
IN THE
United States Court of Appeals

FOR THE FIFTH CIRCUIT

NO. 21477

UNITED STATES OF AMERICA,
Appellant,

versus

DALLAS COUNTY, ET AL,
Appellees.

Appeal from the United States District Court for the
Southern District of Alabama.

RECORD ON APPEAL

U.S. COURT OF APPEALS
RECEIVED AND FILED
APR 24 1964
EDWARD W. WADSWORTH
CLERK

INDEX

	Page
Name of Court, Style of Cause, etc.	1
Complaint	3
Notice of Motion and Motion for a Preliminary Injunction	10
Application for an Order to Show Cause and Temporary Restraining Order	11
Order dated June 26, 1963, denying Plaintiff's Motion for a Temporary Restraining Order	74
Motion of Defendants, Separately and Severally, to Dismiss the complaint	74
Motion of Dallas County to Dismiss it as a Party Defendant	83
Transcript of Proceedings before Honorable Daniel H. Thomas at Selma, Alabama, on July 25, 1963	84
Order filed September 30, 1963	311
Transcript of Proceedings had before Honorable Daniel H. Thomas at Selma, Alabama, on October 15, 1963	317

INDEX—Continued

	Page
Witnesses:	
Edward W. Mullen	318
Rozene Rogers	338
Clara Bell Smith	349
Alexander Brown	367
Solomon S. Seay, Jr.	372
Maxine Ruffin	379
Ethelyne Jones Nettles	385
James Clark	394
Marie Foster	400
Amelia Boynton	404
Pettus Gilford	411
Edwin M. Moss	415
Claughton Melvin Porter	419
Father Maurice Oullett	424
Order filed October 22, 1963	437
Opinion filed March 19, 1964	438
Order filed March 19, 1964	447
Notice of Appeal	448
Designation of Contents of Record on Appeal	449
Appellant's Designation of Portions of Record to be Printed	451
Appellant's Amended Designation of Portions of Record to be Printed	455

TRANSCRIPT OF RECORD

United States Court of Appeals

FIFTH CIRCUIT

UNITED STATES OF AMERICA,

Appellant,

VERSUS

DALLAS COUNTY: JAMES G. CLARK, JR.,
 Sheriff of Dallas County, Alabama; BLANCHARD
 McLEOD, Circuit Solicitor of the Fourth Judicial
 District of Alabama;

Appellees.

Appeal from the United States District Court for the
 Southern District of Alabama.

Name of Court.

UNITED STATES DISTRICT COURT.
 SOUTHERN DISTRICT OF ALABAMA.

Style of Cause.

UNITED STATES OF AMERICA,

Plaintiff,

VERSUS

DALLAS COUNTY: JAMES G. CLARK, JR.,
 Sheriff of Dallas County, Alabama; BLANCHARD
 McLEOD, Circuit Solicitor of the Fourth Judicial
 District of Alabama

Defendants.

CIVIL ACTION FILE NO. 3064-63.

Suit for Preliminary and Permanent Injunction Enjoining Defendants from Intimidating, Threatening, Coercing, or Attempting to Intimidate, Threaten, or Coerce any Person for the Purpose of Interfering with the Right of that Person or any other Person to become Registered to Vote and Vote in Dallas County, Alabama, etc., on Account of Race or Color.

ATTORNEYS FOR APPELLANT:

Burke Marshall
Assistant Attorney General
United States Department of Justice
Washington, D. C.

John Doar, Attorney
United States Department of Justice
Washington, D. C.

Vernol R. Jansen,
United States Attorney
Federal Building
Mobile, Alabama

ATTORNEYS FOR APPELLEES:

Richmond M. Flowers, Attorney
General, State of Alabama
Montgomery, Alabama

Gordon Madison, Assistant
Attorney General, State of Alabama
Montgomery, Alabama

Thomas G. Gayle, Selma, Alabama

W. McLean Pitts
Post Office Box 722
Selma, Alabama

(Caption Omitted)

COMPLAINT

Plaintiff, United States of America, alleges that:

1. This action is brought under 42 U.S.C. 1971 (a), (b) and (c).
2. This Court has jurisdiction of this action pursuant to 42 U.S.C. 1971 (d) and pursuant to 28 U.S.C. 1345.
3. Dallas County is a political and geographic subdivision of the State of Alabama and is organized and is existing under the laws of that State.
4. James G. Clark, Jr., is the sheriff of Dallas County, Alabama and as such is authorized to enforce the laws of Alabama within Dallas County. He resides in Dallas County.
5. Blanchard McLeod is the Circuit Solicitor of the Fourth Judicial District of Alabama which includes Dallas County and as such is authorized to prosecute violations of the laws of Alabama occurring within Dallas County. He resides in Camden, Alabama, which is in Wilcox County, Alabama.
6. Henry Reese is the County Solicitor of Dallas County, Alabama and as such is authorized to prosecute violations of

the laws of Alabama occurring within Dallas County. He resides in Dallas County.

7. Under Alabama law, registration for voting is a prerequisite for voting in any election, including voting for any candidate for the office of President, Vice President, Presidential elector, Member of the Senate and Member of the House of Representatives of the United States.

8. There are approximately 14,400 white persons and 15,115 Negroes of voting age residing in Dallas County. Of these, approximately 9,000 white persons and 250 Negroes are registered to vote.

9. On April 13, 1961, the United States filed an action under 42 U.S.C. 1971 against the registrar of voters in Dallas County claiming that the defendants, in administration of the registration in Dallas County, had discriminated against Negro citizens. On November 15, 1962, this Court entered its findings and conclusions and found that since January 1, 1952 and December, 1960, the registrar of voters in Dallas County had rejected for registration many qualified Negroes. *United States v. Atkins*, Civil Action No. 2584. It was further found that the new board of registrars had not engaged in discriminatory conduct. An appeal is presently pending in the United States Court of Appeals for the Fifth Circuit.

10. Early in 1963, members of the Dallas County Voters League, a local organization of Dallas County Negroes whose purpose is to encourage and assist Negro citizens of Dallas County to become registered voters, invited Bernard Lafayette, Jr., a field Secretary for the Student Non-violent Coordinating Committee (hereafter referred to as SNCC), an organization whose purpose is to improve the status of Negro citizens by

non-violent means, to Dallas County to assist the local voters' league in their efforts to encourage and assist Dallas County Negroes in becoming registered voters.

11. Pursuant to this request on February 10, 1963, Bernard Lafayette came to Dallas County and with the local voters' league set up a program designed to encourage and assist Dallas County Negroes in becoming registered voters. This program included the establishment of classes or voter clinics in which local Negroes are instructed as to the procedures for registering to vote, the holding of mass meetings to encourage interest in voter registration, the distribution of leaflets and other materials to Dallas County Negroes announcing these voter registration activities; and the keeping of records on the progress of registration of Negroes in Dallas County.

12. As a result of the interest generated by the activities of the SNCC workers and the local voter league, approximately 90 Negro citizens have attended the voter clinics since January 29, 1963, and 400-500 Negro citizens attended each of the two mass meetings held May 14 and June 17, 1963. These meetings were held in local Negro churches, all of which activity resulted in many Negro citizens attempting to register to vote in Dallas County.

13. The registration activities described in paragraphs 11 and 12 were known to the defendants. The mass meeting of May 14 was widely publicized in the local press and agents of defendant Clark observed both of the meetings and were stationed inside and outside the churches during the meetings.

