

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF,

versus

CIVIL ACTION NO. 3438-64

JAMES G. CLARK, JR., Sheriff
of Dallas County; BLANCHARD
McLEOD, Circuit Solicitor for
the Fourth Judicial Circuit,
State of Alabama; JAMES HARE,
Judge for the Fourth Judicial
Circuit, State of Alabama;
BERNARD REYNOLDS, Judge of
Probate of Dallas County,
Alabama; and CITY OF SELMA,
ALABAMA,

DEFENDANTS.

APPENDICES TO PLAINTIFF'S TRIAL BRIEF
VOLUME I, TABLES A, B, AND C

VERNOL R. JANSEN,
United States Attorney.

JOHN DOAR (Acting)
Assistant Attorney General
DAVID NORMAN
DAVID RUBIN
FRANK DUNBAUGH
JONATHAN SUTIN
BRIAN LANDSBERG
CHARLES QUAINANCE
Attorneys,
Department
of Justice

V O L U M E I

TABLE A

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TABLE B

PLAINTIFF'S WITNESSES

TABLE C

DEFENDANTS' WITNESSES

Description of Tables A, B, and C

Table A contains an alphabetical list of the witnesses in the hearing of this case. Opposite the name of each witness is the page or pages at which his testimony is summarized in Table B or in Table C.

Summaries of the testimony of the witnesses who appeared during the plaintiff's case constitute Table B. Table C consists of summaries of testimony of witnesses who appeared during the defendants' case.

The summaries within both tables appear in the order in which the witnesses appeared. If a person testified more than once, the summary of his testimony at each appearance is in its appropriate chronological place.

Plaintiff's trial notes are the basis of the summaries. The summaries are only as accurate as the legal experience of a young secretary and the secretarial experience of the plaintiff's lawyers would allow. Quotation marks denote language the note-takers thought the witness used. This is true even when the witness was reporting an out-of-court declaration; quotation marks do not necessarily indicate the witness was attempting to quote the out-of-court declaration.

For clarity, the testimony of each witness has been broken down by event or subject matter; the direct and cross examination of each event integrated, and the integrated summaries of each event arranged in an order that is generally chronological. Information relevant to a witness' testimony, such as exhibit numbers and gestures, appear in brackets.

Each summary is written in the first person as a narrative.

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TABLE B

PLAINTIFF'S WITNESSES

MILTON HOPKINS

(Negro)

I am 17 years old and have lived in Selma, Alabama, for 16 years. I go to Hudson High School. I am not a member of any organization and haven't gone to any school on sit-ins. No one told us to go down to the movies, but I decided to go on the Fourth because the bill was signed the day before.

I saw a group of deputies and white persons by the bus stop when I arrived at the Wilby Theater at about 2:30. The deputies had guns and nightsticks and wore silver badges. There were 8 or 10 deputies and about 15 white persons in front of the theater. Some police cars were cruising by, and a Sheriff's Department car was stationary at the bus stop. The manager of the theater, Mr. Butler, asked if the other Negroes and I wanted to enter the section previously reserved for whites; this was around three o'clock. I entered the white section with about ten other Negroes, took a seat, and watched the movie for about 45 minutes. Mr. Butler told us that some whites had gathered outside and that for our own sake we should leave. Some whites, about 5 or 6, came into the theater cursing. I got up to leave; a white man stepped in front of me, and I tripped. There were deputies in the theater, right behind the whites, but the deputies did nothing. When I left, 3 or 4 deputies in khaki uniforms were still at the bus stop. Police cars were still cruising by, but I saw no Sheriff's Department cars.

JAMES WILEY

(Negro)

I was born in Selma, Alabama, and lived near here until we moved to Gary, Indiana, in 1945. I am now living in Cambridge, Massachusetts, attending Harvard, where I am in the second half of my junior year.

In the summer of 1964, I came to Selma with Silas Norman, Karen House, Carol Lawson, and Mary Varella, to work on a literacy project. I had done the same type of work before, teaching adults reading and writing.

On July 4, 1964, the literacy project staff met at the mission to draw up a reading and writing program. Then we were going to the SNCC office to use a mimeograph machine. We had not had lunch. I had heard that two separate groups of Negroes had been served at the Thirsty Boy Drive In.

A little after noon, Lawson, House, Norman and I drove into the Thirsty Boy parking lot. We got out of the car. A gentleman came out and said "You might as well go away. This is private property." The man went right back inside. We drove away and parked on Broad Street. Then all four of us crossed Broad and went into the Thirsty Boy.

We took seats at a table in the middle of the dining area. There were several persons present. No one said anything to us. I noticed a self-service sign and told Norman we had to order. Norman went to the counter by the big (service) window. A waitress left and went into the back room. Norman stood there several minutes. I did not hear Mr. Warren tell Norman to leave.

The Sheriff and seven or eight deputies came in. The Sheriff went to the small (tray) window and said, "You want them all arrested, don't you?" Mr. Warren said, "No, I just want them out of here." The Sheriff repeated his question. Someone then handed some papers through the windows; I think it was the Sheriff who handled the papers, but I'm not sure.

Then the Sheriff came over and said, "All right, let's go." The Sheriff touched me with a small instrument that produced a jolting sensation. He did that also to the others. We got up and were escorted to the car by the Sheriff. On the way to the car Norman was prodded. Norman was taken to one car and then taken out and put in the other car. I got in the back seat last; I got a jolt and jumped. Norman was being jolted by the Sheriff and seemed to be in pain; he was trying to avoid the jolts. The Sheriff said, "Are you trying to kick me?"

While Norman and I were being fingerprinted at the jail, the Sheriff asked each of us twice which was the one who tried to kick him. The Sheriff then charged me with resisting arrest.

I stayed in jail seven days. When I was released and got my car back, a camera and several papers were missing.

I did not attend any mass meetings or organize sit-ins. I was working on the literacy project.

I was served with the injunction while in jail.

CAROL LAWSON

(Negro)

I was born and raised in the Bronx and reside there now. I am 19 and in my junior year at Howard University in Washington. My major is English with a minor in journalism.

My purpose in being in Selma last summer was to work with adult education; I lived at 804 Sylvan Street with Karen House. Our first activity in Selma was a reception at which we met some adult leaders. The five of us [in the Adult Literacy Project; see p. B-2-a] held meetings among ourselves. We held no mass meetings; I attended none.

We went to the Thirsty Boy after using the mimeo at SNCC; we made copies of registration application forms and notices of clinics. We were there a short while, time for two drags on a cigarette, when the Sheriff came in. I saw him hand papers to a man, saying, "Here are the warrants for you to sign." The Sheriff came over, and I felt a cattle prod. I did not hear the word "Arrest" until we were toward the door.

There was confusion at the car. I slid across the back seat on my knees. Wiley and Norman were being prodded.

I bought a brand new bicycle from Sears before coming to Selma; it was sent to me. With the bicycle, I bought two feet of chain; I also bought a combination lock from a five and ten. I used the chain and lock from the time my bike arrived in Selma until my arrest. I wrapped the chain around the spokes of my bicycle and around a nearby post or similar object to lock my bike; Karen House and I usually locked our bikes together with my chain. On July 4, I left my bike in our house, locked the house, and took my chain with me to lock Karen House's bicycle. Hers was at the Mission. I didn't lock her bike when we were there, and it was stolen while we were in jail. When I was arrested my chain was in my purse, which was taken at the jail. I was not told in jail that I had been charged with carrying a concealed weapon. I did hear on the radio that one of the group had been charged with carrying a concealed weapon. I had no conversation with Sheriff Clark about the chain or the wrench that was with it. The wrench came with the bicycle when I bought it. I am five feet six inches and weigh 120 pounds.

I was in jail continuously to July 11 and was served with the injunction.

I never taught anyone while I was in Selma. In June, we made contacts. After our arrest, we felt inhibited. We worked on pamphlets to be used in adult education classes throughout the South. My topic was "Employment."

KAREN HOUSE

(Negro)

I live in Washington, D.C. This semester I'm not in school, but I have gone to Howard. I'm doing clerical work in Washington's SNCC office. I came to Selma in March 1964 as field secretary for SNCC and stayed in town almost continuously until July. After the arrest, I stayed until the Friday before Labor Day. I became interested in the Adult Literacy Project in December 1963 and started work on it in June. The other project workers were not members of SNCC.

SNCC has worked on voter registration in Selma. I did not participate in any demonstrations.

On July 4, 1964, I went to the Thirsty Boy because of the 1964 Civil Rights Act and because someone (possibly Alvery Williams) had said the Thirsty Boy served Negroes.

In the parking lot I heard no violent language. We were asked to leave the parking lot.

My back was to the window, so I did not see papers being given to anyone in the Thirsty Boy.

I was arrested. I was not informed of the charge against me until my lawyer told me. I filled out a mimeographed form while I was in jail. The form contained twenty or more questions. It asked about Civil Rights organizations; I said I belonged to SNCC.

I recognize Carol Lawson's lock. I had a bicycle, which was by the garage behind St. Elizabeth's Mission at the time of the arrest.

ERNEST HARRELL

(Negro)

I'm fifteen years old and a student at R. B. Hudson High. I've lived in Selma all my life.

I went to the movie on July 4. I don't remember the time but it was in the afternoon. I went alone. I went from my home at 1309 Duke Street to the theater. I walked south on Broad Street to Woolworths'. There was a large group there, a larger group across the street, mostly Negroes. I asked some friends what was going on. Someone said that some Negroes had gone into the Wilby Theater. I asked if my friends planned to go in. I saw no deputies or policemen. I saw one car, but I don't know whether it was a police car or a sheriff's car. There was a crowd in front of Woolworths', I didn't notice any crowd by Carter Drug.

I went up to the ticket window with Joe Smitherman, a Negro friend. Smitherman got in, but I did not. As soon as I started to go in, a white civilian asked, "Where are you going?" I said I was going in the door. The civilian said, "Wrong entrance." I answered, "I bought a ticket for this door." The civilian cursed. The crowd began whooping and yelling. The crowd was Negro. He was the only white man there at first. He blocked my way again. I stepped back. By then, Standberry had bought a ticket. Standberry asked the white man if he represented the management. The white man answered, "No." Williams said, "Then you have no right to block [the entrance]." I didn't know who Williams was; I don't know whether he was urging Negroes to enter the theater.

Several white men came then. Someone said one of them had a knife. I saw a white man with a knife. A Negro then said he had a knife and he pulled it out. Some people pulled him back, shouting and hollering. Williams said, "Get your money." I got my money back. Then I noticed men in uniform. I saw 3 or 4. I don't know what color the uniforms were. A police car pulled up. Williams went over to it. I could hear only something like, "Those kids need protection." I then heard something about "If you want to sign a warrant." Then the police moved into the Negro crowd. They moved it in every direction. They were swinging their clubs. No one hit me. I saw them hit Ronald Fuller. The crowd then ran away from Broad [toward Washington]. I don't think the police went in a specific direction. I don't think anybody could have been killed. I think the police got there soon enough.

BEN JACKSON

(Negro)

I'm seventeen and am in the twelfth grade at Hudson. I attempted to go to the Wilby Theater with Leon Sanders and Hazel Chapman, a boy. There were ten Negroes outside the theater. They said there were children inside and it would be nice to protect them. There were only three of us, so we went after some others. We got back, and some of the group went in, but I went to move my car. When I came back the city police were by the side of the theater. Police cars were patrolling. I moved my car again, this time from Broad Street to Washington Street. When I got back I met some of my friends. We stood in front of the theater and talked for about 5 minutes, then started to buy tickets. I had been to the theater many times before, but this was the first time I tried to go in the white side. No one talked to me about it the day before, but we talked about it on the way downtown. Ronald Fuller bought his ticket. Sheriff Clark was there at the time. He was under the wheel, maybe, in his car; the car was in the middle of the street, headed toward Washington. Williams [meaning Fuller] tried to go in, but was hit. A short, stubby white person hit him. He [Fuller] went back to get his money. Sheriff Clark was in a position to see this.

A white person pulled a knife. I saw a Negro with a knife. Neither I nor any other person in my car carried a knife. Ronald got his money. Alvery Williams went to see Sheriff Clark. Williams said, "Did you see that?" The Sheriff said, "Do you want to sign a warrant?" Williams said, "You're there for protection." Sheriff Clark said, "The Federal Government passed the law, let them enforce it." The Sheriff pulled off then got out. He and possemen used sticks on the Negroes by the door. They did nothing to the whites. I was not hit. They just swung their sticks and dispersed. I went back to the theater again to get my car. The group was still in the theater. I was not there when the theater closed.

Alvery Williams was not telling people what to do.

RONALD FULLER

(Negro)

My age is seventeen. I've lived in Selma seven years. I'm in the twelfth grade at Hudson. I was at the Wilby Theater on July 4. I went about 4 o'clock, between 4 and 5. I went with Nathaniel Harris. My purpose was to go into the theater on the white side. We went back to Moss Amusement Park to pick up some others, then we returned. We decided to go to the white ticket office.

As I approached the theater, "everything looked pretty normal." Nothing special was going on. "There were sheriff's and police cars cruising;" I saw no deputy standing. Nathaniel Harris, Philip Hunter, James Brown, Godfrey Jones, Bernard Collins, and Bernard Sims, all Negroes, were with me. I consider myself a good friend of Philip Hunter's. I didn't leave the theater with him. I don't remember if I saw him later that night. I didn't go by the Roxy Theater that evening. We heard Negroes had been admitted. A white man wearing a green khaki shirt and brown khaki pants said, "Nigger, don't go in there." He was not a lawman. We did nothing, then we said it was our right to go into the theater. There were whites between the ticket window and the door. There about 15 to 20 whites and about as many Negroes in front of the theater. I bought a ticket and started to go in to the downstairs part of the theater. The same man hit me in the jaw. I did not go down. I did nothing for a while. We said, "it's our right." The whites said, "You don't belong." I saw policemen then, "slowly driving by," but I saw no policemen by the white entrance. A Negro said to the white who hit me, "Who do you think you are?" The white man replied, "I'll show you who I am," and pulled a knife. There was an exchange of words. A Negro said the knife was no big thing. I saw no Negro pull a knife.

I was backing through the crowd. I saw Williams say to Sheriff Clark, who was in the middle of the street, "Did you see that?" We're paying taxes like everyone else." The Sheriff said, "Let the damn federal government take care of it.... Let the man hit swear out the warrant."

Sheriff Clark jumped out and swung at a Negro, "Get the hell out of here. You don't belong here, anyway." [To the question asked on cross, Sheriff Clark dispersed the crowd, right?:] "No. He dispersed the Negroes." The white men stayed.

I started to leave and got almost to the curb when somebody said to go get my money. I went back and got my money. The Negroes scattered toward Broad Street. The white man who hit me was still there. Other whites were still there. The man who hit me just stepped back.

I figured I couldn't get through the crowd of whites, so I followed behind the sheriff and deputies. They went to Washington and Selma. They threw sticks at the Negroes, then turned. They saw me. I tried to run, but Sheriff Carl anticipated. I thought about going by and taking a lick, but decided against the lick. There was a traffic jam, so I escaped through it.

JOHN HARDY

(Negro)

I've worked at Craig Air Force Base twenty years.

They say there was a mass meeting on July 5, but I didn't go. I've never attended a mass meeting. On the evening of July 5, I was visiting with a friend on Lawrence Street, No. 604. I had come from my house through the alley way on Green Street; I saw lawmen in front of the Green Street hall. We went from the inside of his house onto the porch. I heard "plenty" of commotion on Green Street. I saw "nothing but a bunch of men in helmets." I reckon they were possemen; they had sticks and guns. "I couldn't count" the number; there were too many. There were no Negroes. No possemen came to 604 Lawrence Street before I left. I heard a posseman knock at the house across the street. The posseman said, "Put the lights out and go to bed." I started home, walking south. I heard a rock or a bottle hit a car. As I was walking along, a posseman said, "Didn't I tell you to go home?" I answered, "That's where I'm going." The posseman said "No, you aren't, you're going to the ground." Then he clubbed me to the ground. I can't identify the men who clubbed me; they were not tall. I was bleeding. I went to my wife's house in the George Washington Carver Homes. I went to a hospital and was there from Sunday until Tuesday. My doctor was Dr. Maddox. No stitches were required.

I've been convicted of drunk driving and of manslaughter. The court has ordered me to support my wife.

EUGENE RUTLEDGE

(Negro)

I'm twenty-seven and have lived in Selma eight years. I live at 707 Green Street, which is across the street from the A.M.E. Hall. There was a mass meeting there on July 5. I didn't attend the mass meeting, I hadn't been going to the meetings. Besides the Negroes who came to the meeting, men in helmets with clubs and guns came. I didn't see the sheriff; I couldn't identify the man in charge. I couldn't hear what was going on inside the meeting. I could hear singing, but I couldn't hear the speakers. The men in uniform were walking back and forth. My driveway was blocked by a school bus. There were between 80 and 100 men lining the street. I was on my porch with my wife and kids and my brother-in-law.

I saw the people coming out of the church. The people were just talking. Officials weren't talking. They had no megaphone or anything. Then I heard a rock or something hit a car. "The cops and the sheriffs then started to take in action." They started clubbing people. I saw them break Mrs. Lamar's windows. I saw them club a white photographer. He was running toward "Mrs. Cardelia's" [Mrs. Cardelia Lamar] when the officer's clubbed him. I heard only one rock before the line broke. I didn't see it thrown; it seemed to come from up the street. After things quieted down, I noticed the tear gas. Cops told people to get in and turn off the lights. Some scared little girls ran to my porch.

I saw two white photographers. I saw only one get hit. I saw them hit him on the head with a club. I couldn't identify who hit him, but they had helmets. I am absolutely sure they hit him with a club, a yellow club.

I sat on my porch from 6 to 7:30 or 8 when they told me to go inside. I was on the porch when they clubbed the "projector man." I had been on my porch all day. There was singing there in the afternoon between 3 and 4. I didn't see any of those persons after the mass meeting. I didn't see any Negroes piling rocks.

I had not seen the men in helmets before. I had seen men in sheriff's uniforms.

I did not see Sheriff Clark down there. I saw at least 4 Selma police cars, and I saw policemen up and down the street. I am sure there were policemen there. I can tell the difference between Police and Sheriff's Department men.

Another unusual noise I heard, beside the rock, sounded like a gun or like tear gas.

I've been arrested once for drunk driving, once for drinking, and twice for disorderly conduct. I've had two twenty-four dollar fines, I've served no time.

CARRIE HARDY

(Negro)

I live at 131-C George Washington Carver Homes which is between Lawrence and Sylvan. I live in the second row of houses from Lawrence Street, in the third building from the Jeff Davis end of the project.

Prior to leaving my home for Burwell Infirmary, I did not leave my house. I was sitting on the front porch when some troopers with helmets and brown pants and clubs said, "Get inside and turn off the lights. That's the Sheriff's orders." The officers were dressed in brown, not in blue. "The onliest people I saw was them troopers," three of them. I saw no Negroes outside.

I went inside, and "they taken a stick and knocked out our porch light." They broke both the glass [fixture] and the light bulb. They also hit my porch sill.

Later, my husband came. He was all bloody. We called Mr. Anderson, and he came. We took Mr. Hardy to Berwyn. He was bleeding from the neck, I think, and the top of the head. My husband and I are separated; I once had him arrested for non-support.

I had heard there was a mass meeting, but I didn't know since I wasn't there.

JOHNNIE LEASHORE

(Negro)

I'm sixteen; I've attended St. Jude School in Montgomery for three years and am in the eleventh grade. I live at 712 Lawrence, in Selma. That's just north of Green Street Hall.

I attended the Green Street meeting. I've attended other mass meetings too; there were sheriff's people at many of them. There was "a whole lot" of them at Green Street just before the meeting was over.

I was in and out of the Green Street meeting, but I heard Willie Robertson speak. I did not hear him tell the audience to demonstrate, nor did I hear him talk of white women.

John Love told us to go straight home, not to arouse the possemen. All Jim Clark wants, he said, is an excuse to set his possemen on us.

People began going home from the meeting gradually. There were possemen on the opposite side of the street, lined up side by side from south to north. I heard a bottle hit a car and a brick hit a car. Then the line of possemen started to move. I did not hear any deputy say anything. I was standing by a white photographer. The newsman said, "Let's run. I don't know where to go." I suggested going in a nearby house [Mrs. Lamar's], jumped onto its porch, and went inside. The newsman tried to run to the steps of the porch, but did not make it inside. When I looked out the window of the house, I saw the newsman on the ground, bleeding. Five or six possemen were standing around, one smoking a cigar, another a cigarette. The possemen were shining flashlights at the newsman. Possemen came on to Mrs. Lamar's porch and threw a chair at the screen of the window. One of the possemen said, "Get your ass on the floor."

I figured I shouldn't go home through the alley way, so I went up to Jeff Davis. A posseman told me to run. When I got home I saw Ned Johnson. He was bleeding.

On the morning of July 6, I went downtown with my mother. She went to the courthouse, [to register, see P. B-15], while I went to pay some bills. I had paid all but one, when I ran out of money. I went to the alley by the courthouse on Alabama Avenue to ask my mother for more money. A posseman stepped in front of me. I told him I wanted to see my mother, but he wouldn't let me go to see her because I wasn't old enough to vote. My mother came out and told me to go straight home. She said she'd bring me the money. I was walking east on

the sidewalk across the street from the Federal Building when I saw and heard Sheriff Clark. He announced on the microphone to the persons on the steps across the street, "You're under arrest." I continued to walk toward Lauderdale Street. I saw deputies and lawmen go for the students across the street. I was waiting at the red light when a man in uniform juked ~~me~~ and said, "Get the hell in line."

No one ever told me the charge. No local official ever interviewed me. I was held 4 days and 3 nights without being interviewed by officers.

On Thursday, I went to Judge Reynold's office, where a lady found out how to contact my mother. On Friday I came back; my mother came with me. Judge Reynolds asked if I had attended mass meetings, to which I answered yes. Reynolds also asked if I planned to attend any more mass meetings; I answered no.

I never appeared before Judge Reynolds before. I've never heard of Ben Scroggins. I don't remember being scooped up in his arms eight years ago while I was carrying a bottle of whiskey.

CARDELIA LAMAR

(Negro)

I'm fifty-one, a widow. I have a family. I've lived nineteen years in Selma. I work at 720 Maybrook.

I live at 712 Green Street which is right next to the A.M.E. Hall. I was at home on July 5, except for the time when I went to church. After I came home from church, I saw possemen. A meeting was going on. I've never attended mass meetings. After the meeting, I heard a rock hit a car. The white men in yellow clothes and helmets started running. I saw a man in yellow clothes throw a chair through my window screen. It came on to the bed. I saw a photographer lying on the ground. He tried to pass my steps, but I saw him get hit. The sheriff's men gathered around. I saw men in yellow clothes break 2 windows at the back of my house.

I saw some officers in blue clothes from the city hall building also. I did not see Sheriff Clark. I did not recognize any of the officers. The officers broke at the sound of the rock. I didn't hear a shot. I did not see anybody piling up rocks that afternoon.

The next day men from the sheriff's department came by. They said I did not have to worry, and that I should call if there was any trouble. Also, they told me that my grandson had been outside and they had to break a window to get him inside. That is not why they broke the window.

WILLIAM M. SANDERS

(White)

I'm a physician at Maxwell Air Force Base. I've occasionally treated emergency cases in St. Margaret's Hospital, Montgomery's only twenty-four hour hospital. I've been in Montgomery over a year. I remember treating Jerry DeMuth and David Prince on the evening of July 5. My notes and records show that DeMuth's condition was generally good. He was alert. He was bleeding from a cut, however, so I treated him first. The cut was two inches long. An aide cleaned the wound. I closed it with 7 stitches. DeMuth had a painfully swollen elbow, but it was not broken. DeMuth had scattered bruises, some on his legs. I gave him a tetanus booster. He was "covered with blood". He was wearing a white shirt. He seemed a little addled about the whole business.

David Prince appeared in a better general condition outwardly. There were bruises on his back. They looked as if they had been made by a stick. He had two bruises on his shoulder blades and two in the middle of his back, one on his right chest wall. They were visible bruises, which were red but later would turn black and blue. I don't recall the condition of his clothing. I did not feel it necessary for them to stay in the hospital, they didn't want to. The records of treatment are dated July 5, 1964, at 11:30 p.m.

