemed extremely upset regarding the articles written in the Clarion-Ledger by reporter []. The articles stated, [] told the FBI" numerous times. [] advised he did not speak to [] after being interviewed by the FBI, so there is no way possible [] could have known what was said in the interview. [] prior to publishing the articles had promised [] copies of these articles, which [] never received. [] had been waiting for these articles to be published for several weeks. [] told [] that he [] has been working with the FBI on the MISSISSIPPI BURNING investigation. [] felt as he had been used by [] and no longer feels that he can trust him.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/27/2009

[redacted]
[redacted] born [redacted] home address [redacted]
[redacted] home telephone number [redacted]
[redacted]

[redacted] Also present
during this interview was [redacted]

[redacted] After being advised of the identity of
the interviewing agent and the nature of the interview, [redacted]
provided the following information:

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b7c

[redacted] did not recall the exact date on which she rode in
the police car with Cecil Price (Price), but she did remember
details of this occasion. [redacted]

[redacted] and went to the office of Cecil Price located in
Philadelphia, Mississippi, to file a complaint. [redacted] was
accompanied by [redacted] at that time, and
[redacted]. After [redacted] filed her
complaint, Price and another Police Officer agreed to give [redacted]

[redacted]

[redacted]

b6
b7c

Subsequent to this incident, [redacted] became aware of the
civil rights workers who were murdered in Mississippi. She
recalled that Price and possibly the man at the gas station were
defendants in the resulting trial.

Investigation on 10/26/2009 at [redacted]

File # 44A-JN-30292-302

Date dictated 10/27/2009

by SA [redacted] : rhs

b6
b7c

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/27/2009b6
b7C

[redacted]
[redacted] born [redacted] home address [redacted]
[redacted]
[redacted]
work telephone number [redacted], was interviewed at her place
of employment. Also present during this interview was [redacted]
[redacted] After being
advised of the identity of the interviewing agent and the nature of
the interview, [redacted] provided the following information:

[redacted] could not recall the exact date of a childhood
incident during which she encountered Cecil Price (Price). On this
occasion, [redacted] accompanied [redacted]
[redacted] to Philadelphia, Mississippi, following [redacted]
[redacted] filed a complaint
regarding [redacted] with Price.

b6
b7C

After [redacted] filed her complaint, Price agreed to give

[redacted]

Investigation on 10/26/2009 at [redacted]File # 44A-JN-30292-302Date dictated 10/27/2009

by SA [redacted]: rhs

b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/19/2009

[redacted] telephone number [redacted] address [redacted]
[redacted]
[redacted] contacted Special Agent (SA) [redacted] telephonically regarding information pertaining to current cold case investigations conducted by FEDERAL BUREAU OF INVESTIGATION (FBI) Jackson Division. After being advised of the identity of the interviewing Agent [redacted] provided the following information:

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b7C

[redacted] advised his former residence was located on [redacted]
[redacted].

[redacted] advised his former residence was located on [redacted]
[redacted] [redacted] was employed
[redacted] in Neshoba County, Mississippi.
[redacted]

EDGAR RAY KILLEN attempted to scare [redacted] and force him to seek employment elsewhere. KILLEN along with another individual described as a [redacted] wearing a [redacted] [redacted] began asking [redacted] if his employer, [redacted] knew he was [redacted]. They also asked if [redacted]
[redacted]

Following this encounter with KILLEN, [redacted] personality changed.

[redacted] told SA [redacted] that in 1964, he was at the MOUNT ZION METHODIST CHURCH in Philadelphia, Mississippi the night it was burned. All of the Klansman present on that night were wearing masks, but one of the men [redacted] was thought to have been the individual [redacted]
[redacted]

b6
b7C

[redacted] said he remembers the three Civil Rights workers very well.

[redacted]
[redacted]

Investigation on 11/5/2009 at Jackson, Mississippi

File # 44A-JN-30292-302, 44A-0, 282A-0

Date dictated _____

by SA [redacted]

b6
b7C

44A-JN-30292-302, 44A-0, 282A-0

Continuation of FD-302 of _____, On 11/5/2009, Page 2

_____ advised he was investigating the death of DAVID SCOTT CAMPBELL in 1991. Sheriff WADDELL, _____ and Neshoba County _____ appeared at _____ residence shortly after CAMPBELL's death to ask _____ to stop investigating his death. _____

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_____ heard WADDELL had CAMPBELL in his patrol car along with a black officer. The black officer supposedly broke CAMPBELL's neck, and they tried to cover it up by claiming he had hung himself in the NESHOPA COUNTY JAIL. _____ said he believes _____ had been threatened, and was scared.

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b7C

_____ saw PRICE after PRICE had been busted for taking money to get individual's their CDL. PRICE told _____ he was going to come clean about his involvement with the Civil Rights workers. PRICE said he didn't want his kids to grow up like he did. He was going to let everything be known. Shortly after PRICE spoke with _____ he went to see _____.

One night in 1997 or 1998, while driving his truck, _____ saw someone pull up behind him with their lights turned on. _____ was stopped in his truck on Highway 15 near Union, Mississippi. The man pulled up next to _____ and asked if he needed help. _____ said the individual's name was OLEN BURRAGE, and he was with _____. _____ told his boss CECIL GEORGE that BURRAGE had spoken to him, and GEORGE said, "You stay away from him, he's up to no good and he's just trying to trap you."

b6
b7C

44A-JN-30292-302, 44A-0, 282A-0

Continuation of FD-302 of _____, On 11/5/2009, Page 3

Shortly after _____ told GEORGE about BURRAGE speaking to him, _____ and BURRAGE had a big fight. GEORGE and BURRAGE had to be seperated to keep from hurting one another. _____ said GEORGE was tring to keep BURRAGE away from him. Both GEORGE and BURRAGE always carried a pistol on their person.

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_____ said one day GEORGE came running out to _____ truck saying, "Son, son, they done killed ole Cecil." GEORGE was referring to the death of CECIL PRICE. GEORGE said they were trying to say a pin was sheered on the lift he was working on, but BURRAGE had supposedly _____ the rental company where PRICE was working when he died. _____ is approximately _____ years old now. _____ said following PRICE's "accident," they 'tore up' GEORGE's equipment. _____ advised GEORGE has since passed away.

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b7c

_____ said on November 3, 2009, NESHOPA COUNTY SHERIFF'S OFFICE (NCSO) _____ was standing in his _____

One article was located online pertaining to _____. Article has been copied and is attached to this document for reference.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/23/2009

[redacted] telephone number [redacted] was telephonically contacted. After being advised of the identity of the interviewing Agent and the nature of the inquiry, [redacted] voluntarily provided the following information:

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b7C

[redacted] advised that during the 2005 trial of STATE OF MISSISSIPPI Vs. EDGAR RAY KILLEN, he was asked by [redacted] the [redacted] prosecuting the case to review the autopsy reports for JAMES CHANEY. [redacted] along with [redacted] reviewed these records and discovered an x-ray which showed two bullets inside one of CHANEY's arms. These bullets were apparently never removed during the original autopsy.

[redacted] stated that if the original weapon existed, these bullets could be forensically matched to the weapon. CHANEY's family would have to give permission for the body to be exhumed. [redacted] gave this information to [redacted] but [redacted] decided not to use this information during trial.

Investigation on 11/19/2009 at Jackson, Mississippi

File # 44A-JN-30292-302

Date dictated _____

by SA [redacted]

b6
b7C

On May 3, 2010, the following investigation was conducted by SA [redacted]
[redacted] and SA [redacted]

[redacted] date of birth [redacted] who resides at
[redacted]
BILLY WAYNE POSEY at his gas station. [redacted] was [redacted] years old at the
time. POSEY never mentioned anything to [redacted] regarding the murder of the three civil
rights workers.

[redacted] does not know [redacted] and [redacted] or
their involvement in the murders.

[redacted] did not personally know OLEN BURRAGE, [redacted]
[redacted] BURRAGE at the time owned a trucking business.

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Page 1 of 1

On May 3, 2010, the following investigation was conducted by SA [redacted]
[redacted] and SA [redacted]

b6
b7C

CLARENCE V. MITCHEL, date of birth June 4, 1921, who resides at 905 Range Avenue, Philadelphia, Mississippi advised that everything he knew about the murder of the three civil rights workers, MICHAEL SCHWERNER, ANDREW GOODMAN and JAMES CHANEY, he learned from the newspapers at the time.

MITCHEL does not know anything regarding [redacted]
[redacted] and OLEN BURRAGE's involvement in the murders.

On May 3, 2010, the following investigation was conducted by SA [redacted]
[redacted] and SA [redacted]
[redacted] date of birth [redacted] was contacted
at her residence [redacted]
[redacted] advised she had nothing to say to the interviewing Agents.

b6
b7c

Page 1 of 1

On May 3, 2010, the following investigation was conducted by SA [redacted]
[redacted] and SA [redacted]

[redacted] date of birth [redacted] who
resides at [redacted] was contacted at his residence.

b6
b7C

[redacted] advised he moved to Mississippi in 1975 from North Carolina.
After moving to Mississippi, [redacted] became interested in the murder of the three civil
rights workers. [redacted] had the opportunity to interview subjects allegedly involved in the
murder. No one admitted their involvement in the murders.

[redacted] stated he did not trust the Federal Bureau of Investigation (FBI) and
would not provide any further information even if he had any.

No other information was provided.

44A-JN-30292-302

CHS File # [redacted]

CSA:csa

b7D

Page 1 of 1

[redacted] and SA [redacted] On May 3, 2010, the following investigation was conducted by SA [redacted]

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CHS who is not in a position to testify, provided the following information:

CHS advised he/she had nothing new to add to the investigation of the three murdered civil rights workers in 1964. CHS told the interviewing Agents his/her testimony in the original case is part of the court record.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/05/2010

The following investigation was conducted by Special Agent (SA) [redacted] relevant to MISSISSIPPI BURNING (MIBURN) investigation:

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[redacted]

b7E

On April 28, 2010, in an attempt to identify [redacted] SA [redacted] telephonically contacted [redacted] telephone number [redacted]

b6
b7C

[redacted] in the murder of three civil rights workers, MICHAEL SCHWERNER, ANDREW GOODMAN and JAMES CHANEY on June 21, 1964.

[redacted]

b6
b7C
b7E

Investigation on _____ at Jackson, Mississippi

File # 44A-JN-30292-302

Date dictated _____

by SA [redacted] *JD*

b6
b7C

44A-JN-30292-302

Continuation of FD-302 of _____, On _____, Page 2

b6
b7C
b7E

b6
b7C
b7E

The aforementioned relative to captioned b7E matter have been copied and attached to this document for reference.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/06/2010

On May 6, 2010, SA [] obtained a FD-302 regarding interview conducted between SA [] and [] on 04/24/1967. The aforementioned interview was obtained from File # JN 44-1, original MISSISSIPPI BURNING (MIBURN) investigation and will be made a part of this file (44A-JN-30292). Aforementioned FD-302 has been copied and attached to this document for reference.

b6
b7C
b7DInvestigation on _____ at Jackson, MississippiFile # 44A-JN-30292-302-29

Date dictated _____

by SA []

4DT

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date May 4, 1967

[redacted] also known as [redacted] was advised of the identity of the interviewing Agent. He was immediately advised of his rights and stated that [redacted] [redacted] he was completely aware of his rights and further voluntarily desired to furnish the following information.