14. On the afternoon of June 17, 1963 Bosie Reese, a young local Negro and Alexander L. Brown another Negro from Birmingham, Alabama who had been assisting Bernard

Lafayette and the local voters' league in the described registration activities, were at the Dallas County Courthouse to observe and report to the league the number and names of Negro citizens applying for registration that afternoon. Both were conducting themselves in an orderly manner. They arrived before the registration office was open after lunch. Brown took a snapshot of a Negro who came to register while the office was closed for lunch. After the office opened at about 2:00 p. m. two Negro citizens appeared to apply. Brown left the courthouse, and Reese remained standing in the hall, conducting himself in a quiet and orderly manner. Defendant Clark questioned Reese as to his identity and reasons for being in the courthouse and asked Reese to leave and not loiter, which Reese did. When Brown returned both Reese and Brown went back into the courthouse. Shortly thereafter an unidentified white male asked both of them to leave, which they did. As they neared the exit of the courthouse defendant Clark grabbed Reese and shoved him into the sheriff's office. There he was slapped, kicked and hit by defendant Clark and other law enforcement officials and was questioned by Clark as to whether he worked with Bernard Lafayette. He was then charged by the defendant Clark for resisting arrest and engaging in conduct calculated to breach the peace. He was then jailed on \$1500 bond, where he remained until Thursday, June 20, 1963, when he was released on \$1000 bond.

15. On the night of June 17, 1963 Bernard Lafayette attended the aforesaid mass meeting at the First Baptist Negro Church, and he spoke urging the Negroes in attendance to register to vote. Agents of defendant Clark, deputies Bates and Suther, were stationed inside the church at the meeting.

16. On the afternoon of June 18, 1963 agents of defendant Clark, deputies Weber and Wright, arrested Lafayette

for vagrancy on a warrant issued on the affidavit of defendant Clark. He was taken to jail and remained there and was released on \$500 bond on the morning of June 19, 1963.

17. On June 20, 1963 Reese and Lafayette appeared at Dallas County Court for trial. Defendant McLeod, Circuit Solicitor, prosecuted Lafayette. The trial of Reese was postponed until 10:00 a.m. on Thursday, June 27, 1963. Defendant Clark and his agent, deputy Weber, testified against Lafayette on the vagrancy charge. Defendant Clark had conducted no investigation into the charges of vagrancy. He had only heard reports from unidentified sources that Lafayette was begging for money at the mass meetings and Lafayette was not employed. Lafayette was acquitted.

18. The detention, arrest and prosecution by the defendants of Lafayette and Reese and the continuing threat of prosecution of Reese on June 27, 1963, by the defendants were and are without legal justification an/or excuse and were and are for the purpose of intimidating, threatening, and coercing Negro citizens of Dallas County from applying for registration to vote and for the purpose of preventing and discouraging these Negro citizens and other Negro citizens from encouraging and instructing and assisting Negro citizens in Dallas County to register to vote.

19. Unless restrained by an order of this Court, the defendants will continue to engage in unlawful acts the same or similar to those described in this Complaint and they will continue to go forward with the prosecution of Reese on the charge for which he was arrested on June 17 and will by such unlawful conduct continue to intimidate, threaten, coerce, prevent, hinder, penalize, interfere with and discourage Negro

citizens of Dallas County from registering to vote and to vote in elections for candidates for federal office.

WHEREFORE, plaintiff respectfully prays:

That this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, servants, employees, and all persons in active concert or participation with them from:

- (a) Intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and vote in Dallas County, Alabama, for candidates for federal office, or punishing any person for having registered or attempted to register to vote and vote for any such candidate;
- (b) Striking, threatening to strike, arresting, threatening to arrest, holding in custody, prosecuting or attempting to prosecute any person in the Courts of the State of Alabama for the purpose of interfering with the right of any Negro citizen to become registered or to vote in Dallas County and to vote for candidates for federal office, or for punishment for having previously registered or voted, or engaging in any act or practice which would deprive any Negro citizen of Dallas County, Alabama of any such right or privilege;
- (c) Proceeding with the prosecution, failing to return the bond monies or release the sureties on the bond in connection with the prosecution of Bosie Reese in

the courts of the State of Alabama on the charges for which he was arrested on June 17, 1963.

That this Court retain jurisdiction of this action for the purpose of affording the relief prayed for and any other relief that is or may become appropriate; and grant to the plaintiff the costs and disbursements of this action.

ROBERT F. KENNEDY
Attorney General

/s/ BURKE MARSHALL
BURKE MARSHALL
Assistant Attorney General

/s/ VERNOL R. JANSEN, JR.
VERNOL R. JANSEN, JR.
United States Attorney

/s/ JOHN DOAR
Attorney
Department of Justice

U. S. DISTRICT COURT
SOU. DIST. OF ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
5:25 P. M.
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

*NOTICE OF MOTION AND MOTION
FOR A PRELIMINARY INJUNCTION*

TO THE DEFENDANTS, AND EACH OF THEM:

You are notified that plaintiff, United States of America, will move this Court in the Court of the United States District Court for the Southern District of Alabama, in Mobile, Alabama, 5 days from the date of service, or as soon thereafter as counsel can be heard for a preliminary injunction enjoining and restraining during the pendency of this action, the defendants, their agents, servants, employees and all persons in active concert or participation with them, from:

(a) Intimidating, threatening, coercing, or attempting to intimidate, threaten or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and vote in Dallas County, Alabama, for candidates for federal office, or punishing any person for having registered or attempted to register to vote and vote for any such candidates;

(b) Striking, threatening to strike, arresting, threatening to arrest, holding in custody, prosecuting or attempting to prosecute any person in the Courts of the State of Alabama for the purpose of interfering with the right of any Negro citizen to become registered or to vote in Dallas County and to vote for Candidates for federal office, or for punishment for having previously registered or voted, or engaging in any act or practice which would deprive any Negro citizen of Dallas County, Alabama of any such right or privilege.

(c) Proceeding with the prosecution, failing to return the bond monies or release the sureties on the bond in connection with the prosecution of Bosie Reese in the courts of the state of Alabama on the charges for which he was arrested on June 17, 1963.

This motion will be based on this Notice of Motion and Motion for a Preliminary Injunction, the pleadings, papers, and affidavits on file in this case and upon oral testimony to be adduced.

/s/ Vernol R. Jansen, Jr.
VERNOL R. JANSEN, JR.
United States Attorney

/s/ John Doar
Attorney
Department of Justice

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

*APPLICATION FOR AN ORDER TO SHOW CAUSE
AND TEMPORARY RESTRAINING ORDER*

The plaintiff applies to the Court for an Order to Show Cause and a Temporary Restraining Order as set forth in the

proposed order to show cause and temporary restraining order attached hereto and made a part thereof.

This application is based on the pleadings on file, the affidavits of Alexander Lionel Brown, Bosie Reese, James E. Gildersleeve, Bernard Lafayette, Jr., a Memorandum of Law, which is attached hereto and made a part hereof, and a transcript of the trial of Bernard Lafayette, Jr. on June 20, 1963, which is attached hereto and made a part hereof.

/s/ John Doar
JOHN DOAR
Attorney
Department of Justice

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

AFFIDAVIT

STATE OF ALABAMA
COUNTY OF DALLAS

My name is Alexander Lionel Brown and I am a Negro. I am 16 years old and I was born in Birmingham, Alabama, which is my home. I live at 1902 Ensley Avenue in Birmingham. I finished my sophomore year in the Western High School in Birmingham, last spring and will begin my junior year this fall. I am a Life Scout and need only two merit badges to become an Eagle Scout. I am active in the Macedonia Baptist

Church where I am the first vice-president of the Youth Department and chairman of Youth Activities. I was arrested three times during the demonstrations in Birmingham this spring. One of these charges was dismissed, another was nolle prossed and the third has been appealed to the Federal Courts and I am under appeal bond.

This spring in Birmingham I met Mrs. Colia Lafayette and she told me about the voter registration project that the Student Non-Violent Coordinating Committee was carrying on in Dallas and surrounding counties in Alabama. I have many relatives in Wilcox County which is next to Dallas County and I am interested in Negroes registering to vote. I volunteered to help in this project and Mrs. Lafayette later told me I had been accepted to work this summer on this SNCC project.

