THE INVESTIGATORS Killer says civil rights violated

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By Sarah Wallace

NEW YORK -- Lawyers for a former Ku Klux Klan member convicted in the killings of three civil rights workers in the 1960s filed a motion Wednesday to have him freed. The claim is that Edgar Ray Killen's civil rights were violated by a New York mobster hired by the FBI.

It is an Eyewitness News Investigators' exclusive.

We were able to obtain an advance copy of the motion filed in Mississippi. The question is, should a former KKK member be freed from prison because of the alleged strong-arm tactics of the mobster apparently hired to extract information about murdered civil rights workers.

Killen may look frail and fragile now, but the former Klansman has plenty of fight left. He is taking on the FBI, claiming the agency used a contract torturer named Gregory Scarpa, Sr. in an effort to pressure the KKK to give up the location of the bodies of three civil rights workers who disappeared in Mississippi in 1964. Story continues below



use of torture violates Killen's civil rights in that it violates Killen's rights to due process of law, the right to confront witnesses, the right to a trial by fair and impartial jury," Killen's attorney, Rob Ratcliff, said. Ratcliff filed a motion to try and overturn

the former preacher's 2005 conviction on manslaughter charges in the deaths of the three young men, and the state of Mississippi had reopened the case amid political pressure. Back in 1967, a federal jury failed to convict Killen on civil rights charges. He is now demanding that the FBI turn over all of its files in relation to Mississippi, Gregory Scarpa and Linda Schiro, the mobster's longtime mistress until his death in 1994. "Hoover happened to be getting a lot of pressure that these three bodies weren't

being found, and they asked [Scarpa] to go down to Mississippi and try and find the bodies," Schiro said. In an exclusive interview several months ago, Schiro described her lover's years as

an informant for the FBI. She said that one of his early jobs involved traveling with her to Mississippi in the mid-1960s to help find the bodies of three civil rights workers. The Ku Klux Klan suspected that FBI director J. Edgar Hoover was getting a lot of heat. "When we we walked into the hotel, I saw a bunch of guys and I saw Greg wink, and he says, those are FBI agents," Schiro

said. "We went up to the room, knock on the door, an agent came in and handed him a gun." Schiro is not clear on the identity of the man Scarpa targeted, but the bodies were found buried in an earthen dam. Scarpa's

alleged role for the FBI in Mississippi, rumored for years, suddenly came to light last year during an unrelated murder case involving Scarpa's former FBI handler, Lindley DeVecchio. The judge gave Killen's legal argument plenty of ammunition by saying, "That a

thug like Scarpa would be employed by the federal government to beat witnesses and threaten them at gunpoint to obtain information regarding the deaths of civil rights workers in the south in the early 1960s is a shocking demonstration of the government's unacceptable willingness to employ criminality to fight crime." "If it's OK to torture witnesses to get a

conviction against Killen, then it's OK to torture witnesses to get a conviction against anybody," Ratcliffe said.

But DeVecchio's attorney thinks Killen's attempt to claim his civil rights were violated is a long shot.

"Whatever Greg Scarpa did or did not do, if he tortured someone, it's just that Killen was not tortured," Mark Bederow said. "The person in this case whose civil rights were arguably violated was the man who had the interaction with Greg Scarpa, if

that happened. But Killen is not alleging that he is that man, so therefore it is not his rights that were violated. This is not the first attempt by somebody to use Greg Scarpa and his relationship with the FBI as an attempted get-out-of-jail-free card."

Killen is now 84 years old and is serving a 60-year sentence. The FBI says it does not comment on any case in the courts.

The agency has never officially acknowledged that Scarpa was involved in the case of the civil rights workers.

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