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b7D

He stated that he was born [redacted] in [redacted]

[redacted] and presently resides with [redacted]

b6
b7C
b7D

[redacted]

b6
b7C
b7D

On 4/24/67 at [redacted]

Jackson 44-1-6271
File # Jackson 157-1053

by SA FRANK B. WATTS *fbw* /blw

Date dictated 4/28/67

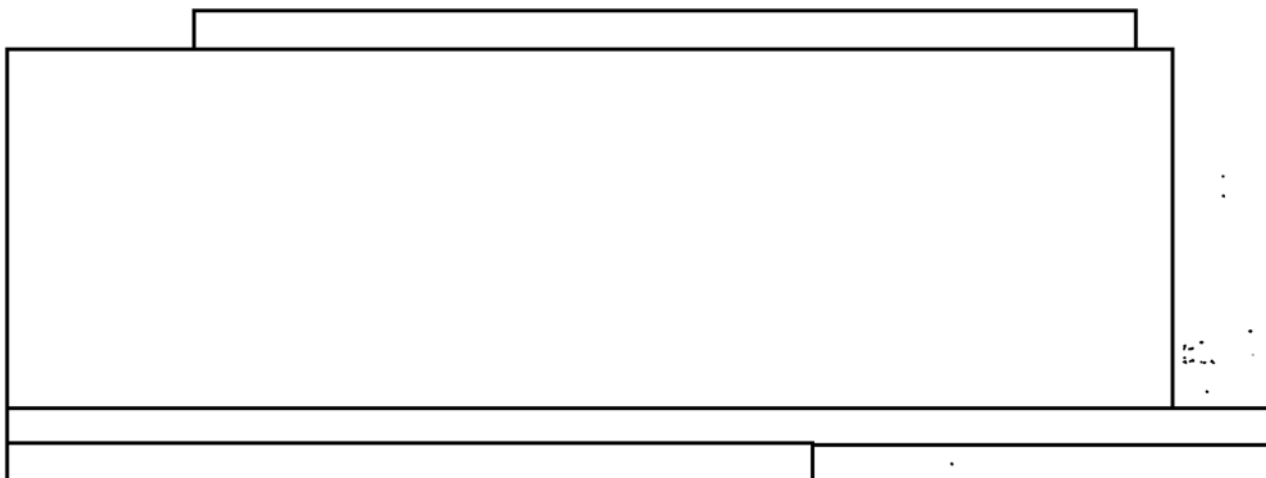
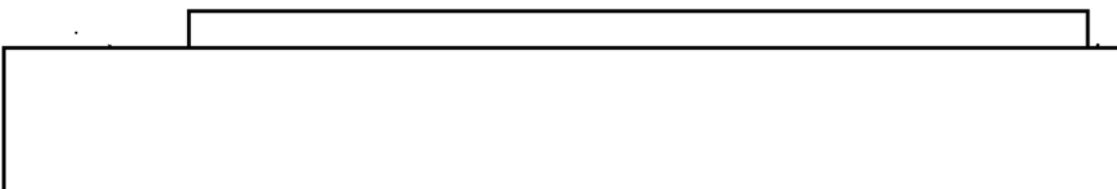
This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

JN 44-1

2



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b6
b7C
b7D

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/17/2010

[redacted] Date of Birth (DOB) [redacted]
Social Security Account Number (SSAN) [redacted] telephone number [redacted]
[redacted] address [redacted]
[redacted] was interviewed telephonically at telephone number [redacted]
[redacted]. After being advised as to the identity of the
interviewing Agent and the nature of the interview, [redacted]
voluntarily provided the following information:

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[redacted] lived in Meridian, Mississippi in 1964 and was familiar with the murder of three civil rights workers near Meridian, Mississippi which occurred around the time [redacted] lived in Meridian. [redacted] knew about the murders due to the amount of news coverage and publicity the murders received. [redacted]
[redacted] PAUL F. CHISOLM (PAUL) (deceased), was an insurance salesman for NATION WIDE INSURANCE (NWI). [redacted] said the civil rights workers had been in PAUL's office in Meridian because their station wagon was possibly covered by NWI.

[redacted]
[redacted] said she knew [redacted] but had never had a relationship with [redacted] did not know [redacted] had ever been indicted for the murders of the three civil rights workers. Through gossip, [redacted] heard that [redacted] may have been involved in the murders. [redacted] could provide no additional information.

Investigation on 05/14/2010 at Jackson, MississippiFile # 44A-JN-30292-302

Date dictated _____

by SA [redacted]b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date December 7, 1964

1

EARL BERNARD AKIN was arrested by SA [redacted] and SA [redacted] at 7:44 A.M., December 4, 1964, at the Akin Mobile Homes Lot, Tom Bailey Drive, Meridian, Mississippi, on the basis of a warrant issued on December 4, 1964, by United States Commissioner ESTHER CARTER directing the arrest of AKIN for violation of Title 18, Section 4, United States Code, Misprision of a Felony in connection with the killing of MICHAEL HENRY SCHWERNER, JAMES EARL CHANEY and ANDREW GOODMAN on or about June 21, 1964. AKIN requested to see the warrant and the warrant was exhibited to him at the time of his arrest. AKIN was advised by SA [redacted] that he was not required to make any statements, that any statements which he did make could be used against him in a court of law and of his right to an attorney prior to making any statements.

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AKIN was transported directly to the Naval Auxiliary Air Station, Meridian, Mississippi, where he was taken to Room A322 of the Bachelors Officers Quarters. He was immediately fingerprinted and photographed. AKIN refused to sign the fingerprint card.

AKIN was asked to empty his pockets and the following articles were noted:

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- 1.
- 2.
- 3.
- 4.

On 12/4/64 at Meridian, Mississippi File # Jackson 157-1052
Jackson 44-1-281
by SA [redacted] and mh Date dictated 12/7/64

b6
b7C

JN 157-1052

JN 44-1 ,

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AKIN's effects were placed in an envelope and were returned to him at the time he was released on \$3,500 bond. AKIN refused to sign a receipt for the return of his articles stating that he would sign nothing.

JN 157-1052

JN 44-1

3

for any reason. AKIN denied being a member or having any knowledge concerning the White Knights of the Ku Klux Klan of Mississippi (WKKKKOM).

AKIN was questioned concerning his knowledge and association with the other individuals arrested and stated that he was acquainted with TRAVIS BARNETTE and believed that he had heard of DOYLE BARNETTE. AKIN admitted that he was acquainted with FRANK HERNDON, however, he did not thereafter comment on whether or not he was acquainted with any of the other individuals.

After furnishing the above information, AKIN did not thereafter acknowledge any questions asked.

The following descriptive data was obtained through observation and interview:

Name:	EARL BERNARD AKIN
Date of Birth:	October 19, 1937
Place of Birth:	Monticello, Arkansas
Race:	White
Sex:	Male
Height:	6'
Weight:	170 pounds
Build:	Medium
Eyes:	Brown
Hair:	Brown
Scars and Marks:	None
Present Employment:	In partnership with father at Akin Mobile Home Sales, Meridian, Mississippi
Past Employment:	Hamrick Motor Company Greenwood, Mississippi
Social Security Number:	[REDACTED]
Education:	12th grade, graduated Greenwood High School, Greenwood, Mississippi
Military Service:	None
Selective Service No.:	22-46-37-276 Classification 3-A
Residence:	5715 Arthur Street Meridian, Mississippi

b6
b7c

JN 157-1052

JN 44-1

4

Home Telephone Number:	482-0842
Past Residences:	Greenwood and Natchez, Mississippi
Organizations:	Masonic Lodge Meridian, Mississippi
Marital Status:	Married
Wife:	
Children:	
Father:	BERNARD L. AKIN Meridian, Mississippi
Automobiles:	1964 Oldsmobile bearing 1964 Mississippi license L1364.
Weapons:	.38 Caliber Smith and Wesson revolver purchased at Maxey's Pawn Shop, Meridian, Mississippi
Medical History:	Has peptic ulcer
Arrest Record:	None Admitted

AKIN appeared before United States Commissioner ESTHER CARTER at 2:56 P.M. at the Naval Auxiliary Air Station, Meridian, and admitted his identity through his lawyers. A preliminary hearing was scheduled for him on December 10, 1964 and AKIN was released on \$3,500 bond.

b6
b7C

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/09/2010

b6
b7C

To: Jackson

Attn: CDC [REDACTED]

From: Jackson

Meridian RA

Contact: SA [REDACTED]

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b7C
b7E

Approved By: [REDACTED] BT

Drafted By: CA [REDACTED]: cgm

b6
b7C

Case ID #: 44A-JN-30292 - 127 (Pending)

Title: EDGAR RAY KILLEN;
ETAL,
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: The purpose of this communication is to provide information.

Details: The following information was obtained on July 7, 2010:

CLAYTON LEWIS was an attorney from Philadelphia, Mississippi in the 1960's. He had a varied career as County Attorney for Neshoba County and Mississippi state legislator. In the middle of the 1960's, LEWIS became the Mayor of Philadelphia. LEWIS died in 1983.

LEWIS had one (1) son named CLAYTON TAYLOR LEWIS and no daughters. CLAYTON TAYLOR LEWIS became an attorney in Neshoba County, Mississippi and he was disbarred in the early 1990's. He was later known to be a card dealer at a casino in Greenville, Mississippi before dying of a heart attack approximately two (2) or three (3) years ago.

CLAYTON TAYLOR LEWIS had three (3) daughters and no sons. One of the daughters is [REDACTED]

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UNCLASSIFIED

44A-JN-30292 - 127 BT
7/14/10
190C6m02.EC

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A-JN-30292, 07/09/2010

[REDACTED]

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MAYNARD KING was a Mississippi State Highway Patrolman in the 1960's. He lived in Philadelphia and died in 1966.

KING had two (2) sons. One of the sons is [REDACTED]

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♦♦

UNCLASSIFIED

May 12, 2010

Clerk of Court
Attn: J. T. Nolin
US District Court
P O Box 23552
Jackson, MS 39225-3552

Re: Killen v Jim Hood, 10-cv-122

Dear Mr. Nolin:

I have received your latest denial of [redacted] application to appear pro hac vice. It takes about one week to obtain a certificate of good standing from our state bar office in Montgomery, Alabama. Once we receive a new certificate we will refile.

In the interim, I want to bring to your attention some rather disturbing inconsistencies.

Our prior motion to appear pro hac vice was received by your office on May 6, 2010. On Tuesday, May 11, 2010 we received, at our office, a filed stamped copy of that motion. The exact copy that we received is attached hereto as Attachment A. You will note that the motion still contains the creases from the folding into the return envelope. It also bears the court's stamp dated May 6, 2010. Most important, it clearly contains the signature of local counsel [redacted] (my signature) both at the conclusion of the motion and on the certificate of service.

The motion to appear pro hac vice however was denied because it did not contain my signature. Something is amiss.

Upon receiving the Court's notice, we checked the electronic version of our motion available from the Court's ECF system. A printed copy of that motion is included as Attachment B. Much to our surprise, and contrary to the filed stamped copy we received from the Court, this motion does not contain my signature.

It does however contain two very interesting marks. Below my signature at the conclusion of the motion in the ECF version, attachment B, (just below the capital [redacted]) is a small mark. This mark, very neatly lines up with the tail of the capital [redacted] in my signature in the filed stamped copy we received, attachment A.

44A JN-30792
128

Similarly, on the certificate of service on the ECF version, Attachment B, another small mark, this appears to be two small side by side lines, appears below the capital letter [redacted]. When compared to the filed stamped copy, Attachment A, these small marks line up with the looping tail to my capital [redacted] in this signature. Additionally, there are two faint marks apparent in attachment B that also appear to line up with the top portion of the capital [redacted] in my signature.

The underlying case in this matter is certainly one with explosive allegations. I hope that whatever the source of these inconsistencies, it is not attributable to the issues in this case.

I would ask that your office preserve the original copy of this pleading for further examination and review. Additionally, the seriousness of this matter appears to warrant an immediate conference between your office, ourselves and the office of Chief Judge Wingate. By copy of this letter, I would also ask that the appropriate law enforcement organization consider whether further investigation is necessary at this time.

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Should you have any questions, please do not hesitate to contact my office.