I took a bus to Selma, Alabama, on June 4, 1963, and was met there by Bernard Lafayette who is a field-secretary for SNCC working in the Dallas County project. I stayed in Selma three days and worked with Bernard Lafayette.

On June 7, 1963, I went to Wilcox County. While in that county I talked to Negroes and tried to explain to them the importance of voting, that it was their constitutional right to vote, and tried to encourage them to register to vote. I heard that Bernard Lafayette was beaten in Selma and returned to Selma on June 12th.

While in Selma I worked on the voter registration project there and on Sunday, June 16th I spoke in two Negro churches encouraging their members to register to vote.

On June 17th Bernard Lafayette asked Bosie Reese and myself to go to the Courthouse in Selma to find out how many

Negroes were applying for registration to vote. We try to keep track of those who apply so we can make reports on the progress made in our voter registration drive.

Bosie and I drove to the Courthouse and arrived there sometime after noon. The registrar's office on the first floor of the Courthouse was closed but there was a Negro man waiting to apply at the door of the office. I introduced myself and talked with him for about half an hour. While we were talking I asked him if I could take his picture and he said it was all right. I took his picture with the small Kodak Brownie camera I had with me. I wanted the picture for a scrapbook I am keeping on my voter registration work.

A lady came out of one of the nearby offices and I asked her if the registrar's office was closed. She said it was, that the registrars were at lunch and wouldn't be back until about 1:30. The Negro man who was waiting had to be back to work by 1:30 so I offered to give him a ride. Bosie stayed at the Courthouse and I left with the Negro. I returned to the Courthouse about 20 minutes later and found Bosie Reese waiting outside. We sat in the car and after 2 p.m. we went back into the Courthouse. The registrar's office was open and there were some people waiting in a line outside the office. One of the persons was a middle aged Negro man. I asked him if he was waiting to register, his name and address. I asked if he would mind if I took his picture and he said I could.

I didn't take the picture because just before I was going to take his picture an elderly Negro woman stepped into the line. I asked her for her name and address but she said she would give it to Mrs. Boynton after she applied. Mrs. Boynton is a Negro woman who sells insurance in Selma and who is active in the voter registration drive. I recalled that during

my talks at the Negro churches the previous day I had asked those who applied to leave their names at Mrs. Boynton's. I decided to go over and see how many had left their names with her that morning. I gave my camera to Bosie and left him at the Court-house while I went to Mrs. Boynton's office.

I returned and parked my car across from the side entrance to the Courthouse. Bosie was outside on the sidewalk and he told me that Sheriff Clark had told him to leave the Courthouse. I told Bosie I was going in the Courthouse and he told me if I was going in he was too.

We went into the Courthouse and sat in some chairs on the first floor in the hallway towards the rear of the Courthouse. After a few minutes a white man in a red plaid shirt and blue denim trousers came over to us and asked our names. I didn't know who he was or why he wanted to know who we were. I thought he might be a member of the White Citizens Council. I told him my name was Lewis S. Love and Bosie said he was Tommie Harris. The man was writing this down. He asked me what I was doing there and I told him I was observing. He asked—observing what? I told him I was writing a thesis for my Masters and that I was a student at Alabama State Teachers College. I told him I was observing the registration office and that my thesis was on the ballot. He asked Bosie what he was doing here. Bosie said he was with me. The man then told us we were loitering, that they didn't permit people to loiter in the halls and we would have to leave.

Bosie and I started to leave immediately. We walked through the hall past the registrar's office to the main entrance which is near the Sheriff's office. Bosie was several feet behind me. I opened the door and as I was going through the door I turned and saw a white man grab Bosie by the arm and

grab for his head. When I saw this I ran for my car and went immediately to Mrs. Boynton's office where I told Rev. Lafayette what had happened.

That evening I went to the mass meeting concerning voter registration held at the First Baptist Church in Selma, Alabama. During the meeting I had to return to my apartment briefly, about 7:30 or 7:45 p.m. Terry Shaw and another young Negro went with me and we returned to the meeting about fifteen minutes later.

Just after we parked our car in the parking lot next to the church, a car with about six white men in it drove into the parking lot. They stopped their car behind the parked cars and shined a flash light on the license plates of the parked cars. I stood and watched them for a few minutes and then went back into the meeting.

/s/ Alexander Lionel Brown
Alexander Lionel Brown

Subscribed and sworn to before me this 24 day of June, 1963.

/s/ P. L. Lindsey, N.P.
Notary Public

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 16 1963
WILLIAM J. O'CONNOR
CLERK

AFFIDAVIT

STATE OF ALABAMA
COUNTY OF DALLAS

My name is Bosie Reese and I am a Negro. I am 19 years old and I have lived in Selma, Alabama, all of my life. I live at 1001 Minter Street in Selma. I finished the 9th grade. I was arrested in 1960 for stealing a bicycle, in 1961 for stealing a watch and twice for driving without a license, once in 1962 and once in 1963.

I have been working for about two months in the voter registration drive being carried on among Negroes in Dallas County, Alabama. Most of the work I have been doing in the drive has been passing out leaflets among Negroes in Selma. These leaflets either give the times, places and speakers for mass meetings to be held in our voter registration drive or else they urge Negroes to register to vote and state the place and times that Negroes can go to the Courthouse in Selma to register to vote. I pass out these leaflets along with other young Negroes at the homes of Negroes or places of business run by Negroes.

On Saturday, June 1, 1963, I was passing out some leaflets with some other Negroes in Selma. These leaflets urged Negroes to apply for registration the next Monday. While we were passing them out, a sheriff's car drove up and a deputy sheriff, I believe his name is Crawford, stopped me and said he had complaints that we were putting the leaflets on cars. He asked me my name, address and what I was doing. I told him we did not put leaflets on cars and gave him one of the leaflets. He asked for more than one so I gave him a stack of them. I went on passing out the leaflets after this.

During the morning of Monday, June 17, 1963, Bernard Lafayette asked me and Alexander Brown, another young Negro, to go to the Courthouse at Selma and to check to see how many Negroes were applying for registration and to get their names and addresses. Bernard Lafayette is one of the leaders in the voting registration drive and we try to keep records on who applies and how the drive is going.

Brown and I went to the courthouse and got there about 12:30 in the afternoon. The registrar's office was closed and we didn't find anyone waiting to apply. Soon after we got there a young Negro man came in and waited at the registrar's door. Brown and I talked to him. Brown got his name, address and asked him if he could take his picture. The Negro agreed and Brown took a picture of him posed with his hand on the door as though he was going in to register. The Negro waited until about 1:20 and no registrars had shown up yet so he left to go back to work. Brown left with him.

I waited in the hallway on the first floor of the courthouse near the door to the registrar's office until about 1:40 p.m. No one else had come so I went outside and waited on the sidewalk in front of the courthouse. Brown returned and we waited in his car until shortly after 2:00 p.m. when we went back into the courthouse.

The registrar's office was open and it looked like some people were in applying. There was a white woman waiting outside the office to apply and a Negro man waiting behind her. Brown asked the Negro for his name and address and asked him if he could take his picture. The Negro said he could, but before Brown took his picture a Negro lady came up and stood behind the Negro man in the line. Brown talked to the lady. She didn't give him her name and address but said she would

give it to Mrs. Boynton after she applied. Mrs. Boynton is a Negro woman active in the voter registration drive.

After talking to the Negro woman Brown said he was going over to Mrs. Boynton's office and asked me to wait for him in the courthouse. He gave me his camera and left. It is a small Brownie camera and I hung it around my neck. I went down the hallway to the next door down from the registrar's office and waited next to the wall. After standing there a short while sheriff Clark walked over to me and asked me what I was doing, what was my name and asked me for my identification. He asked me what I was doing with a camera around my neck. I told him the camera belonged to a friend and that I was waiting for him to come back. He told me he had had complaints that I had been loitering in the hall and asked me to leave. I left.

