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## Hanes Brief In Closing Statement

### Doar Tells Jurors Guilt Was Proven 'Without Question'

MONTGOMERY, Ala. (AP) — Government and defense attorneys finished testimony and closing arguments Wednesday in the civil rights trial of three Ku Klux Klansmen, but the case will not go to the all-white jury until Thursday morning.

U.S. Dist. Judge Frank M. Johnson Jr. said he will make his charge to the jury starting at 9 a.m. and then the fate of the three defendants on trial as a result of the slaying of civil rights worker Viola Gregg Liuzzo will be turned over to the 12 jurors.

As they had throughout the three days of the trial, Collier Leroy Wilkins Jr., 22, of Fairfield, Ala., and Eugene Thomas, 23, and William Orville Eaton, 21, both of Bessemer, Ala., sat quietly as the attorneys appealed to the jury on the one hand for a verdict of guilty and on the other for an acquittal.

#### EXTOLLS PROOF

In his closing argument, Asst. U.S. Atty. Gen. John Doar told the jury the government had proved without question that the three defendants were responsible for the slaying of Mrs. Liuzzo, 26, 23, whose body was found in her car in nearby Lowndes County the night of March 25. She had taken part in the historic civil rights march from Selma to Montgomery.

Doar told the jury that the Detroit woman, the mother of five children and wife of a Teamsters Union official, Anthony Liuzzo, was killed because "some members of an organization are dedicated to the preservation of segregation by any means necessary."

He said the three Klansmen drove to Montgomery and intercepted for Selma on the last day of the civil rights march "for no other reason except their animosity and their hatred for those people who were exercising the same rights that they enjoyed."

He said members of the Klan "believe they have to take the law into their own hands and do anything they please."

Defense Attorney Arthur J. Hanes contended that the government had failed to prove any conspiracy to violate any federal law.

He tried to discredit the testimony of the government's key witness, Gary Thomas Rowe Jr. by describing him as "a man who by his own admission was a silver merchant. He worked for pay."

#### HANES READS BIBLE

To emphasize his point, Hanes read from the book of Matthew in the Bible about Judas' betrayal of Christ for money.

Rowe during his testimony told the jury he joined the Klan as a paid undercover agent for the FBI.

Hanes, a former Birmingham mayor, argued to the jury that Rowe was paid for information and suggested that "if he had none in the warehouse, he could fabricate information so he could sell it."

He even suggested that Rowe may have stirred up racial trouble himself in order to get information to pass on to the government.

The defense attorney conceded that Mrs. Liuzzo had a right to be in Alabama and to take part in the civil rights protest. "But," he added, "her murderers are not in this courtroom. I don't know where they are. I wish I did. But I suspect they are somewhere laughing at the people of Alabama and looking for their next victim."

Earlier, Hanes sought to counteract the testimony of Rowe with other witnesses. He brought statements from other Klan members that the hooded organization does not advocate lawlessness.

But when they were cross-examined by Asst. Atty. Gen. John Doar, the Klan members said they did not know just who belonged to the organization.

One of them, Ralph Roton, who said he devotes much of his time to investigative work as a member of what he called the "Klan Bureau of Investigation," said he didn't know whether the defendants belonged to the Klan, although he said he was acquainted with the men.

A Klan titan, Robert Thomas, also said he had known Eugene Thomas, Wilkins and Eaton for some time. Likewise, he said he did not know whether they belonged to any of the klaverns under his jurisdiction. As titan, he said he had charge of all klaverns in Jefferson County.

Robert Thomas testified that the Klan does not advocate violence, that it opens its meetings with "a pledge to God and country," and that one of its main goals is to promote the "worship of our God."

Through that witness, Hanes also sought to portray another Klansman, Gary Thomas Rowe Jr., as a racial troublemaker who sought to put the blame on others.

#### EYE-WITNESS STORY

Rowe is the former Birmingham bartender who told the jury Tuesday that young Wilkins killed Mrs. Liuzzo and that the other two defendants also were present.

Rowe said he joined the Klan as a paid undercover agent for the FBI and that he also was present when the Detroit housewife was slain.

The Klan titan told the jury that during one trip to Montgomery, Rowe carried a gun but that three other Klansmen, including the titan, were unarmed.

He said they had received instructions from superiors in the Klan to refrain from carrying weapons of any kind. The witness said Rowe repeatedly made angry remarks about the Negro demonstrators and at one time said, "Something has got to be done about these folks. All you two guys do is talk."