NED JOHNSON

(Negro)

I live on Lawrence Street, I'm out of my senses. I went to the meeting. A man in khaki pants and a khaki shirt, with something like a bucket on his head, hit me. I was right in front of the hall. I was hit twice. I was knocked unconscious. I was bloody. I didn't go home. I found my way to someone's house. Then someone took me to the hospital. They did something to my head.

I did not see officers before church. I don't know what time I got there. I couldn't understand what Willie Robertson said. I didn't run. I didn't hear a shot. I didn't smell tear gas. I didn't hear rocks. There was a "heap of people" there.

VASHTIE LEASHORE

(Negro)

I'm Johnnie Leashore's mother.

Some time after I returned from the Green Street meeting to my home on Lawrence Street, my ward, Ned Johnson, was brought to me in a taxi. At that time, possemen were knocking on the doors and saying, "Cut out your goddamn lights and turn off the television." However, when Bubbo [Johnson] came, I turned on my porch light. A posseman told me to turn off the light. I told him the posse had nearly killed Johnson. The posseman made a phone call; I heard him say, "We done got one of 'em; what do we do?" A sheriff's man came, possibly Bates. Johnson asked me not to let the sheriff's men take him anywhere, and I told the lawmen I would take care of Johnson.

On Monday, July 6, I went downtown with my son. I went to register, while he went to pay some bills. While I was waiting in line, I heard my son and a deputy having an argument over whether my son could come into the alley way where the registration line was. I went over to where they were standing and, when my son told me he needed more money to pay another bill, I told him to go straight home. I never got in to register that day.

When I got home that night, I found out they had arrested Johnnie. They also got my granddaughter, Gloria Bostick, the next day.

I went to Judge Reynolds' office with Gloria. She told Judge Reynolds she had picked her picket sign up off the street. He asked, "Didn't you get the sign from Amelia Boynton's office?" No, Gloria answered, I didn't get the sign from "Mrs. Boynton's" office. Judge Reynolds told her, "Don't call any Negro 'Mrs.' in this office." Gloria once more referred to Mrs. Boynton as "Mrs. Boynton". Judge Reynolds then stated, "I'm going to put you in jail one week; I don't like your attitude." Gloria did go back to jail and got out one week later.

I couldn't say how many times I've been arrested for prohibition violations. I was sentenced once to hard labor and a fine for using my son, Johnnie, to carry liquor.

GEORGE SUTTLES

(Negro)

I was born in 1905. I spent all my life in Selma. I haven't been able to work for five years. I used to work construction.

I was arrested in front of the Federal Building. I had just turned the corner. I had been coming from my house, up Water Street to Lauderdale, then toward the Federal Building. I was on my way to see a lady about my income tax. I've never been to a mass meeting. I don't know Clark Nelson; I never heard of him. I don't know why I was arrested; no sheriffs talked to me about it while I was in jail; the police didn't ask what I was doing there when they arrested me. I got hit lightly one time on the way to jail. I was in jail one week. That [questionnaire Pl. Ex. No. 10] has my name on it, but I don't know who wrote it.

WILLIE MAE MARTIN

(Negro)

I live at 1408 Vine Street, close by the Green Street Hall. My house is third from the corner of Green and Vine. I went to the meeting on July 5. When I came out of the hall I saw possemen lined up, and I saw school buses.

I drove toward Jeff Davis. I saw some possemen and stopped to look. They forced me into a stranger's house.

I also went to a meeting on the 6th. After the meeting I was waiting for a ride home. It was very quiet. Sheriff Clark told Mr. Gildersleeve that he thought no bricks were going to be thrown that night. Gildersleeve said none were thrown, but the sheriff said some had been. Sheriff Clark then said that if we didn't leave, he would take us all in.

ISABEL DUMONT

(White)

I'm a doctor and have practiced in Selma since 1944.

I treated Ned Johnson on the 5th of July, 1964. I was called about 11:30. The patient was in the emergency room, but was conscious. Johnson had a laceration on the left side of his head which required six stitches. He had abrasions on his head. He was not seriously hurt. He walked out.

M.D. WALKER

(Negro)

I've been a doctor in Selma for fifty years. I treated Odell Solomon on July 4 at about 9 or 10 p.m. He was somewhat shocked, and there was some bleeding. I placed three sutures in a wound over his left eye and removed them July 7.

ODELL SOLOMON

(Negro)

My address is 1417 Minter Avenue, Selma, for fifteen years. I'm a carpenter.

On the night of July 4, 1964, I was out on Broad Street. I live near Clay's Casino. That's near the Roxy Theater. I was on my way home from my daughter's. There was a group of possemen dressed in khakis, with helmets, sticks and guns, standing around a car. I don't know what happened, but I heard that a bottle hit a car. They came over to where a bunch of us was standing and told us to go home or get inside. I stepped into a doorway and said I was waiting for a cab, then stepped out. I had called a cab. They hit me, but they didn't knock me down. I went to Dr. Walker.

There were city policemen. [In response to the question on cross-examination, "Weren't they directing traffic when they hit you?":] Yes.

JAMES CLARK

(White)

I assume there are booking sheets for 1964 other than those I have produced [as of December 9]. They are filed alphabetically in my office. Mrs. Wayne Jones and Mr. Moseley are the persons who can be checked for information concerning the booking sheets.

I am not sure what radio logs I brought with me. Mr. Young keeps them. There are two central radios that maintain logs. There is one transmitter, with six outlets; all are on the Alabama state trooper network. After the calls for a day are recorded, they are filed. Later, they are destroyed. I'll check to see if any are missing from the first two weeks in July.

Fingerprint cards are filed by classification. Moseley can be checked about them.

I gave the government a copy of the posse list in a previous trial. Captains of the posse are elected; I don't know how many members there are.

As to the mass meetings, I know I have no tape recordings of what went on. I think I "must" have notes of them.

RUFUS HEAD

(White)

I brought the records subpoenaed by the government.
I complied as well as possible with the subpoena.

JERRY DeMUTH

(White)

I'm a free-lance writer for national magazines. I've done research for SNCC. I now live in Atlanta. I've worked pretty much full time for SNCC since mid-summer. SNCC does not advocate demonstrations and sit-ins to provoke violence. They do advocate picketing. I've also worked for the American Friends Service Committee, a Quaker organization, for two years in Dayton, Ohio.

When I came to Selma on July 5, I was employed by Black Star, an organization that provides photos and captions to such magazines as Time and Life. It's not on the House Unamerican Activities Committee subversive list, so far as I know.

We, David Prince and I, came to Selma because we knew there was to be a voter registration drive and because there was to be some testing. We knew there might be picketing. We came to do some stories on these activities. I came not to direct any activities, but to observe and interview.

We registered at the Albert Hotel, then contacted the sheriff's office. We went to the sheriff's office about 11:30. Deputies or officers in brown khaki uniforms were downstairs at the courthouse around the office of Deputy Crocker, and inside his office. There were "at least thirty" uniformed officers at the courthouse. We saw Deputy Crocker, who asked questions and filled out forms about us. Blanchard McLeod, Crocker, Prince, and I were in the room then. Prince and I said we were on an assignment from the Black Star Agency to cover civil rights activities. We had a general conversation on reporting and voter registration. Crocker told us that press credentials would do no good because he could not keep us out of any place. McLeod said something like, "Negroes demonstrate only when newsmen are present. They want publicity." We ate then at the Selma Del. From there we went to the SNCC office, to the Literacy Project, to Mrs. Boynton's home, to the Freedom office; and to our hotel. We ate supper at the Selma Del. After stopping briefly at the hotel, we went directly to the Green Street Hall. John Love told us about the meeting. We arrived early, to set up the camera equipment. About four or five uniformed officers were standing by a car in front of the hall. The meeting began about 7:40 and ended about 9:30. About six persons spoke on the subjects of voter registration and the use of restaurants downtown by Negroes. One speaker said, we don't want white women, we have our own. I heard nothing about raping white women. There was singing, but no disturbance or disorder in the meeting. I took notes, and Prince photographed speakers and the singing. He moved about

and didn't attempt to hide what he was doing. I made no speech and was not identified to the meeting. At about 8:30 or 8:45 I looked outside the meeting and saw a large number of sheriff's deputies and possemen, forty or fifty. Most wore khaki uniforms and helmets, the same as those worn by the officers I had seen earlier at the courthouse. Some were dressed in grey. Twenty-five or so Negroes were outside, then, too. The officers were standing across the street from the hall. I had no conversation with any of them.

Prince and I left the meeting before most of the people because he wanted to get pictures of the people leaving the hall. There were 150 to 160 people at the meeting, evenly divided between adults and youths. We had been the only white persons inside except for three to five whites dressed in sport clothes. Someone at the meeting said they were local officials.

Almost all of the sheriff's officers were standing in a line. There were 62 or 63 officers in the line. I heard no orders given to the Negroes. As the Negroes left the hall, I heard Negroes speaking among themselves. It was fairly quiet. I heard no Negroes speak to whites. I don't recollect seeing any children running around. I watched Prince take pictures. He made no attempt to hide. We heard that the building was being locked, so we went back in for our equipment. I carried the floodlights. I heard a noise behind me and turned. I didn't hear any rocks thrown. I saw possemen swinging clubs. I heard a man tell a woman to get her child inside. I was struck from behind and fell to my knees. I felt a quick, sudden pain at the top of my head. I was bleeding. I don't know who hit me. I got up in a daze and found Dave. He saw me and led me toward the back of the building. Someone shined a flashlight on Dave. I heard a shot. Someone said, "Don't move or you're dead." Three possemen came toward each of us. Those who came toward me jabbed me with nightsticks and led me toward the front of the hall. They forced me to the ground. I said I was bleeding. On the way to the front of the hall, I saw an officer release tear gas. He told another officer that there were kids "under there." I saw a policeman smash Prince's camera with a nightstick. I was wearing glasses and carrying floodlights. Someone hit me on the side of the head and knocked off my glasses. They smashed the floodlights. Someone said that Prince had a gun. They searched us, but we had no gun. Someone suggested searching our car; I unlocked it. Dave and I stood with our hands on the hood. I was told to forget my glasses. Our car was parked on the meeting hall side of the church. Someone picked up the camera and walked to the street light and struck the lens with a nightstick. Someone took the camera and handed it back. I saw no one there but officers and ourselves. One officer said, "I ought to kill you." Another officer said, "I ought to fill you full of lead." No officer offered any medical assistance.

Solicitor McLeod yelled at us; he said we should go to the hotel, pack, and leave town, and not stop until we had left the state. Dave drove, because my glasses were gone. We packed, paid our bill, and left. I was wearing a suit and a white shirt. Blood was over my face, suit, and shirt. There was a police car at the hotel and the men inside watched us. When we left, a station wagon followed us for ten or fifteen minutes. *

I received medical treatment at a hospital in Montgomery.

MINNIE B. ANDERSON

(Negro)

I've been in charge of the Burwell Infirmary since 1926.

John Hardy was brought by ambulance to the Burwell Infirmary at 10:30 p.m., July 5, 1964. Hardy had a cut on his head and back. His wounds were dressed at the infirmary. No stitches were required. He was given a tetanus shot. His skull was x-rayed. He was in the infirmary for 2 days. His doctor was E. L. Maddox.

DAVID PRINCE

(White)

I'm twenty-two; I'm from Yellow Springs, Ohio. I'm in school now. I do some free-lance photography work.

During the summer of 1964 I worked for the Southern Documentary Project; Life, Black Star, and others cooperated on it. We were to do a documentary on the South, mostly in Mississippi. First I went to Oxford, Ohio, to photograph the COFO training of the summer civil rights workers. I was there about three days. I followed that group south. I'm not a member of SNCC and don't work for SNCC. There's a standing agreement between SNCC and the Southern Documentary Project.

I arrived in Selma with Jerry DeMuth between 11 and 11:30 on the Sunday after July 4. We had been in Atlanta on the Fourth and received a report of some disturbance. We went to the sheriff's office and saw Deputy Crocker. We were asked to give information to Crocker. Crocker said there was no such thing as a press card valid in Dallas County. He said he could not be responsible for our safety and he advised us to leave town. As the conversation ended, he told us to leave town. We answered that we planned to cover the registration and other activities in Selma. I saw officers in grey uniforms with nightsticks. It was they who told us that the sheriff was not in, but that a deputy was. The hall of the courthouse was filled with deputies. Solicitor McLeod was in the deputy's office. The deputy, McLeod, DeMuth, and I were in the office. FBI agent Frye was in the office at times. The deputy conducted the conversation. McLeod interrupted occasionally. His general tone was, "I don't like the northern press; mind your own business."

After that, we went to the Freedom House, to the downtown office of SNCC, to the house of a lady who ran for Congress, and to see John Love. We learned there was to be a Negro meeting at Green Street. We had an evening meal at the Selma Del Restaurant where I saw a man whom I later saw at the Green Street hall in uniform. The man was well-built, weighed about 220 lbs., and was in his early 40's. A short order clerk beckoned the man over and pointed to us. The man gave a cold stare, went to a stool, sat, and stared for two minutes by the clock.

We went to the Green Street hall; I took a 35 millimeter camera, Nikon F, and 3 lenses. Two cars were parked on the hall side of the street when I arrived. I moved about and took pictures. I did not try to disguise what I was doing. Whites without uniforms were in the meeting hall. A teenage Negro pointed at one of them and said he was head of the Klan in the area. In the meeting there

was singing and clapping. The meeting was "very lively", but not in the sense of inciting violence. There was singing, then speakers, then singing, then more speakers, etc. I don't know Willie Robinson. I don't remember any talk about white women. No one said he expected violence. The meeting lasted two and a half hours. When the meeting was over, I went out ahead of the crowd. I saw a line of uniformed deputies with sticks and helmets. There were about sixty-three to sixty-five deputies in the line. There were more grey than khaki uniforms. I saw no blue uniforms. Whenever I turned my camera toward the deputies, two deputies shined flashlights into the lens. I took pictures of the faces of the people coming out of the building. As people came out, they were quiet. Jerry and I went inside the building to remove our equipment. When we came out some people had left; the situation was about the same. About five minutes later, I heard screams behind me. I turned and saw a white puff. I didn't hear any rocks thrown. My camera was grabbed and smashed against the wall. I was struck on the back and pushed to the ground. I don't know how long I was on the ground. I picked up my camera and moved toward the back of the building. I was hit a couple more times by uniformed officers. I turned and saw Jerry in front of the building. He was standing with his hands over his face, bleeding. Uniformed officers surrounded him. I came to get him and dragged him toward the rear of the building. We became physically separated. I turned to get Jerry, and a flashlight beam hit my eyes. Three possemen were coming toward us. I heard a shot. That was the only shot I heard. I saw the man from the Selma Del; he said, "Let me have him, I know him." He charged, with a stick, I fell and covered my head and rolled. He struck me several times, but I was able to keep moving. I tried to get my body under the meeting hall. He got in some pretty hard blows. Tear gas was thrown under the building. Several Negroes were dragged out. I was exposed to a lot of tear gas, as was the man hitting me. I was dragged to the front of the building and was told to sit down. When I began to sit down, one of the officers said, "No, not here", and kicked me. When I began to sit down again, one of the officers said, "No, not there," and kicked me. I laid down and was searched. I saw Jerry sitting. The man from the restaurant said, "He has a gun." They searched me. Then the officers took the keys to the car from DeMuth. We were put up by a patrol car while DeMuth's car was searched. I didn't see Crocker there. A man who was identified as Sheriff Clark by the deputies came up and, I think, ordered the search of DeMuth's car. We were put in the sheriff's car. A deputy took my camera and hit the lens with his night stick. The sheriff got the camera and said "You can't do that," and handed it to me. About 3 minutes later, I saw McLeod. He screamed at us, "Go back to your hotel, get your things, and get out of Alabama or you'll be killed and followed." No one followed us to the hotel. We left the hotel. A dark station wagon followed us. There were no uniformed

men in the station wagon. We went to Montgomery and went to a hospital. A state investigator interviewed us there. After a three-hour interview, we signed statements. At Green Street a man in khakis with a helmet and gas mask and a rifle told me he was a state investigator. He said, "The Negroes started it, didn't they?" I said, "I don't know." I didn't say a Negro hit me.

The body of the camera was slightly damaged; it was reparable.. One lens was damaged beyond repair. The lights were smashed.

[To the question on cross: "The deputies were trying to get you two out of all that mess, weren't they?":]
"I don't believe so."

FRANK LaPORTE

(White)

I'm a police captain. I tried as best I could to comply with the subpoena duces tecum.

GEORGE BAKER

(White)

I've been a special agent for the FBI for twenty-two months. I live now in Jacksonville, Florida. I was assigned to Selma during the week of July 6. I arrived from Mobile the afternoon of July 5 with at least two others. We were assigned because of prior disturbances and the coming registration drive.

I took all the photographs from July 6 [in plaintiff's exhibit 14]. The first picture appears by the shadows to have been taken around noon. Approximately twenty-five elapsed during that series of pictures. I photographed the picket signs later. The pickets were in front of the courthouse one or two minutes before they were arrested. The man with the mike in his hand in the third picture is James Clark. The man in the white shirt is Blanchard McLeod. Sheriff Clark made two announcements over the loudspeaker "Stay where you are; you're all under arrest," and "They're running around the corner."

The last four [pictures] on July 7 are mine. I took the first picture with a telephoto lens from the third floor of the Federal Building. It portrays several possemen and possibly one deputy in the alley. The second picture shows the other side of the alley; one deputy and two possemen are there. The third picture is of the alley door. The fourth is of the door to the office of the board of registrars.

The last three pages of pictures on July 8 are mine. The first picture was taken at 12:58 p.m. The series goes to about 1:15 p.m.

I took all the pictures on July 9. They run chronologically. The first was taken at 1:30 p.m. The Negroes had stood there two or three minutes before they were arrested. Approximately ten minutes elapsed in the series. McLeod is in none of the pictures. Sheriff Clark is in the second, third, and fourth pictures.

The pictures at night were taken on Broad Street at the Tabernacle Baptist Church. They show sheriff's possemen and deputies.

I took all the pictures on July 10. They show possemen around the Dallas County Courthouse shortly after lunch. The first was taken from Alabama and Church. All were taken within a block of the courthouse.

JOSEPH CONNELLY

(White)

I'm a special agent with the Mobile Division of the FBI. I was in Selma on official business from July 6 to July 10. SNCC did not order me up here; my superiors did.

I took some of the pictures [in plaintiff's exhibit 14]. The first sequence of pictures, taken on July 7, consisting of eight pictures, took about three or four minutes. I had been standing across the street and saw four children with posters.

I took the first fourteen pictures on July 8. I was standing in approximately the same place as the day before. The first two pictures, taken before noon, show ABC television men. At one time, almost the whole front steps of the federal building were occupied with newsmen. The next series of pictures, which required about three or four minutes to take, was taken during the noon hour and shows persons being put in a car. The next series, of three photographs, was taken about 1 p.m., within a half hour of the last series. It depicts a man with a placard on the steps. The last four pictures taken on July 8 were taken within fifteen minutes of the prior series; they took four minutes. They show a youngster on the Lauderdale Street side of the courthouse.

On the morning of July 8, I took three pictures looking into the alley way on the Alabama Avenue side of the Dallas County Courthouse.

LEONARD CROCKER

(White)

I am Sheriff Clark's Chief Deputy.

I signed all those affidavits [in Pl. Ex. No. 15]. Each charges the arrested person with contributing to the delinquency of Claude Nelson. The only record I have concerning the illegal activities of the persons arrested is this [Pl. Ex. No. 15]. I don't remember what Eddie Allen did with Claude Nelson. I don't remember seeing any person with Claude Nelson. I have no information about that now. We didn't have to have any information, since the arrests were made on sight. Our policy is that each man is qualified to make an arrest if he sees the offense committed. I made the decision to arrest these persons for contributing to the delinquency of a minor. I made this decision on the basis of the fact, that they had juveniles in their charge. I know that there was a batch of singers; and Claude Nelson was in the group. Automobiles brought little Negroes with signs. Some of the people named in the contributing charges drove pickets; I don't know which ones; I have no records with me; I'll look for them. Contributing charges have been used since the fall of 1963 when so many children missed school for picketing. Bail was fixed immediately for all persons in the mass arrest. To be arrested for interfering with the Court, more is necessary than just walking to pay a bill. "You could very well tell" if the persons were just passing. William Woods must have been interfering with the Court "if he was arrested, he was." "Exactly what he was doing, I don't know"; he was present. My method of determining who was interfering with the Court was not to see if the person was a Negro. Besides presence in the area, picketing, clapping, singing, and chanting would qualify persons for arrest.

The sheriff's department handles the numbers system for registration. A person comes and gets a number. He can leave without losing his place, so long as he returns by the time his number is called. The system was set up a few days after October 7, 1963, when there was a line of 300 or more persons waiting to register. Before the number system, a person who left the line went to the end of the line. We put the line by the side entrance; there is more rooms there; restrooms are available; it's just more convenient. The lines were predominately Negro only when they had a registration drive. A maximum of 60 numbers was handed out each day under the system. The maximum was set after the Board of Registrars said that there had never been anything like the line of 300 that appeared on October 7. — The number, 60, was based on the largest number ever registered.

GEORGE STOVES

(White)

I am the assistant chief deputy sheriff. I attended mass meetings in June and July 1964. In an affidavit I referred to particular persons as speaking at or attending the meetings. While I did not take notes at the meetings, I made notes after each meeting. However, I am not sure where my notebook is; I think I destroyed it. I did not type up the notes and do not think I showed them to the sheriff.

L. L. Anderson is a preacher at the Temple Tabernacle Baptist Church. He attended several meetings. Reese is a preacher; I don't know where. James Wiley is a Negro; I don't know what he looks like. Someone pointed him out to me; "I just don't remember" which meeting it was. I saw Anderson, Reese, Tucker, Williams, Austin, Lewis, and Love at one meeting; Abernathy was there; I'm positive Lewis was there. I've seen Love, the two Robinsons, and Boynton at a meeting; I'm "fairly certain" I saw Boynton at the Tabernacle Church. I don't know W. J. Anderson off hand; he's a Negro. I'm not sure about Hunter. I saw Harrison "in a church meeting". I saw Silas Norman; I don't know what he looks like; I don't remember his speech. I'm positive he spoke. Marie Foster was at several meetings, as was Henry Shannon. Tom Brown was at Tabernacle before July 3. I don't know what White looks like. "If I said in here that he was there he was there." Sure, Moss was at the meeting. I know him. I don't know what Acoff or Kent looks like. Of the others I name I know only Carol Lawson and Mary Varella. That's Carol Lawson [pointing to her]. I don't remember which meetings she attended.

Rufus Head helped me make the affidavit. Also, he made notes of the meetings we attended.

GERTRUDE YOUNG

(Negro)

I've lived in Selma seven years; I'm thirty-seven. I've never attended any mass meetings.

I went down to register to vote about 7:45 on July 6. I was there until about noon. Then I left and went up town for an ironing board cover. After I bought the cover, I started for the place my husband works. He works at the Bailey Motor Company on the corner of Church and Water. I wanted to get him to drive me home or let me have the car. The way I always do. I was going west on Alabama toward Church Avenue. I was crossing Lauderdale when I saw and heard some children singing on the steps. I kept on walking on Alabama Avenue. When I saw the officers coming across the street toward the federal building, I turned and ran back toward Lauderdale. One of the police told me to "hold it". I stopped and was put in line. I wasn't singing; I wasn't part of the group. I have circled myself [in the first picture on the second page of plaintiff's exhibit 14]. As I was going up the steps to the jail, someone in khaki clothes, with a gun and a stick, juked me in the rectum. I still suffer crawling sensations as a result. I don't know Clark Nelson.

I was arrested for larceny in 1959, but the case was dismissed.

HENRY ARONSON

(White)

I am an attorney, admitted to the state bars in Colorado and Connecticut and to federal bars in Colorado, the Northern District of Mississippi, and the Fifth Circuit Court of Appeals. I graduated from Yale Law School in 1962. I'm living in Jackson, Mississippi.