I waited outside for Brown and he came back shortly after I left the Courthouse. I told him what had happened and gave him back his camera. Brown said he was going back in and I told him if he was going back then I would go back too. We went into the Courthouse from the side entrance and sat in some chairs towards the rear of the hallway on the first floor. Just after we sat down a man came by and asked us about what we were doing there. He told us we were loitering and that we would have to leave. Brown walked down the hall past the line by the registrars' office and started out the entrance. I followed him by about three feet.

Just as Brown was walking out the door I reached to hold the door open. I hadn't seen the sheriff around but just then someone grabbed me by the hand and neck, got behind me and shoved me into the sheriff's office which is by the entrance. It was Sheriff Clark. He pushed me through the sheriff's office

and shoved me down the stairs at the back of the office. I kept my feet and was able to keep from falling down the stairs. At the bottom of the stairs he shoved me into another office over next to a chair that was leaning against the wall. He slapped at me but I put my hands in front of my face and the blows hit my hands.

He told me to pick up the chair and sit in it. After I sat down he hit me over the head with a billy stick three times and punched me twice in the stomach and once in the side with it. He could have swung harder but I still got a lump on my head from it. He said—Didn't I tell you to stay out of here. I told him yes but I had to come back in to get some change. He took everything out of my pockets, looked at some of the cards and papers in my billfold and then took it all out of the office.

There was a man in a highway patrol uniform sitting behind the desk and an old man sitting in another chair in the room. The man in the uniform asked me if I knew how to swim. I told him I did and then he asked me if I knew how to swim with a block of cement on my feet.

The Sheriff came back downstairs and asked me if I was working with Bernard. I didn't answer and he asked me if I knew what they did with smart niggers around here. The elderly man said the highway patrolman had just told me what they did with smart niggers.

A deputy sheriff came downstairs and asked me if I knew the name of the other person who was with me. I started to say no and the sheriff kicked me and told me not to sit up there and tell a lie. I told him the other person's name was Lewis Brown. They asked me where he lived and I told them three houses off Jeff Davis on Sylvan Street. I didn't tell him be-

cause I didn't want to get him into the trouble I was in. The deputy sheriff and the sheriff left.

The highway patrolman told me he was going to beat all the nigger out of me and make me white. About this time a young man in civilian clothes came in. He had a gun on. He asked me who was taking the pictures and I told him I wasn't taking any pictures. The highway patrolman and elderly man left the room. This young man kept questioning me about the camera and what I was doing with it. He kept questioning me in a threatening way and tried to get me to admit that I was taking a picture of the water fountain in the hallway. I kept insisting I hadn't taken a picture of the water fountain and he told me I was lying and that I was calling a lady a liar.

After a short while the sheriff came back and he took me back to the upstairs office. On the way upstairs he punched me in the back with the billy stick. Upstairs he got some warrants and he and a deputy took me over to the Judge's Office in a building in town. While we were there I think the Judge changed one of the warrants. They charged me with two things and set bail at \$1,000 on one of them and \$500 on the other. Then they took me back to the Courthouse and then over to the jail. At the jail they asked me questions about my name, address, age and took pictures and finger printed me.

I couldn't cover the bond and I had to stay in jail until about 10:30 Friday morning when two Negroes named Moss and Rev. Brown signed the bond for me. In Court on Thursday the Judge postponed my trial for one week and lowered my bond on the one charge from \$1,000 to \$500 at the request of my attorneys.

This affidavit has been read to me by David H. Marlin, an attorney for the Department of Justice, and I understand it and it is true and correct to the best of my knowledge.

/s/ Bosie Reese
Bosie Reese

Subscribed and sworn to before me this 24 day of June, 1963.

/s/ P. L. Lindsey, N.P.
Notary Public

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

AFFIDAVIT

STATE OF ALABAMA
COUNTY OF DALLAS

My name is James E. Gildersleve and I am a Negro. I live at 1726 Green Street in Selma with my wife and two daughters. I am 45 years old. I teach social studies to grades 7 through 12 at Alabama Lutheran Academy and College in Selma. I was born in Marengo County, Alabama, and have lived in Selma for about 10 years. I graduated from Miles College in Birmingham with a B.S. degree in 1951 and in 1958 I received a Master's degree in education from Alabama State College in Montgomery. I served in the United States Army

from October, 1941 to October, 1945 and was in combat at Salerno, Italy, in 1943. I am on the mission board of the Lutheran Church, Missouri Synod, Southern District.

In the Fall of 1962, I was elected vice-president of the Dallas County Voters League. The Voters League is an organization of Negroes living in Dallas County and its main objective is to encourage and assist Negroes to become registered voters. The Voters League has been in existence for many years, even before I moved to Dallas County. About the time I became vice-president of the Voters League last year, the Voters League membership was trying to build up interest in voter registration among Dallas County Negroes. We were very concerned because it seemed that the number of Negroes registered to vote in Dallas County was decreasing. Our records disclosed that although we once had 163 Negroes registered, there were now only 156.

Even before being elected vice-president of the Voters League, I had been trying to help Negroes to get registered in Dallas County. I had been asked to be an instructor of a voting clinic and to help organize it. The idea was that we would explain the voting application form to interested Negroes, teach them how to fill out the form correctly and encourage them to go to the Courthouse to apply. The attempt by the Voters League to set up these clinics was a failure. I recall we actually had only one clinic. One of the problems was that we had no one who could devote time every day to organizing the clinics.

In February, 1963, Rev. Bernard Lafayette, of the Student Non-Violent Coordinating Committee of Atlanta came to Dallas County at the request of the Voters League to help the Voters League in its effort to get Negroes registered to vote.

The Voters League had a meeting in February, 1963, and I recall that I made a motion to have Rev. Lafayette work on organizing voting clinics similar to the ones we tried to organize in 1962. Since Rev. Lafayette has been in Dallas County, the Voters League has made tremendous progress. Our efforts had practically come to a standstill before Rev. Lafayette arrived. Since he started to work with us, we have had a lot of interest among Dallas County Negroes in getting registered to vote. A lot of people have come to our clinics that are held every Tuesday and Thursday nights and have been held regularly ever since Rev. Lafayette arrived. I go to these clinics myself and act as an instructor. At these clinics, I, Rev. Lafayette and the other instructors discuss and explain the voter application forms, go over the questions on the forms, tell the people how they may be treated, make arrangements to provide transportation to and from the Courthouse if it is needed and ask voter applicants to notify us when they apply and whether or not they are accepted as voters.

Since Rev. Lafayette came to work with the Voters League, there has been a lot of interest in the Voters League work among young people in Dallas County. These young people have passed out leaflets advertising our mass meetings and other material urging Negroes to become registered voters and have been asked to help their parents become registered.

On May 14, 1963, the Voters League sponsored a mass meeting at the Tabernacle Baptist Church in Selma. This Church is in a Negro neighborhood. The purpose of the meeting was to create interest in voting registration and to encourage Negroes to go to the Dallas County Courthouse to apply to become a voter. The Voters League also wanted to provide an opportunity to raise money for Rev. L. L. Anderson of Selma, who is scheduled for trial because of a traffic death. I helped

arrange the program for the meeting at which James Forman of Atlanta, representing the Student Non-Violent Coordinating Committee, was the main speaker. The program consisted of songs, prayers and speeches by Rev. C. C. Hunter, Rev. Lafayette, Mr. Forman and myself. All the speeches were concerned with encouraging Dallas County Negroes to become voters. When I arrived at the meeting about 7:30 p.m., I saw about 25-30 white men outside the church wearing guns and carrying clubs. Some of them were in uniform and some of them wore khaki clothes and were in what is called by me and other Negroes the sheriff's posse. When I went inside the church I saw three police officers there. They were wearing guns. One of them, from the Dallas County Sheriff's office, was wearing a walkie-talkie and he talked on it throughout the meeting. There were three or four photographers at the meeting. I recognized one of them as being from The Selma Times-Journal. These photographers roamed all over the church and the speaker's platform taking pictures of the people in the audience and on the platform. I have never seen any pictures of this meeting in the Selma, or any other, newspaper. I estimate that about 400 Negroes from Dallas County came to the meeting. There was no trouble during the meeting or after it was over.