Another defense witness, Jesse Hodges, said he saw Rowe and the three defendants at a filling station in Montgomery at the climax of the civil rights march from Selma to Montgomery last March 25. It was a few hours later that Mrs. Liuzzo was shot to death while driving her car back along U.S. 80, the route of the march.

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Hodges, an electrical company employe, said he heard Rowe remark that "I didn't drive this far for nothing. These soldiers won't be here all night. Somebody's going to get it before the night is over."

Regular Army troops and National Guardsmen were on duty during the Selma-to-Montgomery march.

Rowe already has been asked on the stand whether he had made the statement attributed to him by Hodges. He denied it.

Hanes also sought to prove that a young Negro who was riding with Mrs. Liuzzo had told officers that the shots were fired from a 1955 model Ford. Two law enforcement officers said they heard the Negro make that statement.

Rowe had said the Klansmen were riding in a 1962 model Chevrolet, owned by Thomas.

Boton also testified that after the Klansmen were arrested, he heard Rowe say that the FBI had promised him 500 acres of land and enough money to last him the rest of his life if he would say that the accused Klansmen killed the woman.

Again, Rowe already had denied making such a remark.

Hanes asked to be allowed to call the chief government attorney, Doar, as a witness but U.S. Dist. Judge Frank M. Johnson Jr. rejected the request.

Hanes said he wanted to question Doar "to show that he is primarily interested in prosecuting the Ku Klux Klan."

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## Lawyers Complete Final Summation

By JIM MCGREGOR

Advertiser Staff Writer

Attorneys for the government and defense rested their cases and delivered final arguments Wednesday in the trial of three Ku Klux Klansmen charged with conspiring to deprive U.S. citizens of their rights.

At 9 a.m. Thursday, U.S. District Judge Frank M. Johnson Jr. will charge the jury of 12 white men who will decide the fate of Collie Leroy Wilkins, William O. Eaton and Eugene Thomas.

If found guilty of conspiracy, the three could receive up to 10 years in prison, a \$5,000 fine, or both.

Although the charges did not mention the murder of Mrs. Viola Linzzo, most of the testimony the past three days has centered around the slaying.

One of the men, Wilkins, was charged with the murder but was acquitted last October in Hayneville.

The federal government rested its case at 12:15 p.m. Wednesday after two and one-half days of testimony. Almost three hours later the defense excused its last witness.

Assistant Atty. Gen. John Doar, in his final argument to the jury, emphasized testimony of the government's witnesses. Doar picked up a .38-caliber pistol that had been identified as belonging to Thomas. He

told the jury Mrs. Linzzo was "killed with this gun" and with bullets that came from these empty shells. The shells he showed reportedly were found near the spot where Mrs. Linzzo was killed the night of March 25.

FBI informer Gary Thomas Rowe had testified earlier that Thomas had handed the gun to Wilkins who actually did the shooting.

U.S. Attorney Ben Hardeman, who concluded the government's case, told the jury, "We are not trying a murder case, even though a murder is involved. We are not trying the Ku Klux Klan—or whatever name they go by—even though Klansmen are involved."

He said the three defendants were being tried for conspiracy and that they had "conspired to deprive people of rights that this very court gave to them." He was referring to the court order that allowed the demonstrators to march from Selma to Montgomery.

In response to an attempt by the defense to discredit the testimony of Rowe, the government's star witness, Hardeman said that Rowe's reliability as an informer had been checked and rechecked by the FBI.

Hardeman said Rowe had testified that Wilkins fired two shots from a .38-caliber pistol into the Linzzo car. Then, Hardeman said, two .38-caliber bullets were found at the scene—one embedded in the car and the other in Mrs. Linzzo's head—and that lab reports proved that the bullet found in the woman's head was fired from a .38-caliber pistol found in a car belonging to Thomas's wife. He said the pistol was registered in Thomas' name.

Defense attorney Arthur Hanes, a former Birmingham mayor, in his final arguments, tried to discredit Rowe's testimony. "By his own admission, Rowe was a silver merchant—he worked for pay." Hanes then referred to the Bible. The two verses from Matthew that he read to the jury told of Judas betraying Christ for 30 pieces of silver.

Hanes then concentrated on the conflicting testimonies con-

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during the time the three defendants were reported to have been in Montgomery and Bessemer, some 90 miles away. According to Rowe, he said, the three defendants had been in Montgomery about 9:30 p.m. the night of the slaying. Hanes then pointed to the testimony of two employes of a Brighton bar (near Bessemer) who testified that the three and Rowe had been in the Brighton VFW Club shortly after 3 p.m.

"This little drama this week has unfolded a conspiracy, but I want you to know who has been conspired against," Hanes said.