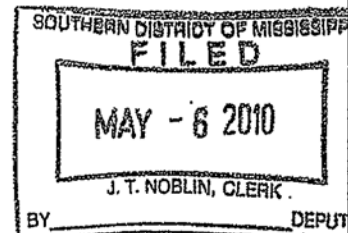


[redacted] tdr

cc: Magistrate Judge F. Keith Ball
cc: District Court Judge Daniel P. Jordan, III
cc: [redacted]
cc: [redacted]
cc: FBI - Jackson Mississippi Division Headquarters
cc: Attorney General Jim Hood
cc: Chief Judge Henry T. Wingate

ATTACHMENT A

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



EDGAR RAY KILLEN,

Plaintiff,

vs.

Case No. 3:10-cv-00122-DPF-FKB

JIM HOOD, JOHN DOAR, SIX UNKNOWN
NAMED AGENTS OF THE FBI, and
THE FEDERAL BUREAU OF
INVESTIGATION

Defendants.

VERIFIED APPLICATION FOR ADMISSION TO PRACTICE PRO HAC VICE

A. Robert A. Ratliff

713 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180
rar@srgk-law.com

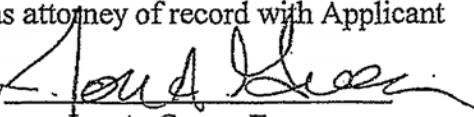
10180 Canal Circle
Fairhope, AL 36532
251-753-9656

B. Mr. Edgar Ray Killen, 112906
CMCF Area III, MSU Cell-11
P O Box 88550
Pearl, MS 39288

C. Alabama Supreme Court	09-02-03	#ASB-0850-T49R
Ohio Supreme Court	11-10-97	#0068491
Eastern District of Wisconsin	10-23-98	
Southern District of Ohio	01-16-98	
District of Colorado	09-21-00	
Southern District of Alabama	10-06-03	
Southern District of Illinois	11-02-01	

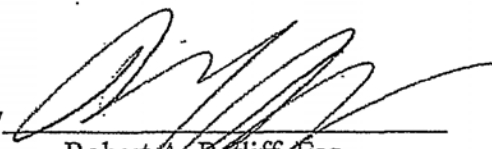
of Mississippi, Civil Case # 08-cv-0077

- I. Unless permitted to withdraw by order of the court or an administrative agency, Mr. Ratliff will continue to represent the client in the cause until the final determination of the cause, and that, with reference to all matters incident to such cause, Mr. Ratliff consents to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunals of the Mississippi Bar and of the Mississippi Board of Bar admissions in all respects as if Mr. Ratliff were a regularly admitted and licensed member of the Mississippi Bar. Mr. Ratliff certifies that he has read and is familiar with the *Uniform Local Rules of the United States District Courts for the Northern District and the Southern District of Mississippi* as required by local rule 83.1(A)(2)(a) & (c) and agrees to abide by those rules in his representation of Mr. Killen. Lastly, Mr. Ratliff certifies that he has read and is familiar with the Mississippi Rules of Professional Conduct.
- J. Mr. Ratliff is associating with:
Mr. Jon A. Green
MS Bar #8363
711 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180
jonallengreenlaw@gmail.com
- K. The undersigned resident attorney certifies that he/she agrees to the association with Applicant in this matter and to the appearance as attorney of record with Applicant

By 
Jon A. Green, Esq.

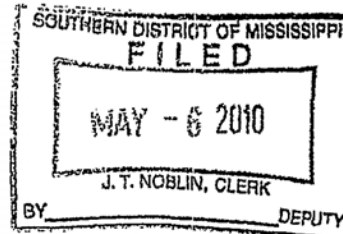
I certify that the information provided in this Application is true and correct.

Date: 4-30-10

By 
Robert A. Ratliff, Esq.

ATTACHMENT B

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



EDGAR RAY KILLEN,

Plaintiff,

vs.

Case No. 3:10-cv-00122-DPF-FKB

JIM HOOD, JOHN DOAR, SIX UNKNOWN
NAMED AGENTS OF THE FBI, and
THE FEDERAL BUREAU OF
INVESTIGATION

Defendants.

VERIFIED APPLICATION FOR ADMISSION TO PRACTICE PRO HAC VICE

A. Robert A. Ratliff

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10180 Canal Circle
Fairhope, AL 36532
251-753-9656

B. Mr. Edgar Ray Killen, 112906
CMCF Area III, MSU Cell-11
P O Box 88550
Pearl, MS 39288

C. Alabama Supreme Court	09-02-03	#ASB-0850-T49R
Ohio Supreme Court	11-10-97	#0068491
Eastern District of Wisconsin	10-23-98	
Southern District of Ohio	01-16-98	
District of Colorado	09-21-00	
Southern District of Alabama	10-06-03	
Southern District of Illinois	11-02-01	

Northern District of Ohio	03-16-01
Northern District of Illinois	08-15-05
Middle District of Alabama	03-11-05
Northern District of Alabama	02-23-05
Eastern District of Michigan	12-19-02
Northern District of Florida	11-29-07
Second Circuit Appeals Court	04-18-02
Third Circuit Appeals Court	10-07-99
Fifth Circuit Appeals Court	02-03-98
Sixth Circuit Appeals Court	12-09-97
Seventh Circuit Appeals Court	06-23-03
Eighth Circuit Appeals Court	03-20-00
Ninth Circuit Appeals Court	05-06-98
Tenth Circuit Appeals Court	05-24-99
Eleventh Circuit Appeals Court	02-13-98

Robert A. Ratliff asserts that he is in Good Standing with all of these courts.

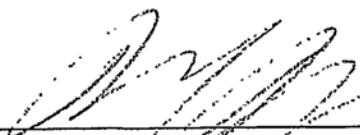
- D. Mr. Ratliff has not been denied admission pro hac vice in this state. Mr. Ratliff has not had any pro hac vice revoked in this state. Mr. Ratliff has not been disciplined or sanctioned by any court in this state in the last five years.
- E. Mr. Ratliff has not had any formal, written disciplinary proceeding brought against him by a disciplinary authority in any jurisdiction within the last five years.
- F. Mr. Ratliff has not been formally held in contempt or otherwise sanctioned by any court in a written order in the last five years for disobeying its rules or orders.
- G. Mr. Ratliff has requested PHV in the following cases in the last two years:
 - 1. Supreme Court of Mississippi for the Neshoba County Circuit Court, 04/09/2008, PHV granted
 - 2. District Court, Southern District of Mississippi, Eastern Division, 06/16/2008, PHV granted.
- H. Current Pro Hac Vice Cases:
 - 1. Brian Young v State of Mississippi; Trial Court Cause CI2001-10,509(2); Writ of Certiorari - Mississippi Supreme Court
 - 2. Neil Kircher vs. State of Mississippi, Circuit Court of Rankin County, Original Case #6280, Civil Case # 2003-10
 - 3. Edgar Ray Killen v Christopher Epps, Warden, District Court, Southern District

- I. Unless permitted to withdraw by order of the court or an administrative agency, Mr. Ratliff will continue to represent the client in the cause until the final determination of the cause, and that, with reference to all matters incident to such cause, Mr. Ratliff consents to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunals of the Mississippi Bar and of the Mississippi Board of Bar admissions in all respects as if Mr. Ratliff were a regularly admitted and licensed member of the Mississippi Bar. Mr. Ratliff certifies that he has read and is familiar with the *Uniform Local Rules of the United States District Courts for the Northern District and the Southern District of Mississippi* as required by local rule 83.1(A)(2)(a) & (c) and agrees to abide by those rules in his representation of Mr. Killen. Lastly, Mr. Ratliff certifies that he has read and is familiar with the Mississippi Rules of Professional Conduct.
- J. Mr. Ratliff is associating with:
Mr. Jon A. Green
MS Bar #8363
711 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180
jonallengreenlaw@gmail.com
- K. The undersigned resident attorney certifies that he/she agrees to the association with Applicant in this matter and to the appearance as attorney of record with Applicant

By _____
Jon A. Green, Esq.

I certify that the information provided in this Application is true and correct.

Date: 4-30-12

By 
Robert A. Ratliff, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application for a Pro Hac Vice has been sent this 29 day of April, 2010, by regular U.S. Mail with sufficient postage affixed thereto to insure delivery thereof to the:

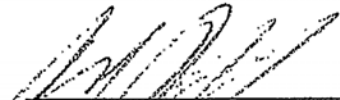
John Doar, Esq.
Doar, Rieck, Kaley & Mack
217 Broadway, Suite 707
New York, NY 10007

Jim Hood, Esq.
Attorney General - State of Mississippi
P.O. Box 220
Jackson, MS 39205-0220

Civil Intake Clerk
US Attorney's Office
188 East Capitol Street, Suite 500
Jackson, MS 39201

FBI Headquarters in Washington, D.C.
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue
NW Washington, D.C. 20535-0001

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001


Robert A. Ratliff, Esq.

Jon A. Green, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Eastern Division)

EDGAR RAY KILLEN,

Petitioner,

v.

CHRISTOPHER EPPS, COMMISSIONER,
MISSISSIPPI DEPARTMENT OF
CORRECTIONS,
Respondent.

Case No. 4:08CV0077-HTW-LRA

PETITIONER'S MEMORANDUM IN OPPOSITION
TO MOTION FOR AN EXTENSION OF TIME FILED BY THE UNITED STATES;
COMPLIANCE WITH STATUTORY TIME FRAMES REQUESTED

____ NOW COMES the Petitioner, Edgar Ray Killen, by and through the undersigned counsel, who moves this Court for justice. As part of that request, Petitioner opposes the motion by the United States for an extension of time requested of this Court on July 8, 2010 (Document #62)

Introduction

Our nation has borrowed and incorporated many positive elements in our judiciary framework from the English. One judicial concept, aptly attributed to the British Prime Minister William Gladstone, is that "justice delayed is justice denied." It is because of that express recognition of the realities associated with judicial delay that our legislators have incorporated many time limits and time requirements for judicial proceedings, including the proceedings relative to applications for habeas corpus relief.

44A-JN-30292-130

The United States Government currently seeks to elevate itself to a third party litigant in the above-captioned matter. As an equal player, the United States seeks to do what it does best: delay. However, each day of delay prejudices the Petitioner. *See, United States v. Lovasco*, 431 U.S. 783, 795 (1977)(Governmental delay solely to gain tactical advantage violates due process.) For the reasons outlined below, this delay should not be countenanced by this Court.

Petitioner has sought permission of this Court for leave to commence and conduct discovery, as invited by this Court at a telephonic hearing with Magistrate Judge Linda Anderson on June 17, 2010. At that hearing, all parties agreed to a time frame for responding.

The basis for the discovery request, a request that has not materially changed over the past two years, is the egregious nature of the Constitutional violations attendant to the prosecution of the Petitioner. Specifically, and as outlined in the Petitioner's petition for relief under 28 U.S.C. §2254, particular and substantive violations of substantive and procedural due process, as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution, have been outlined to this Court, together with substantive and prejudicial violations of his rights to the effective assistance of counsel, as guaranteed by the Sixth Amendment to the United States Constitution.

No Reason for an Extension

While all parties recognize that the authority to grant an extension to respond to a motion under the Federal Rules of Civil Procedure lies within the discretion of this Court, *see Versai Management Corporation v. Clarendon America Insurance*, 2010 U.S. App. LEXIS 3479 (5th Cir. February 19, 2010), perspective and credulity must be considered factors in this discretion.

Petitioner has been waiting for two years to have a substantive hearing on his habeas claims. During that time, he has requested on multiple occasions the opportunity to engage in discovery to

review the FBI unredacted file as well as the State of Mississippi Attorney General's investigative file. Both of these files appear to be in the possession of third parties (such as at least one media outlet), yet it is questionable if Petitioner's counsel has ever reviewed these materials. (As Petitioner's counsel is deceased, no supporting verification of this omission can be obtained.) Consequently, Petitioner has been seeking these files to corroborate what has been obtainable and what does currently support the habeas claims made.