The Voters League held a second mass meeting on June 17, 1963, at the First Baptist Church in Selma. This meeting was also to encourage Negro voter registration. The church is in a Negro neighborhood. The guest speaker was Rev. James Bevel of Mississippi. The program was similar to that of the first mass meeting and the speeches by Rev. Bevel, Rev. Lafayette and a short speech I made urged Negroes to become registered voters. About 400-500 Negroes from Dallas County attended and it was a peaceful meeting with no disturbances. When I arrived at the church about 7:30 p.m., I saw about four automobiles in front of and near the church. In these automobiles

were white men, some of them wearing light helmets. I saw that some of these men were copying license plate numbers from cars containing Negroes that drove up to the church. During the meeting, there were three or four white men in the church. The same deputy sheriff, whom I believe is Lt. Suther, had a walkie-talkie and talked on it throughout the meeting. A photographer walked around the church taking pictures of the Negroes present. The meeting ended at about 10 p.m.

On the morning of May 20, 1963, about 10 to 10:30, a Monday and the first registration day in Dallas County following the May 14 mass meeting, I drove two Negro ladies to the Courthouse so they could try to register to vote. They are Dr. Rosa J. Young, who is in her 30's, and Ola Dunning, whom I think is 75 years old. After I had parked my car, I and Rev. L. L. Anderson, who said he was there to try to get registered himself, helped the ladies up the Courthouse steps and into the building where they got in line in the hallway near the registrar's office. I waited there as they had asked me to take them home after completing their applications. A deputy sheriff, whom I believe is Lt. Suther, told me I would have to leave. He didn't say why and I didn't ask why. I left and went outside. After waiting outside for several minutes, I went back inside to ask Dr. Young and Mrs. Dunning how long they thought they would be before they were ready to leave. Mrs. Dunning told me that a photographer had been inside taking pictures and had asked her for my name. I went back outside and saw a photographer with a press camera. I asked him why he was taking pictures. He said he was taking pictures for the newspaper. I told him I hoped he knew what he was doing. About noon, Dr. Young and Mrs. Dunning came out and said that the registrar's office had closed for lunch and they hadn't been able to apply as yet. I took Mrs. Dunning home and brought her back in the afternoon. I waited outside and I be-

lieve I drove both Dr. Young and Mrs. Dunning to their homes after they applied.

/s/ James E. Gildersleve
James E. Gildersleve

Subscribed and sworn to before me this 24 day of June, 1963.

/s/ P. L. Lindsey, N.P.
Notary Public

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

AFFIDAVIT

STATE OF ALABAMA
COUNTY OF DALLAS

My name is Bernard Lafayette, Jr. I am 22 years old and a Negro. I was born in Tampa, Florida and I graduated from Middleton Senior High School in Tampa in 1958. I attended the American Baptist Theological Seminary in Nashville, Tennessee, from September, 1958 to May, 1961. I transferred to Fisk University in Nashville and attended Fisk for one semester from February to June, 1962. I am a licensed minister by the New Hope Baptist Church in Tampa and Roger Heights Baptist Church in Nashville. I have never had a church ministry. I am married and have no children.

I interrupted my college education to work with the Student Non-Violent Coordinating Committee (SNCC) of Atlanta. I am now, and have been since September, 1961, except for my semester at Fisk, a SNCC field secretary. SNCC is an organization of Negroes and some white persons. One of its main activities is to work in various states assisting Negroes to become registered voters. Often SNCC is asked by Negro leaders and organizations to come into their local communities and help them in their voting registration efforts.

In November, 1962, the Dallas County (Alabama) Voters League requested assistance from the Southern Regional Council in Atlanta in getting Dallas County Negroes to become voters. One of the functions of the Southern Regional Council is to assist Negro voting registration and the Council contacted SNCC concerning the Dallas County request. I was then working on Negro voting registration in Mississippi for SNCC and SNCC asked me and I agreed to go to Dallas County to determine if such a project was desirable at that time. I thought, after spending a few days in Selma, the county seat of Dallas County, that it was. In February, 1963, I was named by SNCC the director of the Central Alabama Voter Registration Project. The project was to help local Negro leaders and organization in getting Negroes registered as voters in Dallas, Wilcox and other Alabama counties.

I returned to Dallas County on February 10, 1963 to start work in helping the Dallas County Voters League in its effort of assisting Negroes to become voters. I have been working in Dallas County on this project continuously since February 10, 1963, except for a few days spent in other nearby Alabama counties working on voting registration. I am here at the invitation of the Voters League, an organization of Negroes living in Dallas County, and I work in cooperation with

it. The purpose of the Voters League is to assist every eligible person in Dallas County who desires it to become a registered voter. The Voters League hold meetings once a month and I am a member. I make reports to the Voters League of my activities and make suggestions for future plans and action. The membership of the Voters League discusses my suggestions and those from other members and a consensus comes from the meetings which guides my activities. My function is to provide the organization needed to accomplish the Voters League goal.

In carrying out my work with the Voters League, I have recruited about 50 young people from Dallas County to help with the project. I also have had the help of a SNCC field worker for the last two weeks, a 16 year old Negro boy from Birmingham named Alexander Brown. These young people I have recruited pass out leaflets and other printed matter advertising voter's clinics and mass meetings, teach eligible people who want to apply for registration to vote how to properly fill out application forms and try to determine how many Negroes go to the Dallas County courthouse to make application for voting registration and how many of those who apply are accepted.

Our program has also included establishing voters' clinics. They are held every Tuesday and Thursday nights at Franklin Street in Selma or, at times at the Shiloh Baptist Church in Bogue Chitta, Alabama. The purpose of these clinics is to have Negroes who wish to register come and learn the procedure. I try to attend every clinic and so do the officers of the Voters League. We explain to the people who attend what the requirements are to become a voter. We show them sample application forms and we teach them the meaning of all the questions on the form and show them how the form should be filled out. We tell them what to expect at the courthouse when they go

there to apply and we ask them to let us know when they go to the courthouse and whether they were able to fill out an application form. We asked them to let us know if they were accepted or rejected.

The voter's clinics have been held each Tuesday and Thursday nights since January 29, 1963. I know that the records of the Voters League, which are kept by a Voters League instructor, Mrs. Marie Foster, show that 90 different persons have attended at least one clinic since January 29. Three people attended two meetings held in January; in February, 53 persons attended; in March, 27 persons attended; in April, 35 persons attended; in May, 46 persons attended; and up to and including the clinic of June 20, 1963, 11 persons have attended in June, 1963.

The Voters League has also sponsored two mass meetings in order to encourage Negroes to try to become registered voters. These meetings were held on May 14 and June 17. We advertise the meetings well in advance by passing out leaflets, by calling at people's homes and by speaking at churches and other organizations.

The voters' clinics became much busier after the May 14 mass meeting was publicized and then held. Our records show that nine persons attended the voters' clinic of May 11; that 12 persons attended the clinic of May 21; that eight persons attended the clinic of May 23; that two persons attended the clinic of May 28; and that nine persons attended the clinic of May 30. We have not had more than three persons at a clinic during the month of June, 1963.