"No one denies that Mrs. Luizzo was slain and it was a hideous thing, but these men are not charged with that murder — they are charged with conspiracy," Hanes continued.

"Her murderers are not in this courtroom. I don't know where they are, but I suspect they are somewhere laughing at the simple people of Alabama and deciding on their next victim," he said.

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# Immediate Move Made For Appeal

## Refusal To Accept 'Hopeless Deadlock' Brings Decision

By REX THOMAS  
MONTGOMERY, Ala. (AP)

Three Ku Klux Klansmen were convicted Friday by a white jury of criminal conspiracy and sentenced by a federal judge to 10 years imprisonment in the slaying of a civil rights worker.

"In my opinion," Dist. Judge Frank M. Johnson Jr. told the jury, "that was the only verdict you could reach in this case and reach a fair and proper verdict."

A short time later, Johnson imposed the 10-year sentences — the maximum prison terms — upon the three stunned defendants: Collier Leroy Wilkins Jr., 22, of Fairfield, Ala.; Eugene Thomas, 42, and William Orville Eaton, 41, both of Bessemer.

### ACQUITTED EARLIER

Wilkins, a stocky and crew-cut former mechanic, had been acquitted earlier by a state court jury of murder in the March 25 slaying of Viola Gregg Liuzzo of Detroit.

The three Klansmen were convicted under an 1877 statute of conspiring to violate the civil rights of Mrs. Liuzzo and other participants in a Selma-to-Montgomery march climaxing a violence-marked Negro voting rights drive.

When the judge asked the men if they had anything to say before sentence was imposed, Wilkins and Eaton each replied, "I'm innocent of the charge."

Johnson quickly pronounced the sentence in his rapid-fire voice. When he asked Thomas if he had anything to say, the defendant said, "No."

Their attorney said the verdicts will be appealed.

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# Trial

Appeal bonds of \$10,000 each were set by the judge and the Klansmen were led away by a federal marshal to begin serving their sentences. They will be eligible for parole after serving one-third of the 10 years.

### SECOND IN TWO DAYS

It was the second guilty verdict in two days by white juries in trials growing out of Alabama racial incidents. A jury at Anniston convicted a white man of murder Thursday in the slaying of a Negro and set the penalty at 10 years in prison.

In Washington, Atty Gen Nicholas Katzenbach said the convictions were "a victory for equal justice in the South." He said, however, that the Justice Department will continue working on proposed legislation aimed at insuring equal justice by Southern juries.

The prosecutor, Asst. Atty Gen. John Doar, said of the jury's decision: "The jury did its duty."

Defense attorney Arthur J. Hanes, the former Birmingham mayor who had successfully defended Wilkins in his second murder trial, obviously was shaken and surprised at the verdicts.

Hanes said that the judge's remarks in refusing to accept a deadlocked jury about four hours earlier had "a great influence on the verdict."

The jury foreman told Johnson shortly after 10 a.m. that no verdict had been reached and, "we are hopelessly deadlocked."

### URGES THEM ON

Johnson urged the 12 men to keep trying. "This is an important case," he told them "You should consider that this case at some time must be decided."

The defense attorney had been encouraged by the deadlock report and the length of the jury's deliberations. The jurors spent about 11 hours debating and discussing the case after it was handed to them Thursday — 23 hours and four minutes before their decision came.

The jury deliberated exactly two hours and 28 minutes — including the final 17 minutes after lunch — following the judge's admonition and brought in the verdict at 2:03 p.m.

After hearing the verdicts read separately by the court clerk, Hanes and his three soccer-chent clients walked aimlessly around the corridor outside the courtroom. None of them said a word for about two minutes.

The judge cautioned the jury-men against talking about their decision outside the courtroom. He said he had read of an Anniston juror disclosing how the balloting went.

"That is not anybody's business," Johnson said.

In the trial which began Monday, the government built its case around the testimony of FBI witness Gary Thomas Rowe Jr., who testified that he was with the three Klansmen when they pursued Mrs. Liuzzo along U.S. 80. The victim was driving to Montgomery to pick up some participants in the march and return them to Selma.

Rowe said that Wilkins held a gun out of the window of the Klansmen's speeding car and emptied it at Mrs. Liuzzo. The FBI witness, planted in the Klan, said the three defendants decided to get Mrs. Liuzzo when they saw her at Selma in a car with a Negro man. Rowe said testified in the two murder trials of Wilkins in adjoining Lowndes County. The first trial by a white jury ended in a deadlock, the second in an acquittal.

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