In addition, Petitioner must raise the jurisdictional question to this Court of whether the United States has standing to seek an extension. The United States is not a party to this habeas application and is not the custodian of the prisoner.

Issues to be considered

_____The Petitioner submits that this Application is based upon the following clear and convincing violations of the Constitution of the United States:

_____ (a) ***Due Process Abridgment:*** Petitioner's conviction was obtained notwithstanding a forty-one year preindictment delay, notwithstanding a substantial and prejudicial variance between the indictment and the jury verdict, notwithstanding a jury determination of a lesser-included charge objected to by the Petitioner, and notwithstanding a lesser-included charge based on a non-chargeable felony, all violating the Federal Fifth, Sixth and Fourteenth Amendments. _____

_____ (b) ***Right to Counsel Abridgment:*** Contravening the terms of the Federal Sixth Amendment, Petitioner's conviction and sentence were tainted as Petitioner did not receive effective assistance of counsel during the underlying criminal

proceedings as Petitioner's counsel (a) failed to prepare for trial, arrange for witnesses, review and prepare evidence, (b) failed to explain the existence, details, and effect of all matters associated with the trial, (c) failed to seek a postponement of trial when it was clear that Petitioner could not fully and completely participate in his own defense, and failed to raise all assignments of error on appeal.

_____ (c) ***Fatal Breakdown in Adversarial Process:***

(1) FBI Director J. Edgar Hoover improperly employed a mafia hit-man to investigate the murders of Schwerner, Goodman, and Cheney, to find their bodies, and to obtain evidence for the FBI's investigation. Though Petitioner is still awaiting the production of the complete investigative file, redacted memoranda that have been filed with this court reflect that the FBI, through the use of third party intimidation of potential witnesses, pistol-whipping actual witnesses, and assaulting other local residents, located the burial site of the murdered civil rights workers and obtained confessions for the prosecution, all in contravention of Petitioner's constitutional rights.

(2) One of the original defense attorneys, Clayton Lewis, was actually a paid informant for the FBI during the legal proceedings. He is also believed to be, when mayor of the City of Philadelphia, Mississippi, a victim himself of mafia/FBI intimidation, assault, and kidnaping. His conflict of interest tainted the original proceedings of the 1960s, fatally affecting the adversarial process. To the extent that the Government entered transcripts of testimony

and evidence from that trial into the record of the 2005 proceedings, his conflict of interest tainted the 2005 proceedings against Mr. Killen.

(3) The Grand Jury, convened in 1964 to consider indictments for the three murders, was carefully monitored by the FBI. This infringement by an executive branch agency into the workings of an independent judiciary deserves further examination, evaluation, and remedy.

(d) ***Additional Due Process Violations:*** Contravening the Fifth Amendment and the Constitutional right to a fair and independent trial, the following prosecutorial and investigative acts of misconduct also tainted the proceedings:

(1) Statement from the President of the United States, Lyndon Johnson, interfering with the independence of the judiciary in prosecuting the original 1965 criminal proceedings involving the Petitioner.¹

(2) Testimony indicating that FBI Director Hoover first employed a different mafia hit-man to investigate matters in Mississippi. This first "emissary" from the ranks of one of the families of organized crime was not very successful. Apparently, the local residents were provided advance notice of this mob "investigator" from the then Chairman of the Senate Judiciary Committee, Mississippi Senator James Eastland. This mob investigator was persuaded by local residents to leave Mississippi.

¹ In speaking about "one of America's most determined segregationist judges" according to Douglas O. Linder of the University of Missouri, President Johnson opined to Senator Eastland, "If Judge Cox does not convict these guys, I am going to have him impeached!"

(e) *Due process abridgements through Brady violations*

(1) Based on documents from the secret Sovereignty Commission, it is apparent that there were several paid informants to the FBI immediately following the murders. It is believed that not all information on this has been disclosed to the defense.²

(2) In 1964, the Federal Bureau of Investigation launched a highly secretive and extralegal counterintelligence program, known as "COINTELPRO-WHITE HATE." This covert action program sought to "expose, disrupt and otherwise neutralize" Ku Klux Klan groups, whose violent vigilante activities had begun to alarm the nation, and with it, the national government.³ This program and its ongoing reports were never disclosed to the Petitioner, either during his trial in 1965 or his 2005 legal proceedings. Again, if these evidentiary matters had been disclosed, the results of both trials would have been different.

(3) Finally, Jim Hood, the Mississippi Attorney General, in his prosecution of Mr. Killen, uniquely relied on the files, notes, investigations, and conclusions of the FBI. Based on anecdotal evidence and newspaper reports, Petitioner has become aware that the entire case presented to the Grand Jury and that presented by the State in his 2005 jury trial was based upon the work

²"The Final Curtain", by Judge W.O. Dillard, Outskirts Press, Denver, 2007

³Director to Atlanta et. al., 9/2/64, (Section 1), in Athan Theoharis ed., COINTELPRO: The Counterintelligence Program of the FBI (Wilmington DE, 1978) Microfilm.

of the Federal Bureau of Investigation. It was the FBI that investigated the murders in 1964 and thus it was the FBI that assisted Mississippi authorities in their prosecution of the Petitioner in 2005.⁴ The FBI apparently generated over 40,000 pages of notes, memos, and related evidence. Other than the statements of an incarcerated child rapist, no new evidence was presented despite a forty year hiatus. Consequently, constitutional deficiencies in the FBI investigation in the 1960s directly impact the veracity and propriety of Mr. Killen's 2005 proceedings.

(4) It is believed that Mr. Hood knowingly used and proffered information that was bought, information that was obtained unethically from defense counsel, and information that was the product of torture and intimidation. None of this information related to intimidation, torture, or the like was disclosed to Mr. Killen or his counsel in violation of Brady v. Maryland.

_____These claims are not new or surprising to the United States. In its pending motion, the Assistant United States Attorney suggests that the Petitioner "has dramatically expanded the categories and number of documents which he seeks to obtain" and that the filing earlier this year of a Bivens action "has further complicated the government's response to the present motion." (Motion to Extend Time, page 1)

⁴In October of 2006, the International Association of Chiefs of Police handed out its only individual award to retired FBI Special Agent Jim Ingram for assisting Mississippi authorities who successfully prosecuted Petitioner in 2005 for the 1964 killings of civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner.

To these arguments, Petitioner respectfully objects. Petitioner has not expanded the requested material since his requests for discovery began two years ago. The allegations presented in the Bivens action mirror those in this proceeding. The filing of that action should not only not have complicated matters, it should have streamlined the preparation of the FBI for litigation.

Finally, Petitioner again states to this Court that no further discovery would be required if the United States would simply stipulate to the factual allegations outlined

Time Is A Factor

____ Since the Habeas Corpus Act was adopted by the English Parliament in 1679, the concept of immediacy underscores the right defined by the writ. Pedestrian judicial proceedings are judged against the 19th century adage of William Gladstone that “justice delayed is justice denied.” However, the time sensitive nature of a writ of habeas corpus, or an order pursuant to either one of its federal statutory equivalents, is a paramount concern. Each day, each hour, that a wrongly incarcerated individual remains without liberty is an hour, or day, irreparably lost.

Petitioner remains incarcerated. Each day of lost liberty is a day that cannot be made up once this court recognizes and rules on the unconstitutional activities upon which his conviction has been based. This octogenarian currently sits in a maximum security medical facility of the Mississippi Department of Corrections. He has been verbally and mentally abused by some inmates and notably by correctional staff. The conditions that this man is enduring has been outlined to this Court in prior filings.

This is not the kind of environment that any inmate should endure. It definitely is not appropriate for a sickly, wheelchair bound, 84 year old clergy. And it should occur to a man who is in prison based on a variety of constitutional infringements.

Each day is irreparable. Despite his age, Petitioner values each day and challenges anyone to objectively show that he was either guilty of murder, intimidation, or kidnaping. He was not. But this Court is not being asked to review an actual innocence claim. The egregious nature of the constitutional violations must be remediable with the issuance of a writ of habeas corpus.

Statutory Time Constraints

_____ Federal law discusses the applications for habeas corpus relief in 28 U.S.C. 2241 et seq. These provisions discuss the generic habeas petition as well as petitions by those in federal custody (Section 2255) and those in state custody challenging violations of federal law (Section 2254)

An application for a writ of habeas corpus, in any of the specific categories or generally, may be filed with any federal court, justice or judge. Once filed, the court is required to either issue the writ or an order to the respondent to show cause why such a writ should not be forthcoming. Congress provided only three days for this process to occur. The respondent is then provided with a brief window to respond and for the court to fix an evidentiary hearing date. By statute, and unless good cause exists for an extension, this hearing is to occur within five days. The underlying public policy for this truncated schedule is to insure that individuals are not incarcerated contrary to the laws of the United States.

The time periods established in the statutes are not arbitrary. These time windows for mandatory action actually flow from the original British Habeas Corpus Act of 1679, probably the

most famous statute in the annals of English Law. See, William F. Duker, A Constitutional History of Habeas Corpus 40, at 52 (1980) For purposes of this cause, only one historic reference might be required, and that is a citation to the original and official name to this Act: "An Act for the better securing and liberty of the subject, and for prevention of imprisonments beyond the seas." All Petitioner seeks is to secure his liberty.

Conclusion

The United States has requested an additional 31 days to respond to the Petitioner's motion. The bases for this request are listed to be complications in communicating with the FBI's general counsel's office concerning this case, a broader discovery scope than previously understood, and the concurrent pendency of a Bivens action in this matter. While Petitioner is not in an informed position to comment on the veracity of these claims, logic and common sense suffices as a proper barometer.

Petitioner simply wants to see the unredacted investigative file prepared by the FBI in the case for which Petitioner has been sent to prison for the remainder of his life. It is a file that others have had free access, and it is a file that includes one redacted memorandum explicitly stating that some of the facts of this case should be kept secret from the Attorney General. Petitioner has presented sufficient evidence to strongly suggest constitutional abridgements, administrative improprieties, as well as a cover-up as to these illegal matters commencing in the 1960s. Each day that the United States stonewalls the release of this investigative file represents an additional day to this cover-up and its underlying conspiracy.

Petitioner believed he had an understanding as to this motion and as to discovery. The filing of this motion for an extension represents either a misunderstanding or a breach of that consensus. Either way, it prejudices the Petitioner. Consequently, Petitioner urges this Court to comply with the

time parameters of the habeas corpus statutes, set for immediate hearing a full presentation of Petitioner's claims, Respondents' answer, and all evidence in support thereof. Pursuant to 28 U.S.C. 2243, such a hearing is required to be set no more than five days after Respondent's answer is filed, unless "good cause" exists for additional time. Respondents have had their five days. Respondents have filed their answer in August of 2008. Please allow the Petitioner his statutory rights to a hearing immediately.

Respectfully Submitted,
July 13, 2010

/s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for Petitioner
713 Dauphin Street
Mobile, AL 36602
(251) 438-2250 voice
(251) 438-6180 telecopy

/s/ Jon Green
Jon Green, Esq.
MS # 8363
713 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180 Fax

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Memorandum in Opposition appended hereto has been sent this 13 day of July 2010, by first class mail to:

Don Burkhalter, USA
188 East Capitol Street, Suite 500
Jackson, MS 39201

Federal Bureau of Investigation
Jackson Division Headquarters
1220 Echelon Parkway
Jackson, Mississippi 39213

s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for the Petitioner

/s/ Jon Green
Jon A. Green, Esq.
Attorney for Petitioner

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/09/2010

b6
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To: Jackson

Attn: SA [REDACTED]
Squad 4

From: Jackson

Squad 3

Contact: [REDACTED]

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Approved By: [REDACTED]

BT

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Drafted By: [REDACTED]

csa CSA

Case ID #: 44A-JN-18031-¹⁶⁶¹ (Pending)
✓44A-JN-30292-⁷³¹ (Pending)

Title: MACK PARKER - VICTIM;
CR - HATE CRIME

MIBURN;
CR - HATE CRIME

Synopsis: To re-assign captioned investigations, along with associated subfiles.

