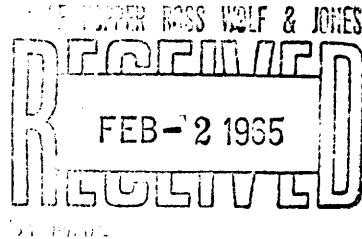


ASSISTANT ATTORNEY GENERAL

Department of Justice  
Washington

January 30, 1965

Mr. Martin Popper  
Attorney at Law  
845 Third Avenue  
New York, New York



Dear Mr. Popper:

There is enclosed copies of the indictments in Criminal Action No. 5215 and 5216 now pending in the United States District Court for the Southern District of Mississippi.

Sincerely,

JOHN DOAR

Acting Assistant Attorney General  
Civil Rights Division

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

UNITED STATES OF AMERICA

V.

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

CRIMINAL NO. \_\_\_\_\_  
18 U.S.C. 242, 371

THE GRAND JURY CHARGES AND PRESENTS:

FIRST COUNT

1. At all times herein mentioned Lawrence Andrew Rainey was sheriff of Neshoba County, Mississippi; Cecil Ray Price was deputy sheriff of Neshoba County, Mississippi; Richard Andrew Willis was a patrolman of the Police Department of Philadelphia, Mississippi; and each was acting by virtue of his official position and under color of the laws of the State of Mississippi.
2. Commencing on or about January 1, 1964, and continuing to on or about December 4, 1964, Cecil Ray Price, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Lawrence Andrew Rainey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend, Herman Tucker, and Richard Andrew Willis, within the Southern District of Mississippi, conspired together, with each other, and with other persons to the Grand Jury unknown, to commit an offense against the United States in violation of Section 242 of Title 18 of the United States Code, that is to say that they conspired to wilfully subject Michael Henry Schwerner, James Earl Chaney and Andrew Goodman, each an inhabitant of the State of Mississippi, to

the deprivation of their right, privilege and immunity secured and protected by the Fourteenth Amendment to the Constitution of the United States not to be summarily punished without due process of law by persons acting under color of the laws of the State of Mississippi.

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

#### Overt Acts

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

1. On June 21, 1964, Cecil Ray Price detained Michael Henry Schwerner, James Earl Chaney and Andrew Goodman in the Neshoba County Jail located in Philadelphia, Mississippi, after sundown on that day until approximately 10:30p.m.
2. On June 21, 1964, Billy Wayne Posey drove an automobile south on Highway 19 from Philadelphia, Mississippi,
3. On June 21, 1964, Cecil Ray Price drove an automobile south on Highway 19 from Philadelphia, Mississippi.
4. On June 21, 1964, Cecil Ray Price removed Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from an automobile stopped on Highway 492 between Highway 19 and Union, Mississippi, and placed them in an official automobile of the Neshoba County Sheriff's office.
5. On June 21, 1964, Cecil Ray Price transported Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from a place on State Highway 492 between Highway 19 and Union, Mississippi, to a place on an unpaved road intersecting Highway 19 south of Philadelphia, Mississippi.

6. On June 21, 1964, Billy Wayne Posey drove an automobile bearing the bodies of Michael Henry Schwerner, James Earl Chaney and Andrew Goodman from a place on the unpaved road intersecting Highway 19 south of Philadelphia, Mississippi, to the vicinity of the construction site of an earthen dam, located near Highway 21, approximately 5 miles southwest of Philadelphia, Mississippi.

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

SECOND COUNT

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

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

THIRD COUNT

On or about June 21, 1964, in Neshoba County, Mississippi, and within the Southern District of Mississippi, Lawrence Andrew Rainey, sheriff of Neshoba

County, Mississippi, Cecil Ray Price, deputy sheriff of Neshoba County, Mississippi, Richard Andrew Willis, a patrolman of the Police Department of Philadelphia, Mississippi, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend and Herman Tucker, while acting under color of the laws of the State of Mississippi, did wilfully assault, shoot and kill James Earl Chaney, an inhabitant of the State of Mississippi, then and there in the custody of Cecil Ray Price, for the purpose and with the intent of punishing James Earl Chaney summarily and without due process of law and for the purpose and with the intent of punishing James Earl Chaney for conduct not so punishable under the laws of Mississippi, and did thereby wilfully deprive James Earl Chaney of rights, privileges and immunities secured and protected by the Constitution and the laws of the United States, namely, the right not to be deprived of his life and liberty without due process of law, the right and privilege to be secure in his person while in the custody of the State of Mississippi and its agents and officers, the right and privilege to be immune from summary punishment without due process of law, and the right to be tried by due process of law for an alleged offense and, if found guilty, to be punished in accordance with the laws of the State of Mississippi.

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

FOURTH COUNT

On or about June 21, 1964, in Neshoba County, Mississippi, and within the Southern District of Mississippi, Lawrence Andrew Rainey, sheriff of Neshoba County, Mississippi, Cecil Ray Price, deputy sheriff of Neshoba County, Mississippi, Richard Andrew Willis, a patrolman of the Police Department of Philadelphia, Mississippi, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend and Herman Tucker, while acting under color of the laws of the State of Mississippi did wilfully assault, shoot and kill Andrew Goodman, an inhabitant of the State of Mississippi, then and there in the custody of Cecil Ray Price, for the purpose and with the intent of punishing Andrew Goodman summarily and without due process of law and for the purpose and with the

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

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

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United States Attorney

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Special Attorney  
Department of Justice

A TRUE BILL:

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Foreman of the Grand Jury

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

UNITED STATES OF AMERICA

v.

: CRIMINAL NO. \_\_\_\_\_

CECIL RAY PRICE

: 18 U.S.C. 241

BERNARD L. AKIN

JIMMY ARLEDGE

HORACE DOYLE BARNETTE

TRAVIS MARYN BARNETTE

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JERRY MCGREW SHARPE

JIMMY SNOWDEN

JIMMY LEE TOWNSEND

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RICHARD ANDREW WILLIS

THE GRAND JURY CHARGES AND PRESENTS:

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

2. Commencing on or about January 1, 1964, and continuing to on or about December 4, 1964, Cecil Ray Price, Bernard L. Akin, Jimmy Arledge, Horace Doyle Barnette, Travis Maryn Barnette, Olen Lovell Burrage, James T. Harris, Frank J. Herndon, James E. Jordan, Edgar Ray Killen, Billy Wayne Posey, Lawrence Andrew Rainey, Alton Wayne Roberts, Jerry McGrew Sharpe, Jimmy Snowden, Jimmy Lee Townsend, Herman Tucker and Richard Andrew Willis, within the Southern District of Mississippi, conspired together, with each other and with other persons to the Grand Jury unknown, to injure, oppress, threaten and intimidate Michael Henry Schwerner, James Earl Chaney and Andrew Goodman, each a citizen of the United States, in the free exercise and enjoyment of the right and privilege secured to them by the Fourteenth Amendment to the Constitution of the United States not to be deprived of life or liberty without due process of law by persons acting under color of the laws of Mississippi.

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

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

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

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

A TRUE BILL:

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Foreman of the Grand Jury