I was associated as an attorney with Peter Hall around July 10 and 11, 1964. I went to the jail twice. Once I went to get financial information from persons in jail. The other time I went to get persons out of jail on parents' recognizance; I went with parents. After obtaining permission from the deputy on duty, I used the office phone to call a parent. Sheriff Clark walked in. Present were the assistant deputy (the jailer), the clerk and two marshalls from Judge Thomas' court, and five or six parents. The time was late afternoon. The sheriff walked into the office, walked pass me, talked to the marshalls, came back to me, grabbed me, grabbed the phone, threw me to the door, threw me through the door, threw me into the elevator, told me to get out of his jail, and told me not to return. Sheriff Clark acted "quite forcibly." I did not give my name to him. I don't remember whether I gave my name to the deputy in charge, but I did talk with him. The deputy had offered me a cup of coffee. I don't know if Sheriff knew me, but the marshalls did. No, I didn't get the coffee.

I represented the children in jail. Peter Hall had contacted me. The Lawyers' Constitutional Defense Committee paid me. No parent contacted me, but I talked with parents.

WILLIAM WOODS

(Negro)

I was born in 1902, I have ten children. I live in Selma now; I don't have a job.

I was down by the Funeral Home when I heard a "sireen". I came to see what was the matter. I wasn't singing; I hadn't attended any mass meetings. I "got arrested, just by looking." I was in jail 9 days. While I was there, someone asked how I had got there and I told him the same as I'm telling you. I don't write; Mr. Hall may have filled out the form. [PL. Ex. No. 16]. I don't know. I didn't know Hall and didn't send for him. I had no trial.

ANNIE WOODS

(Negro)

I'm 48. My husband is Mr. [William] Wood's son.
I live in Selma.

On July 6, I went down to register. Then I went to the undertakers. While I was standing in front there, a police car turned on its sirens. I followed and as I came to the side of the Federal Building, I was arrested. No one from the sheriff's department asked why I was there. I didn't know Claude Nelson. I had attended some mass meetings.

My husband got Mr. Coon to get my bond. I hadn't asked for a bond. I knew what was going on.

LEWIS STRONG

(Negro)

I came down to the Federal Building to get a social security card. I came to the front door and walked in, "but they were working, so I had to leave." Before I could get out the front door, lawmen came running across the street and told everyone on the steps to get back into the building. There was a "heap of people." I didn't hear singing. I spent eight days in jail, but no one from the sheriff's department talked to me about why I was there. I don't know Claude Nelson.

AMELIA BOYNTON

(Negro)

I have lived at least thirty-two years in Selma. I own the Boynton Insurance Agency and am a supervisor for Pilgrim Life. I have been associated with the Dallas County Voter's League twenty-two or twenty-three years. Its purpose has been to help people learn how to register.

I was served with the injunction on July 10, 1964. [For Mrs. Boynton's description of the activities of the respondents to the injunction see Appendix B.]

Meetings were held every week from May 14, 1963 to July 1, 1964. I attended most of the meetings. Attendance averaged 350, and 200 was the smallest crowd. Sheriff's men were there at various times; they reported meetings by walkie-talkie, used tape recorders, and took notes at all but three or four meetings. The speakers at the meetings did not advocate violence or disregard for law and order. I have spoken at the meetings.

I did not attend the July 5, 1964 meeting but was at the July 6 meeting at Shiloh. No meetings were held on July 7, 8, or 9. There was no meeting on July 4 that I know of.

After the injunction, churches continued to hold services, but they could have been closed.

I have been registered for twenty years. I encouraged Negro voter registration. I went to the courthouse as often as possible to vouch for the people I knew. The voucher requirement was frequently changed.

Considerable activity, including picketing, began in October of 1963. In that month several pickets, some of whom were teenagers, were arrested. This picketing program was sponsored by SNCC, not the Dallas County Voters League. I did, however, let picketers leave their placards in my office.

ENOCH FEARS

(Negro)

I'm an airman first class; I've been in the Air Force thirteen years, three at Craig. I'm an aircraft mechanic. I'm from Cleveland.

I called a group of Negro airmen at Craig Air Force Base together for a gathering at the Negro Elks Club on July 23, 1964. There are about a hundred Negro airmen at Craig. The purpose of the meeting was to acquaint Negro airmen with the area, consolidate grievances, and keep younger airmen out of trouble. I'm not a member of the Elks Club. All those who attended were airmen except Rev. Smeltzer, a minister from Illinois. I knew him; he's been in Selma previously. At the meeting we discussed the Civil Rights Act and other subjects.

Some time after the meeting, I went to the sheriff's office, where I talked to Chief Deputy Stoves. I was asked who gave permission for the meeting, who attended and how many people were there. They asked me to sign a statement. They asked me to identify a picture of Rev. Smeltzer. I refused the requests, saying I wanted to talk to a lawyer first. I did give a statement to Major Richardson.

LEO TASWELL

(Negro)

I'm a staff sergeant in the Air Force; I've been in ten years and ten months. I've been at Craig one year and two months.

I attended the meeting with Airman Fears on July 23. On July 26, I attempted to get breakfast in Selma. After going to church, I saw Airman Scott and suggested breakfast. We first went to Carter Drug, where I sat next to a white airman. The proprietor said he was sorry, but he couldn't serve us. We left. I am sure the man who asked us to leave is the proprietor, as I have seen him there several times. However, I don't know Dr. Harmon Carter by name. We then tried another drugstore, Browns, I think, but there was no counter. Then we tried to go to the Glass House. As I approached the door, a lady said, "Don't come in here."

I did not see Sheriff Clark, Blanchard McLeod, or Judge Hare that day. I was not arrested, but instead returned to Craig.

EDWARD MULLEN

(White)

I have been Chief of Police in Selma for nineteen years. We have forty-one men on the payroll. Our active strength is about thirty. Our duty is to maintain law and order within Selma's police jurisdiction, which extends three miles outside the city. We maintain a radio network and a log. The log doesn't state the subject of a call unless it's important. Our general practice is to call through the base, rather than directly car-to-car.

Our relations with the Sheriff's Office have been very cooperative. Prior to July 4, I had an understanding with Sheriff Clark that the "Sheriff's department would handle the racial matters."

I've observed racial matters in Selma in the last several years. Not all racial matters come to my attention. I've delegated most of my work. I don't wear a uniform. Most of our men wear a blue uniform.

I didn't go to the Wilby. I had a car parked about 200 feet from the theater. The general racial situation was "fairly tense." We'd had reports of out-of-towners. The Department had dispersed several groups around the Wilby on July 4. We dispersed all groups, white or colored.

On July 5, I was parked 500-600 feet south of the entrance to the Green Street Hall. I got there about 7:30 p.m. Lt. Pyron was with me. I had been in the vicinity of other mass meetings. My practice was to go in an unmarked car and park one-half block away. We tried to have a trouble car a block behind the meeting and another on the block on the other side. At Green Street, I didn't leave the car that evening. I couldn't see too well. I heard something hit metal. I heard someone say, "They've hit me with a brick." Some of the deputies moved. Tear gas hit me pretty bad and I had to ask the Lieutenant to drive me away. We went back south, then to Franklin Street, then to the corner of Jeff Davis and Green Street. I couldn't see anything except a bunch of cars from the corner of Jeff Davis and Green Streets. I could see twenty to twenty-five deputies. I stayed in the car for ten to fifteen minutes and when things calmed down I went back to headquarters.

After July 3, I learned of rocking of cars. Several were rocked at Broad and Small. There's a traffic light there. Several were rocked on Lapsley between First Avenue and the tracks. A Police Department car was rocked. Sgt. Goodwin was in it; I'm not sure whether Ellison was in the car. Both the Lapsley area and the Green Street area are Negro.

ROBERT D. CURTIS

(White)

I am a colonel in the Air Force. I've been deputy wing commander at Craig since October of 1963.

On July 27 or 28, 1964, there was a meeting of Judge Hare, Sheriff Clark, Mr. McLeod, Col. Ault (wing commander), Major Richardson (security officer), and Major Ely (in charge of plans), and myself. The meeting was called by the county officials; I think Sheriff Clark called it.

At the meeting the county officials, with Judge Hare taking the lead, stated that the July 23, 1964 meeting of Negro airmen at the Elks Club violated Judge Hare's injunction and that the airmen were subject to arrest. Judge Hare stated that Craig airmen "could" be subject to the injunction. The officials said the airmen's meeting dealt with the local racial situation. They said the Elks Club was no longer a private place, since the meeting was among non-members and probably non-guests.

I don't recall being informed the county had tried to get information from the airmen and that every airman interviewed refused to talk; that the only evidence against them was their taking the Fifth Amendment. My impression was that you [Judge Hare] had some idea of what went on at the meeting.

The officials said they had no interest concerning our domestic affairs. They left us free to investigate, but I don't recall any assurances of non-interference. You [speaking to Judge Hare] noted that our men were subject to a subpoena or arrest.

I recall something being discussed about the county staying out of the Nathan Bedford Forest Homes. The project are not on the base, but Colonel Ault has been given control over its occupancy. It's desegregated now and was at the time of the meeting.

IZETTA MAULL

(Negro)

I work for Mr. Kimbrough in an office in the building in which the Elks Club is located. I heard people come upstairs, looked through the window in the door and saw several uniformed deputies. Then I heard sounds as if someone were knocking out a door. I saw no one in the hall except uniformed deputies.

JAMES C. KIMBROUGH

(Negro)

I'm a letter carrier and real estate broker. On July 27, 1964, I finished carrying mail and went to my office at about 3:00 p.m. It is on the second floor of the building in which the Elks Club is located. On the second floor, there are three doors: at the head of the stairs is one leading upstairs to the large rooms of the Elks Club; one to the left leads to my office, and one to the right leads to the Elks' "Club 1170." The door to Club 1170 is usually closed, but that afternoon it was open. I looked to see why the door was open and saw some deputies standing inside. I asked if I could help. I am secretary of the Elks Club, and gave permission to use the phone. Then Sheriff Clark; the steward, Chestnut, and another officer came with him. I accompanied them upstairs. Chestnut got the ABC license for them and they left. The sheriff did not state the grounds for revocation; he did not say any law was violated. The reason given was "orders from higher authority." The license was returned about a week later. I don't know who gave it to us.

The lock to the Club 1170 door was jammed and the Elks Club had to replace it.

J. L. CHESTNUT, SR.

(Negro)

I'm fifty-five and live in Selma.

I am the bartender of the Elks Club; I've worked there three years. Only the Exalted Ruler and I have keys to the Club, and the doors to the Club and the 1170 Club are kept locked. A sign over the 1170 Club door says "Exclusive 1170"; a sign above the main entrance to the Elks Club says "Members Only." We sell liquor there.

One afternoon in July, I heard that the sheriff was looking for me. My son who is a lawyer and I ran into Sheriff Clark on the corner of Dallas and Broad, and I asked the sheriff if he wanted me; the sheriff said to come to the sheriff's office. My son and I went there and met with Sheriff Clark, Mr. McLeod, and several other officers. The Sheriff asked about the "meeting". I thought he meant Elks meetings, but he said he meant the meeting of airmen. I said there was one. I told him I didn't know what the meeting was about. The sheriff asked how they got to have the meeting. I said the airmen had asked me, and I asked Mr. Moss. He said it was all right as long as the meeting was private. McLeod asked if I didn't know that the white man at the meeting was not an airman; I said I didn't know - many airmen were in civilian clothes. They took a statement from me, but I never received a copy.

The meeting had been orderly; I couldn't see or hear it going on.

From the sheriff's office we went to the Elks Club. Sheriff Clark asked for the liquor license. I gave him the federal stamp first, but he said he wanted the state license. I asked if the Elks Club had to close. He said we could stay open, but couldn't serve liquor. Sheriff Clark never complained about the conduct of the Elks Club. He gave no reasons for the taking of the license except "orders of higher authority".

That evening some deputies came back and changed my statement; they said they had left out part the first time.

Taking away a beer and liquor license seriously interferes with the operation of an Elks Club, all right. Our club closed when the license was taken.

EDWIN L. MOSS

(Negro)

I've lived in Selma all my life, forty years. I am personnel director at the Father of St. Edmunds; I've worked there for nineteen years. I'm the Grand District Deputy of the Elks.

When I returned to Selma from a trip on July 30, 1964, I requested a meeting with Judge Hare to find out how our liquor license had been violated. He granted the meeting on August 3, 1964.

At the meeting I was asked whether I knew that a civil rights meeting violated the injunction; I said yes. I was asked if I had granted the request for a meeting; I said yes. I didn't know the purpose of the meeting; the club frequently allows private meetings. The Club is a private club. I stated I might have exceeded my authority in allowing the meeting. The officials at the meeting with Judge Hare had a copy of our constitution. It was suggested that the Club should expel the member who had refused to talk, but I said I couldn't allow expulsion in the absence of a violation of the Elks Constitution.

I was asked, at my meeting with Judge Hare and others if I knew that at Green Street the statement was made that Negroes should go out and rape white women. I was also asked about statements I had made. I can't remember which statements. There was no suggestion of impropriety. I never urged violence. I had been served with the injunction July 10.

The license was returned to me.

I attended several mass meetings, including one in the spring of 1963 when James Foreman spoke. I wouldn't say the speakers urged hitting the streets. Most of the speeches were on voter registration.

I am a member of the Dallas County Improvement Association, which is composed of ministers and most businessmen from the community. The association tried to work things out before the demonstrations. It hasn't operated much since we got into "this business."

GEORGE HUDSON

(Negro)

I'm married; I 've lived in Selma seventeen years and have worked a year and five months at the Cleveland Table Company, where I sand tables.

I met my brother, Peter, at Eddie's Cafe about mid-day on July 7. I was on vacation from work. We went from there to the sidewalk by Miller's Funeral Home, a common gathering place for Negroes in Selma. I don't know where the SNCC office is. I haven't heard of CORE. My brother told me there was going to be some picketing by the county courthouse, so we went up to watch. About a half block toward the courthouse we met a third man, Walter Reeves, who went to the courthouse with us. I didn't know him. We didn't talk much. There were no children with us. We walked west on Alabama Avenue and stopped on the corner across the street from the courthouse. I was "right under the Standard Oil sign" [see third picture on second page of pictures for July 7 in Pl. Ex. No. 14]. Two boys and two girls were picketing in front of the post office building. We stood there and watched. After the pickets were picked up, we turned back. We got to the corner of Broad and Alabama, where Sheriff Crocker arrested us. We stayed in jail a week; no one from the sheriff's office asked us what we had been doing. Crocker didn't tell us what we were arrested for; I know we were arrested for interfering with the court. I don't know Claude Nelson.

I had a switchblade knife with me that day, "but it wasn't no good," and the blade had been broken.

FLORENE GOODWIN

(Negro)

I'm thirty-two; I've always lived in Selma. I'm married, but separated; I have one child.

I attended the Green Street meeting. I heard a speaker say, If you go to a restaurant and they refuse you, just turn away. Most of the talk was about voter registration.

One day the next week I went to register; I first tried to get into the registration line through the alley way on Church Street between Alabama and Selma Avenues. There were two possemen at the head of that alley, however, so I went around the block to the alley on Lauderdale Avenue. There were two possemen there, also; one of them turned me away, saying I couldn't get through there. I never tried to get to the line from in front of the courthouse. There were quite a few possemen in front of the courthouse, and only a few on the sides. No one told me that I couldn't go to the front of the courthouse, and no one told me that I could.

GEORGIA HENLEY

(Negro)

I am a clerk-typist at the Father of St. Edmunds. I've worked there nine years, I'm twenty-five.

I arrived at the courthouse on Wednesday, during the week of July 5 at about 9:15 a.m. I got number 10 and stayed at the courthouse in the line in the back alley. I got in to apply to register about two. This was my 5th attempt to register.

LORETTA RILEY

(Negro)

I'm twenty-six; I live in Selma.

I was standing at the corner of Franklin and Alabama when I heard a car with a siren and followed it to see what had happened. I knew there was a tense situation in Selma; that was the reason I followed the car. I was standing by the flag post when the singing started; soon after that, the lawmen came, and I was arrested. No official asked why I had been arrested. I don't know Claude Nelson.

FREDERICK REESE

(Negro)

I was born in Selma. I teach at Hudson High and am a minister. I preach at Macedonia and Mt. Zion Churches.

I've been an officer of the Dallas County Voters League for about a year. I have attended and spoken at mass meetings. I have never encouraged violence against duly elected law officials of Dallas County and have never encouraged disregard for law and order. I have heard no other speaker at any mass meeting encourage violence against law officials or disregard for law and order.

I was arrested July 7 after giving a lift to three teenagers who had asked for a ride. I was going home, but was glad to help them. I assumed they were going to picket, as they held signs. I don't know whether one of the boys' names was Samuel Newell. I stayed in jail a part of four days.

I was served with the State Court injunction on July 10.

SILAS NORMAN

(Negro)

I'm from Augusta, Georgia. I went to high school there and to Payne University there. I studied natural science. I studied medical microbiology at Atlanta University for a year and attended the University of Wisconsin for a year. Since the latter part of August, I've been a staff member for SNCC. The outfit I'm wearing is similar to one many members of SNCC wear.

Before August 1964, I was not associated with SNCC. I came to Selma in June, to work with James Wiley, Karen House, and the others.

I was arrested by Sheriff Clark and other men from his department at the Thirsty Boy on July 4, 1964, and released on July 11. I was prodded in the left arm with a short cattle prod. The shock was quite "surprising". I was prodded on the way out of the Thirsty Boy, into a car, out of it, and into another car. Clark asked me if I had tried to kick him, and I said no.

The owner of the Thirsty Boy did not know my name. No one asked my name before I got to jail.

I attended some mass meetings, but never spoke at them.

LILLIE YOUNG

(Negro)

I'm thirty-two; my husband and I are separated. I have six children. I've been in Selma since 1962.

My daughter, Marjorie, age 15, was arrested on a Tuesday. I tried to see her once in jail, but was not allowed off the elevator. I didn't see a sign about visiting hours. I went with my daughter to see Judge Reynolds two or three days after she was arrested. There was a lady in the office with the judge. Judge Reynolds informed me, "You aren't to call yourself Mrs. Young. You aren't recognized as a Mrs. in this office." He asked Marjorie whether Amelia Boynton had put her up to the picketing. She said no, and he sent us out of the office for 10 minutes, admonishing Marjorie to tell the truth. After we returned to the office, Judge Reynolds told Marjorie, "If you don't tell me the truth, I'll send you back to jail for 60 days." He did send her back to jail, "until she could come up with the right answers"; she got out the following week. I did not know that my daughter was going to picket; she had no previous record. I've attended meetings at the churches. I haven't heard anyone advocate picketing. I don't know if SNCC sponsored the meetings.

RUTH PORTER

(Negro)

I'm thirty-six; I have six children. I work for a manufacturing company.

I went with my cousin, Geraldine Mitchell, to see Judge Reynolds on July 10. Her mother had had a stroke. Geraldine must have been about fourteen then. She had been in jail for picketing before, and Judge Reynolds asked her this time, "Remember what I said before if you picketed again?" Geraldine answered, "Yes, you'd send me to reform school." Reynolds said, "Well, that's just what I'm going to do." I asked Judge Reynolds how long Geraldine was going to be in reform school; he replied, "Until she learns how to obey the law."

I guess Geraldine said, "All these people are in jail, and I'm not."

DONALD DAVIS

(White)

I work for United Press International in Montgomery. I was in Atlanta before that. I've covered quite a few situations involving racial difficulties.

I came to Selma on July 5; my boss at the Montgomery office told me to get to Selma as soon as I could. He said there was a racial disturbance. SNCC calls us frequently; we check out their calls. When I arrived, about midnight, Selma was quiet. No one was at the sheriff's office. Later in the morning the next day, I observed some pickets. They were stood separately and still, for five to fifteen minutes before they were arrested. Singers and a group of Negroes were taken into custody. I observed deputies, possemen, some state conservation officers, and some state troopers. Deputies wore grey and green, while possemen dress in khakis. While the mass arrest was taking place, I attempted to make a phone call to my office from the booth opposite the old side entrance of the federal building. The door to my booth was shoved open, and a sheriff's deputy told me to leave. He asked if I had the sheriff's permission; I said I thought it was unnecessary. He ignored my press credentials, took the phone, hung it up, and pushed me outside. I saw a posseman club a Negro.

I was at a mass meeting at the Shiloh Church that night. There were 250 to 300 men in uniform outside the Church. They were dressed in khaki and had helmets and nightsticks. The possemen milled about the Church, shining their flashlights in the windows of the Church. I saw one school bus (which could carry thirty men) at the Shiloh Church and several cars both official and private. I observed a rock or some other object strike an unmarked car with officials in it. I was standing by the car when it was hit. I didn't see any blue uniforms.

On July 7, I observed picketing. When some deputies arrested a small boy who was picketing, one of them said, "He's so small we ought to throw him back." At the time of the arrests, there was an occasional passerby, but no crowd.

The day after I came to town the pickets stood on the steps of this [federal] building.

ERNEST DOYLE

(Negro)

I've lived in Selma twenty years. I'm first vice-president of the Dallas County Voters' League.

On April 4, 1964, I went to the courthouse to vouch for Negro applicants for voter registration. I knew about six Negroes in line that day and vouched for two. While I wasn't vouching, I would talk to people in line. I was not told not to talk to people in line. In fact, I saw a white man tell another white man in line to go to the front of the line if he wanted to get registered. The sheriff drove me from the area before I had a chance to vouch for the other four Negroes I knew; Annie Williams, Rev. M. J. Jackson, I believe, Marie King, I believe, and Sally Gully, I believe. I wasn't supposed to know about Willie King's sentence for murder. A voucher vouches for the applicant's name, his address, and how long the voucher has known him.

The Voters' League notified citizens of the mass meetings by passing out leaflets. The leaflets in exhibit 22 are the type of announcements we passed out.

At meetings prior to July 9, there were sheriff's men. There have been no meetings of the Dallas County Voters' League since July 9, 1964, on account of the injunction. Before July 10 the League printed a flyer for a July 13 meeting, but that meeting was never held. I don't remember whether the meeting advertised for July 8 was ever held.

THOMAS PYRON

(White)

I've been in the Selma police department twenty-three and a half years.

I was driving Chief Mullen in an unmarked car at the A.M.E. Hall July 5. We were parked about 100 or 200 yards south of the hall. I observed a lot of people, several Negroes and 20 to 25 possemen. After the meeting had broken up, I heard "something hit something." I heard a deputy say he'd been hit. The tear gas got bad, so I drove away from the area and went to the corner of Green Street and Jeff Davis.

No affidavits were executed before me, the week of July 5. I did not issue any of the warrants. None of the documents in plaintiff's exhibit 23 were executed before me. I am not familiar with how they were executed. No one requested permission from me before using the rubber stamp with my name on it. At the time of the mass arrests, it was common practice at the police department for others to use my rubber stamp. There are many warrants bearing my name that I never saw.

JOHN LOVE

(Negro)

I was born in New York City. I'm twenty-four. I've attended a technical school and have a year of college. I've worked for SNCC for a little over a year.

I came to Selma in late May or early June 1964. At first, I was to do a voter registration pamphlet. Since June I've been project director in Selma.

Most of our work has been in attempting to get people to go down to register. We've worked some on registration itself.

I spoke at the Green Street meeting. I was aware of the possemen outside and, at the end of the meeting, I asked the people to go home quietly.

I was arrested on July 6. The picket signs that were displayed said "Register to Vote". I was standing on the steps. The pickets were arrested, and someone started to sing. We all sang and the sheriff arrested us. I was told at the end of my jail term that I had been arrested for demonstrating while court was in session and for contributing.

The pickets were minors. They were not paid. The pickets were contacted in my office. I said it was important to have children support adults. I did not carry a sign because I did not think it was the right time. At the Green Street meeting I did not tell people to come to my office. I told them to get people down to register, and they came to the office on their own. I do not know who made the signs. Some non-minors were at the office.

On July 10 I was served an injunction. On the 12th a regular deputy picked up on Jeff Davis, just off Broad; it was early in the afternoon. "There wasn't any crowd". I was walking with a white volunteer, Eric Farnum. Mrs. Boynton's daughter-in-law and two nieces waved and asked if we would like a ride. The police took all five of us into custody.

I talked with Chief Deputy Crocker. Farnum and another officer were also present. Crocker gave me his interpretation of the injunction. He said it was "broadly worded." He said he thought I could be arrested if I were seen with two or more other persons. He said it could even be applied to gatherings in my home. He said, though, that he wasn't going to be "unreasonable," that as long as we behaved ourselves; it would be OK.

Then we were taken back to where we were picked up. The elapsed time was about thirty to forty-five minutes.