Administrative: E-mail between SA [REDACTED] and SSA [REDACTED]
[REDACTED] Squad 4, on 09/08/2010.

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Details: On May 27, 2009, a final LHM for Mack Parker investigation was prepared and forwarded to Department of Justice (DOJ), Civil Rights Section for review. No further investigative activity is anticipated since all subjects initially identified in FBI reports from 1959 are verified as deceased. To date, a response has not been received from DOJ, regarding a prosecutive opinion. Writer suggests that [REDACTED] Deputy Chief, Civil Rights Section, DOJ at [REDACTED] be contacted regarding status of Marck Parker investigation.

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On June 7, 2010, a final LHM for the MIBURN investigation was prepared and delived to DOJ for review. An investigation was conducted to determine which of the remaining original subjects were still living. Database searches concluded [REDACTED] and Olen Barrage were still

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UNCLASSIFIED

Reassigned
to
9/13/2010
JP
BT
9/9/10
44A-JN-30292-731

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A-JN-18031, 09/09/2010

living. The original MIBURN FBI investigative file was also reviewed in order to determine if any new information could be obtained regarding living subjects. Various witness and source interviews were conducted and information gained did not produce any new evidence against Willis, Harris and Burrage. No new investigative activity is anticipated. [REDACTED]

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[REDACTED] Civil Rights Section, DOJ should be contacted at [REDACTED]
[REDACTED] regarding a prosecutive opinion.

Due to writer's re-assignment from Squad 4 to Squad 3, it is requested that captioned investigations be reassigned to Squad 4, SA [REDACTED].

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UNCLASSIFIED

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/05/2010

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To: Jackson

Attn: SA [REDACTED]

From: Jackson

Squad 4

Contact: SA [REDACTED]

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Approved By: [REDACTED] *RHC*

Drafted By: [REDACTED] *ems*

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Case ID #: 44A-JN-18031-1662 (Pending)
44A-JN-30292-132 (Pending)

Title: MACK PARKER - VICTIM;
CR - HATE CRIME

MIBURN;
CR - HATE CRIME

Synopsis: To re-assign captioned investigations, along with associated subfiles.

Details: On May 27, 2009, a final LHM for Mack Parker investigation was prepared and forwarded to Department of Justice (DOJ), Civil Rights Section for review. No further investigative activity is anticipated since all subjects initially identified in FBI reports from 1959 are verified as deceased. To date, a response has not been received from DOJ, regarding a prosecutive opinion. Writer suggests that [REDACTED] Civil Rights Section, DOJ at [REDACTED] be contacted regarding status of Mack Parker investigation.

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On June 7, 2010, a final LHM for the MIBURN investigation was prepared and delivered to DOJ for review. An investigation was conducted to determine which of the remaining original subjects were still living. Database searches concluded [REDACTED] and Olen Barrage were still living. The original MIBURN FBI investigative file was also reviewed in order to determine if any new information could be obtained regarding living subjects. Various witness and source interviews were conducted and information gained did not produce any new evidence against Willis, Harris, and Burrage. No new

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309ems01.ec

*Re assign cases
and associated
subfiles to SA
[REDACTED]
11/8/10*

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44A-JN-30292-132

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A-JN-18031, 11/05/2010

investigative activity is anticipated. [REDACTED]

[REDACTED] Civil Rights Section, DOJ should be contacted at [REDACTED]
[REDACTED] regarding a prosecutive opinion.

Due to writer's re-assignment from Squad 4 to Squad 6,
it is requested that captioned investigations be reassigned to
Squad 4, SA [REDACTED]

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/21/2010

To: Jackson

Attn: Squad 4

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From: Jackson

Squad 6 / Columbus RA

Contact: SA [REDACTED]

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b7E

Approved By: [REDACTED]

Drafted By: [REDACTED]

gtpr

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Case ID #: 44A-JN-30292-133 (Pending)-133

Title: EDGAR RAY KILLEN;
ETAL,
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: To document information provided to the Columbus Resident Agency (CRA) referencing Edgar Ray Killen.

Enclosure(s): (1) Typed letter (6 pages) reportedly from Edgar Ray Killen, (2) Copy of the envelope that the letter was mailed in.

Details: On December 3, 2010, writer received a phone call from [REDACTED] DOB [REDACTED] SSAN [REDACTED] residing at [REDACTED] telephone number [REDACTED]. [REDACTED] claimed to have a letter that had been written by Edgar Ray Killen (hereafter referred to as Killen) that he [REDACTED] believed would provide new details relevant to the captioned case. The letter had originally been sent to [REDACTED] and she subsequently forwarded it, per Killen's request, to [REDACTED] via the United States Postal Service (USPS).

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[REDACTED] asserts that he does not personally know Killen but that he developed a relationship with [REDACTED] during Killen's 2005 trial for murder. [REDACTED] attended the

UNCLASSIFIED

44A-JN-30292-133

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A-JN-30292 , 12/21/2010

trial as an interested spectator and was interviewed by Fox News, the New York Times, and CNN, at the conclusion of the trial. Additionally, both [redacted] and Killen had a mutual association with murdered Nationalists leader, Richard Barrett.

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[redacted] has showed the letter to a friend of his at the [redacted] (not further identified) and his friend recommended that he take the letter to a law enforcement officer that is trustworthy. [redacted] believes that the letter will disappear and that he will end up dead if he were to present the letter to either local or state law enforcement. [redacted] indicated that he would send the letter to the Columbus Resident Agency.

Writer received the letter via the USPS on 12/15/2010.

gtp10355b.ec

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1:

evidence A true and undeniable message for my hometown, your Neshoba County and Philadelphia MS. Officials who are so politically correct. You had all the news media that helped indicted me for murder on three counts, which you had no legal ~~yankee~~ All your grand jury heard was slick tongue talk from a couple of political politicians. Who ordered a number of testimonies made by F.B.I. agents who in the presence of Gregory Scarpa Sr. pistol whipped this testimony from low moral people. That are now deceased. Mr. Scarpa Sr. was a known mafia who was paid by check thirty thousand dollars of your tax money. And for the next thirty years was allowed and protected by the F.B.I. to operate all across America. His business was murder for hire, drugs and any type of crime. He was so successful - even male and female prostitution- that his career ended as godfather of the Colombo crime family in New York City. Mr. Scarpa Sr. went on to be known in the underworld as the Grime Reaper. He was never tried and convicted, but the Grime Riper met the Greatest Judge of all "the Great God of Heaven". He died of hiv/aids.

I warn you MS. And Neshoba County officials God is still on his throne and he knows of my every deed, and every speech I ever made. I am not at peace with you people who promote this false lie toward me. But I am at peace with GOD. You people know who you are and you are responsible, who not only to the tax payers but to Almighty GOD. Who is listening and is every minute recording your acts, thoughts, and deeds. One by one you will give account to Him. You took my life from me and my family but God is our shield and body guard. He is my shield and I have lived to your joy in a very dangerous and hideous place. But Almighty God has kept me alive. I do not intend for this to be my farewell message to you. But only God knows I see my lives sun setting low as in a few weeks I will be 85 yr years old. As I stated you took my life from me and my family,

and our hopes of retirement. You never took away our faith in Christ. Nor our love for one another.

Now those who are our friends, GOD bless my friends. Your supervisors voted to fund my trial and that depleted the county treasury. Some of you supervisors told the tax payers that you could not keep your word- Edgar Ray Killen's trial took all the money. Those that told that was defeated and others did not run. I am not trying nor intend to burn any bridges, but I have walked the streets of most major cities in America. I bragged on MS., Phil. MS., and Neshoba County. However I want out of here and retrace my trips, to make apologies to those Americans that I bragged too. Your [redacted] made welcome six yankee communist members to Phil. Is [redacted] your cities greatest? I have no promises to make if I leave here alive and with my mind. I will tell you the complete story, all the above is only an introduction to this part of history. I would like to tell you the real story of how our government played during this time. I never told Neshoba County folks but for some 30 yrs. I had access to the justice dept. files of which there are millions and millions which are hidden, I only read those of interest. I was not hired and not a pimp but I had security clearance so I read and obtained straight evidence. I am not putting names in this newsletter as some are still living and believe it or not I am not a betrayer of no person especially my friends. The justice dept. hid the files on Scarpa the mafia chief but they and Hood are fighting the courts not to give those files to my attorney. For your information I had no real attorney until I left MS. I wrote an attorney in Ohio who practiced law nation wide. He moved to a neighboring state so he can drive to see me. My reading of evidence was not in the justice building, the files were copied and brought to me. These records the F.B.I. has tried for 40 yrs. To find who leaked these records. Your officials kept screaming JUSTICE we demand JUSTICE. I can tell you if

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you are serious about justice call your state representatives,
your state senators, your U.S. congressman, your U.S.
Senators, and your governor and ask for justice. Have them
make the files public or give them to courts and then demand
justice. You need not call Hood -your friend- he has the files
and you will never see them. The (FBI) justice dept. ^{not} Hood
did not deny Scarpa's pistol whipping. They say they can not release
the files because of National Security reasons. Ask the D.A.
whom you elected why he did not tell you tax payers about the
pistol whipped readings in my trial, and the federal trial in
1967. Ask the D.A. to look you in the eye if he even answers
you. Ask for the truth, not Edgar Ray Killen's word. Above I
wrote that the FBI and Hood says I cannot have those records
pertaining to my case because of National Security. That is true
because if lawyers outside of MS. got hold of them they would
have a National field day. With the way Lyndon Johnson and
the justice dept.- a few hand picked men- tore the U.S.
Constitution to shreds.

In 1776 the founders of the United States of America sent a
Declaration of Independence to the king of England. In that
declaration Thomas Jefferson wrote, that when any form of
government becomes destructive it has the right of the people
to alter or abolish it and to institute new government. We are
invoking this right to rise up and alter the course of our
government, you have had your chance to correct America's
course and you have failed.

To the gentlemen on the board of supervisors lets tell the
public what the salary of your industrial giant is. It is \$60,000
Or \$80,000 a year plus expenses. [redacted] could not
stay off the TV for telling the world he could not get industry
into Philadelphia untill I was convicted. Gentlemen where are
the industrial smoke stacks??? Tell me where is the Emerson
motor plant, US motors, where is the glove factory, where is the
two pants factories, where is the pallet factory, the greeting

card factory. Where is La Pacific Lumber Co.??? How many thousands in Neshoba County is out of jobs today? 1,400 were fired from the casino in the last year. When I was home the last figures in Neshoba County of employed people were the lowest in the state, always number 1 or number 2 in employed people in the state. Well you locked me up, so please tell me now what the rate is. Your chamber of commerce has cried their eyes out, of course [] is the cheering sector for them. Oh we are tired of being last, we are rated last if only we can convict Edgar Ray Killen then we can be number 1. Well let me explain "Baby you are getting there" you have me locked up illegally for almost 5 years and now as of latest figure you are close to number 1 in the state on unemployment.

Hood said at my trial that my illegal actives caused the civil rights law to be passed, what he did not tell was in 1964 before and after a few years MS. Had the very lowest or second lowest crime rate in the Nation, there you are Baby you were last or next to last. How about today this year we will come in second or third place. So stop crying you are headed for the first place in everything number 2 or number 3 in crime. Highest rate of unemployment don't cry yet it will go higher. Number 1 in lost factories, keep crying you will be number 1 in all these. If you are reading all this will you not please state that at 85 I have lost my marbles or I am making excuses. You will boil my *Irish* German ~~and~~ blood of which I am overly proud of my blood line. Please get off your duster and have someone get you these records and then if its not too late you might join the fight to clean up our government and the Judicial system. Have you never read where a great statesman (early American) said all it takes for this Country to fail is for good men to do nothing.