The first mass meeting was held on May 14 at the Tabernacle Baptist Church in Selma, which is in a Negro living sec-

tion of Selma. The guest speaker was James Forman of Atlanta, executive-secretary of SNCC. I arrived at the church about 6:30 p.m., an hour before the meeting was to start. When I arrived there were about four police cars containing white men either parked near the church or driving around near the church. There were about 10 uniformed officers and other white men not in police uniforms standing across the street from the church. They wore or carried guns and clubs and some of them had helmets on their heads. There were no other white persons in the vicinity of the church and Negroes had not yet begun to arrive for the mass meeting. I went inside the church for a committee meeting and then came back outside about 7:30. At this time I saw many more cars and trucks, some carrying white men, around the church. I saw about 30 white men standing around in the uniform of the city police or the sheriff's office or dressed in khaki clothes with helmets. They all seemed to be armed with guns and clubs. I and other Negroes refer to the men in khaki clothes as the sheriff's posse. I believe they live in Dallas County and are deputized by the sheriff of the county. This night they were obviously a part of the law enforcement group at the church.

The mass meeting began with a prayer by Rev. C. C. Hunter of Selma. A hymn was sung and speeches were made about the need for Negroes to become registered voters by Rev. Hunter, Mr. Gildersleve, vice-president of the Voters League, myself and Mr. Forman. A prayer was said for Mr. A. P. Boynton who died that day. Mr. Boynton had been president of the Voters League. A collection was taken for Rev. L. L. Anderson who is facing a trial arising from a traffic accident and Rev. Anderson thanked everyone. Freedom songs were sung and the meeting closed with a benediction. Rev. Hunter and I had urged the people to leave the meeting quietly and to go directly home. The meeting, at which I estimate 400-

450 Negro persons attended, was conducted peacefully and there were no disturbances. Throughout the meeting two deputy sheriffs from the Dallas County sheriff's office and one person whom I believe is a city policeman were inside the church. They were armed with pistols. One of the deputy sheriffs, named Suther, stood at the back door with a walkie-talkie which he used throughout the meeting. The other two took notes. There were about four photographers and a movie camera man inside the church taking pictures of the audience and the people on the speaker's platform.

The day following the meeting, May 15, a long news story appeared on the front page of the Selma Times-Journal. The story said that I was a speaker and that I urged a massive turnout of Negroes at the May 20th meeting of the Dallas County Board of Registrars. It stated that I had been in Selma for the last 60 days to organize the mass meeting and that I had said at the meeting that there were enough Negroes in Dallas County to decide who its elected officials would be. A copy of this newspaper article is attached to this affidavit.

On June 11, 1963, I was going to my home on Union Street in Selma at about 11:00 p.m. A car was parked in the middle of the street directly in front of my house and a white man was seated behind the driver's wheel. Another white man, who was standing by this car, asked me to push their car as it wouldn't start. I attempted to push the car and the white man who was standing on the street asked me to get out of my car to make sure the bumpers met. I got out of my car and when I did, this man struck me several times on the head with a blunt object. Then this man jumped into the car with the other white man and they drove away. I phoned the Selma police and they came to my house to talk to me. I then went to the Burwell Infirmary where six stitches put in my scalp. The police also talked to me at the hospital. I also reported this beating and

gave a statement to the Federal Bureau of Investigation. To my knowledge, these white men have not been arrested.

On the morning of June 17, I asked a 19 year old Negro boy from Selma named Bosie Reese who has been helping the Voters League in its activities to go with Alexander Brown to the Dallas County courthouse and see how many Negroes were attempting to register to vote. This was a regular voters registration day at the courthouse. I told Reese and Brown to find out the names and addresses of any Negroes who were there and apply so that the Voters League would have a record of that and then could also contact these people to see if they were accepted. We have had a lot of difficulty keeping track of the numbers of Negroes who apply to register and finding out who was accepted. The Voters League records show that 31 Negroes have applied to register to vote since January 29, 1963, but I know and the officers of the Voters League know that many more have applied. I had previously told Reese and Brown of the importance of taking pictures of Negroes who were attempting to register. The Voters League wants pictures of Negroes waiting to register so that these pictures can be shown to other Negroes in Dallas County and they can be told and shown that it is possible to try to get registered. I heard that afternoon from Brown that Reese had been taken by Dallas County Sheriff Clark into the sheriff's office. I went to his office to see the sheriff to find out whether Reese had been arrested. I asked the sheriff about Reese and he told me Reese had been arrested for failure to obey an officer and for resisting arrest. The sheriff asked me my name and I told him what it is. This was the first time I had ever talked to Sheriff Clark. I left and went to the county jail, where Reese was being held, to see whether a bond had been set for Reese. While at the jail, I saw a paper that said Reese was charged with action calculated to provoke breach of the peace and resisting arrest.

That night, June 17, the Voters League sponsored its second mass meeting at the First Baptist Church in Selma, which is in a Negro living area of the city. The meeting was scheduled to start at 7:00 p.m. and the guest speaker was Rev. James Bevel of Mississippi. This meeting had also been advertised in advance by the distribution of leaflets, by word of mouth and by speeches at churches and other organizations. I arrived at the church about 7:00 p.m. and saw a man in the uniform of a deputy sheriff shining a long flashlight on the license plates of cars parked in the church's parking lot and copying down the numbers from these license plates. I saw about three city police and three sheriff's cars there. Two of these cars were parked near the church and the others were being driven around in the vicinity of the church by uniformed officers. The meeting began about 7:30 p.m. Rev. McDale of Dallas County, a Negro, began the meeting with a prayer. Mrs. Foster, an instructor of the Voters League, told everyone that the purpose of the meeting was to encourage people to become voters. Hymns and freedom songs were sung and Jackson C. Lawson presented a citation to Mrs. A. P. Boynton on behalf of her late husband. Mrs. Boynton responded with her thanks and Rev. L. L. Anderson led a memorial prayer for Mr. Boynton. A financial appeal was made on behalf of the Voters League by Mr. Lindsey, a Selma Negro and then I spoke about the importance of voting and the need to encourage people to become registered voters. I introduced Rev. Bevel who spoke about voting and urged the Negroes there to work on getting people registered in Dallas County. Mr. Gildersleeve, vice-president of the Voters League, made an appeal for voting registration, announced when the clinics would be held, talked about the work of the Voters League and told when registration would be held at the courthouse in July. Rev. Cleveland closed the meeting at about 9:45 with remarks and a benediction. There were no disturbances during the meeting. I believe there

were about 500 Negroes from Dallas County at the meeting. Just like the last mass meeting on May 14, there were two deputy sheriffs and, I believe, a Selma policeman, inside the church throughout the meeting. One of the deputy sheriffs, again Suther, had a walkie-talkie and he used it during the meeting. The other two officers took notes. There was a photographer, whom I recognized as being from the Selma Times-Journal, at the meeting and he walked around the church taking pictures of the Negroes in the church. When the meeting was over I went outside the church and saw some of the sheriff's posse, wearing khaki clothes and guns and helmets, sitting in cars parked outside the church and driving around in cars near the church. Newspaper articles about this mass meeting, stating that I was one of the speakers, appeared the following day, June 18, in the Montgomery Advertiser and the Birmingham News.

On the evening of June 18, a Tuesday, the Voters League had a regularly scheduled voter's clinic at Franklin Street in Selma. Only one person showed up so I and the Voters League officers soon had a committee meeting. When it was over, about 10:30 p.m., I and a 17 year old Negro boy from Dallas County named Terry Shaw, who has been helping the Voters League in its work, got into my car. I planned to drive him home and then go to my home. After crossing the intersection of Alabama Avenue while going north on Washington Avenue, we noticed that a sheriff's car was behind us with a flashing light. We pulled over to the curb and stopped. I got out of my car and Deputy Sheriff Weber and another officer got out of the sheriff's car. Weber asked to see my driver's license and I showed it to him. He said he had a warrant for my arrest and he had a folded paper in my hand. I asked him what the charge was and he said it was vagrancy. I was then taken by Weber to the county jail on Alabama Avenue where I was searched.