THOMAS BROWN

(Negro)

I have been with SNCC for two years and southern campus co-ordinator for 6 months. They pay me now and did in Selma. I live in Atlanta, Georgia. I'm twenty-two. I got to my senior year in college; I attended Bishop College in Dallas and Butler University in Indianapolis.

I was in Selma from September 1963 through January 1964 and again in July and August of 1964. I was project director in September 1963. I was arrested then, but not in 1964. In the summer of 1964, I came to Selma July 2. After John Love was arrested, I took over as project director. The type of projects we had include voter registration drives, literacy projects, citizenship schools; and direct action for voter registration. I worked particularly with youngsters. I never encouraged students or others to commit acts of violence against law officers or to disregard the law. I attended approximately twenty-three or twenty-four mass meetings. I have been to Americus, Georgia, to St. Augustine, Florida, to the States of Mississippi, Georgia, and Virginia. I was not in St. Augustine at the time of civil disturbances; I was there just before the disturbances arose.

A newspaper story attributing quotes to me concerning Selma was inaccurate. I was talking about Americus. I made no effort to correct the error.

CHARLES JOHNSON

(Negro)

I'm 17, a student at R. B. Hudson.

I was arrested at the Federal Building on July 6. That is the only time I have been arrested. I was in jail for 10 days. On July 16, in the county jail, I went to the fountain to drink some water and Sheriff Clark approached me. Sheriff Clark started kicking me and said, "What in the hell are you doing drinking from our fountain." Johnson backed off and said, "I didn't know I wasn't supposed to use it." Sheriff Clark kicked me first in my privates and then in my rectum.

JOHN HENRY SUTTLES

(Negro)

I was arrested by the jail. I was walking up and down the sidewalk on the Franklin Street side of the jail, carrying a sign. Joe Smitherman also had a sign with him there. I do not remember what was on the sign. I got the sign "to the SNCC's office;" [on cross] I went to get it because "I wanted my freedom." I don't know whether city court is held there. The city police arrested me. After I was arrested I was taken first to the city jail, then to the county jail. I was released on a Wednesday night, about a week after my arrest.

BENNY TUCKER

(Negro)

I'm twenty-four. I work in Chambers County as an agent for an industrial implements company. I've been connected with SNCC.

In July, 1964, SNCC sent me to Memphis, Tennessee, to pick up a Willys Jeep which had been given to the organization from California. When I picked up the car, it had California license plates on it. Dinkley Rumley of SNCC sent me a Georgia license plate which I put on the rear. I was told to get Alabama plates. I don't know whether the car has ever been in either California or Georgia. I knew it was not stolen, because I had the receipt. It was purchased in the name of SNCC. I think Peter Hall has the receipt.

I drove the car to Selma. On Franklin Street the car was being pushed and I was behind the wheel when Sheriff Clark told me to pull over and show my license. I do have an Alabama license. Sheriff Clark checked the tags and then told me I was under arrest for improper tags. The car had been in Alabama about three hours before I was arrested. Neither Sheriff Clark nor any of his men questioned me about the reason for having a 1964 Georgia plate on the back and a 1963 California plate in front. I was in jail for two weeks.

Last September, Sheriff Clark grabbed me when I was using the men's rest room. He took me to Judge Hare. The judge said, "You think you're in Chicago? This is Selma." "I know," I answered. Judge Hare then said I was under arrest.

MILDRED PARKER

(Negro)

I live in Selma. On Monday, July 6, I went down to the courthouse about 9 a.m. I went to the door on Lauderdale Street. A posseman asked, "What are you doing?" I said I was trying to register. He said that I would "have to go around to the back." I went to the alley on Lauderdale Street [see p. B-46]; next to the garage. A posseman there told me I had to go around to the Alabama side of the courthouse. I did, but did not get in to register that day. I did get in to apply to register on the following day.

JESSE LEWELLEN

(White)

I've lived in Selma forty-two years. I served in the Armed Forces in France and Germany.

I have been a member of the Dallas County Sheriff's Posse since it was organized. I had no previous law enforcement experience. I am not now a member of the Ku Klux Klan. I was a member of the Klan six or eight years ago. There is no active Klan chapter in Dallas County now and there has been none for several years. I don't know whether other posse members were in the Klan. The Sheriff did not ask me if I had ever been a member of the Klan. His deputies did not ask either. Jack Deramus, the head of the posse, asked me.

Deramus contacts me for posse work. "I don't have the least idea" where he works or what he does. I served during the July 4th weekend at the Wilby Theater and at the Green Street meeting. I also served one day at the court house when they were picketing. We wore uniforms and were equipped with side arms, sticks, and helmets.

We do rescue work at floods. In 1961 we worked around the clock to help both Negroes and whites.

We've had instruction on how to hold sticks, to stay in groups, and so on.

I arrived at Green Street about 9:00 or 9:15 in the bus. Some deputies were already there. We lined up across the street. There were about 35 or 40 possemen. We were wearing uniforms and had sidearms, sticks, and helmets. There were 250 Negroes in front of the hall. The meeting was still going on. There were lights on in the hall and one small light on outside the hall.

One Negro said over and over that he had a machine gun from Korea and that he was going to go home and get it and kill everybody.

When the meeting ended I saw the white photographer. He went behind the building. Then the light went out. I heard rocks, bricks or bottles hitting the automobiles. There were four or five at first, then there were quite a few of them. Chief Crocker told us to move in and break it up. We "just told them to go home." I went in toward the church and stayed around the church. I do not know how far from the church any of the other possemen went.

There was lots of noise. It was all over in just a few minutes. I did not hear a shot fired.

The white photographers came around the building and sat down. Someone told them to go home and they got up and left. I was about as far from them as from here to you (witness stand to counsel table). They did not appear to be hurt. I did not see them get injured and did not break their photographic equipment. I did not beat any Negroes and did not see any Negroes abused. I did not see any posse members get hurt.

JESSE SMITH

(White)

I am from Selma and I am a member of the Sheriff's Water Posse. I have received instruction from Sheriff Clark on how to get people out of the river when they drown. We were also instructed that when there was trouble to disperse it, regardless of where it comes from. At the flood we hauled out 2500 Negroes. I was called in July, but I was not at the Wilby and was not at Green Street. I was at the courthouse in the grand jury room on July 6. I attended a meeting at which Mr. McLeod spoke about integration, but I do not recall his saying "we must meet force with force. The day of passive resistance is past." I am not a member of the Ku Klux Klan or the States Rights Party.

CLIFTON PRESSLEY

(White)

I live in Selma; I've always lived in Dallas County. I'm a carman for the Southern Railway. I was in the navy six to eight months.

I have been a member of the Sheriff's posse from one and a half to two years. I am not a member of the Ku Klux Klan. The Sheriff has instructed us to "keep the peace on both sides," to remain "as calm as we can." He has told us how to protect ourselves in case there is a riot. I have never received any instruction in the use of tear gas. As part of my duties I have patrolled four or five meetings. We were on standby for each meeting. I was not at the Wilby or at the Shiloh Church, but I was at Green Street. I went to the A.M.E. Hall on the bus at about 9:00. There were 30 or 40 posse members there. I had a bad back so I stayed on the bus which was across the street from the hall. I stayed on the bus until the tear gas ran me out. I did not have a clear view. There were about 150 to 200 Negroes. The light outside the hall was on for a while. The Negroes "come out peaceful as you want 'em" and started dispersing. All of a sudden there came rocks and bricks. It sounded like thunder. The rocks were coming from the area around the alley next to the church. Then the tear gas was used. After it was all over I saw the two white photographers in a car. Someone had helped them into the car. I did not see the sheriff talk to them. I did not see any possemen abuse a Negro. On the way back in the bus nothing was said about the photographers being hurt that night. We did talk about who they might be.

JAMES HARRIS

(White)

I'm forty-two and live at Route four. I went to the eighth grade; I own a company.

I've been a member of the Sheriff's Water Posse ever since it was started. I have had no police training. I have never had to use weapons in connection with my posse work, but I have been shown how to use them by members of the posse. No one else showed me how to use them. I have had no training in the use of gas. The purpose of the water posse is to help out in drownings. During the flood we handled both races. We removed Negroes from flooded areas and provided them with food. I was a member of the Ku Klux Klan about ten years ago. I didn't like it so I quit after about a month. During July I was on duty at Green Street; I was not on duty at the courthouse, at the Wilby, or at the Shiloh Church. We wear a grey uniform and carry a badge, a gun, and a stick and wear a helmet.

I went to the Green Street Church in the bus with about 40 or 45 possemen. Mr. Crocker was in charge. I never did get right up next to the church. I was about one-half block away. I did not see the two white photographers. I heard about their presence there, but I did not hear of any injuries to them. I rode back in a car.

There were four or five bricks thrown in the street or thrown at us. After the lights went out a lot of rocks were thrown. I did not see any posse members hit or abuse Negroes. After it was over I saw Sheriff Clark. I did not hear a shot.

ALVERY WILLIAMS

(Negro)

I'm twenty-two; I'm from Gadsden, Alabama. I'm a sophomore at Alabama A&M. I was a SNCC worker for one and a half years. I worked in Selma in September of 1963. I was here in July 1964 as a SNCC employee, working on voter registration.

I went to the Wilby Theater between 5 and 5:30 on July 4. There were a lot of Negro kids in front of the theater. I went across Broad Street and saw some kids who wanted to go to the movie. Charles Robertson went on in.

Three whites were standing outside the theater. One of them had a knife and advanced toward the crowd. Sheriff Clark pulled up and got out and dispersed the crowd. Before that, I asked Sheriff Clark whether he saw that. He asked if I would swear out a warrant. I couldn't because I didn't know the whites. Deputy Stokes and Clark got out swinging their sticks. One swung at me, but I got away. Later that day, I was charged with disturbing the peace. Several days later, Clark charged me with inciting to riot. I was in jail about two weeks.

I did not ask people to go to the theater. The boy who came with me wanted to go to the movie. I went over to see the children because I wanted to talk with them. I said nothing about the picture to them. I had about four or five kids with me canvassing that day; most were minors. We went to the Freedom House. We parked at Jeff Davis and walked. One grownup was with me, Charles Robertson. I wanted to go to the movie, but never got in.

CARL GABEL

(White)

I have been with the Department of Justice for three years in the Civil Rights Division. I supervised the analysis of voter registration records in Dallas County and compiled statistics as to accepted and rejected applications by race. I have had this type of assignment several times. If a person applied to register more than once during the period covered by the statistics I compiled, each of his applications is reflected in the statistics.

JAMES CLARK

(White)

[Upon being asked whether p.11 of what is now Pl. Ex. No. 30A, then Head Ex. No. 1, contains a fair and accurate summary of a meeting in which Clark participated]: "I believe so."

JERRY HARRISON

(Negro)

I'm 19; I've always lived in Dallas County. I attend Selma University.

I was arrested in September of 1963 and put in jail for unlawful assembly. I had been standing at the old Post Office watching other students picket at the time of my arrest. [On Cross] I had gone downtown after "we made our minds up because of the treatment our people was getting." For example, a friend of mine was hit in the head at Carter Drug. I do not know why, of my own knowledge.

Some other students and I had talked about demonstrating among ourselves. We had decided to demonstrate, and then talk to some SNCC people and attend mass meetings to find out how to protest. When I was arrested I knew some of the SNCC people in the high school, but I did not know the officials.

After I was arrested and put in jail in September 1963, I was brought to the courthouse one night. Judge Hare was there, as well as another person I thought was Judge Reynolds. There [indicating] is Judge Hare, but I don't recognize Judge Reynolds. Sheriff Clark was at the meeting; Dr. Owens was also at the meeting. There -- were others I did not recognize. A judge asked the students if we wanted to go back to school. I signed a paper, and the judge explained that we were on a year's probation and if we were at any mass meetings, we would be given three months hard labor. I was let out of jail and allowed to go back to school; my probation was for a year, not for nine months. I do not know who stated that the probation would be for a year, but I was informed that the man was a judge. I did go back to school and have not been threatened since.

I talked to 2 white persons prior to testifying. I also talked to Alvery Williams in the hall prior to testifying, but did not discuss the case.

TABLE C

DEFENDANTS' WITNESSES

GEORGE STOVES

(White)

[I am assistant chief deputy to Sheriff Clark; see Stoves prior testimony, p. B-30]

I attended a National States Rights Party rally on June 20, 1964, with R. W. Head, Chief deputy Crocker, and deputy Nichols. The speaker was Bob Smith of Mobile. About thirty to forty or more were present. Smith said there would be more Negro meetings, and asked the men to use their guns --- "blazing and shooting." Smith advocated violence. Only whites were at the meeting.

Selma was "very tense" from June to July 9, 1964; feeling ran high among Negroes and white people. Relations between the races had deteriorated since last fall.

I attended mass meetings in the spring of 1964 with state investigator Rufus Head, with whom I work closely. I prepared the report on the June 1, 1964 meeting and probably prepared the report on the June 8 meeting. At a meeting at the First Baptist Church Negro ministers asked me not to come in. "We did not go in." I also attended a meeting in Marengo County on June 21, 1964.

At one meeting Rev. Anderson gave a speech about a Negro woman on a city bus who was asked to go to the rear. Anderson said he was ready to go to hell to keep from letting Negro women be pushed around. At the July 6, 1964 meeting Rev. Abernathy said they would "bury segregation." There was no violence at the meeting, but on the way home I heard a radio report of some rock throwing.

I don't recall whether I attended any meeting between June 21, 1964, and July 5, 1964.

Rufus Head and I attended the Green Street meeting. Willie C. Robertson said that since the Civil Rights Act had passed we can do anything we want to now; we don't have to go out and rape white women. Then there was a lot of jumping up and down, and a stove pipe fell. "They were singing their violent songs when I left the meeting."

Head and I were parked a little south of the hall on the same side of the street as the hall. I heard a rock hit the car, got out and picked it up from near the front of the car for evidence, and then got back in the car. Head was still in the car and the radio was still working. A short time later several more rocks came. I got out and picked up a rock right beside the car. Then I heard a shot and there was a barrage of rocks. The lights went out and then Crocker, who was in charge, ordered the crowd dispersed.

Crocker did not have a megaphone and gave no instructions to the crowd. The tear gas was heavy, but I helped disperse the crowd.

I saw the two photographers twice; once when I came out of the hall and later, one was lying and one sitting on the ground.

There were about forty men from the sheriff's department there. I believe the sheriff's office had five cars at that time (all radio-equipped), of which four were at the hall that night. There was also a school-type bus (not radio-equipped). The bus was parked south of and across the street from the hall.

Defendants Exhibit No. 5 consists of pictures of the area around the Green Street hall taken on the morning of July 6, 1964. One shows the alley where most of the rocks came from. 5E shows house to the north of the hall where more rocks came from. I was present when the pictures [in Def. Ex. No. 6] were taken. Def. Ex. Nos 7 and 8 are rocks; Head picked one up in my presence, and I picked one up. Def. Ex's. 6B and 6A are pictures of Def. Ex's. 7 and 8, respectively. 6C is a county car; I was not in it. 6D is another county car; I didn't see it get hit. 6E is the chief deputy's car. 6F is Head's car. 6G is the bus. Def. Ex. No. 9 is the Corson's car.

The sheriff's department keeps a radio log in which all radio calls except car-to-car calls are entered. All sheriff's department cars have radios and Head's car has a radio on the same frequency. The state's and sheriff's frequencies are the same. The city frequency is different.

Head's call number is 572. The chief deputy's call number is D-2. His car is in the pictures, 6C and 6E. 6D is a picture of car D-4, whose call is D-4.

When there is an incident, "We just call in and report." Sometimes we make written reports instead. I don't know if we made reports about Green Street; we're supposed to.

RUFUS HEAD

(White)

I've lived in Selma since March 1964. The Department of Public Safety of the State of Alabama employs me as a criminal investigator. Major W. R. Jones is my immediate superior. I cover Dallas, Perry, Wilcox, Sumter, and Marengo Counties.

On June 20, 1964, as a part of my duties, I attended a meeting of the National States Rights Party in a pasture off Highway 80. Attendance was about twenty-five. A Bob Smith of Mobile spoke of violence and wanted white people to get together and when Negroes start marching, walk all over them. Smith wanted to form an army like they had in Mississippi and spoke of a million Jews and Negroes floating down the Mississippi River. Smith referred to the Bible as proving white men would win. Smith wanted a committee of ten, each to call three, and asked for an army of 1500. He said demonstrations were coming and they should get guns and keep "both barrels blazing". Edward Fields was introduced as field director.

At the June 1, 1964 meeting of Negroes at the Mt. Ararat Baptist Church about 250 Negroes were present. L. L. Anderson, "Be prepared. I'm ready to go to hell rather than have our women pushed around." There was a lot of singing and clapping.

I attended the mass meeting on July 6, 1964 at which Rev. Abernathy spoke and said he was there to help "bury segregation." The church was full. I understand two or three rocks were thrown after I left.

I attended Negro meetings when requested by the Department of Public Safety. I have a sheriff's deputy with me at all times. I report on all meetings; Deputy Stoves has helped me prepare my reports. We take no notes. Possemen have been outside some of the meetings. The purpose of the posse is the "protection of the people."

I was in Birmingham in the summer of 1963 and can compare that situation with Selma from July 1-6, 1964. In Selma "it was an explosive situation." There were many outsiders in Selma. Selma faced a chance of almost a complete breakdown of law and order. I don't remember whether I was here after July 6; my judgment is based on what I saw through July 6.

I was present when the complaint for the injunction was filed, and I provided information for the complaint. I took affidavits from John Warren, Ruby Allen, George M. Corson, James V. Jones, George King, and Pete Wolfe. Deputy Stoves assisted me. He took the other affidavits in the exhibit [Def. Ex. No. 12]. I don't remember when I took Warren's affidavit. I don't remember if it was right after the Thirsty Boy.

On July 4, 1964, I was in the sheriff's office when he got the call about the Thirsty Boy. Clark and I immediately went to the Thirsty Boy. Deputies Hewston and Bates were there. I saw Clark and Hewston talk to the owner, but couldn't hear the conversation since I stayed outside. Someone had warrants. Clark came out with the four Negroes. I did not see anyone abuse the Negroes in any way from the time they came out of the Thirsty Boy until they were put in the car. I then returned to the courthouse; I did not go with the others to the jail.

After I returned to the courthouse from the Thirsty Boy, I drove around for a couple of hours. Then Sheriff Clark and I were "just patrolling around" and observed forty to fifty Negroes, and five or six white boys around the Wilby Theater. We arrived first, before any possemen. There were white people sitting on their parked cars. There were twenty to thirty white people on the Carter Drug corner and fifteen or twenty people, both Negro and white, at the Woolworth corner. I did not know, when we got to the Wilby, that there were Negroes inside. Alvery Williams stopped us in the street. We were headed east, toward the Silver Moon Cafe. Williams said that white people were creating a disturbance and he wanted them arrested. Clark asked Williams to sign a warrant, but Williams said no. Williams then turned and said something to the crowd, which began whooping and hollering. Clark and I told everyone, "the white and the colored," to leave. We dispersed the crowd; we removed white people in front of Wilby. We dispersed crowds "all over town." I didn't see anyone hit. Clark and I left together.

I was aware the Civil Rights Act applied to the Wilby. I assumed there had been segregated seating there before.

Deputy Stoves and I went inside the building to attend the Green Street meeting. We arrived before any other members of the sheriff's department. At first there were fifty to seventy-five Negroes there. Later the crowd grew to 250-300. At the meeting there was jumping up and down, noise, freedom songs; a stove pipe fell down. Willie C. Robinson, a speaker at the meeting, said, they accuse us of raping white women, but "you don't have to rape a white woman." I don't recall any recess in the meeting. Stoves and I left during the singing. The meeting broke up around 9:30.

Crocker told us all had been quiet, except that a few rocks had been thrown. I started my car when a barrage of rocks came and several rocks hit my car. [Defendants Ex. No. 6F] shows the damage to my car. Crocker ordered tear gas fired. I went to my car trunk and got out my gas mask. I called the highway patrol station to contact Col. Lingo and Sheriff Clark. I didn't know where Colonel Lingo was.

I called station 27 because it's the only State Trooper outfit in the area. Stoves and I got out of the car after the barrage and, with Crocker, recovered two rocks. [Def. Ex. No. 6B] is a picture of the rock that hit my automobile [Def. Ex. No. 7]. Defendants Ex. No. 6A is a picture of Def. Ex. No. 8, a rock that hit Crocker's car.

I had seen two white men inside the hall, a blond man and a tall, slender boy. They took pictures. After the tear gas was fired I saw one of them lying on the ground and one squatting. I took off my gas mask, identified myself as a state investigator and asked the blond man what happened. "I don't know; as I came out of the church, a Negro grabbed me." The other said he had lost his glasses. Crocker offered to get them medical attention, but they said they didn't need it. Some possemen were standing around the two men. I did not see possemen throw the camera against a wall. I didn't see anyone abuse the two men.

After the meeting I made a handwritten affidavit [Pl. Ex. No. 35]. I made it at the courthouse. I don't remember when. If it's dated July 5, that must be right. I think Mr. Pitts may have been there. I don't recall making or swearing to this typewritten affidavit [Pl. Ex. No. 36]. The two affidavits are the same.

I make written reports on all my investigations. I made one on the Green Street meeting. I thought I brought it in, but it is not here. I'll check for it this evening.

LEONARD CROCKER

(White)

[I am Sheriff Clark's chief deputy; see summary of his prior testimony, p. B-29].

I attended a meeting of the National States Rights Party with Rufus Head, Stoves, and Nichols. Bob Smith from Mobile spoke. He encouraged whites to meet Negroes in the streets, to meet them not with the butts of their rifles first, but with the barrels first and with "both barrels blazing." He said there were 60,000 men ready to do this in Mississippi.

There were about ten lawmen present when I arrived at the A.M.E. hall. Head and Stoves were there, but were inside the meeting. There was a brief recess about ten or fifteen minutes after I arrived. The meeting broke up at 9:30 or 9:45. The Negroes were milling around, chanting. I was standing by my car, which was directly opposite the church. The deputies and possemen were lined up on that side. Head's car was on the side of the street where the meeting hall was. Two white men came out. I had seen them earlier, either that day or the day before. At that time I had asked for information, which they provided. My reason for seeking information had been the Philadelphia, Mississippi incident and the fact that feelings were running high in Selma. My only thought had been that if anything happened to the men, the sheriff's office could care for them better if it had the information. It is my handwriting that appears on plaintiff's exhibit 11 and 12. There is nothing out of the ordinary for those men to talk with me. I probably couldn't even recognize them now. When the first people came out of the meeting hall, they went straight to an alley just south of the Green Street hall and across the street. Almost immediately, bricks and other missiles began flying. It was a minute or more later that I gave the order to disperse the crowd. Meanwhile, I had heard what sounded like a muffled shot and then barrage of objects. I noticed the photographer trying to focus his camera. Most of the Negroes ran toward the two white newsmen. Later I saw two bodies on the ground. I said nothing at that time to them, but asked an officer near them whether they needed medical help. I gave orders that if the men did need help to let me know. I never saw any posseman or deputy abuse the newsmen. I never saw any posseman strike a Negro. I saw McLeod at the scene, but do not remember any conversation between McLeod and the newsmen. After things had quieted down somewhat, six to eight men in groups patrolled the immediate area, to be sure crowds had broken up. This type of patrolling went on from forty-five minutes to an hour. During this time, we picked up stones [Def. Ex. Nos. 7 and 8].

Green Street is an ordinary unpaved dirt street, with no rocks in the street. We made no reconnaissance before the meeting. I went back to the courthouse at about 11:30. Head was there at that time. I do not remember how long I stayed. I gave two affidavits [Def. Ex. Nos. 12 and 13].

DOROTHY MOORE

(White)

I work for the Selma Block Concrete Co.; I also work part-time as a cashier at the Wilby Theater.

I replaced Dorothy Oliver at the cashier window at 5:30 p.m. on July 4. There were a "lot of colored people" outside the theater and a "lot of excitement." The lady next door to the theater was trying to get the colored people out of her yard. I didn't notice any whites. There were spectators across the street near the newsstand; I don't know about Carter corner or the Woolworth corner.