I realize that this letter I am writing is placing my life in danger but this 85 year old man thinks no fear and knows no fear. I have walked with death breathing down my back here for over four years not the inmates as a whole they are far

better moral people than most of the officers. Don't look at me, I have already told them to their face. I will name one who was pistol whipped- (my attorney said this fed record you can get it. It my do you like me and take all your money, is your freedom not worth it?) Clayton Taylor Lewis was pistol whipped, kidnapped by Scarpa until he went to work with the FBI. A paid informer also a defense attorney for some or all in the 1967 federal trial. Attorneys where are your code of ethics, where is your oath as an officer of the court. If any defense attorney is reading this, you know why John Dear and others knew all, and every defense move that you were going to make in the next days court.

the judge Mitch Moran was a man with a conscious after I lost my legal constitutional bond, I fired Mitch and after a few months Mitch needed to talk with me. He came here (CMCF) and we talked for a period of time. Mitch looked like death he really broke down and confessed all. I felt great sorrow for Mitch he was too sensible a man to have gotten in the bind he was in. Mitch gave me all the money I paid him. As a bribe Mitch told me that he had great regrets that he was unable to defend me as he could and especially that he could not keep my perfectly legal constitutional bond. Mitch did not tell me he was expecting to be murdered, he did have great fear of the illegal actives of two of your elected officials. I never told of Mitch's visit, some how some official here has a tape of our conversation and before too much could be told, said or done Mitch was facing death. Is it to late to carry Mitch's remains outside MS. and find the cause of death? Don't let [redacted] while looking down tell you, look who's telling this. Yes I'm reminding you of an organization in MS. named Hood, [redacted] [redacted] and [redacted] (one or two I can't remember) [redacted]
[redacted] One million dollars- call your governor -please call your Rep., Senator, U. S. Congressman and tell them to make

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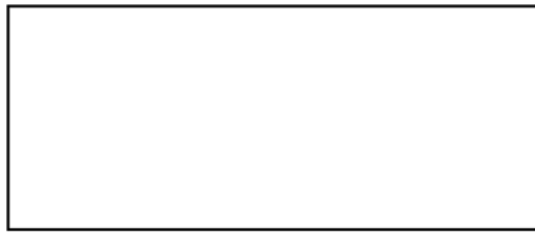
[redacted] Hood and the FBI to show the records. And have the judges rule on showing records of the FBI crimes. I fear that you decent people who read this may think that I am asking you only to help me, NO, NO, NO. I am asking you to WAKE UP if your Federal Government can pay and protect a mafia godfather to kidnap some low grade person and pistol whip him until he signs the statement the FBI presents him. What keeps you from being the next one tried and put away as I was? What about your family, are they safe in a state that is the top ridden crime state of the 50 states. Please for your children's sake call your elected law makers and ask them to help release those federal criminal records. I am not perfect, but I am right! Ask Hood and [redacted] where the twisted child rapist was at the time (I understand he was in N.J. during the years in MS. that he claimed he heard me tell I did it). He is not registered SEX OFFENDER! What is the law Hood and [redacted]? Why was his sentence cut and he was SET FREE? He is a liar so is Hood.

why is
he not
registered

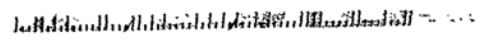
Psalms 30:5 For His anger endureth but a moment ; In His favor is life: weeping endure for a night, but joy cometh in the morning.

Edgar Ray Killen

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UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/31/2010

To: Jackson



From: Jackson

Squad 4

Contact: SA [redacted]

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Approved By: [redacted] *RHR*

Drafted By: [redacted]

:arc *ARC*

b6
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Case ID #: 44A-JN-30292 - *134* (Pending)

Title: EDGAR RAY KILLEN;
ET AL,
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: Update to the file.

Enclosure(s): Email correspondence between writer and Department of Justice Attorneys [redacted] and [redacted] for the captioned matter.

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Details: Contained within the enclosure.

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Si: ECOB.wpd *ARC*

44A-JN-30292-134

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/06/2011

To: Jackson

From: Jackson

Squad 4

Contact: SA [REDACTED]

Approved By: [REDACTED] *RH*

Drafted By: [REDACTED]

arc ARC

Case ID #: 44A-JN-30292-¹³⁵ (Pending)

Title: EDGAR RAY KILLEN;
ET AL;
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: Update to the file.

Enclosure(s): National Crime Information Center and Mississippi Driver's License printouts for [REDACTED]

Details: [REDACTED] provided information to the Columbus Resident Agency via Serial 133 to the captioned file. As indicated within the enclosures, he has no criminal history. A query of [REDACTED] telephone number, [REDACTED] in ACS revealed this number is not listed in [REDACTED]

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SI:EC01.wpd

ARC

44A-JN-30292-135

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UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/25/2011

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To: Jackson

Attn: SSA [redacted]
Attn: SA [redacted]

From: Jackson

Squad 4

Contact: SA [redacted]

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Approved By: [redacted] *RAJ*

Drafted By: [redacted]

arc ARC

b6
b7E

Case ID #: 44A-JN-30292-136
44A-JN-30292-CNTR-11
44A-JN-30292-DNR/T&T-5
44A-JN-30292-ELA-3
44A-JN-30292-INS-19
44A-JN-30292-MAG-8
44A-JN-30292-MIBURN-13
44A-JN-30292-NC-200
44A-JN-30292-PEN-48
44A-JN-30292-SURV-6
44A-JN-30292-302-33

Title: EDGAR RAY KILLEN;
ET AL;
WHITE KNIGHTS OF THE KU KLUX KLAN;
JAMES EARL CHANEY - VICTIM;
MICHAEL HENRY SCHWERNER - VICTIM;
ANDREW GOODMAN - VICTIM;
RACIAL DISCRIMINATION - VIOLENCE

Synopsis: To request the captioned investigation be reassigned
to SA [redacted]

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Enclosure(s): Document from the DOJ to the FBI.

Details: On January 10-12, 2011, DOJ Attorney [redacted]
visited the Jackson Division to research the possibility of
pursuing prosecution of additional subjects in the captioned
investigation.

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The enclosed document is a white paper from the DOJ
which specifies seven investigative requests of the Jackson

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S:ECO2.wpd @ARC

44A-JN-30292-136
Please reassign
captioned matter
to SA [redacted] to remain
SA [redacted] co-case agent
RAJ

UNCLASSIFIED

To: Jackson From: Jackson
Re: 44A, 01/25/2011

Division. Pursuant to matters discussed, the requests will be worked by SA [REDACTED]. As such, it is requested the captioned file and subfiles be reassigned to him.

SA [REDACTED] will avail himself to assist in the investigation.

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/15/2011

On February 14, 2011, in an attempt to identify [redacted]
[redacted] writer conducted an Internet query of [redacted]
[redacted] regarding [redacted] [redacted] was
identified by [redacted] in a faxed communication received by writer on
February 14, 2011.

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Results for the aforementioned law enforcement report
regarding [redacted] have been copied and are attached to this
document for reference.

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b7CInvestigation on 02/14/2011 at Jackson, MississippiFile # 44A-JN-30292-138 Date dictated _____by SA [redacted] *FT*b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/15/2011

On February 14, 2011, writer was provided with a faxed copy of communication sent from [redacted] regarding information pertaining to MIBURN subjects [redacted]
[redacted]

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The aforementioned faxed communication has been copied and is attached to this document for reference.

Investigation on 02/14/2011 at Jackson, Mississippi

File # 44A-JN-30292 -139 Date dictated _____

by SA [redacted] *ADT*

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FD-71

Revised
11-2-2010FEDERAL BUREAU OF INVESTIGATION
COMPLAINT FORM

ADMINISTRATION

Classification:

☒ Unclassified ☐ Confidential ☐ Secret

Dissemination controls:

☐ NOFORN ☐ ORCON ☐ FOUO ☐ PROPIN ☐ LES ☐ RELIDG ☐ FISA ☐ FGI ☐ REL TO

UNCLASSIFIED

RECEIVED BY		Status:	Priority:
Name	(JN) (FBI)	Pending	Routine
Email		Incident Type:	Receipt Method:
		Criminal Activity	In Person
		Received On:	Last Updated:
		2/15/2011	2/15/2011

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Originator Type:	Originating Agency:	Originator Telephone:
Outside Agency	Gautier Police Department, MS	
Responsible Office (Show Legats? ☐)	RA:	Responsible Squad (ACS Designation):
Jackson		0008

RESPONSIBLE INVESTIGATOR		RESPONSIBLE SUPERVISOR	
Name	(JN) (FBI)	Name	(JN) (FBI)
Email		Email	
		RESPONSIBLE SUPERVISOR	
		Name	(JN) (FBI)
		Email	
		RESPONSIBLE SUPERVISOR	
		Name	(JN) (FBI)
		Email	

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SUMMARY

Synopsis:

An anonymous tipster telephoned the Mississippi Coast Crime Stoppers tip line and identified a subject [redacted] [redacted] reported to have information about the murder of three civil rights workers in Mississippi, in 1964.

☐ Sensitive Investigative Matter

Facts of Incident:

The director of the Mississippi Coast Crime Stoppers, Inc. provided a tipster fact sheet to a Jackson Division, Pascagoula RA, Task Force Officer (TFO). The TFO in turn gave the sheet to writer. Information on the tip sheet are detailed below: Report #: CSI-523-102; Received 02/07/2011, 7:03pm; Call taker: RJ Offense Type: Cold Case - Homicide Location: Philadelphia, Mississippi General: Date Crime Occurred: 1964 City/County: Philadelphia State/Prov.: MS Victim: Three civil rights leaders How is caller aware of the crime: Caller was told the information How caller heard about Crime Stoppers: Television Danger to Tipster: Low Suspect: First: [redacted] Last: [redacted] Full Name: [redacted] Race: [redacted] Gender: Male Height: [redacted] Age: [redacted] SMT's: [redacted] Facial Hair: [redacted] Address: [redacted] City: [redacted] State/Prov.: [redacted] Description of Residence: [redacted] Prior Criminal History: No info on criminal past Weapons: No info on weapons Dogs/Animals: No dogs General narrative: [redacted]

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Urgent: No Previous Caller: No Crime Stoppers Code/Tip

Number: How did you hear about Crime Stoppers: Television Disposition Notes:

Occurrence(s):

Time:

1/1/1964

12/31/1964

COMPLAINANT

Complaint Received By:

Date of Complaint:

Time of Complaint:

2/15/2011

3:00:00 PM

Name:

Anonymous

☒ Protect Source

Gender:

Date of Birth:

Address:

Telephone:

Email Address:

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b7C

SUBJECT

Last Name or Organization Name:

First Name:

Middle Initial:

Social Security Number:

Date of Birth:

Place of Birth:

Phone Type:

Phone Number

Gender:

Build:

Complexion:

Hair Color:

Eye Color:

Feet: Inches:

Height:

Weight:

Age:

Facial Hair:

Accent:

Race:

Driver's License Number:

☐ Public Figure (Politician, Celebrity, Community Leader, etc.)

US Person

☐ Yes☐ No☒ Unknownb6
b7C
b7D

Description (dress, mannerisms, or statements made):

Address:

Other Names:

Other Addresses:

Scar(s)/Tattoo(s):

Scar/Tattoo Description:

Associate(s):

Weapon(s):

Weapon Description:

Unknown.

