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# More Tension Is Expected In Barnett Political Force As Result Of Berry Story

## Governor's Investigation Of Parchman May Not Satisfy Legislature—Other Cases Recalled

By WILLIAM STREET  
Staff Writer

JACKSON, Miss., Jan. 6—Political tension, inner circle maneuvering and buzzing legislative halls have resulted from the departure of convict Kimble Berry from the state penitentiary at Parchman.

Berry's story of his leave and his flight to Lynn, Mass., have brought about frequent meetings of political leaders and led directly to announcement of a split in the forces which pushed Governor Barnett into office. Other announcements are expected.

### Faction Splits

John Gregg, Jackson attorney and the 1959 campaign manager, says that he and others have been forced into the political cold by another faction which has gained the confidence of the state's chief executive.

And while the Governor is making his own investigation of the Berry case, its outcome may not satisfy the Legislature. A number of its members want an investigation of their own.

Some legislators would like to see the House Penitentiary Committee given teeth. This group includes Representative Bob Anderson of Copiah County, the committee's chairman. He says he feels that a lot of things pertaining to the penitentiary could stand some scrutiny.

Others would like a full investigation by a special legislative committee with power to say what needs doing and to see that it is done.



Mr. Johnson

Such a committee, it was pointed out, could use the services of Atty. Gen. Joe Patterson and his staff. A few voiced concern about Berry personally. Most said that the circumstances of Berry's departure from the state penitentiary at Parchman are a sign that something is wrong in the leave system.

Unhappiness was also voiced in some circles here over the indefinite suspension granted Albert Estes Dec. 29. Estes, 44, was under three sentences carrying 199 years and life imprisonment and with three escapes and a Federal bank robbery conviction on his record.

Governor Barnett, who granted the suspension, said it was recommended by Prison Supt. Fred Jones, Jesse Stennis, Macon attorney and former district attorney, Representative J. Vardaman Webb of Winston County and Senator Claude V. Cornwell of Louisville.

Mr. Jones strongly defended the recommendation and said he had been advised that "Albert will bring me grief but I don't believe he'll let me down."



Governor Barnett



Mr. Jones

Estes, a former Winston County man, was serving terms for armed robbery and kidnaping from Noxubee County, robbery from Atala County and for kidnaping a guard during a

prison break in 1957. He has also served a Federal sentence for bank robbery. His last escape was in 1958.

Noting this record, an attorney, who was trying to gain clemency for a client, said he advised the convict that "maybe you'll have to escape a couple of times if you want to get suspended."

### Case of 'Cowboy'

The case of Dale 'Cowboy' Morris was another one recalled. Morris, 36, was serving a 12-year term for manslaughter when he was sent with two prison employes to Fort Smith, Ark., to pick up his registered horse which he had offered the penitentiary.

That was last March. Morris told the prison employes he wanted to stay over a few hours and get married. They left with the horse and Morris said he would follow.

Now, the penitentiary has the horse but not Morris. He got into trouble in Oklahoma and is serving a 20-year term in that state for assault with intent to kill.

Shortly thereafter, Mississippi's district attorneys complained because men they had sent to prison, they said, were popping up on the streets of their home towns without forewarning for the prosecutors.

They urged that Governor Barnett keep them posted on

leaves, furloughs and extensions given prisoners. The Governor promised this would be done.

Superintendent Jones believes in a liberal parole and leave program. "When you take away a man's hope you take away everything." He also says when the governor or the acting governor grant a leave or furlough he must comply.

### Mixture of Politics

Many legislators said when they move they want to make sure it's in the right direction.

The shuttling off to the House Rules Committee of a resolution by Representative Richard Arrington of Copiah which would have asked Governor Barnett to pardon Berry on condition he return and testify as to circumstances of his departure, was not a lack of interest on the part of the Legislature.

One legislator with considerable influence said he voted against the Arrington proposal because he felt it was an invasion of executive powers by legislative.

Another matter attracting the interest of Mississippians in their penitentiary is the current mixture of politics in the Berry case.

Mr. Gregg made the charge Friday that officials within the administration are trying to use him as a "whipping boy" in what he called the "Berry hoax."

He made no bones about the fact that "if further provoked, I will fight back."

Mr. Gregg's name was brought into the Berry case when Mr. Jones said that Mr. Gregg had held legal consultations with convict Aubrey Botts, dormitory cell mate of Berry and who was sent to prison in the burglary of Fairchild Construction Co. of Hattiesburg.

Berry claimed he was given a gun, \$20, a 1961 Cadillac and power of attorney to recover the loot from the burglary. He said the car was given him by Lloyd Joe Day of Gulfport. Mr. Day says the car was stolen. Mr. Jones says Mr. Day was accompanied to the prison by Marshall 'Blackjack' Powell of Pensacola, Fla., former Durant night spot operator. Mr. Powell says he "was just along for the ride" and knows nothing about the case.

### Jones Off Spot

When the Berry story broke a week ago, Mr. Jones was on the spot because of the 10-day leave granted the Greenville, Miss., convict. Then, Mr. Jones revealed that Lt. Gov. Paul Johnson approved the release. Mr. Johnson couldn't remember who asked him to intervene.

Thursday, Martin Fraley, chairman of the Board of Probation and Parole, stepped forward to say that he asked the intervention for reasons that he deemed "good and sufficient." He promised a further statement.

Another interesting angle has to do with the board of penitentiary commissioners. This board issued a statement saying its members have nothing to do with pardons, paroles or Christmas leaves. It deals primarily with the prison farm's business operation.

The board once fired Mr. Jones but rehired him under apparent orders from the Governor. The board and Mr. Jones had fallen out over the penitentiary budget, each blaming the other because it was exceeded. Tom Ross of Eupora is chairman of the board and members are William Hudson of Natchez and Walker Scruggs of Doddsville.

Supporters of Lieutenant Governor Johnson were relieved somewhat after Mr. Fraley stepped forth to say he had intervened in the Berry case. Backers of former Gov. J. P. Coleman took no overt action in the Legislature last week but were hard put to hide their pleasure at Mr. Johnson's momentary embarrassment. Mr. Coleman is now representative from his home Choctaw County.

It's possible that the lieutenant governor and the former governor will meet head-on in the 1963 gubernatorial race.

## Wounds Stepfather, Farmer Kills Self