Mrs. Oliver said, "Mrs. Moore, I surely am glad to see you." She had a lot of strain selling tickets to Negroes on the white side. I sold some tickets to Negroes. Two Negroes bought tickets, but did not go into the theater. They had been brought up to the window by another colored person and they stayed outside with him. Later they got their money back. The Negro who had brought the two persons brought a lot of people up to the theater. Two whites left when they heard Negroes were inside. One white man came up and told the two Negroes who had bought tickets that they were not going in. The boy who had been bringing kids up to the theater had a heated discussion with the white man, then the two Negroes came back. Mr. Butler came up and said, "Duck." He said he saw a colored boy swinging a bottle. I faced the newsstand and couldn't see to the left without turning. I only noticed a crowd. I noticed Sheriff Clark drive up; I don't remember seeing any Negro talk to Clark Prior to this time, I had urged Butler to call the police. Butler said he was fixing to do that. I was afraid there was going to be a fight. I believe that Clark tried to disperse the crowd, after which he went into Butler's office. After the Negroes came out, I think, which was after the crowd was dispersed, Mr. Butler and Sheriff Clark talked. Mr. Butler told me Sheriff Clark had advised him to close. He said to finish the film that was on, then to quit.

DOROTHY OLIVER

(White)

I'm nineteen; I work as a cashier at the Wilby Theater.

I worked from 1:15 to 5:30 p.m. at the Wilby Theater on July 4, 1964. Mrs. Moore relieved me. I opened the box office at 1:45 or 1:50. There was a big crowd of white and colored outside, more colored than white. I did not sell any tickets to Negroes in the white section until the Negro balcony was filled. The Negroes were children and teen-agers up to the age of twenty-seven. I did not see any older Negroes bring others up to the ticket window. After the Negro balcony was filled, I started selling tickets on the white side. The first tickets were sold about 4 p.m. I saw about fifteen or twenty Negroes on the grass at Mrs. Adams' house next to the theater. I didn't see any whites try to obstruct Negroes attempting to enter the theater.

I saw several police cars go by the theater "from time to time." They were city police cars. I did not notice any sheriff's cars or possemen.

I talked once to the FBI, a couple of days later.

ROGER BUTLER

(White)

I'm the manager of the Wilby Theater.

The theater opened at about 1:45 on July 4, 1964. I arrived about 10 a.m. No one was waiting to get in at that time. At opening time, sizable lines had been formed at the colored and white ticket windows. The lines were orderly. The second balcony filled about an hour after the opening of the theater. After that, most of the persons waiting were Negro youngsters. No Negroes tried to buy any tickets for the white section at that time, they did not start until about 5:30. At about 5:30 [4:30?] I asked if any Negroes wanted to test now. They said, "Yes." I suggested that they come back when the situation was less explosive, but the Negroes wanted to go ahead. I said OK, and sold tickets to about seventeen Negroes.

The crowd was milling around. There were a few whites across the street and a lot of whites on Carter corner. There were a few in front of the theater. There were some roughly-dressed, rough-looking characters.

At 3 o'clock, or 3:30 p.m., across the street in front of the finance company, a small teen-age Negro and a large white man swung at each other. A large colored man went over from the Wilby. It looked as if trouble was brewing, so I called the police. A car came within a few minutes. Meanwhile, the situation ironed itself out.

A few minutes later, three white men standing against the fence next door, called a police car. The men said there was a man with a knife.

The situation eased up. The box office continued to sell tickets, but that did not reduce the size of the crowd very much. There were sheriff's cars nearby. I did not see Clark until 5:30 or so.

At 5:30, there was a new run on the office; about seventeen to twenty Negroes bought tickets for the white section. I was calling the police from the cashier's box, when two persons asked for their money back. Out of the window, I saw a Negro man with a bottle in his hand and his arm drawn back. I told the cashier to get down. I was calling the police because it had looked like to me there was going to be a big brawl. This was about fifteen minutes after the Negroes had come to the Theater. Then I saw Sheriff Clark. He had been there before, but had left.

A crowd of whites rushed up to the theater, and someone hollered that there were niggers in the theater. I asked for a chance to work it out. I told the situation to the Negroes in the theater, they were anxious to leave. Some men hollered, "Get out of here. You don't belong." I saw no one get hit. The Negroes went out the front while I went out the back. I did not see the posse abuse Negroes. Trouble did not broil up whenever the possemen left. There was no trouble after the Negroes left the theater. The box office closed down.

I called my theater chain. John Doar told me I shouldn't have exaggerated when I called.

I get most of my movies from Atlanta.

I do not know how many times I phoned the police on July 4. I did not call the police before 6 p.m. for any incidents at the Wilby Theater. I called once about some hoods at the Walton Theater, about ten a.m. Both police and sheriff's cars patrolled regularly on July 4. When the theater opened, a sheriff's car was at the theater, but it left. There were no lawmen in the area when the rough-looking whites were there. No lawmen attempted to make it possible for the Negroes to enter the white section of the theater.

Seating at the Wilby Theater, as well as at the Walton, was segregated until July 4, 1964. Now Negroes sit wherever they please in the theater. There has been only one small incident since then. There was an unruly crowd in the second balcony. Whites were interfering with the Negroes. I called the police on that occasion.

JOHN CLOUD

(White)

I work for the Alabama Department of Public Safety. I am the major in charge of the patrol, or enforcement division. I supervise the supervisors for eleven districts. My immediate supervisor is Colonel Lingo. I place troops on orders from Colonel Lingo.

During the last part of June or first part of July, 1964, I sent extra troopers to Selma. This was done on the basis of reports from the district supervisors and on the basis of Col. Lingo's personal observation. We never sent more than twenty troopers. Some troopers were placed on standby, also. Two hundred troopers were on alert once. Reports from state investigators indicated the situation was tense.

I came to Selma July 4 or 5. I saw a goodly number of white groups gathered around, especially by the theaters. I saw some cars from outside the county. There was a large number of NSRP and similar elements from Shelton and Autauga Counties. I saw several tags from those counties.

I observed the situation in Birmingham for two or three weeks prior to the riots. The conditions in Selma were following a pattern similar to that which preceded the Birmingham riot. The scale was smaller, but the pattern was similar. I did not think that Sheriff Clark could handle the situation which I thought might arise.

I have had a large amount of experience with "first times" for integration. It is a good idea to take special precautions. I was in Selma only until dark on July 5. Col. Lingo stayed. The Department of Safety had men on standby at a hotel after the incident at the A.M.E. hall. They patrolled the city. There were no state patrol personnel at the Green Street Church as far as I know. State troopers patrolled the city streets in Selma on the night of July 5.

Our main radio station is on the highway. The Sheriff's office has a base station. I'm not sure about the city.

WALLACE HILL

(White)

I am a barber at a shop across the street from the Wilby Theater. The shop has a big window; it's like sitting outside. July 4 was a holiday but I went down to the shop anyway. Around 11 o'clock I got a paper and began to read it.

Around 12:30 I saw a lot of colored people gathering. The crowd kept yelling and yelling. It was lined up toward Washington Street. About fifteen or twenty-five Negroes gathered by Woolworth's; so did a few whites. There was another crowd by Kress's and some other crowds.

I was sitting inside the shop when the box office opened. Nothing different happened from what had happened over the past forty years. Negroes went into the second balcony.

I saw two or three Negroes going back and forth between the groups of Negroes. There were no whites except ticket buyers until later. Then four or five whites.

As soon as the upstairs got full the Negro adults bought tickets and went in on the previously white side -- about twenty or twenty-five. About twenty-five or thirty minutes later a group of Negroes came out. I saw a leader of the colored group say to Sheriff Clark, "Move that crowd of whites." I didn't hear Clark's reply. Then, the Negro said, "Let's go get 'em, boys." Then officers came "from most everywhere." They started swinging their clubs.

I did not see anyone keep Negroes out of the theater. I did not see any rough crowd of whites go into the theater. I saw police cars go back and forth. A county car parked right in front of the barber shop when the crowd got big. A "dozen or two dozen" officers were there. I didn't see any possemen.

KATIE MAE ADAMS

(White)

I work at Tim's Cafe.

I live next door to the Wilby Theater; there is a driveway between the theater and my house. I was home on July 4, 1964. I was asleep and was awakened by a lot of noise. I saw about ten colored people in the driveway. I saw white people in front of the theater. There were white people in front of the newsstand also, and on the sidewalk. I did not notice colored or white people on the corners. I went outside and asked the group to leave my driveway. I closed the gate and locked it. Some of the group went toward the theater and some stood in front of my house. I went on my porch. My yard is fenced in all around. I didn't notice any particular Negro going back and forth. I heard some obscene language. I saw Sheriff Clark arrive and park across the street. I did not see any Negro walk out to Sheriff Clark. I saw Sheriff Clark get out of his car. He walked across the street and tried to get them to move on, both white and colored. He did disperse both white and Negroes. If Sheriff Clark had not arrived, "I'm afraid there would have been a riot."

CECIL GOODWIN

(White)

I'm a sergeant with the Selma Police Department.-- I am with traffic control and am in charge of the motorcycles in the downtown-area. Between July 2 and July 6, I noticed a lot of out-of-town vehicles in Selma. I saw vehicles from county numbers 14, 16, 48, 58, and 1, as well as a good many out-of-state cars. County #14 is Chilton, County #1 is Jefferson, County #58 is Shelby, County #2 is Mobile; there were some Mobile cars. I don't remember when I first went to the Wilby Theater, but I went in response to a call. I saw several "rough-looking white men hanging around," several Negroes also. There were several whites in front of Carter's and Woolworth's and several on cars. They were sitting on the fenders of the parked cars. There were several Negroes by the Silver Moon Cafe. I dispersed the three rough-looking whites, but did not disperse the Negroes. Then I left; before I left, I saw Negroes to-into the theatre. I came back about thirty to thirty-five minutes later.

Mr. Butler stopped me and told me there was an incident across the street. He said he thought a white person had tried to jump a colored boy. I went back to patrolling. I heard on the radio that there appeared to be a fight in the making. I went as fast as I could. I saw Sheriff Clark and another man walk across the street. There was a gang of whites and a gang of colored. They were jeering at each other and facing each other. Another policeman and I moved the whites first, then we went back and "assisted the sheriff move the colored people." Investigator Head was with Clark.

I saw no Negroes abused. I saw James Clark strike no Negro.

I was in Car 100 on July 4. At 6:01 six officers went with me to the Wilby Theater on complaint of Roger Butler. The officers were Foster, Jones, Burroughs, Steinwinder, Kilgore, and Brunson. I do not recall making any arrests.

That night, I heard a call about an incident at Clay's Casino. Someone had thrown an object through the windshield of the Carson's car. When I arrived, the Negroes were doing nothing but milling around. That is a colored area, but there is a white area just north. To get home from downtown, a white would have to go through the colored section.

On July 5, I was patrolling near the A.M.E. Hall on Lawrence, Sylvan, Jeff Davis, and Green Streets. I was in Car 11. Officer Ellison was with me. We traveled north

on Lawrence Street. As we passed the end of one of the apartment buildings, there was a loud racket, as if something hit the car or as if the car had snapped a stick. We stopped and got out of the car. Behind the car, in its track, was a small coke bottle. I picked it up. Then we went up the street, turned around and drove back, going south on Lawrence. As we got to the same place, another Coca Cola bottle hit the car. We stopped and got out. We saw two young Negro men. I yelled, "Stop." We each chased one of the Negroes. I finally fired a shot. I don't know the exact time.

The preceding incident occurred just a little south of the A.M.E. Hall and a block away. We left the area then and went back to headquarters. The first bottle thrown was a king size bottle, the second bottle was a regular size bottle.

We went into the apartments looking for one of the boys. George Washington Carver Homes is a Negro housing project. We made an affidavit on July 7, 1964 and gave it to Deputy George Stoyes. I also signed a copy.

BERNARD BOLTZ

(White)

I'm forty-nine; I live in Selma. I was around the Wilby Theater and saw Mr. Butler on July 4 around 4 p.m. I saw a group of Negroes, about twenty-five or twenty-seven. They came to the ticket window on the white side and wanted tickets. Butler said let them in. He sold them the tickets.

Then I went to the Silver Moon Cafe on the corner of Selma and Franklin. There I saw Johnny Jones and talked with him for about fifteen to twenty minutes. I saw a group of Negroes gather at the house next door. We saw some white people across the street. I saw some white people on the theater side of the street. I saw a group of Negroes in Mrs. Adams' yard. I saw Jim Clark come up and disperse the crowd. Everyone left. I heard one Negro curse, "Get those white SOB's out of here." The sheriff dispersed everyone, both white and colored. I soon left the area. While I was at the corner a Negro picked up a rock. I told him to put it down, and he did.

JOHN JONES

(White)

I live in Selma; I'm fifty-three. I work at the Cloverleaf Daires.

I was with my wife and two granddaughters going north on Broad Street. By the Wilby Theater, I saw a bunch of "nigger teen-agers," half way out in the street. There were whites on Carter's corner. An "agitator" in a red shirt, a "nigger," said, "Let's get the white son-of-a-bitches." I saw a sheriff's car with the sheriff and four deputies. "He dispersed both the niggers and the whites." I saw some rocks, three or four knives, and a bicycle chain in the hands of the "niggers." I'd say, in my opinion, in not more than five minutes there might have been a riot.

I stayed there forty-five minutes. I saw no policemen there at all. I'm sure of that. I saw some "niggers" come out of the theater. I saw no arrests made. I didn't see Charlie Jones, the policeman.

Yes, I signed an affidavit.

CHARLIE JONES

(White)

I've been with the Selma Police two years and two months.

From July 2 to July 8, I worked fourteen to sixteen hour shifts on Record control.

I live next door to the theater. I noticed an unusual amount of cars from Shelton, Mobile, Shelby, and Chilton Counties. There were also out-of-state cars. I was just arriving home when the trouble broke out. I drove up when the trouble started. I saw a Negro talking to Clark. He turned away and said, "Let's go get 'em." I helped the sheriff, Goodwin, and others. We dispersed both the whites and the Negroes. I did not observe any distinction in treatment of the whites and Negroes. I did not see any white crowd. I did not see the Negroes come out. I did not see Sheriff Clark return.

JAMES OWENS

(Negro)

I have a B.S. degree, an M.S., and am a doctor of literature. I've attended school at the University of Michigan, the University of Chicago, and at Louisiana State University.

I've been President of Selma University for eight and one half years. Benny Tucker was "never expelled" from Selma University. Instead, Tucker was dropped in July of 1963 for poor scholastic standing.

I am not aware of any degree in Theology that Tucker ever obtained.

Selma University has approximately 220 students. In the fall of 1963, twenty-three of them, all Negroes, were arrested. I had no personal knowledge of why the students were arrested, but they had told me it was for demonstrating. Because of a rule at Selma University that a student who misses more than twenty percent of the sessions in a course is dropped from that course, parents of the arrested students urged me to arrange for their return to school. Thereupon, I contacted Judge Hare. I do not know whether the cases were in Judge Mallory's court. Judge Hare gave his full cooperation. I asked the students whether they would rather demonstrate or go to school. A. C. Williams and Emmett Anderson said they preferred to continue their demonstrations. Judge Hare arranged for the release of all the students but those two. He gave the students an "ordinary lecture", proscribing "all demonstrations". The students had been in jail about a week. On June 16, 1964, Hare contacted me about the students. I recommended the charges be dropped and I never heard another word about it.

JAMES FOSTER

(White)

I am a traffic officer with the Selma Police. On July 4, I was on duty from 8 a.m. to 9 or 10 p.m. My duty was routine patrol, watching four groups that might cause trouble. I patrolled the entire downtown area. I was on a motorcycle that day, with call numbers 77 and 99. I noticed a crowd gathering at the Wilby theatre and went over there. I was not dispatched, but just saw a possible problem and went over to the theatre. A car had come. Sgt. Goodwin and Officer Jones were there. Sheriff Clark had come at about the same time. He had just got out of his car when "we" rode up. I saw no possemen at the theatre until the trouble arose. After the police dispersed a crowd of twelve to fifteen whites, we went down to help Sheriff Clark disperse the Negroes. I recognized Alvery Williams, whom I saw talking to Sheriff Clark. I recognized no other Negroes or whites, although I have lived in Selma fifteen years. There were several out-of-county license plates in town that day. Small groups had gathered in different parts of town. I stayed in the area of the Wilby Theatre for about twenty minutes after the crowd had been dispersed. I did not see whites go into the theatre or Negroes come out. I did not know there were Negroes in the theatre, although I had seen one at the box office previously used only by whites. I knew the civil rights act had passed and that it applied to the Wilby. I knew the Wilby had been segregated before.

A patrol car received a call concerning a bottle thrown through the windshield and resulting injuries. I went to the area of Clay's Casino and the Roxy Theatre; that is predominately Negro section of town. The police dispersed the crowd of Negroes and a crowd of whites. After they had cleared the crowds, the police directed traffic. I don't remember whether I saw any possemen at Clay's Casino. Later, the police investigated the rock-throwing incident.

Patrolling on a motorcycle, I was in the vicinity of the G.W.C. homes the evening of July 5. My call number was 77 or 99. My location was approximately a block behind the A.M.E. Hall. A call came over the radio from the desk, stating that Sgt. Goodwin's car had been hit. I was ordered out of the area, because I lacked protection on my motorcycle. I went to the corner of Selma and Green, parked my motorcycle, and directed traffic. Traffic was heavy in the area, so I kept cars from going north on Green Street. I was not in the area of the Hall itself.

I was in car 11 after 6 p.m. on July 6, patrolling with Lt. Knight. We went to the Mt. Ararat Baptist Church, which is on Mechanic Street by Medley Avenue. Our purpose was "to patrol the area and keep the peace." I do not know who the speaker is. After the meeting was adjourned, patrol cars were standing by. Most of the crowd had left. I observed that two rocks were thrown. One came across a house near the policemen. Another was down the road. We stayed in the area until the crowds had left.

ARTHUR ATCHISON

(White)

I work at the Hendrick Tractor Company. I have been a member of the mounted posse for four or five years. Sheriff Clark said the purpose of the mounted posse was to assist the sheriff's department in maintaining law and order, to protect whites and Negroes. My duties have included rescue work and emergencies, such as the flood of 1961. There are thirty-five members in the mounted posse. McLeod was once at a meeting. He did not state, "We must meet force with force." No members of the posse are Negroes. I went to Montgomery once on standby.

On July 4, I was in a county car. There could have been three or four other possemen around. I was in a car with Deputy Bates. We got a radio call to come to the Wilby. I was in Car D4, D5, or D6.

I arrived at the A.M.E. Hall at about 7 o'clock. I arrived in a county car with deputies Wright and Blair. The meeting had not started when I arrived. Three hundred to 350 Negroes were on hand. There were about a hundred deputies present, more or less. I heard clapping and singing, including "We Will Overcome." The Negroes stayed in about two hours. They started out, someone said "Everybody back in the church." There was a huge crowd outside in addition to those inside. One Negro outside was talking loud, and he said he was in the Army and had a gun and he would get it and be equal to those across the street. He came out about a half hour later. He was almost across the street. They were clapping and singing and hollering. They began to stand around, talking. I saw two white men come out.

Rocks were thrown from across the street. They were thrown at two intervals. I heard a shot about the time of the first group of rocks, then a barrage. A white man stepped toward the Jeff Davis side of the church. We got orders to step in and break it up, after the second barrage of rocks. The Negroes ran all over, I lost track of the white men.

We came across them again. One was lying on the ground, and the other was sitting around. Only the deputies were near them when I arrived.

I did not strike or kick the photographers and I did not see any other sheriff's people do so. They walked off, and I did not see them again. There was blood on them. I said nothing to them. No one offered them medical assistance.

I did not strike or abuse any Negroes. I did not see others do so. We patrolled the area. We did not go to any Negro houses. I cruised the area in a county car.

On July 6, I parked on the Medley Street in front of the church door, with Deputies Wright and Blair. There were a couple of bricks thrown that night. One hit the bumper and one hit the fender of the county car near which I was standing by. I have attended other meetings and these procedures are not unusual. I have run whites off from the Tabernacle and from the church on Jeff Davis while meetings were in session.

JOHN WARREN

(White)

I operate the Thirsty Boy drive-in restaurant. It's in Selma, behind Sears, south of the bank. On July 4, at about 3:00 p.m., four Negroes drove onto the parking lot of the Thirsty Boy. I asked them to leave because they were trespassing. They left, and I called the sheriff and asked him to come. While previously I had always - called the police when trouble arose, Mr. Pitts had instructed me that if any trouble arose on July 4, I should call the sheriff.

The Negroes parked across the street and immediately came inside the Thirsty Boy. I asked them to leave, in a low tone of voice and mostly by motion. There were several people in the restaurant.

At that time there were disturbances in downtown Selma. I recognized the whites, but I couldn't identify them now.

The sheriff came in and deputy Hewston handed me the warrants. I signed the warrants, and the sheriff removed the Negroes. I did not see the sheriff abuse them. The sheriff was there when Hewston handed me the warrants. I didn't know the names of the Negroes.

I believe that if the sheriff had not removed the Negroes there would have been trouble. That's why I called the sheriff.

DR. RUSSELL

(White)

I've been in Selma two and a half years. I attended the University of Alabama School of Dentistry.

I treated Roberta Corson. The pictures [Def. Ex. Nos. 8 and 9] look to me as if they were taken a few days after the accident. I was called by Dr. George Nicholson. I examined Roberta Corson at the hospital. The injuries were more serious than the pictures show.

J. E. HEWSTON

(White)

I am a Dallas County deputy sheriff. I've been with the Department five years last February.

On July 4, 1964 I came on duty as a patrol deputy at 8:00 a.m. I received a radio call to go to the Thirsty Boy. Sheriff Clark and Deputy Bates were with me there. We went inside. I had warrants which I was given to carry with me. This is common practice. Some of the warrants are partially filled in earlier in the day. The notary signature is not stamped in ahead of time. The warrant for trespass [in Pl. Ex. No. 4] is filled out in my handwriting. I don't know when the charge was typed in.

When I went into the Thirsty Boy I talked with Warren, who said that there were people there he would like to remove. I told him he would have to sign the warrants. I gave them to him and he signed them. I did not know the names of the Negroes at the time.

They were sitting in the middle of the restaurant. There were four of them. I helped to arrest them. I did not use a cattle prod and did not notice any. I don't recall their objecting to being arrested. They were put in my car. I didn't see them abused. I didn't see a Negro male kick Clark. We took them to the county jail.

Deputy Bates, two special deputies, and I arrived at Green Street about 7:30. Negroes had just begun to arrive. During the meeting there were about seventy-five Negroes outside the hall and about 200 inside. I was stationed in front of the church on the same side of the street, twenty-five or thirty feet from the door. When the Negroes came out, they separated, some going north and some going south. I saw a group of Negroes behind a hedge. Rocks were thrown, but I could not apprehend anyone. I saw two white men come out of church before the rest of the people and set up cameras to take pictures of the crowd coming out. After the confusion started I didn't see them any more.

I did not hit any Negro or fire any weapon, nor did I see any officer abuse a Negro.

GEORGE B. NICHOLSON

(White)

I've been in Selma ten and a half years. I am an M.D.

I treated Roberta Corson on July 4, 1964, according to my records, at about 10:00 p.m. She had lacerations about her lip with a piece of glass. I removed the glass and called Dr. Donald Russell to treat the damage to her teeth. Her lips were more swollen than the pictures [Def. Ex. Nos. 9A and 9B] show. She had no other injuries that I know of.

That same night I saw George Michael Corson. According to the records, he had lacerations of the neck and right arm. No glass. He's in the pictures [Def. Ex. Nos. 9C and 9D]; 9C shows a neck suture.

The same night, James Virgil Jones had lacerations of both arms. They were superficial. I cleaned and dressed them. That [Def. Ex. No. 9E] is a picture of Jones.

GEORGE W. CORSON

(White)

On July 4, 1964 I went to the Drive-In Theater on Highway 80, southeast of Selma. I went with my wife, my son, my daughter, and my neighbor, Jim Jones. We left the theater about 10:00. We went up Broad Street. We live in north Selma.

As we approached Clay's Casino, a large number of Negroes was crossing Broad Street. I heard a pop, which sounded like a gun. My little girl started screaming. The police came. I didn't notice any whites, just Negroes dancing in the street. It was in a Negro section. Officials took us to the hospital.

Defendant's Exhibit 9A is my daughter. The photo was taken three or four days after the accident. Defendant's Exhibit 9B is my son. The photo was taken at the same time. Defendant's Exhibit 9C is my son. Defendant's Exhibit 9E is Jim Jones. I don't know when the photo was taken. Defendant's Exhibit 9G is my car. The photo shows broken glass. I had to replace the seat covers which were torn up.