Vehicle(s):

INVESTIGATIVE METHODS

Method Options:

Selected Method:

Method Explanation:

FINDINGS

Recommended Classification:

Recommended Alpha:

☐ Disseminate to FIG☐ Disseminate to Others

b7E

Recommended Action:

Date:

Assessment Findings:

Federal Violation:

SUPERVISOR REVIEW

Responsible Supervisor:

(JN) (FBI)

REVIEWS

Period Start Date:	Period End Date:	Days:	Supervisor Decision:	☒	Add Comments
2/16/2011	3/18/2011	29	Reassign to Supervisor		

Comments:

Complaint is MIBURN related. Forward to Squad 5.

Office (Show Legats? ☐):	Classification:	Alpha:	File #:	Sub File #:	Case ID:	Uploaded:	Serial:
JN	44	A	30292		44A-JN-30292	☒	140

Author: CPI Code:

Responsible Supervisor:

(JN) (FBI)

REVIEWS

Period Start Date:	Period End Date:	Days:	Supervisor Decision:	☒	Add Comments
			Reassign to Supervisor		

Comments:

☐ possible MIBURN lead

Office (Show Legats? ☐):	Classification:	Alpha:	File #:	Sub File #:	Case ID:	Uploaded:	Serial:
JN	44	A	30292		44A-JN-30292	☒	140

Author: CPI Code:

Responsible Supervisor:

(JN) (FBI)

REVIEWS

Period Start Date:	Period End Date:	Days:	Supervisor Decision:	☐	Add Comments
			No Assessment, Upload to Zero File		

Office (Show Legats? ☐):	Classification:	Alpha:	File #:	Sub File #:	Case ID:	Uploaded:	Serial:
JN	44	A	30292		44A-JN-30292	☒	140

Author: CPI Code:

ATTACHMENTS

Description:

☐ File Attachment

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

EDGAR RAY KILLEN

v.

CIVIL ACTION NO: 4:08-CV-0077-HTW-LRA

CHRISTOPHER EPPS

PETITIONER'S REPLY TO MOTION TO QUASH SUBPOENA
AND
TO FBI'S OPPOSITION TO MOTION TO COMPEL

Petitioner Edgar Ray Killen, by and through his undersigned counsel, hereby replies to the Government's Motion to Quash Subpoena and, as the arguments are parallel, to the Federal Bureau of Investigation's Response in Opposition to Petitioner's Motion to Compel. Petitioner urges this Court not to quash the *subpoena duces tecum* served on the Federal Bureau of Investigation on July 23, 2008. The reasons for this position are as follows:

1. This Court has supported the cautious commencement of discovery, and the facts and circumstances of this habeas petition fully support discovery;
2. Under the APA, the subpoena is an administrative request for the production of documents;
3. The denial of the request by the FBI was contrary to law and to the proper application of the FBI's *Touhy* regulations;
4. Any claim of privilege in and to the requested documents is incorrectly asserted;
5. The request is hardly burdensome in light of the facts and circumstances of this petition.

141
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For these reasons and those more fully outlined in the Memorandum of Law filed in support hereof, Petitioner urges this Court not to quash the subject subpoena, to affirm Petitioner's Motion to Compel, and to allow discovery, in its fullest and requested sense, to commence and continue.

Respectfully Submitted this 3rd day of May 2010

/s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for Petitioner
713 Dauphin Street
Mobile, AL 36602
(251) 438-2250 voice
(251) 438-6180 Fax

/s/ Jon Green
Jon Green, Esq.
MS # 8363
713 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180 Fax

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Reply to Response to Motion to Compel appended hereto has been sent this 3 day of May 2010, by first class mail to:

Don Burkhalter, USA
188 East Capitol Street, Suite 500
Jackson, MS 39201

Federal Bureau of Investigation
Jackson Division Headquarters
1220 Echelon Parkway
Jackson, Mississippi 39213

And by the court's electronic notifying system to:

Leslie Gunn, Esq.
Attorney General - State of Mississippi
P.O. Box 220
Jackson, MS 39205-0220
agcivillit@ago.state.ms.us

s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for the Petitioner

/s/ Jon Green
Jon A. Green, Esq.
Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

EDGAR RAY KILLEN

v.

CIVIL ACTION NO: 4:08-CV-0077-HTW-LRA

CHRISTOPHER EPPS

MEMORANDUM OF LAW IN SUPPORT OF
PETITIONER'S REPLY TO MOTION TO QUASH SUBPOENA
AND
TO FBI'S OPPOSITION TO MOTION TO COMPEL

I. PROCEDURAL CONTEXT

On July 23, 2008, the undersigned forwarded a subpoena (hereinafter, the "Subpoena") to the Jackson, Mississippi office of the Federal Bureau of Investigation (the "FBI") seeking relevant and material information associated with the pending Federal habeas petition filed by Mr. Killen in this United States District Court. The FBI has, over the past ten months, refused to comply with this Subpoena, prompting Mr. Killen to seek judicial intervention through a motion to compel.

On March 1, 2010, Mr. Killen filed such a motion at the urging of this Court. See, Order and discussion by this Court with both Mr. Ratliff and the Government, September 11, 2009. This Motion to Compel seeks to compel the FBI to comply with the Subpoena but also with the letter and spirit of the judicial policy of this nation: *failure to disclose evidence favorable to an accused violates the Federal Constitution*. See, Brady v. United States, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972); and Kyles v. Whitley, 514 U.S. 419 (1995) ("the Court [has] disavowed any difference between exculpatory and impeachment evidence for Brady

purposes.”)

The Government, on behalf of itself and the FBI, now seeks the judicial imprimatur to the stonewalling and coverup commenced when, in 1967 the FBI failed “to disclose evidence favorable to the accused” that deprived him of a fair trial. United States v. Bagley, 473 U.S. 667, 675 (1985) It is a continuation of the stonewalling and coverup commenced when, prior to that trial but after the killings of Goodman, Schwerner, and Chaney, FBI Assistant Director Belmont, Domestic Intelligence Division, revealed in a [currently redacted] memorandum that “. . .in a case such as this involving the Bureau’s prestige, under no circumstances should there be any indication in subsequent press comment that would disclose our modus operandi [hiring a mafia hit man to obtain information] and put someone in a position to either presume or assumewho assisted us in the recovery of the victims. “ (7/31/64 memo to Belmont) An additional memorandum further reflected this conspiracy between Belmont, Rosen, Nicholas Katzenbach (who later became Attorney General himself) and others to hide certain matters from not only the public, but also the Department of Justice. (“under no circumstances should we disclose information to....[Burke] Marshall or the Attorney General [Robert Kennedy]”) See, Docket #30 and 34, of this matter. And it is a continuation of the stonewalling and coverup that permits the highest law enforcement agents of this nation to ignore their principles and stated transparencies and refuse to produce the original, unredacted FBI filed for even an *in camera* review for exculpatory evidence. See, Federal Bureau of Investigation, Cold Case Initiative, www.fbi.gov/page2/nov09/coldcases_111809.html

For the reasons outlined herein, the documents requested should be produced and the Government’s opposition should not be sustained.

II. SUBPOENA NOT AUTHORIZED

The FBI maintains that the subpoena was not authorized and thus should not be enforced. The basis for this position is that Rule 6 of the Federal Rules Governing 2254 Cases states that leave of court is required before any discovery ensues. A strict, parochial reading of this rule, absent a recognition of the facts of this case, may bring one to such a conclusion. But the facts of this case indicate two important factors which mitigate against the position taken by the FBI.

Uncontroverted *Brady* Violation

First, Attorney General Jim Hood has admitted to this court that there was a *Brady* violation in Mr. Killen's trial in 2005. Attorney General Hood adamantly stated to this Court that his office "was *never* in possession of an unredacted FBI file." (Response in Opposition to Amended Discovery Request, Docket # 48, 11/10/2009) As the FBI file was the primary investigative source material used to indict and try Mr. Killen in 2005, this statement admits the constitutional violation articulated in *Brady*. Kyles v. Whitley, 514 U.S. 419, 131 L.Ed.2d 490, 115 S.Ct. 1555 (1995)(State prosecutor was required to conduct a *Brady* review of the FBI's files in order to locate and produce any exculpatory evidence that *might* exist within them.)¹

Court Granted Leave

Second, this Court did grant leave to file the motion to compel and proceed with the vehicles for discovery. See, Order of September 11, 2009, and Order of February 17, 2010 ("Counsel for plaintiff directed to file appropriate motions pertaining to requested discovery on

¹In Kyles, the Supreme Court held that, because materiality for *Brady* purposes is measure in terms of the cumulative effect of suppressed evidence, the prosecutor is "assigned the consequent responsibility to gauge the likely net effect of all such evidence and make disclosure when the point of "reasonable probability" is reached. Kyles, 514 U.S. at 437. This, the Court held, "means that the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." *Id.*

or before 3/01/2010") Though apparently the FBI desires to parse the language of this Court's prior orders, the larger picture is that discovery is, and ought to be, available in this habeas proceeding.

The United States Supreme Court has held that such cause exists when a habeas petitioner "establishes a prima facie case for relief." Harris v. Nelson, 394 U.S. 286, 290, 89 S.Ct. 1082, 22 L.Ed.2d 281 (1969), *reh'g denied* May 5, 1969. As the Government has previously noted to this Court, the *Harris* Court stated that when "specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is confined illegally and is therefore entitled to relief, *it is the duty of the court* to provide the necessary facilities and procedures for an adequate inquiry." *Id.* at 300. (Emphasis added)

In addition to the uncontroverted *Brady* violation, a violation of material and substantive scope, Petitioner has also presented to this Court specific allegations of Sixth Amendment infringements associated with the co-opting of Clayton Lewis, one of the defense attorneys, as a paid informant for the FBI during the original Federal proceedings, and far too many other constitutional abridgements which have been fully outlined in prior pleadings.

The subpoena issued may have been technically flawed, but the propriety of its issuance, against the facts of this case, is fully supported.

III. ENTITLEMENT TO OBTAIN DOCUMENTS FROM THE FBI

The FBI maintains that since the FBI is not a party to this litigation, Mr. Killen cannot compel the FBI to provide documents in this case. Such a position (1) ignores the FBI's role in the case, (2) elevates the FBI *Touhy's* regulations to substantive limitations that ignore the facts

of this case, and (3) is contrary to the public policy of both the FBI and the Department of Justice.

The FBI's Role

The FBI states in its filing that it is not a party to Mr. Killen's habeas petition. Though not a named party, the Federal Bureau of Investigation was the primary investigative body underlying the evidence and proceedings leading to Mr. Killen's conviction and incarceration. It was, in many respects, a state actor and should not now seek to distance itself from that role. It was the FBI that investigated the crime in the 1960s. It was the FBI that developed all leads, interviewed witnesses, and provided the manpower behind the initial Federal indictments. And, it was the FBI file, code named "Mississippi Burning," that the State of Mississippi relied upon in its prosecution of Mr. Killen in 2005. See, Killen v. State, 958 So2d 172, 182-183 (Miss. 2007). Given its position in this case, the FBI served as an arm of the State of Mississippi in its prosecution of the Petitioner.²

Touhy Regulations

Of the totality of the FBI and the Government's arguments against producing a file that is over forty years old, the parameters of the regulations established for such a request is perhaps the only one supported by law and policy. A request for documents by a mere citizen must be viewed under the regulations long established by the FBI. When such a review is concluded, this Court can see that Mr. Killen has complied with the administrative regulations of the FBI and is also "entitled" (to use the Government's term) to review the requested FBI file.

²Chief Division Counsel Comeaux confirmed this role when he stated in his correspondence of August 11, 2009, attached to the Government's recent filing, that the requested materials were not being produced, *inter alia*, because they were "investigatory records compiled for law enforcement records."

The FBI declined the request for production citing (1) the request seeks information compiled for law enforcement records, (2) the requested information is protected by privileges, (3) statutory restrictions bar disclosure, and (4) the request is unduly burdensome.