At the jail I asked Weber if I could see the warrant but he didn't let me read it. I asked him why I was being arrested for vagrancy and Weber said he was following orders. I found out later that Sheriff Clark had sworn out a warrant for my arrest on vagrancy. I was placed in a cell block with Bosie Reese and the following morning I was fingerprinted and photographed. That afternoon I was released after Mrs. Marie Foster and Henry Shannon, both Negroes of Selma, signed a \$500 property bond for me. Both before and after my arrest, no one from the sheriff's office, the Selma police or anyone else has ever talked to me about how much money I had or whether I was employed.

This was not my first arrest. Since I helped organize in February, 1960, the Nashville Non-Violent Movement, an affiliate of SNCC, when I was a student at the Seminary in Nashville, I have been arrested approximately nine times. All of these arrests have been connected with my activities with SNCC or with other civil rights activities and I have never been arrested or convicted of any offense not arising from my civil rights activities.

I was tried for vagrancy on June 20 in the county court in Selma before a judge. I was found not guilty. I was defended by attorneys Chestnut of Selma and Seay of Montgomery. The voters League is going to pay for the legal expenses.

As a SNCC field secretary, all of my personal and work expenses are paid for by SNCC, including room, board, transportation, telephone, postage, office supplies and printing. I telephone the SNCC office in Atlanta to tell them of my financial needs and they send me money. I account in detail to SNCC for all money I receive from SNCC and I operate on a specific budget. When I was arrested on June 18, I had \$27.75

with me. I do not owe any money to anyone in Selma or Dallas County. I pay \$40 a month rent for my apartment and the rent was paid in advance for the month of June at the time of my arrest.

/s/ Bernard Lafayette, Jr.
BERNARD LAFAYETTE, JR.

Subscribed and sworn to before me this 24 day of June, 1963.

/s/ P. L. Lindsey, N.P.
Notary Public

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

THE SELMA TIMES-JOURNAL

May 15, 1963

VOTER REGISTRATION RALLY CONCLUDED
QUIETLY HERE

NEGROES CAUTIONED BY LOCAL PASTOR

By Arthur Capell

A Selma Negro pastor told a voter registration rally at Tabernacle Baptist Church on Broad Street last night that "we have a lot to do to improve ourselves before we talk about

some of these other things that have been mentioned here tonight.”

Following this remark by Rev. C. C. Hunter, pastor of Clinton Chapel AME Zion Church, an estimated 350 Negroes left the church quietly, dispersed immediately and departed the area as routinely as if they had attended a regular worship service and heard an unusually inspiring devotional.

But for some 90 minutes before Rev. Hunter closed the meeting with his remarks, the group—predominated by Negro teenagers—passionately applauded and shouted “amens” to an Atlanta Ga., speaker’s remarks on “The High Cost of Freedom.”

Church Not Filled

Negroes James Forman and Bernard LaFayette, both representing the pro-integration Student Non-Violent Committee with headquarters in Atlanta, were the principal speakers at the meeting billed as a “mass rally,” but which failed to fill the church to capacity.

They urged a massive turnout of Negroes at the next (May 20) meeting of the Dallas County board of registrars, claiming that the ballot box is one of the most important approaches to their race’s fight for freedom.

A Negro introduced as Rev. Brown but whose first name was never mentioned addressed the assembly briefly and said he has been successful in prodding 15 Negroes in Wilcox County to make voter registration applications.

Wilcox County has no registered Negro voters and its officials have been successful to date in defending this situation

in federal court on grounds that no Negroes have applied for registration there in the last 50 years.

The meeting last night ran its three-hour course without any threat of unusual incidents.

The Negroes were orderly and the sheriff’s department, police department and an estimated 50 special deputies stationed in the vicinity of the church kept a constant flow of traffic on Broad Street moving and quickly dispersed anything which indicated the possible formation of large groups of spectators.

After the meeting, the Negroes came from the church and disappeared immediately from the scene. Within ten minutes after the meeting closed, the area was cleared of all law enforcement and Negroes and the traffic flow had diminished to the normal 11 p.m. movement of automobiles.

Law enforcement had there officers stationed in the church one of whom was equipped with a walkie-talkie radio on which he reported the sequence of events as they progressed in the church.

Immediately before the meeting ended a Negro queried one of the deputies inside about the safety of Negroes when they left the meeting.

Protection Promised

The deputy relayed the message to the sheriff on his walkie-talkie and the sheriff answered the query with a promise that there would be no disturbance if the group dispersed immediately on its exit to the streets.

This condition was met, and among both Negroes and whites present to witness the procedure the atmosphere was almost casual and indifferent to the unusual events which had them facing each other on the city's busiest thoroughfare at 11 p.m. on a Tuesday night.

Forman, the executive director of the SNCC, told the group during his talk that was dominated by words of brotherhood but carried a powerful undercurrent of vindication:

"History books tell that the last battle of the civil war was fought in Selma, Ala. But now it remains to be seen whether Selma will fight the last battle to keep the Negroes down."

Forman said the white population must realize that the Negro is not content "to take a slow-moving train to New York or a Greyhound bus ride to Chicago."

"We're going to plant our roots here," he said. "And the sooner Selma understands this is what black people want, the better off we will all be."

"Some day they will have to open up that ballot box," Forman said, "and that will be our day of reckoning. But it's up to us to be down there Monday to make sure that day isn't too long coming."

"We've been tricking the white folks all our lives, and next Monday we are going to trick them again," Forman said.

"We want more than a suit of second hand clothes and a piece of bread," Forman said. "We want to go down to the ballot box and help them get their bread."

"Come Out In Open"

The speaker said it is time for the Negroes to "come out in the open with their views on freedom."

LaFayette, who has been in Selma the last 60 days organizing last night's meeting, said there are enough Negroes in Dallas County to decide who its elected officials will be."

But he told the meeting there are too many Negroes who want freedom the easy way and are not willing to make the sacrifice to attain it.

Hunter, who presided over the meeting, told the group in his opening prayers and devotional that his message was for them to "love thy neighbor and let God fight your battles."

He charged his listeners to "sow good seed because you will reap what you sow."

Remarks Not Planned

Rev. Hunter also made a few closing remarks after Forman's address which he said later "I hadn't planned on making."

"But after hearing those speeches (Foreman's and LaFayette's)," he said, "my conscience wouldn't allow me to let that crowd leave there in the frame of mind it was in."

Hunter told the church crowd, in conclusion, "you shouldn't put all of the blame on the white man because we had a lot to do with it ourselves."

"We've got too many children on the streets that should be in the schools provide for them and too many parents whose behavior makes them unfit to fill that Godly role," he said.

"A Lot To Do"

"We've got a lot to do in our own homes and own community before we talk about these other things," he said.

Rev. L. L. Anderson, pastor of the church also spoke briefly at the conclusion of the meeting and praised local law enforcement agencies.

An offering was taken at the meeting last night in which each member of the congregation filed past the altar to make a contribution to a fund to pay legal counsel for Rev. Anderson in his defense against a several-year-old manslaughter charge.

Anderson was the driver of an automobile which struck and killed another Negro on a Selma street. He was sentenced to ten years in prison on the testimony of Negro witnesses.

The U.S. Supreme Court set aside the verdict on an appeal and it has been returned to circuit court for re-trial.

The case was on the docket of a two-day court session which ended here yesterday but was continued on agreement of the defense and state attorneys.

Meanwhile, Anderson continues to fill the pulpit at his church.

Rev. Hunter asked for the offering for the defendant's legal fund and told the audience that it was their Christian responsibility to "aid any brother who is in trouble and need."

"Sympathy without any other manifestation is not enough," he said.

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

IN THE DALLAS COUNTY COURT
SELMA, DALLAS COUNTY, ALABAMA
STATE OF ALABAMA,

Plaintiff

vs

BERNARD LAFAYETTE, JR.