Clay's is north of Jefferson Davis and south of the Tabernacle Church.

MRS. CORSON

(White)

On July 4, 1964, as we were returning home, we reached a point near Clay's Casino. Several hundred Negroes were shouting and going up and down. I heard a scream and a crash. A window was broken. I said, "They've killed my daughter." My son jumped out.

GEORGE MICHAEL CORSON

(White)

On July 4, the cars were bumper-to-bumper. I saw a bunch of Negroes running across the street. A bottle was thrown from the right side. After the bottle struck, I jumped out and ran after them. I got to the curb and three white men grabbed me and held me. I was hurt in the neck and the arm.

There were more than 40 in the group of Negroes by the Casino.

ROBERTA CORSON

(White)

On July 4, 1964, Mother saw a bunch of colored people beside Clay's Casino. A bottle was thrown.

R. E. ETHERIDGE

(White)

I'm a state trooper lieutenant in the Demopolis District. I'm under Captain Moore.

I was in Selma on July 4th. I was detailed over here on the "trouble they were having" at that time. I was riding with Capt. Moore all day. There was an incident shortly after noon on July 4th. A man, driving a car with Mississippi license plates, had just been in the Selma Del and said a waitress had asked him to report that a blond-headed man with a camera was in there with a pistol. I reported to the sheriff's office by radio, and they immediately dispatched someone. The radio log shows that on July 5, at 7:52 p.m., 345 (me) radioed the station to phone the city police about a cottonhead photographer with a gun.

I stayed in Selma several days. I did not stay in Selma the night of the 5th. I heard about it on the sheriff's network.

CHARLIE AMMONS

(White)

My wife and I were driving down Lapsley Street when our auto was struck by an object. It broke the rear window. There were Negroes around.

MRS. AMMONS

(White)

We were traveling on Lapsley past the Savoy Cafe when something hit our car. It broke the back glass and hit the trunk. There were just a few scratches. We didn't see who threw the object, but we did see Negroes in the cafe. I went into Police Headquarters and reported the incident.

JOHN A. BEVERLY

(White)

I have lived for thirty-five years in Dallas County. I have been a posse member since Clark came into office. I am a special deputy (part-time deputy). I have attended a National State's Rights Part meeting. Six men in Clark's group were outside. Fifteen or twenty attended. I didn't hear what was said.

I don't know how many special deputies or possemen there are. I went to Tuscaloosa with the sheriff. That was on the date that the University of Alabama was integrated. I did not go to Notasulga. I went to Birmingham when there was racial difficulty. I never left the county for the sheriff except on racial cases. All of Sheriff Clark's people are white.

I went to the AME Hall July 5. I have observed other Negro meetings. The sheriff did not treat the Negro meetings different than the NSRP meeting. I arrived about 7:30 in a car, D-5, with Deputy Leo Nichols. "Niggers" were milling around outside in a group of about fifteen to twenty. I stayed until the meeting broke up at about 9:30. "We Shall Overcome" was sung. They were singing, slapping their hands, jumping up and down, and marching around. No one Negro caught my eye. I heard one Negro say he could get his gun and could handle all of us sons of a bitches. I saw two white men coming out of the church; the light went off. I heard them say "Let's get 'em." Rocks or stones a whole barrage of them, were thrown. I heard one shot. Crocker gave the orders to move in and "bust them up." I next saw the two white men laying on the ground. Negroes were between the sheriff's men and the posse. The crowd was dispersed. I did not see anyone strike the reporters. I did not see the posse abuse or kick the reporters. I did not see the Negroes abused. Crocker said to find out if they need medical aid. I saw McLeod, but did not see him hit anyone, and did not hear him give anyone any instructions. Clark came up after all this occurred. Clark ordered the officers to ask people to go into houses and stay there for their own protection. I did not see lights on Negro houses knocked out. I did not see deputies break any cameras.

There was another meeting on July 6. Abernathy spoke. I went with Deputy Wright and Blair. The meeting was in East Selma on Mechanic Street. The car in which I was riding was hit by a rock. Actually it was a brick. This was the only incident of rock throwing that I know of.

Gildersleeve told Sheriff Clarke that he was proud that the sheriff was there to keep law and order that night.

I have no idea how many officers were present.

GEORGE KING

(White)

I went to the Post Office and was returning home. As I approached near the intersection of Lapsley and Small and someone shouted, "Hey, white folks, stop." I first started to stop and then decided against it and as I sped away someone shouted an obscene remark at me. I then returned downtown and reported the incident to police, furnishing the identity of the Negro I thought made the remarks. He was wearing a red pullover sports shirt. Later I identified the Negro, and he was convicted in Recorders Court and fined twenty-five dollars.

FRANK BARR

(White)

On July 6, 1964, I went to Lapsley Street with the description of a Negro male who was wanted for throwing a rock at Mr. King. King identified the Negro, who had a golf ball and a rock in his pocket. I recollect that the young man was cursing and hurling rocks. I do not know if the Negro was tried. I had a warrant somewhere. It is a custom of the Police Department that when an officer has a description he takes a person into custody and gets a warrant later.

ZEKE STEINWINDER

(White)

I investigated an incident near the Savoy Cafe with another Selma police officer, Frank Barr. I was dispatched to the scene between 9 and 9:30 p.m. I had a description of a Negro male, tall, teenage, dark trousers, white tennis shoes.

In a case where there is a complaint and a likelihood that the offender will flee, it is not the policy to arrest without a warrant.

JOHN CROSS

(White)

I'm a used auto parts man from Selma. I've lived in the county over thirty years. I know Jim Clark. I'm in the mounted posse and have been since it was organized.

There are thirty in the mounted posse and a hundred in the water posse. I served as a posseman in Montgomery, Birmingham, and Tuskegee. I do not know if each incident had to do with segregation. There was a law enforcement officer at each Negro meeting. I was a member of the Police Department a good many years.

I served as a foot patrol man near the Roxy Theater. I don't recall serving at the courthouse during the week of July 6.

I was at the A.M.E. Hall on July 5, 1964. I arrived about 9:00 p.m. in a county car. When I arrived the meeting was in progress. Negroes and whites were outside. I saw two photographers on the outside, but do not remember when I saw them. I was stationed across the street and south from the church, about twenty steps south of the church. I was there when the meeting broke up. The light on the church went out. When the meeting ended, there was some milling and singing and some drifted off. There was an alley-way and a lot of bricks and rocks and missiles being thrown; and when that started we were turned out. I don't recall the white photographers. I remember seeing a photographer when I first arrived. There was "a lot of rocks." The sheriff did not take action before the rocks were thrown. The order was given by Crocker to disperse the crowd after the second group of rocks was thrown. A Negro outside the church attracted my attention by saying he was going to have to get his gun. I left an hour after the crowd dispersed. I was at other meetings. I never saw the posse disturb a meeting. I had instructions to protect all people, white or black. I was injured. I was struck on the left leg between the leg and the ankle. I signed an affidavit, but can't recall signing two.

KENNETH LAWRENCE

(White)

I am captain of the water posse. There are working groups of water posse, each with a sergeant or group leader. The water posse is a voluntary organization to evacuate people in time of flood for the state. It goes into other counties to assist the sheriff's office in any way it can. Posse has been used on various occasions. I have a list of occasions when the posse has been called out, but I forget some things and not everything gets on the list. The water posse was called out on July 6 to investigate a body in the Soapstone Creek. They recovered a Negro who was from Pensacola, Florida. The posse has two underwater men. They were called to pull a truck out of the Alabama river. That's the by-laws of the Dallas County Sheriff's posse [Def. Ex. No. 7]. I went to Birmingham with the posse. I rode to Tuscaloosa the day before Malone entered the University, but I was not needed.

Dallas County and the city of Selma both purchase equipment for the posse. The boats are privately owned, except for equipment that the city recently purchased.

The list of possemen has all of them, not just the water posse. The list is a recapitulation of little notes.

We have a five-man screening committee. It takes three votes. I was a member of the Dallas County White Citizens Council before 1962. I have a map of Dallas County.

I went to the Green Street meeting with Hewston and Bates and with another possemen. We were the first car to arrive, at 6:30 or 7:00. The church lights were on, and a few Negroes started singing and clapping; the crowd grew. I stood near the car.

My attention was attracted by one Negro who was talking crazy. He said he could whip them all and that he was going home to get his pistol. "We ignored him." I heard someone inside say that now The Civil Rights Act has passed we don't have to rape white women, "and I'm going out and get me a white woman and have me a white child." I'm positive I heard that; I was standing by a tree at the front of the hall.

I saw two photographers, one with a camera and one with lights. The lights were set up to shine at the church. They were on.

The meeting disbanded, and some went off. Some went back into the hall. The light went out, and I heard a gun go off. Then there was a barrage of bricks hitting metal. Then I think the tear gas was used. Crocker gave orders to break it up. It wasn't much trouble since all of them ran. At the front of the hall, by a bush or hedge [shown in Def. Ex. No. 5C], I stumbled on a white man. I was coming from the rear of the hall. I saw one sitting and one lying on the ground. Head came up and identified himself. He asked the white on the ground what happened, but I didn't hear the reply. Someone said, we'd better get them to a doctor. I left after that. I'd had orders to clear the street and did. I saw posseman beat or abuse a Negro.

JOHN GRIMES

(White)

I was not at the A.M.E. Hall on the 5th. I was not in Selma on the 4th and 5th. I had been at meetings to maintain law and order. I was at East Selma and at the Tabernacle Baptist Church.

I've been a member of the posse since 1961.

E. P. WALLIS

(White)

I am a member of the Mounted Posse. I have been called out to keep the peace on several occasions and to help find people lost in the woods.

I was at the A.M.E. Hall on the 5th of July. I was at the Hall about 8 or 9 o'clock. At the Hall, I was instructed by Crocker to line up opposite the Hall and not to move until instructed to do so. Stoves and Head went into the meeting. After the meeting broke up, bricks were thrown at the car, and they did not move. I did not hear a shot. I was told to move when a number of bricks were thrown again. I saw two white men come out; they had a camera with them. The whites were among the Negroes in front of the Church. I moved into the area to disperse the crowd. I went to the right of the Church and on returning saw the two photographers on the ground. I saw the Deputies pick them up, not abuse them. I did not hit a Negro or see others strike them. I had to back up when gas was used, and could not get close enough to strike them. I saw Sheriff Clark there, but I did not see Clark talking to the newsmen. I saw McLeod there, but did not see McLeod talking to the newsmen.

After the crowd dispersed, I was instructed by Clark and Crocker to disperse the crowd and see that everyone went home.

I'm a member, but not an officer of the White Citizens Council. Prominent members of the Dallas County community are members of Citizens Council.

BEN SCROGGINS

(White)

I know Vashtie Leashore. She has a bad reputation and a bad reputation for truth and veracity. I also know Johnny Leashore. I picked up Johnny Leashore for possessing whiskey. Mr. Cooper put his hands on him first. Johnny Leashore's mother was there. I would not believe Vashtie Leashore under oath.

I am an ABC Agent. Defendant's Exhibit 20 is the Rules and Regulations of the ABC Board; Regulation number 36 is on page 47. No one other than the Alabama ABC Board, after a hearing, has the authority to take up a license.

ELBY COOK

(White)

I was with the ABC Board in Dallas County for about six or eight months in 1960. During that time, I arrested Johnny Leashore with a gallon of moonshine in a paper bag. I know Vashtie Leashore, Johnny's mother; she has a bad reputation for truth and veracity. I would not believe her in a court of law under oath. Since 1960 I have not kept track of the Leashores.

JOE SMITHERMAN

(White)

I have been Mayor of Selma since October, 1964. I was on the City Council for four years before that. The city has not given up any of its police powers to the sheriff; and I know of no authority in the city to relinquish its police powers to the sheriff. The city has no discriminatory policy of law enforcement. It has forty-one officers on its police force. Wilson Baker, the director of public safety, has eighty to eighty-two men under him. The city authorized the filing of the injunctions suit because the situation was tense.

At various times, I did talk to Sheriff Clark. My understanding was that the Police Department would carry out all laws of the City of Selma.

NOEL TOWNS

(White)

I work for Transcontinental Gas Pipe Lines.

I've lived in Dallas County twelve years.

I've been a member of the water posse since 1961. I'm in rescue operations. I worked in a big flood, worked on several drownings, and picked up lost boats.

I arrived at the A.M.E. Hall at 6:30 p.m. on July 5 [6] with deputies Hewston and Bates. I saw Rufus Head and Deputy Stoves inside. I stood in the street right in front of the church by the big oak tree with Hewston and Bates. I think there is a curb there. About 200-250 people were inside. They came out about 9:30 or 10:00 and then some went back in the church. They sang a song and then came out with two white men, one of whom had a camera. The Negroes went to the left, toward Selma Avenue (south). Then a dozen or more rocks were thrown and Crocker ordered the posse to disperse the Negroes. I did not hit any Negroes or see any officer strike a Negro. I saw the two white men later on the Jeff Davis side of the church. One was on the corner and one was sitting up. I did not talk to them. There were some men there, but I don't know if they were in the posse. Then the two white men went to a car.

WILLIAM SUTHER

(White)

I'm a lifetime resident of Dallas County. I'm a salesman. I'm in the mounted posse.

On July 4 I was called to duty at noon. My instructions were to get into a county car, D-6, and ride. I stayed across from the Wilby an hour and a half or two hours, then I went back to the courthouse. I just sat in the car and observed. I saw a large crowd of whites across from the Wilby, and some Negroes. The whites dispersed. Some Negroes went inside, and some went down the street. I saw other possemen there. I don't know which branch. I don't know how many were called to duty. My instructions didn't include an order on where to go. I went to the Walton Theater and dispersed a crowd there.

I was directly across the street from the church on July 5. Around 250 to 300 Negroes were there. I arrived about 7 p.m. with a deputy. I saw people go inside and start singing and clapping. They came out around two hours later, and then two white males came out and took pictures. The Negroes laughed when a Negro said he could kill us all. Then they went back inside. A brick hit my car. And then a large amount of objects were being thrown. Deputy Crocker gave the order to disperse the crowd. I went to the church, and a group of Negroes went down towards Jeff Davis. Someone turned the lights off and then the lights came back on in the church. Vehicle lights were turned on in order to see. I saw the two men in front of a Negro house on the north side of the church on the ground. I did not say or hear anyone say anything to the men. I did not hear or see any shooting. I did not see any posse men on the hall side of the street.

I attended the biggest majority of the meetings and never saw a Negro hit or threatened at a meeting. I have told whites to stay away. I do not know who they were, probably sightseers.

I was at the Mechanic Church meeting. After the meeting was over I was standing beside the church and an object came directly behind me and when I turned around there were two Negroes running down the street. There was noise in the church. There was singing and clapping and a speaker.

J. T. BLAIR

(White)

I've been a member of the Sheriff's Department about two years. Before that, I spent twenty years in the U. S. Air Force. I retired as a technical sergeant.

I was at the meeting July 5, 1964. There were about 150 to 200 people in front of the church. As the crowd was dispersed, I heard a loud noise and then heard a person holler "Oh, Lord!" I don't know what the noise was; but I did hear it. The crowd was going down both sides of the street. The chief deputy said to break up the crowd. The "crowd was dispersing themselves." I did not see the white men come out of the church but I did see the two white men in the alley, between the house and the church. I asked them what had happened but they didn't answer. I went to turn my car around to get some lights on them but, they were already sitting up when I got back. I saw them when they were walking to the car. I did not see any possemen strike a Negro. I did not strike any Negro and did not see any posseman strike a Negro.

On July 6, 1964 I was called out to go to a meeting they were having at the Mount Arrarat Church. I did not go into the meeting, I was on the outside. Deputy Wright, Beverly, Atchison, and Doyle were with me. We were in car D5 or D4. I noticed some people who went over a fence and who were throwing objects across in front of the church. Then there were two rocks thrown into our car.

WILLIAM AVERETT

(White)

I'm thirty-eight. I've been a deputy for three years and seven months.

I went to the AME hall around 7:20 p.m. I had been to other meetings, and the sheriff did not do anything different that night than at other meetings. I was driving with Crocker in a sheriff's car. We parked on the west side of the church across the street. The bus arrived after we did, and it parked on the south side of the church. I got out of the car, and stood right outside of the car. I saw some Negroes at the church. They were going in and some were standing outside. The meeting had commenced when I got there. I heard singing, etc. I saw two white men go into the church. I had seen the two men previously. I do not remember seeing them in the sheriff's office. The meeting lasted about two hours. There were Negroes on the outside all during the meeting. I saw the white photographers come out ahead of most of the people. When the crowd had started coming out, they turned towards their left (the south side). Then one object was thrown and hit the bus. Then another hit a white corvair. One hit the right rear door of the county car. One hit right where Crocker had been. Crocker had handed me the tear gas bomb when it appeared there might be trouble. He told me when I throw mine, you throw yours. After a barrage of rocks was thrown, Crocker threw his tear gas toward where the rocks came from. Then I threw my tear gas. The Negroes dispersed. Later I saw two men going to the car. I did not hear Blanchard McLeod talk to them. I did not hear anything. I did not see any member of the sheriff's office or any possemen abuse any Negro that day.

It was not too long between the time the Negroes came out and the tear gas was used. A bunch came out of the church. I could not hear the speaker across the street. A group went into the alley, and I could not say how many were in the alley; it was dark. The tear gas was given out before the people came out of the church. I could not hear what was said inside. The necessity for tear gas was anticipated on the basis of what was going on inside the church. There was hollering inside. The basis for using the tear gas was rock throwing.

I do not know Charles Robertson. I arrested Robertson, but do not remember the date. It was at the courthouse. I wanted to go into the alley to check the regular line. Robertson spit on the floor towards me, but not on me. I charged him with disturbing the peace. Robertson was placed in the county jail and booked.

NOLAN CHAMBERS

(White)

I'm a captain in the Selma Police Department. I'm a desk man. I operate on the second floor of the Municipal Building. The city jail is on that floor. The county jail is on the third floor. All city radio calls come to my desk.

The radio logs from July 1 through July 19, 1964 were examined to see how many incidents of rock throwing were reported to the city police department. Nineteen incidents of rock throwing were reported during this period from radio reports and from complaints.

Everything that comes in over the radio is logged; the officers are instructed to call in incidents. The same incident could be recorded on the radio log and in the complaint file, but the nineteen incidents of rock throwing referred to are all from the radio log.

FRED ELLISON

(White)

I'm a patrolman for the city of Selma. I've been employed fourteen years.

On July 5, 1964, I was riding in a patrol car with Officer Goodwin. We were on routine patrol. While we were patrolling on Lawrence Street at the George Washington Carver homes, the car was struck with something. We stopped and got out of the car. I did not see anyone, but I saw a coke bottle on the ground. Sgt. Goodwin picked the bottle up and placed it in the patrol car, which I believe was car no. 2. We looked around in the vicinity of the houses with our flashlights. We got back into the car, and went on down for about a half block, then turned around and came back to the same place. Our car was struck again. I jumped out of the car and saw a boy run behind the house. There were two of them. I ran around the corner of the house, but the boy had disappeared. Goodwin and I went in different directions. I turned to the right and went in between two houses. The two Negroes were not apprehended. I heard a noise which sounded like a pistol shot. Later Sgt. Goodwin said he had fired the shot. Sgt. Goodwin picked up the second coke bottle, and we took both bottles to the Selma police department. I don't know what happened to the bottles afterwards. The incident took place about one and a half blocks from the AME hall. This was about 9 p.m.

ROY JOHNSON

(White)

I'm minister of the Charity Baptist Church. I'm the chaplain of the posse. I have attended meetings of the posse. We have regular meetings. The posse protects Dallas County in time of emergency.

(Cross) I have heard Sheriff Clark say to protect their rights. He said citizens of every race. He said nothing about constitutional rights. I was on vacation during the first two weeks of July.

TERRELL WHITMAN

(White)

I've worked with the State Board of Pardons and Paroles since September 9, 1941. Before that, I worked at Kilby Prison, giving tests. Before that I was with the National Red Cross. Before that I was a welfare worker. I've attended the Warren Brown School of Social Workers and several institutes and workshops. I've worked in Dallas County since 1950, in the Fourth Circuit since 1941. I've been the probation officer for Dallas County since 1950. I work closely with Judge Hare, Sheriff Clark, and Solicitor McLeod.

I gathered figures at Henry Pitt's request covering October 1954 to October 1964 from the probation record of Dallas County Court. The figures show the number of persons by race put on probation for various offenses. The figures are contained in Defendant's Exhibit 23.

Defendant's Exhibit 24 lists the current Dallas County probation figures (excluding those sentenced in other circuits). The exhibit shows the number of persons, by race, on probation for various offenses.

Defendant's Exhibit 25 consists of the files of sixty-eight demonstrators arrested last fall. The information was on the fingerprint, not from the records of the Juvenile Court. I don't remember when the children were arrested; I don't know the disposition, I don't know the names. It was a random sample.

I have only heard one criticism of Judge Hare, namely that Negroes feel he is entirely too lenient when it comes to sentencing for serious offenses among Negroes. I have never observed prejudice.

GEORGE BAKER

(White)

[I'm an F.B.I. agent; see p. B-27] I was in Selma July 6 to 10 in my official capacity. I investigated the registration line procedure. On July 6 I met with Crocker and Stoves, who explained the system to me. People could come and get numbers. After they received a number, they could leave as long as they were there when the number was called. They could not transfer their number, but could turn their number in.

There was no formal line outside the building. People were in line inside the building and in informal groups gathered in the shade outside the building. I did not see the sheriff abuse anyone. The lines were orderly. Both Negroes and whites were in the line; there were bunches of whites and bunches of Negroes.

On July 6 forty-nine people (forty-eight Negroes, one white) obtained numbers. Twenty-one Negroes came in. On July 7, three whites and eighteen Negroes received numbers; three whites and seventeen Negroes applied. On July 8, three whites and seventeen Negroes received numbers; two whites and thirteen Negroes applied. On July 9, three whites and twenty-two Negroes received numbers; one white and fifteen Negroes applied. On July 10, seven whites and fifteen Negroes received numbers; one left before the day was over.

There were possemen inside and possemen blocking other entrances. There were possemen in the courthouse and in the alleys. They kept the alley free of disinterested parties; F.B.I., the sheriff, and newsmen were allowed in the alley.

JOSEPH M. CONNLEY

(White)

[I'm a special agent for the F.B.I.; see p. B-28]; I was in Selma from July 6 to July 23, 1964.

The registration lines varied from four or five to fifteen or twenty persons in length. The line was located on the west side of a paved alley. The entrance which is used for people who park in the alley was used for the voter registration line. Sixty numbers were given out. I was told by Crocker sixty was the maximum number the board could handle. I never saw more than sixty persons try to register. I never saw the sheriff arrest or beat anyone in the registration lines. Whites and Negroes got numbers in the same way.

The registration office is on the ground floor about half way down the west side of the hall. The east side of the hall has windows for the tax collector, the probate clerk, etc., for people to transact business. The west side has no windows, only offices.

On July 10 thirty numbers were issued (twenty-two whites, eight Negroes); twenty-one applications were processed (twelve whites, eight Negroes). A total of six Negroes were still waiting. (Four inside, two outside). I was told by Crocker that sixty was the maximum number the board could handle.

The total number showing up that week never exceeded 49.

FRANK LaPORTE

(White)

I'm a police captain. I'm the identification officer, in charge of records and personnel. I've been with the department nineteen years, eleven in the same position.

There are set standard fines for certain offenses, which the recorder has authorized the desk to accept. Routine cases are handled at the desk. Charges and fines are the same for Negroes and whites. In the nineteen years that I have been with the police department, I have seen no discrimination between Negroes and whites by the police department. The fine is nineteen dollars for a drunk white and nineteen dollars for a drunk Negro.

Under my supervision, a chart was prepared [Def. Ex. No. 26] from the city warrants in Plaintiff's Exhibit 27A. The name, warrant number, charge, race, and disposition are shown on the chart. The warrant number is shown on the arrest reports. An entry on the warrants shows the disposition, and is the same as the docket entry.

The thirteen or fourteen demonstrators weren't processed in the City Court. Bond was never refused to them. Bond was set for them. The city has never denied bail, except on capital offenses (where the judge has to set bail). On investigative arrests we cooperate with attorneys. The man in charge of the shift has the power to set bail: \$100.00 for D.C.; \$200.00 for D.W.I. or A.& B.; \$300.00 for aggravated A.&B.