Under the APA, the subpoena forwarded to the FBI was "in effect a request for information from an executive department" and should be treated as an administrative demand. Edwards v. U.S. Department of Justice, 43 F.3d 312, 316 (7th Cir. 1994) *Also, see, Houston Bus. Journal, Inc. v. Office of the Comptroller of the Currency*, 318 U.S. App. D.C. 214, 86 F.3d 1208 (D.C.Cir. 1996)(If an agency refuses to produce requested documents, remedy is under the APA.)

Having received this request, the FBI, through its Chief Division Counsel Norman Comeaux, sent a response to the Petitioner declining to produce the requested documents. This refusal must be reviewed by this Court to determine if it was an abuse of discretion or "otherwise not in accordance with law." 5 U.S.C. §706(2)(a) In evaluating the FBI's decision, this Court is required to take into account both that agency's internal regulations governing the release of material and the substantive law involved. Commonwealth of Puerto Rico v. United States, 490 F.3d 50 (1st Cir. 2007) In that evaluation, courts are urged to remember that the *Touhy* regulations are only procedural, and do not create a substantive entitlement to withhold information. *Id.* Consequently, the FBI's compliance with the regulations cannot be a sufficient justification for withholding requested materials.

While Petitioner does not disagree with the potential applicability of the *Touhy* regulations (as found in 28 C.F.R. 16.22(a)), Petitioner applies the facts and circumstances of this matter differently than the FBI and the Government do in their recent filings

The first reason cited for withholding the requested documents is that they represent investigatory records compiled for law enforcement purposes (even though the investigation

occurred over forty years ago). The information sought is simply the exact information the FBI has already released to other parties, specifically including the Office of the Attorney General of the State of Mississippi, albeit in redacted form, and to a judge in the State of New York. Though Petitioner fully recognizes the importance of maintaining the sanctity of records compiled for law enforcement purposes, these records were placed into the realm of *Brady materials* when all 40,000+ pages with redactions, were originally released to the state's attorney general office. Whatever privilege these materials might have been cloaked with as "investigatory records" was waived when this transfer occurred.

Secondly, the FBI supported its decision on the basis that the "administration of justice" does not require disclosure. In that argument, the FBI references the subject case as a "defense of a private lawsuit." A closer examination of this matter will reflect that such is not the matter at hand. Killen v. Epps, Case Number 1:08-cv-253 (renumbered by the United States District Court as Case No. 4:08-CV-0077-HTW-LRA) is a collateral, post conviction proceeding, seeking habeas corpus relief under 28 U.S.C. §2254. Mr. Killen is the petitioner, and thus he is not defending any action, and it is a collateral proceeding arising from his 2005 state criminal conviction, and thus it is not a private lawsuit.

Similarly, the FBI's determination that "the administration of justice would be impaired by disclosure of law enforcement records," reflects a misunderstanding of the claims raised in this case. It is Mr. Killen's position that his conviction should be reversed because of the involvement in his case of a mafia assassin, witness torture, improper cooperating defense attorneys, and a state attorney general who saw (and continues to see) nothing improper with due process abridgments, Fifth Amendment lapses, and Sixth Amendment violations. At the very least, the involvement of Gregory Scarpa, Sr., a well known assassin for organized crime, in the

investigation of the killings of Michael Schwerner, Andrew Goodman, and James Chaney, impairs the due administration of justice in this case. Further, and as compelling, the reliance by the Government on local attorney Clayton Lewis, one of the defense attorneys for Mr. Killen, as a paid informant during the criminal proceedings against Mr. Killen, impairs the proper adversarial nature of our criminal system. These acts were performed by a previous FBI director and supported by long-since deceased or retired agents. However, hiding behind the *Touhy* regulations, even if done with the best of intentions, serves (a) to create a new impairment to justice, (b) to reaffirm the conspiracy of civil rights violations occurring in the 1960s, and (c) to blind the public from the transparency of truth in this matter. These regulations were meant to protect records, techniques, and procedures vital to law enforcement purposes.

Finally, the FBI declines production on the basis of several privileges and statutory bars. . These privileges include the law enforcement privilege, attorney-client privilege, work product privilege, and Privacy Act privileges.

As to the statutory restrictions associated with privacy act matters, under the statute, such privileges terminate on the death of the individual. Most of the individuals involved with this investigation are now deceased. The withholding of these requested documents under the claim of other regulations, promulgated under the Housekeeping Act of 5 U.S.C. 301, is, by definition, capricious and contrary to what these regulations provide. Contrary to the argument of the Government, these internal administrative regulations, "provide guidance for the internal operations of the [agency]," but do not create a substantive defense to disclosure. Mak v. FBI, 252 F.3d 1089 (9th Cir. 2001) In other words, "the regulations do not 'create an independent privilege' authorizing the Department of Justice to withhold information." *Id.* Rather, they "simply set forth administrative procedures to be followed when demands for information are

received." *Id.*

For example, the Supreme Court first recognized a qualified privilege for certain information related to law enforcement activities in Roviaro v. United States, 353 U.S. 53 (1957).

There, the Court explained that the government has a qualified privilege to withhold the identities of confidential informants. *Id.* at 59. Such a privilege "further[s] and protect[s] [] the public interest in effective law enforcement," encouraging citizens to communicate their knowledge of crimes by preserving their anonymity. *Id.* The Court also noted that "[t]he scope of the privilege is limited by its underlying purpose. Thus, where the disclosure of the contents of a communication will not tend to reveal the identity of an informer, the contents are not privileged." *Id.* at 60.

Since Roviaro, we have recognized a privilege for law enforcement materials in other circumstances. In United States v. Cintolo, 818 F.2d 980, 983-84 (1st Cir. 1987), the FBI with judicial authorization, had monitored conversations between the defendant and various confederates via hidden microphones placed within an apartment. The district court refused to allow the defense to question witnesses "concerning the precise location of the electronic surveillance devices" on the ground that such questioning would "jeopardize future criminal investigations." *Id.* at 1002. However, this qualified privilege can be overcome by a sufficient showing of need, and thus concluded that courts must determine on a case-by-case basis whether a party has "demonstrated an authentic 'necessity,' given the circumstances, to overbear the qualified privilege." *Id.*

The requested documents meet none of the concerns for this privilege. The file is over forty years old. The investigative techniques, contacts, informants, and processes are of a different era.

The law enforcement exemption to FOIA shields from disclosure documents whose production would, *inter alia*, "interfere with enforcement proceedings" or "endanger the life or physical safety of any individual." *Id.*; see also Ctr. for Nat'l Sec. Studies v. U.S. Dep't. of Justice, 331 F.3d 918, 925-26, 356 U.S. App. D.C. 333 (D.C. Cir. 2003) (explaining that, in enacting 5 U.S.C. § 552(b)(7)(A) "Congress recognized that law enforcement agencies had legitimate needs to keep certain records confidential, lest the agencies be hindered in their investigations" (quoting NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 232, 98 S. Ct. 2311, 57 L. Ed. 2d 159 (1978))). As none of these concerns come into play regarding this forty year old case, the application of this privilege is capricious and contrary to the law.

A similar analysis exists for each of the proffered "privileges" as each cannot stand scrutiny with the facts and circumstances of a case investigated in the 1960s is analyzed.

The last reason given for denial is that the request is unduly burdensome. This position has long been rejected. See, Cheney v. U.S.D.C., 542 U.S. 367, 124 S. Ct. 2576, 159 L. Ed. 2d 459 (2004)(Comprehensive discovery requests do not create an "unconstitutional burden" on the Executive Branch.) The work of "locating and reviewing potentially responsive documents" was accomplished in 2005 when the FBI forwarded its file to the State of Mississippi. As the D.C. Court of Appeals made clear in Nixon v. Sirica, 159 U.S. App. D.C. 58, 487 F.2d 700, (D.C. Cir. 1973), executive branch agencies must comply with the law as established by Congress, and if there is a question of what is exempt or nonexempt from discovery requests, it is the judiciary that must make such a determination.

Finally, courts have provided an additional standard of review when determining if an agency appropriately withheld matters for production. This standard is based upon a nonstatutory review of the issue, if an agency appears to be exercising powers beyond its authority or if a

constitutionally protected interest is being adversely affected. Hostetter v. United States, 739 F.2d 983 (4th Cir. 1984); Jaffee v. United States, 592 F.2d 712, 719 (3rd Cir. 1979); Board of Governors of Federal Reserve System v. McCorp. Financial, 502 U.S. 32 (1991).

Based on the FBI's own regulations, the requested documents should have been produced.

Public Policy

It is important to reiterate the public policy associated with the production of these documents. While there exists no basis for the extension of privilege to protect the documents, as outlined above, there does exist an established and stated policy to bring this file to light. The Federal Bureau of Investigation is currently funding and pursuing a Civil Rights-Era Cold Case initiative. See, www.fbi.gov/page2/mar10/coldcase_030210.html. The stated purpose of this initiative, which is now in its fifth year under Director Robert Mueller, is "to do everything we can to close those cases and to close this dark chapter in our nation's history." *Id.* This policy is coupled with the FBI's Core Values, recited on the agency's webpage, which include both "respect for the dignity of all those we protect" and "accountability by accepting responsibility for our actions and decisions and the consequences of our actions and decisions." Neither the sought after respect nor accountability can occur without transparency.

It should be noted in light of these stated goals, the sole source of documentation in this case regarding the corruption of defense counsel, Clayton Lewis, comes from a local newspaper reporter. How he obtained sealed FBI documents remains a mystery. If, as stated, the Attorney General does not have these documents, then one is left to assume that the reporter's source of information can only be from within a leak at the FBI. That alone should warrant full disclosure now, to put an end to the slow leak of information and litigation that will otherwise occur over

the years.

Conclusion

Though Petitioner maintains that the subpoena is valid and should be enforced, the more substantive issue is whether the FBI can continue to hide behind the application of capricious regulations in not disclosing a file long-since closed. Those regulations, in fact, permit disclosure as does the public policy of accountability. Most importantly, the Government violated the Constitutional principles iterated in *Brady* when it failed to produce and disclose the FBI's comprehensive file on this matter. That violation can now be mitigated.

Respectfully submitted this 3rd day of May, 2010

/s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for Petitioner
713 Dauphin Street
Mobile, AL 36602
(251) 438-2250 voice
(251) 438-6180 Fax

/s/ Jon Green
Jon Green, Esq.
MS # 8363
713 Dauphin Street
Mobile, AL 36602
251-438-2250
251-438-6180 Fax

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Memorandum of Law in Support of Reply to Response to Motion to Compel appended hereto has been sent this 3 day of May 2010, by first class mail to:

Don Burkhalter, USA
188 East Capitol Street, Suite 500
Jackson, MS 39201

Federal Bureau of Investigation
Jackson Division Headquarters
1220 Echelon Parkway
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And by the court's electronic notifying system to:

Leslie Gunn, Esq.
Attorney General - State of Mississippi
P.O. Box 220
Jackson, MS 39205-0220
agcivillit@ago.state.ms.us

s/ Robert A. Ratliff
Robert A. Ratliff, Esq.
Attorney for the Petitioner

/s/ Jon Green
Jon A. Green, Esq.
Attorney for Petitioner

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/05/2011

On March 1, 2011, Department of Justice, Special Legal
Counsel, [REDACTED]

[REDACTED] The aforementioned report has
been copied and attached to this document for reference.

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Investigation on 03/01/2011 at Jackson, Mississippi

File # 44A-JN-30292 -142 Date dictated _____

by SA [REDACTED] *gnt*

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/05/2011

On March 3, 2011, writer conducted a query of [redacted]
[redacted]
regarding the following individuals:

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Results of the aforementioned Internet database queries
have been copied and are attached to this document for reference.

Investigation on 03/03/2011 at Jackson, Mississippi

File # 44A-JN-30292 -143 Date dictated _____

by SA [redacted] 401

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