The city desk is open twenty-four hours a day with a radio dispatcher, parking ticket clerk, and a lieutenant, sergeant, or captain in charge of the shift. The lieutenant, sergeant, or captain sets bail. All felony charges must go before the recorder for preliminary hearing, or preliminary hearing must be waived.

The City Jail and our office are on the second floor of the City Building. The County Jail is on the third floor. The two jails are administered separately and booking is generally separate. When a person is brought in for booking, the desk man takes the information that goes on the arrest report form. These serve also as a jail register. A warrant is made "after the prisoner is booked." Prisoners can ask for a hearing, make bond, or get a continuance. Otherwise the case is tried in recorder's court on the Tuesday after the arrest. Every Tuesday, the bailiff picks up all arrest reports and takes them to the court at 9:00 a.m. and 2:30 p.m.

When the demonstrators were arrested, the Sheriff asked me to supervise the booking of the prisoners in the County Jail. I took our jailer, and we went upstairs. We helped make up booking and fingerprint sheets. I worked almost solely on fingerprinting. Affidavits and warrants were not made up at that time. The jail register is made up at the close of the day. The charge, interfering with court, was made at the time of booking. "I feel sure of that." Five or six were charged with CCW. The affidavits and warrants were made out by the sheriff's clerk; Crocker signed them, and Pryon's name was stamped. The prisoners were considered city prisoners because of the city warrants.

On Tuesday, the bailiff picked up the warrants and put them on the desk for the recorder. The recorder did not pick up the warrants. The recorder continued cases; we never enter the continuance on the warrant when there is a group of that many involved. The charge was put on the city booking sheet (arrest report), but the details were not, because they could be gotten from the county booking sheet.

I did not see the booking sheets for the demonstrators except briefly in the fingerprint room. I did not take the information for the booking sheets. Mosley is the county jailer.

The city jail floor space is much smaller than the county jail. Last fall, our jail overflowed. This time, we avoided the problem by taking the prisoners to the county jail.

Each shift officer or sergeant has a name stamp. If the officer is present on shift, his stamp is used on the shift for warrants. This has been the custom for several years.

Judge Russell is the recorder. The prosecutor in the recorder's court is Archie Reeves. Blanchard McLeod is not connected with the city court. The court has two sessions: 9:00 and 2:30. If a person were arrested Tuesday afternoon at 6:00, he could possibly spend a week in jail, but he could ask for a hearing.

EUGENIA GUSDORF

(White)

I've worked in the probate office twenty-four years this January. I've served other judges before Judge Reynolds.

I prepared or had prepared Defendant's exhibit number 27. Most of the information on that exhibit was taken from the juvenile records for 1964. The time in jail, was not filled out from documents in my possession. The compilation carries all cases handled in 1964 to the time of the trial.

Judge Reynolds handles "each individual case" individually. During September and October 1963, a case worker from the Department of Pensions and Security handled each case. Cases are handled now the same as they were in 1941. I have witnessed no discrimination in Judge Reynolds' office.

If there is a charge of a state offense, there is a hearing. Witnesses are called. The judge hears every case. He never makes a decision without a hearing.

MARTHA YAWN

(White)

I am a deputy sheriff; I do general office work. I'm in charge of the radio and the log sheets. I've worked six and a half years there. I compiled a chart from the register of prisoners in the county jail. [Def. Ex. No. 28].

CLARENCE McGAN

(White)

I'm the deputy clerk of the Dallas County Court. Mrs. Hewston is the clerk of the Circuit Court and ex-officio clerk of the county court. I handle the criminal side. Hugh Mallory is the criminal division judge. Henry Reese is the solicitor.

All criminal matters in the county, except for city cases, come before the county court. There is no justice of the peace for criminal matters.

I prepared defendant's exhibit number 29. We used figures from January, March, May, July, September, and November of 1964.

I attend "every" court session of the Dallas County Criminal Court. I collect fines and costs and issue receipts. "I have not" observed any discrimination.

Mr. McLeod appears in the court "practically every session"; Mr. Reese has been in poor health. McLeod has not dealt differently with Negroes "to my knowledge." Fines have been equal for Negroes as far as I know.

The cases of Floyd Wilson, James Bennett, Billy Bennett, Franklin Bennett, James Jones, Richard Tucker were continued. The United States District Court did not take jurisdiction so far as I know.

LEE CALAME

(White)

I've been a partner in the public accounting firm, Stack and Calame, since 1958. I was a field agent for the I.R.S. for seven and a half years before that. I was an accountant with Pure Oil in Birmingham before that. I went to night school in Birmingham. I've been in accounting since 1946. I've had a large amount of experience with compiling statistics.

I was employed by Dallas County to compile statistics, using defendant's exhibits 26, 27, 28, and 29. I compiled defendant's exhibit number 30, dealing with the record of fines for the City of Selma. It is not fruitful to compare these fines statistically within a class of offense, because there are degrees of offense; there are degrees of wrongdoing within an offense. Also, the fifty-nine parking violations listed in defendant's exhibit number 30 should not really be considered. They throw the totals off.

I prepared defendant's exhibit number 31, a recapitulation of fines in the Dallas County Criminal Court. It shows that the percentage of persons fined by race is very close to the percentage of population in the county by race. In addition the percentage of fines under fifty dollars was very close to the population figures by percentage by race. The percentage of white persons fined fifty dollars and up in the county criminal court was much higher than the percentage of white population in the county.

I prepared defendant's exhibit number 32, which is a further analysis of county records. It is similar to defendant's exhibit number 30 except that it is an analysis of the criminal docket for the county, rather than for the city.

I prepared defendant's exhibit number 33, which contains compilations of juvenile court information from defendant's exhibit number 27.

Defendant's exhibit number 34, which I compiled, is a recapitulation of information from the register of prisoners in the county jail. It is necessary to know the seriousness of the charge in a particular case to be able to evaluate the statistics. No bonds was listed unless they appeared on the records.

I took the F.B.I.'s report, "Crime," [Def. Ex.No. 35] and calculated the percentage of persons arrested in 1963 who were Negroes. That percentage was 28.76%. I do not know whether the Negro population in the United States is 10%. I calculated that the percentage of persons arrested in cities who were Negroes was 30.4%. This calculation also came from "Crime" [Def. Ex. No. 36].

I did not analyze how many persons were brought to city court on the first Tuesday after their arrests.

January, March, May and July were chosen as the months to be used in the calculation of statistics because of the time problem. I don't know whether the trials in February and April of Negro demonstrators would change the calculation I made.

I did not study statistics on contributing.

In the Dallas County Criminal Court, my figures show that only 4 of 1228 persons were fined over \$100. My figures also show that there have been only eight continuances.

My bond information came from defendant's exhibit number 28. I inadvertently omitted bond information on carrying concealed weapons and trespassing after warning. My working papers show that Floyd Wilson's bond for carrying a concealed weapon was listed as \$500. I did not check the original records of bonds. The original bond for Floyd Wilson, does appear to be \$300.

E. J. DIXON

(White)

I've been an investigator for the Alabama Department of Public Safety for about thirteen years. I was a state trooper before that.

On the afternoon of July 6, I was with Sheriff Clark, investigator Head, Major Jones, and probably Deputy Crocker. We saw an old model automobile parked with six boys in it. We went up to the car, and Sheriff Clark arrested the boys. This incident occurred in the early afternoon about 1:00 or 1:30 within a block or two or three of the railroad bridge. There was an assortment of clubs and nightsticks in the car. There was a second license tag in the car. There was also a hose in the car. There was a shoulder patch in the car which I was later told was a Ku Klux Klan patch. I do not remember the residence of the boys. I haven't heard anything concerning the incident since. I was in Selma only that one afternoon.

N. B. CHAMBERS

(White)

I'm a police captain. I was on the watch July 4-6. That put me in charge of the radio log. On July 4, I came on watch at 3:00 p.m. There is a reference in the log at 5:15 to the Walton Theater stating that there is "gang on sidewalk." The first reference to the Wilby Theater in the log is at 5:32. Between that and 6:00, there are three entries concerning the Wilby. The log reflects that between 6:00 and 6:02, four cars, 44, 100, 11, and 22, came to the vicinity of the Wilby Theater. 44, 100, and 22 are patrol cars. Car 11 is an unmarked car. A captain or a lieutenant is usually in it.

At 9:57 p.m. there is an entry that 22 and 44 received a call that a car had been hit with a bottle at Small and Broad.

On July 5, I was on duty from 3:00. We were watching Bennie Tucker. All the entries in the radio log dealing with Bennie Tucker on July 5 are: "West from Franklin 6 to 8 walking-"; "We see them"; "At Walton now" "Bennie is at Dallas and Broad"; "on way back now"; "at City Bldg.- in sta wagon-"; and "bring one of those." "Those" refers to pamphlets. The Police Department did get a copy of the pamphlet, which advertised the meeting, giving the place, time, and speaker.

No officers had been assigned to follow Bennie Tucker, but one of the police cars just happened to see him. The cars had no instruction regarding Tucker. The unusual fact was that Tucker was taking carloads of five and six to the Theater. I knew this although I did not leave the office and "most" of my information came from the radio log.

At 9:48 p.m. there is an entry concerning car 11, on Lawrence; "Negro hit car with coke bottle." At 9:57, there is the following entry, "Curfew Area 710 Green, on authority of Sheriff Clark." I went off watch at 11:00. At 11:10 there is an entry in handwriting of B. N. Bobo stating that two cars were to be dispatched to the GWC Project. There was a bottle thrown and some window breakage.

WILLIAM YELDER

(Negro)

I've been principal of R. B. Hudson High School for nine years. On September 16, 1963, there were 917 absentees from a total of 1517 students. At that time of the year the daily absenteeism averages around 100. On September 17 there were 485 students absent. Attendance returned to normal about October 8th. The period of high absenteeism was during the time of the demonstrations. Police and Sheriff cars returned children to school "several times." Occasionally children left school when the police left the school. Judge Reynolds talked with me several times about absenteeism, but did not so far as I know look at the absenteeism records. I kept the individual names of the absentees in my records. The Superintendent of schools also had the names of the absentees. I don't know if the superintendent gave the names to Reynolds. I did not testify in Juvenile Court.

JAMES CLARK

(White)

I've been sheriff of Dallas County a little over nine years. I attended the University of Alabama and Jones Law School.

The sheriff's department operates five cars. The radios are on the state trooper network. Calls go out from the sheriff's office when it is open; when the sheriff's office closes, calls go out from the jail radio. There is always someone on one of the radios.

I heard about the meeting of the National State Rights Party from a handout. I instructed my deputies to cover the meeting "exactly like" they covered Negroes meetings. I was at the National Sheriffs' Convention, myself, so I could not attend the meeting.

I have never seen Selma so tense as it was on July 4. My office was patrolling all day. There were groups of whites all day. My office dispersed a crowd at the Walton Theater. Groups when asked to move would just move a little bit. The majority were "rough looking" characters. The tense situation lasted all afternoon. The sheriff's office had no way to enforce its orders.

I was in my office when Mr. Warren called from the Thirsty Boy and said that he had told a group of Negroes to move from the parking lot. I got in my car with Rufus Head and started toward the Thirsty Boy. On the way, I received a call that there were Negroes in the lunchroom. Deputy Hewston was already there; he and Warren were talking, and Warren was signing some papers.

I saw three Negroes at a table and one leaning over the counter. I told the Negroes, "Let's go, you're under arrest." They just sat there, so I prodded them. The cattle prod is the safest way to move recalcitrant people. Cattle prods are bought through a law enforcement sales house. We had to use cattle prods to get the students in the car. One of them tried to kick me. The names of the students had to be filled in at the time of booking. The charges were filled in before hand. This is common practice, as in distilling and traffic cases. Bond was set immediately. The prisoners did not make bond immediately. There was no trial that I remember. The people were searched in jail. One had a sling shot. I have attended several seminars where the reports were that "they" use them in riots in the North. It is easy for the person to say it is a bicycle chain.

I knew that the Civil Rights Act had been passed, but I did not know that it gave Negroes the right to eat in restaurants serving interstate customers. It was being changed all along, but I didn't know what finally went in it.

I did not know, either that the Civil Rights Act gave Negroes the right to attend the Wilby Theater. I knew there was a potential riot there, and that was my only concern.

We received several reports concerning the theater. I was there several times. I was watching Alvery Williams; Williams was moving among the groups, motioning people to come over. He's an active agitator; he's not a native of Selma. Inspector Head and posseman Suther were with me. I was driving east on Selma Avenue; when I was "a little to the right" of the theater, Williams yelled at me. He said that he wanted protection. I couldn't see anything but a group of Negroes. I asked Williams if he wanted to sign a warrant. Williams said no. I had the warrants with me in the car; I did not ask Williams to come to the courthouse. I then heard Negroes yell, "Let's get 'em." I radioed for help and got out. I tried to disperse the crowd. I did not see the whites or Negroes with weapons. I swung my nightstick to scare people. My office tried to clear the whole area. I moved whites from across the street. I then talked with Mr. Butler.

It was a dangerous situation; cars with joy riders kept going back and forth.

I did not go into the theater itself. I did not know whether there were any Negroes inside. I returned and talked again with Butler. Butler wanted me to put some men in the theater. I did not think that it was wise, because people would say the officers were blocking the entrance. Butler or I suggested shutting down the ticket window.

My object that day was to get by without violence. My office dispersed everyone with no business there. I continued to patrol that night. The situation eased up in the area of the Wilby Theater, but no where else in town. I heard about the bottle and the Corsons.

In 1963, there was a meeting at the Tabernacle Church. There was an overflow crowd. I had information about outside whites. I did not talk to Judge Hare about going to the meeting. I do not know whether Judge Hare listened on the radio. We see each other all the time; we've been neighbors. I went to the meeting and later called the posse. There were several out-of-county cars. During the meeting, I received a request for protection from Negroes. I tried to get the whites to move; when they did not, I called the reserves. The whites then moved back, and there was no incident.

I have tried to give protection in other instances when requested to do so; I have been "severely criticized" for providing protection for Negroes. There have been no killings; Green Street was the only time there were injuries.

My office has attended all mass meetings it knew about since May 1963. The officers did not always take notes of the meetings.

I instructed the same coverage of the Green Street meeting as the other mass meetings. I was not feeling good that night, so I remained in my office. When I received a call about trouble, I went to the meeting. The tear gas surprised me.

I saw the two newsmen and heard they were going to the hotel. I ordered a car to lead them there. I had no conversation with them.

If force had not been used, things would have gotten worse. There were dark alleys where the rocks had come from.

I think I was in a car by myself.

Ralph Abernathy was at the meeting at Mt. Ararat Church the night of July 6. Gildersleeve was there. He asked if the sheriff's office was going to provide protection. I told him that we could not "stand for" more rock and bottle throwing. I stayed there until about the time the meeting broke up. I later received a report of rock throwing. While I was at the meeting, I learned of rock throwing, over the fence of a chicken yard. I saw a person throwing rocks and broken bricks into the churchyard. It looked as if they were piling rocks for further throwing.

On the afternoon of July 6, Maj. Jones, Lt. Dixon, and Head were with me when we arrested six whites. The car in which the whites were arrested had an out-of-state tag. There was an Alabama tag in the car. There was a shoulder badge, which I later learned was a Ku Klux Klan badge from Georgia. The men arrested were from Perry County, Alabama. I charged the men with carrying a concealed weapon. Later, in discussing the matter with McLeod, I was not too sure the weapons were "concealed," but I thought it best to confine the men. McLeod told me the weapons would not qualify as "concealed".

I did not investigate to see whether the tags were proper. Some deputies did, but I do not remember what they found.

I had instructed Chief Deputy Crocker that sureties for bonds must have enough real estate free and clear. There is no record of the holdings of the sureties on the bonds for the whites, but the bonds contain affidavits.

During the week of July 6, the Dallas County Grand Jury, the Circuit Court, and the Board of Registrars were in session at various times. The Grand Jury was probably not in session every day of the week. I am sure the Circuit Court was in session, although I do not know whether there was a jury session. Reporters told us pickets were coming at a certain time. There was a registration line and court was in session, so we arrested the pickets. After the pickets were arrested, a large group of people on the steps started singing and carrying on. "They wouldn't stop," so I had them arrested. I picked up several signs. None said anything about the Circuit Court or the Grand Jury. Several of them had my name on them. Yes, I could bring them tomorrow. These pictures [Def. Ex. Nos. 44-A and 44-B] have no date on them. They show pickets with signs. The first one says, "One Man One Vote Register Now." These [Def. Ex. No. 45] show groups of people by the courthouse and on the Post Office Drug corner. "We made charges of interfering with court" against all persons arrested. That's a city charge. No charges made concerning the Board of Registrars, although we could have. "When they came, they brought" several young children; I could have made a contributory charge concerning each child, but did not. My main purpose was to get people off the street, not to throw the book at them. There was a lot of disturbance, and I wanted peace.

I set bond as fast as possible. We set the same bond for all persons, because we didn't know the individual facts too well. We used LaPorte and other city men. We used the county jail because of its size. The violation charged was a city violation, so city affidavits had to be used. A \$500 bond was originally set because the charge was of a "serious nature"; as soon as I found that \$300 was the maximum for city charges, bond was reduced. Peter Hall worked with me amicably on the bond. Hall was always told he could make bond. Monday, we agreed to lower bonds on the suggestion of Judge Allgood. Then Judge Thomas came back, and the U.S. Court took jurisdiction. I never refused bond. I never put Hall off; I never told him he could not get bond. I did not want to keep people in jail, but "just wanted to restore order." In fact, Dallas County told me to get the prisoners out of jail.

I worked "very closely" with Blanchard McLeod in July, 1964. If possible, we discussed charges. It may be that on July 6, I talked over the charges with him. He assisted in some arrests. I prepared the questionnaires used in the jail. McLeod may have seen them.

I made the decision on the contributing charge. "They walked down together; they were all there together." A child goes with an adult only when led.

My office did as much investigation as possible, but there was not much time. There were so many persons arrested and so many incidents.

I am not sure of the reasons for a \$200 bond being listed on the booking sheets for some of the persons arrested when they were picketing. I don't know why an additional \$200 bond is listed for Gloria Bostick; perhaps she was a repeater. I don't know about Theodis Hawkins; a lot of typographical errors are made. One of the bonds for Frederick Reese is listed as "\$200 peace"; this is not a peace bond, but a bond for peace proceedings. I suppose there is a warrant to support the bond; I suppose I could find it tonight.

The sheriff is to set bail on all cases except capital cases. Blanchard McLeod has nothing "directly" to do with bonds until a case comes to county court. Judge Hare has nothing to do with setting bonds in the ordinary case, unless there is a grand jury indictment. I have no iron-clad rules on bonds, but a general rule is that the bond for traffic offenses is \$100, for misdemeanor \$300, and for "serious misdemeanors" \$500. The bond for felonies is \$500 or more. Several bonds are personal; Selma Bail Bond Company is the main bond company. Anyone can qualify as a bondsman if he meets the statutes. Bonds are lower for Negroes.

The procedure upon taking a prisoner to jail is to take him to the booking desk, empty his pockets, and fill out a booking sheet. A booking sheet is generally handwritten, then typed in triplicate. One copy goes to the sheriff's office for the officer's use, one goes to the jail for cross-reference; one is a work sheet that is corrected as changes are made. I don't know whether we brought the correct booking sheets to court. Bond is usually set at the time of booking.

In the summer of 1964, I received "quite a bit of intelligence" that extremists "from both races" wanted violence. The racial situation eased up after the arrests on July 6, but it was still tense. There was a lot of rock throwing; there were many reports of incidents. Groups of whites were planning to take the law into their own hands. Therefore, officials petitioned for an injunction. To the best of my knowledge, information, and belief the complaint was true.

The situation before the injunction was very tense. After the injunction, "It eased off a bit." "I shudder to think" what would have happened if there had not been an injunction. I am "positive" there would have been serious trouble without it.

I don't know whether the events listed in the complaint for the injunction start with the Wilby Theater. Carol Lawson is a Negro female; "she was working with a group of agitators." I had information to that effect. I arrested her at the Thirsty Boy; that was before the Wilby incident.

The Henry Aronson incident arose when "I found a man that didn't have authority to be there" at the jail. The jailer said the man was the U. S. Marshall, but I knew he was not. I asked the marshalls who the man was, but they did not know. I asked Aronson to leave, but he would not. Therefore, I grabbed him and escorted him out of the jail. Except in emergencies, there are no visitors allowed in the jail except on Sundays. Attorneys, law enforcement officers, doctors, and preachers are allowed in the jail if they state their business. Aronson did not say he was representing the people in jail. I did not know he was a lawyer.

I remember "nothing whatsoever" about kicking Charles Johnson.

I heard about the testing of Carter Drug and the Glass House only from hearsay. The radio log entry, "Contact the Chief Ref. Leo Taswell", does not refresh my recollection, at all. [Upon being shown the next entry, "Contact Major Richardson":] Major Richardson was in my office nearly every day, at my invitation.

There was a meeting after the injunction in Colonel Ault's office. Col. Ault, Col. Curtis, Maj. Richardson, and Maj. Ely, the "Commisar" were present. Major Richardson had asked me how the injunction would affect the base. I proposed a meeting. Major Richardson invited Judge Hare. I brought up the subject of the meeting of the Negro Airman at the Elk's Club. Col. Ault appeared quite disturbed. I suggested we might look into it. Col. Ault told Maj. Richardson to cooperate as far as military regulations would allow. There was a general discussion. Judge Hare had not much to say, except interpreting some phrases of the injunction. He made no request that the Air Force enforce the injunction. Hare did not throw the weight of his office against Craig; "quite the contrary"; he said the only purpose of his injunction was to keep the peace. The meeting lasted about two hours.

After going to the meeting at Craig, I went to take the license. I am not sure whether I discussed taking the license with Blanchard McLeod. I did not discuss it with Judge Hare.

I had heard about a meeting attended by Rev. Smeltzer. I talked with him once; "his actions didn't prove" he was for better race relations. It seemed to me as if Smeltzer was "always around when trouble arises." "With Smeltzer's reputation, we thought we'd better look into" the meeting. I don't know what was discussed at the meeting. I talked with the ABC and told them I thought the man had violated the injunction. Ralph Shuttles, Chief of the License Division of ABC, told me he thought I could pull the license and send it in. I did not revoke the license, but merely pulled it. Regulation 36, §2, ABC Rules of 1964 provides that any law enforcement officer can go to the premises of a place with an ABC License without a warrant. I went with J. L. Chestnut, Sr. and J. L. Chestnut, Jr., who is a lawyer. I broke down no doors and broke no locks. I had no warrant. The Chestnuts' knew nothing about the meeting.

My men could find nothing from the airmen.

I held the license. Some people asked me to hold the license and not to send it in. I agreed with members of the Elks Club to wait until Moss returned. Moss said that ignorance was behind any wrongdoing. Since then, the Elks Club has been straight down the line.

Judge Hare once asked me to bring to him students from Selma University who had been arrested. The meeting took place around nine in the evening. Judge Mallory and Judge Hare were there. Judge Mallory had no probation power, so the students were turned over to Judge Hare.

I have seen no acts whatsoever committed by Judge Hare to violate Negroes' rights. In some cases, Judge Hare will put a Negro on probation where he would put a white in the penitentiary. I have seen no acts whatsoever committed against Negroes during racial difficulties. Judge Hare has nothing to do with County Courts or the City Court, the only Courts of preliminary jurisdiction in Selma.

Solicitor McLeod has requested that I report serious crimes to him for investigation. I have never seen McLeod as circuit solicitor, abuse any Negro. I think McLeod has not prossecuted too many cases against Negroes. I have had little contact with Judge Reynolds except cases of juveniles and insane persons. I have never seen Reynolds handle Negroes differently than whites.

The City of Selma has always cooperated with me. The Police Department has dispatched cars many times. My agreement with Chief Mullen was based on the fact that Code specified that the Sheriff is the Chief Law Enforcement Officer in the County. I was in charge, but my office always consulted the police. There was no agreement the city would not act to protect Negroes; there was never any relinquishment of authority. The city does not have an adequate force to handle most of its routine work and incidents such as the one Selma had. As I stated in the McLeod case, the Sheriff was to direct both the Police Department and the Sheriff's Department, and they work together. The city never gave up its patrol work to me. Selma's Police jurisdiction extends three miles beyond its borders. Selma has grown considerably, but the Police Force has not.

There have been many outside Negroes in the County. I remember Wolf Dawson the best. I remember arresting Bernard Lafayette for vagrancy, I think, in June, 1963.

It was a "constant thing" for newsmen to say they were informed by Atlanta that there would be trouble, not just pickets, but trouble. Once TV men came from all over. There was real trouble that afternoon. There had been "just isolated trouble" that morning.

In September 1963 I was in charge of the arrests. My office was arresting people coming out of the Church two by two for marching. There were many other arrests, but I

do not remember whether they were for picketing or Breach of Peace or what.

I arrested Benny Tucker in the white washroom for criminal provocation.

I now have nine field deputies. During 1964, I had eight regular deputies and four hired on specially. I had four deputies and several special deputies when I started the job. In July 1964 we could not, I think, have handled the situation without the posse. We did not need the National Guard.

I organized the posse. There had been no racial problems before the posse was formed. There had been two incidents, not racial, that needed more men than the sheriff's office had. There are four major divisions to the posse. The mounted posse consists of people interested in horeshows and parades. The land rescue posse grew out of the flood of 1961. Its members helped hunt for lost children and engaged in Civil Defense work. The water posse was formed after the Sheriff's office had to call on Chillum County for help when a man fell off a trestle in the Alabama River and drowned in 1960. The posse dragged for bodies in 1961; it helped to rescue 3,000 people in the flood. In the Spring of 1964, it rescued several hundred persons in a flood. The dismounted posse is "more or less reserve force." The entire posse is composed of volunteers. I have no voice in appointing members or officers of the posse. I do "reserve the right to turn anyone down" for bad background or misbehavior. About twenty-four members of the posse have been expelled for misbehavior. Most of these were dropped by the screening committee, not by the sheriff. Civil Defense has taken over many of the functions of the water posse and land rescue posse; that operation carries on many civil defense classes.

Solicitor McLeod and I have held classes in the law of arrests and search and seizure. Posse are instructed not to take the law in their own hands. Its members are told that they are to "enforce the law at all times without any discrimination whatsoever."

The posse almost always has experienced law men with it.

Since May 1963, I have used the posse outside Dallas County on racial matters. I took the posse to Tuscaloosa when the University of Alabama was integrated. The posse was with me for "some time" in Birmingham. Some possemen were with me in Tuskegee the time when school desegregation had been ordered. I went to Notasulga at the time Negroes went to school for the first time; no possemen were with me at that time.

JAMES HARE

(White)

I'm fifty-eight. I'm circuit judge for the Fourth Judicial Circuit. The circuit is composed of five counties, including Dallas. L. S. Moore is the presiding judge. I am the associate judge. It is customary for one of the judges to stay in this county. Sixty-five to seventy percent of the litigation is in Dallas County. Since the summer of 1954, I've been a circuit judge. I was circuit solicitor for about eight years before that. I spent four years as a legal officer in the Air Force, retiring as a major. I was in the Alabama Attorney General's office. I graduated in law from the University of Alabama. Under Section 157 of the Alabama Constitution, I'm the highest conservator of the peace in the circuit. Going back to the common law, I assume I would call out the National Guard or invoke marshal law.

I deal with punishment and probation matters in my court. Those matters are generally within my discretion. I have some fairly set policies; for example: burglary and larceny are normally probationary offenses. The court has a trained probation worker to conduct some investigation for each person to be sentenced. I do not hold Negroes to the same degree of accountability as whites. I am much more lenient on probation for Negroes than for whites, since Negroes are better for probation than are whites. "I have not" used my office to discriminate against Negroes in any way.

Peter Hall handled four or five racial cases on appeal before me. I do not recall any other racial cases.

I spend most of my time in Dallas County, and am required by law to have four criminal and four civil jury sessions annually. There is hardly any day of the year during which the court is not in session. Equity takes about seventy percent of my time. Circuit court was in session July 6.

I have never given any advice to the sheriff on how to handle pickets. [After an excerpt from his testimony beginning on page 483 of the record in the McLeod case was read to him Hare stated:] On one occasion, the Sheriff came up and asked for my opinion. I had advised the Sheriff not to act, that picketing was not in itself illegal, in the absence of "some turmoil or congregation of people or something." I think that's the only time I gave advice to the sheriff concerning the handling of pickets. [To the question, Did Sheriff Clark come to your office in July:] Mr. Doar, I have had numerous conferences with the sheriff, Blanchard McLeod, and the Chief of Police. "I felt it was my duty" as chief conservator of the peace to keep informed.

During the past two years I have received reports from time to time concerning the "racial situation" in Selma. I "personally received some intelligence" concerning a paratroop drop by the 101st Airborne Division in "early September" 1963. I "considered it a matter of the utmost gravity." I called the sheriff and the foreman of the grand jury into my office. I asked the sheriff to make discreet inquiries. I made contact with Congressman Armistead Seldon, a friend, and Congressman George Huddleston. I received communication from Seldon with an attached letter from the Department of the Army, defendant's exhibit No. 46. While the contemplated air-drop was to have taken place in the first week of September, 1963, the letter of response from the Department of the Army came in March or April of 1964. Up until September 16, 1963, it had been a "lethargic summer."

On September 27 or 28, 1963, I observed a television camera by the Chevrolet Company near the courthouse on the way back from lunch. Up to that time it had been a very normal day. I saw another television truck across the street. A member of one of the television crews told me, "I don't know why I came, but 'you can be damn sure I didn't come all the way from Atlanta' to take pictures of pickets." I walked on and observed many strangers in front of the courthouse. One said "all hell was supposed to bust loose within an hour." I understand, although I did not see it, that there was some disturbance later. I haven't given any instructions to officers concerning race matters. "No, sir, I purposely stayed out of it" as far as I could.

Once, in connection with the Tabernacle Church, Sheriff Clark urged me to come down to the meeting. I called John Randolph Smith, a local attorney, asked for his advice, and he took me to the church. I suggested Clark deputize enough men to take care of the situation and then left. [Asked about the Church again on cross.] The Sheriff asked me to come to the Church. I came with Smith and was in an auto within a block of the Church. [After his testimony in the McLeod case was read to him:] Yes, I called the Sheriff and told him to be at the meeting. I listened to one radio broadcast. [Upon being read his testimony in McLeod:] When I said I listened to radio broadcasts, that applied to one meeting, where Dick Gregory spoke. Yes, I testified I would sit at the Sheriff's office and listen on the radio to every word. I meant that I heard Dick Gregory. Yes, in the McLeod trial I said I read notes of the meetings. I meant in particular that I read notes of a speech Rev. Hunter told me he had made.

"I've been approached any number of times" by whites and Negroes both. Once, Attorney James Chestnut asked me to help him with the problem of police surveillance of Negro mass meetings. I contacted Breckenridge's office in Birmingham. The office sent a memorandum which was of no use. I called Breckenridge again, and he sent another opinion. I supplied copies of that to Chestnut, the Sheriff's office, and the Police Department.

Judge Reynolds asked me for advice quite often, especially on matters concerning incorrigible juveniles, and estates. Once Judge Reynolds told me that he was "utterly swamped". He asked me if I could look at the code and see whether there was any provision for relief of the probate judge. The probate judge is very busy; he is ex-officio head of the Board of Revenue. Judge Reynolds is not a lawyer. I suggested that Reynolds appoint referees when he was swamped, as the code provides for that. I later found that Reynolds had done this.

On another occasion, I received a letter from a man representing himself as a local representative of the National States Rights Party. He asked me about a business license. I referred the matter to Robert Frye of the F.B.I., then dictated a "casual letter" telling him I had nothing to do with business licenses.

On another occasion, Dr. Owens and Rev. C. C. Brown contacted me. Owens is President of the Selma University and Brown is a colored minister in Selma. Dr. Owens was concerned about students arrested in the fall of 1963 for demonstrating. I explained that the cases were not in my jurisdiction, but that I would contact McLeod, Clark, and Judge Mallory in whose court the cases were to be heard. Hugh Mallory is the judge of the Dallas County Court, an inferior court created with preliminary jurisdiction. I have no superintendence over that court except on appeal. I get cases from that court only on appeal or by the grand jury. Since Judge Mallory had no probation power and since the only way I could have jurisdiction without action by the grand jury was on appeal, Mallory, McLeod, Clark, and I worked out an arrangement whereby students would plead guilty in Judge Mallory's court. Then they appealed and I released twenty-three of the twenty-five or twenty-six students on their own recognizance. It might be, that the students sign \$300 bonds, but I do not know that. I told them I was putting no restriction on any of them except on the request of Dr. Owens. I did say I'd deal severely with the students if they decoyed children away from school.

I might have heard, informally, that the first SNCC worker in town was arrested for vagrancy. I knew that the persons working among Negroes were engaged in voter registration drives and encouraging people to vote. I understand that some of the demonstrations had nothing to do with voting.

Throughout the period from September of 1963 the racial condition was "deteriorating." In July 1964, I became aware that the "general racial condition" had worsened. There had been provocative incidents; the National States Rights Party held a meeting; there were outside Ku Klux elements in town. Up to that time, none of the white citizens and no responsible Negro citizens had been involved.

The situation was "very tense" after July 2. The feeling was high that Selma needed an injunction or martial law. I knew that the Civil Rights Act had been passed. I was aware that it applied to theaters and restaurants serving interstate customers. I was aware Negroes were arrested for trespassing at Thirsty Boy. I understood from an article by Macon Weaver that trespass laws were still in effect. I had heard that Negroes had entered on the white side and sat in the Wilby Theater.

In July, Mr. Pitts called me and asked if I could hear him on a matter of considerable importance. Pitts brought with him some handwritten affidavits. Subsequently, Pitts presented the complaint to me with a verification. I read about two-thirds of the affidavits. It was not necessary for me to do so, but I normally like for the court to be appraised of the background. I did not make any list of the affidavits, but I "certainly did" take them into consideration. It is common for me to take into consideration affidavits that are not filed.

I signed the decree on the sworn bill of complaint, but only after considerable legal research. Clemens v. CORE was an important case in my consideration. I spent about 3 hours in the library and shepardized virtually every case considered by the court. The applicants had done considerable legal research. My decision to issue the complaint was not a hasty one, but a "considered judgment." The injunction could have been dissolved on proper application. Motion can be made for a hearing within three days. The National States Rights Party demurred, but no other party did anything in the Circuit Court. No party moved to dissolve or to amend. Instead, removal was sought. The removal did not dissolve the injunction; it is still in effect.

[After stating again the whites were not involved before July 2 and that "good Negroes" were not involved either:] I have been a resident of Selma for five years, but I was born and reared in Dallas County. I am familiar with the clergy. I know Rev. Girard, Mr. Rhodes, Rev. Matthews, C. C. Hunter, and Rev. Brown. At the time of the injunction, I did not know of participation and agitation by C.C. Brown, A. B. White, Rev. Bradford, Rev. Miniffee, H. B. Plunkett, John Crear, and E. L. Moss. I think I've met Rev. Miniffee and have known E. L. Moss for years. I don't know whether E. L. Moss was an "agitating Negro" or a "good Negro." Any of those persons were free to come in and ask to be stricken from the injunction, but none did. As to the ministers, I was informed that they had donated or offered their churches for the mass meetings. I did not know who the arrested people were at the Thirsty Boy or outside the courthouse. Neither did I know the SNCC connection of the persons.

There is nothing in my injunction to prohibit the exercise of civil rights. It would not apply to the Thirsty Boy or the Wilby Theater. The restriction is against public disorder. It was directed to people engaged in brawls. It was also directed against men like Dick Gregory, Martin Luther King, and James Foreman, the whole "parade of galaxies." I could sit down and talk with the ministers, although I did not know very many of them. I rarely know the persons I issue an injunction against. This injunction does not touch voting in any manner. I never intended to enjoin churches. The injunction does not affect "fraternal orders", or "normal life."

Major Richardson invited me to Craig Air Force Base. Richardson and I had discussed police jurisdiction in the N.B.F. homes several times. We had had lunch at Craig. I have been consulted by many officers at Craig. Richardson and I discussed the injunction, and Richardson then invited me to Craig. I did not try to force Craig to enforce the injunction. I explained that I think the injunction is constitutional, legal, and still in force. I think I advised I thought an airman could violate the injunction as could anyone else. The meeting at the Negro Elks Club might have involved a violation of the injunction. I did state that "the only evidence was that all these soldiers had taken the Fifth Amendment" when they were interrogated. The sheriff's office or Major Richardson had interrogated them; I was not then present. At the meeting, there was a discussion about the state's right of process. At this time there came up the subject of possible grand jury investigation. Because the matter was in federal court, I said that the County would postpone grand jury action and leave the investigation up to Craig. It was determined also that McLeod would withhold action pending Craig's own determination of what to do.

I had no information concerning the liquor license of the Negro Elks Club until Mr. Moss called me. I did not even know what Moss wanted to see me about until he got there. I don't know why Moss called me unless it was because I had given an address of welcome at the Negro Elks Convention.

WILSON BAKER

(White)

Since October 5, 1964, I've been Director of Public Safety for the City of Selma. From 1940 to 1942 or 1943, I was a claims adjuster for the Southern Railway. I was with the Selma Police from January of 1946 to January of 1958. From then until this year I taught police work in the vocational division of the University of Alabama. I lived here on weekends while teaching. I've attended and instructed seminars at the University, in New York City, Montgomery, St. Louis, and so on. I attended Newburgh College in South Carolina and the University of Alabama. I've done advanced work at Rutgers and St. Lawrence.

In September, 1963, I was present for about two days during picketing. I saw "quite a few people parading or attempt to parade" on Lawrence Street. I saw an arrest. I also saw some parading on Broad Street and some crowds by the Standard Oil Station. It "certainly was" a "tense situation." I saw no physical abuse to Negroes during the arrest.

In July 1964, I knew I was returning to Selma. I tried to keep in touch. I was not here on the weekend of July 4, but was here on other weekends. I observed a "very tense" situation. People on both sides were "very excited."

[Upon being shown Def. Ex. No. 1:] Items "like this," that is, a chain with a weight attached, can be used as a slingshot. [To the question whether he considered this a dangerous weapon] It "very definitely could be used as a dangerous weapon." It is standard practice to question a person arrested. It would be standard practice to question about the chain with the padlock. I would not necessarily accept an explanation without checking it. I "certainly would" check an explanation before rejecting it.

Since I became Director of Public Safety for the City of Selma on October 5, 1964, there have been two racial incidents on which the city police have taken action. One occurred December 19 when non-resident whites beat a local white who had expressed sympathy for Negroes going to church. The police have apprehended the men who administered the beating and have charged all except one who is in the hospital with robbery and assault with intent to commit murder. On December 21, 1964, there was a young Negro assaulted in front of the Y.M.C.A. in Selma. The city police apprehended two white youths and have booked them.

BLANCHARD McLEOD

(White)

I'm Circuit Solicitor for the Fourth Judicial Circuit. I live in Camden, Wilcox County.

I had been attending a picnic on July 4. A highway patrolman told me to contact the sheriff, who told me that Alvery Williams had incited a riot.

After I arrived in Selma on July 4, I heard about a bottle throwing incident. After that, I asked state troopers to watch my wife and children on their way out of town. I had troopers drive me home later.

I arrived in Selma about 10:00 on July 5. I was in Crocker's office when DeMuth and Prince arrived. Crocker asked questions and took down the answers. When I heard the name, Jerry DeMuth, I looked for an article DeMuth had written. He said the inaccuracies were not his, but that his editors had changed it for a better story. DeMuth had not protested the changes. DeMuth had given his address in Atlanta as the SNCC headquarters; I had had the tags traced. DeMuth said he was not employed by SNCC but by Black Star. I told DeMuth that other lawmen said DeMuth always arrived a few hours before trouble. I said, "DeMuth, you are the man who triggers incidents." DeMuth promised not to trigger any incidents."

Someone from the Selma Del reported that Prince had a gun in his pocket.

On the evening of July 5, I was at the sheriff's office. There was a great number of presons there, including the sheriff and the troopers. Sheriff Clark was there when the trouble was called in, but I do not know how long he had been there. Colonel Lingo was not there; he was eating dinner at the Elks Club. I had known of the Green Street Meeting; the situation was "very tense." When I heard on the radio that there was a riot, I asked the trooper to take me to the scene. I asked Crocker about the injuries; He said no one needed hospitalization. Some people had been hit by rocks, but there were no serious injuries. I then ran into the tear gas. I heard someone say, "That's the one that was carrying a gun." I turned and saw Prince and DeMuth. I then heard someone suggest searching the car. I went over to DeMuth's car and said, "DeMuth, you promised me you wouldn't start anything." DeMuth said nothing. I then said, "Prince, if you have that gun, you'd better give it to me." He said, I don't have it. DeMuth asked for protection. I said, we haven't hurt you. We can't follow you all around town. DeMuth then said he wanted protection to get out of town. I said, "You can certainly get that." I did not order Prince and DeMuth to get out of town; I did not advise them to get out; I did beg them to get out of town and not to start any incidents.

I do not know if there is any other person in the radio logs who might be called "solicitor." I am commonly called solicitor myself.

It was probably July 8 that I was in my office at the Courthouse and the Grand Jury had recessed when I decided that I would go uptown for something to eat. I was on the corner of the Drug Store when I saw a group of people coming down the street; they were both white and colored. I returned to the courthouse. "I did not place anybody under arrest." I told an officer that the grand jury was not in session, but that Judge Hare's court was. I then took a sign from a picket, wrote on it the time and place and other pertinent information. I left. I never talked with the arresting officer. That's all I did. [On cross-examination, McLeod was shown a picture, taken on July 6, in the lower right hand corner of the first page on Pl. Ex. No. 14.] I'm not sure about the date of the event I testified to on direct examination. [Pointing to the picture,] "That's where I stayed."

The third page of pictures [in Pl. Ex. No. 14] concerning July 8 shows me with the sign. The sign says something about, "register to vote." There is a picture of me reaching for a sign from a small boy; the sign says "one man, one vote, register now, freedom SNCC." There is a picture of me writing on the sign. In the lower right hand corner of the second page of pictures of July 9 [Pl. Ex. No. 14, Sheriff Clark appears.

On July 6, the sheriff had charged the men he arrested with Alabama tags and baseball bats with carrying a concealed weapon. I told the sheriff I did not know of any law that a baseball bat was a concealed weapon. However, I told the sheriff, "it would be a good idea to hold them, ... because they're up to no good." Later, I told the defense attorney I had not had time to research the question; I did research the question, then gave instructions to have the cases nol prossed. I do not know if the instructions were carried out.

I have attended only one mass meeting. Sheriff Clark had told me he heard the Klan was coming in. I stayed in the car most of the time during the meeting.

In the fall of 1963 I made an arrest in front of Carter's Drug Store. I've made only two arrests as Circuit Solicitor. The person I arrested was not carrying a registration sign; he was advocating boycotting. It was possible there was something about voting on the sign but the main thing was boycotting. I had come over when Harmon Carter called me, because the sheriff's office was empty. Carter had asked me to prevent a killing. I saw a lot of "walking sticks" and believe that if I had been two minutes later the boy would have been in a funeral. The grand jury in Mobile voted 13 to nothing not to bill me for the arrest.

Plaintiff's Exhibit Nos. 41 thru 46 appear to be pictures taken at the Carter Drug on the day of the arrest. No. 41 shows the Negro in a striped shirt that I arrested. My back is in the picture. Plaintiff's Exhibit No. 43 shows the sign the Negro was carrying. It says, "Don't buy where you can't eat" and something about voter registration. [At the McLeod trial, Mr. McLeod was asked, concerning the persons arrested in the fall of 1963, whether all they were doing was carrying registration signs. His answer was:] "No, because they were inciting the public." The man that was arrested at Carter Drug was charged with unlawful assembly.

I could not go to the meeting in the fall of 1963 that Judge Hare held concerning the Selma University students. I told Hare that my main concern was getting the kids back in school; I concurred with his proposal. In the summer of 1964, I came to the meeting that Owens instigated, because only a Circuit Solicitor can nol prosee a case.

Sheriff Clark asked me to attend the organization meeting of the posse and to give a talk. I talked ten or twelve minutes. Later, I taught a class on the law of arrest and the law of searches and seizures. I went through title 15 of the Alabama Code section, taking an hour and a half. I answered more questions on the use of force than anything else. I told the men that there could be no killing for a misdemeanor except to save a life and that there could be no unreasonable force.

I have no recollection of ever violating a law and have never advocated violation of law. [At the McLeod trial he was asked, "Do you remember whether or not at that meeting you said, 'We must meet force with force, the day of passive resistance has passed'?" McLeod's answer at that time was:] "I thought it, whether I said it or not." If that book says I said that, I said it.

Mr. Reese is my Deputy Solicitor in the County Court for Dallas County. He has been on the job for 43 years. To compensate for Mr. Reese's health problem, I handle Reese's case loads every Thursday. I have never discriminated against any Negro; I hold white men to higher standards than Negroes.

BERNARD REYNOLDS

(White)

I have been Probate Judge of Dallas County since 1954. I have wide duties concerning Probate, Revenue, and Juvenile matters. My office is on the first floor of the courthouse. I never hold any County Court. The only type of Court outside of Probate and similar matters that I hold is Juvenile. Judge Hare has no jurisdiction over the juvenile court except for appeal. I am not a lawyer.

Each case I handle gets "individual attention." Most cases have a case worker assigned to them from the Department of Pensions and Security. In the Fall of 1963, demonstrators were handled so far as possible individually. I asked Judge Hare for advice on how to reduce my case load. Judge Hare suggested referees, and I appointed some. I tried to have a guardian, parent, or case worker present, for each child. I also tried to keep in touch with the schools, since the principals of Hudson High School were disturbed over bad attendance. Most children were paroled back to their parents.

I do not discriminate against any Negro child. I spend more time with the Negroes because of the difference in the background.

The County government has "bent over backwards" to do everything we could to control the racial situation. Signs for colored and whites were moved from the drinking fountains in the courthouse.

My interviews with children are not recorded. Investigation of a child by the child welfare worker is not in writing, and notes are not part of the file.

My instructions to the police are to contact me upon the arrest of a juvenile. On July 6 I told the police it was "perfectly all right" to hold children in jail until I heard the case. [To the question whether it was his general practice to keep children in jail until hearing rather than to release them he answered:] I handle cases as quickly as I can. I do not turn a child loose until my office can contact the parents. I have given definite instructions that juveniles are to be kept separately from adults. Welfare workers would report anything out of place along these lines.

The form [from Pl. Ex. No. 21] filled out for Gloria Bostick is the form used in September and October of 1963 and in July of 1964. The forms were filled out by a case worker or myself.

On page A4 of the records in Plaintiff's Exhibit Number 21, there is a notation in my handwriting, "evasive

and so sent back to jail." The judgment for Gloria Bostick, the girl who was evasive, states "probation." Gloria Bostick was "evasive and disrespectful." I believe that she was released from jail the day after judgment. Vashtie Leashore was with Gloria Bostick at the time of judgment. [After being shown records that indicated Gloria Bostick was released from jail on orders of the Federal District Court, Judge Reynolds stated:] I do not remember actually whether she came to the juvenile court the day after judgment.

[Upon being asked whether he had any independent recollection of the case of Willie Reynolds:] I believe we released that boy to his aunt. I have no explanation of the fact that the records of the U.S. District Court show that Willie James Reynolds was released July 15 on the order of that court. The date of a judgment of probation for him is dated July 9.

It is not my general practice to send persons on probation back to jail, but "it has been done."

The racial situation was tense last fall and spring and in July. Since then things have been comparatively quiet. During the week of July 5th, "the situation was very tense." I would not allow my wife and daughters to visit friends in North Selma. [Upon being asked whether he agreed with the statement in the Selma Times Journal for July 9 that Selma was "well on its way to its third day of relative racial calm."] I agree that the situation was better, but I would still not let my family go out at that time.

I discussed the injunction with Judge Hare, with the attorneys, and with the Board of Revenue. The Board of Revenue authorized the decision in order to stop meetings on the street, and so on. I think that the injunction is all that saved Selma from serious trouble.

There were long registration lines from September and October 1963. Since then there has been supervision over lines in the Courthouse. On the first floor of the Courthouse, there are windows on the east side of the hall. On the west side, there are only doors and walls. The Board of Registrar's office is adequate. Lines need to be kept on the west side.