Defendant

TRANSCRIPT OF PROCEEDINGS

Selma, Alabama

June 20, 1963

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

BE IT KNOWN that on Thursday, June 20, 1963, commencing at 10:00 a.m. and continued to 11:20 a.m., in the Dallas County Court, Dallas County Court House, Selma, Alabama, before the Hon. Hugh Mallory, Jr., Judge presiding, the following proceedings were had, based on a warrant, reading, to-wit: "Before me, the undersigned authority, in and for the state and county, personally appeared James G. Clark, Jr., who after having been by me duly sworn, on oath deposes and says he has probable cause for believing and does believe that on or about the 17th day of June, 1963, within said Dallas County, Alabama, the offense of vagrancy has been committed, and that he has probable cause for believing that Bernard Lafayette, Jr. is guilty thereof. /s/ James G. Clark, Jr. Sworn to and subscribed before me this 18th day of June, 1963. /s/ Hugh Mallory, Jr., Judge of Dallas County (1) Court."

APPEARANCES

Blanchard McLeod, Camden, Alabama, Circuit Solicitor and Henry Reese, Selma, Alabama, County Solicitor, attorneys for the Plaintiff

Solomon Seay, Jr., Montgomery, Alabama, and J. L. Chestnut, Selma, Alabama, attorneys for the Defendant

Reported and transcribed by Mrs. Dorothy Jackson

INDEX

Motions and rulings

3-8

WITNESS	DIRECT	CROSS
Charles H. Webber	9	11
James G. Clark, Jr.	14	16
Motion to exclude State's Evidence		22-23
Bernard Lafayette, Jr.	24	
Ruling of the Court		30
(2) Reporter's Certificate		31

At 10:00 a.m. the following proceedings were had:

MR. SEAY: We want to move for a continuance in both of these cases. I have had no chance to talk to these people and check the records and know what it is all about. What I am insisting on, I cannot say right now to Your Honor what the facts of the case are. I don't know what I can prove this morning and cannot prove.

THE COURT: I will give you ample opportunity to talk to him. I told Chestnut we weren't going to grant a continuance.

MR. CHESTNUT: All I am saying, before I could get a bond a half a day had passed.

SHERIFF CLARK: I waited a half a day for you to make the bond.

MR. CHESTNUT: I couldn't find the Sheriff.

SHERIFF CLARK: You brought the bond and said the rest wouldn't sign it.

MR. CHESTNUT: A half a day passed before I could get a bond, and get him out on bond.

THE COURT: I will give you ample opportunity to talk to him.

(3) MR. SEAY: We are not prepared to file any motion going into the validity, opportunity and warrant in this case. Will the Judge grant us leave to file my motion for continuance?

THE COURT: Yes.

At this time Attorneys Seay and Chestnut retire with their clients Lafayette and Bosie Reese.

At 11:20 a.m. the case of State of Alabama vs. Bernard Lafayette, Jr. was called, and the following proceedings were had:

THE Court: All witnesses—are these witnesses for the state and for the defense? All of you hold up your right hand: Do you and each of you solemnly swear the evidence you give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESSES (in unison): I do.

MR. SEAY: If Your Honor please, the defendant at this time would like to produce a motion for continuance. Our previous investigation of this case indicates that this is an apparent effort on the part of the state of Alabama, acting
(4) through its servants, agents and employes,

to discourage this defendant in his efforts to secure first-class citizenship for the Negro residents of Dallas County. Our investigation further shows that the defendant should in this instance, and we would like an opportunity to file a petition with the appropriate United States District Court, seeking an injunction to prohibit the continuation of these proceedings, or to file in the appropriate Federal District Court a petition to remove these proceedings, under the appropriate federal statutes which are in effect.

We respectfully renew our motion for continuance.

We further would like to submit to Your Honor that defendant has not had an opportunity to prepare the defense to which he is entitled under the constitutional laws of the United States.

There are several preliminary motions which we think should be filed which seriously question the constitutionality and validity of these affidavits and these warrants, we submit to require the defendant to stand trial on these affidavits and warrants without giving him an opportunity
(5) to attack their validity would deprive him of the right to effective legal counsel, guaranteed by the Constitution of the United States and would deprive him of the due process and due protection of the law, guaranteed by the Constitution of the United States.

We respectfully move Your Honor for a continuance of these matters to give Counsel an opportunity to prepare these various motions and to file a petition for the removal of these proceedings.

THE COURT: Your motion is overruled and denied. As I understand it, this is simply a vagrancy warrant which is a misdemeanor, and I have given you and Chestnut ample opportunity to talk with the man to establish whether or not he has any visible means of support.

MR. SEAY: That is correct, Your Honor. We are specifically now raising the questions as to the validity of the affidavit and warrant under which this defendant is charged. We would like to file our objection to those in writing and it is our understanding that those preliminary motions have to be filed under our system of pleading and practice (6) prior to an entrance of a plea in this cause, and we don't want to go ahead and enter a plea without an opportunity to file these various motions and we would respectfully ask the Court to permit us to file a petition for removal of this action. If Your Honor hears this action today our question of removal would become moot.

THE COURT: I intend to hear it today, and I have overruled and denied your motion.

MR. SEAY: Very good, Your Honor; is it my understanding then Your Honor will grant us leave to file our motion for continuance in writing as a part of the record, the motion to quash the affidavit and complaint in writing as a part of the record, and demurrers to the affidavit and complaint in writing to become a party of the record so we might preserve whatever constitutional questions we intend to raise?

THE COURT: Yes, I will grant you that opportunity.

MR. SEAY: Thank you.

THE COURT. Now I will give you—would three days be sufficient time for you?

MR. SEAY: Would that be by Monday morning, Your (7) Honor?

THE COURT: Yes, excluding Sunday; we will say Monday morning.

MR. SEAY: Very well, I will get them filed by Monday morning.

MR. McLEOD: Sheriff Clark.

MR. REESE: Has he entered his plea?

MR. McLEOD: You do plead not guilty?

THE COURT: Do you want to enter a plea of guilty or not guilty?

MR. SEAY: No, Your Honor, frankly, we want to enter a plea of not guilty. Frankly, the way the warrant and affidavit is drafted and this is one of the things that really concerns me, I am not sure what we are pleading not guilty to; the charges are vagrancy in the abstract; I am not sure that is sufficient charge of vagrancy as I understand the rules of procedure laid down by the Court of Appeals of the State of Alabama.

THE COURT: Let me have the warrant just a minute. I want to enter a "not guilty" on that.

You may call your first witness.

(8) MR. McLEOD: Mr. Webber.

CHARLES H. WEBBER, of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. McLEOD:

Q What is your name?

A Charles H. Webber.

Q What is your occupation?

A Deputy Sheriff, Dallas County Sheriff's Department, Selma, Alabama.

Q Were you in that capacity on the 18th day of June, 1963?

A I was.

Q And on the 18th day of June, 1963, did you have occasion to arrest one Bernard Lafayette for vagrancy?

A I did.

Q And where did you arrest him?

A In North Washington Avenue, in front of the Southern Bell Telephone Company.

Q And did you carry him to the Dallas County jail?

A I did.

Q And did you book him?

A I did.

Q And did you have a conversation with him?

(9) A I asked him questions pertaining to the booking sheet, yes, sir.

Q Did you ask him the question of whether he was employed or not?

A I did.

Q And what did he answer?

A He informed me that he was an Evangelist and was working with the Dallas County Voting Registration.

Q And do you—did he tell you any other employment he might have had?

A No, sir.

Q And do you know where the office of the Dallas County Board of Registrars is?

A I do.

Q Is that in the Court House of Dallas County, Alabama?

A It is.

Q Do you know who the employes of the Dallas County Board of Registrars are?

A Yes, sir.

Q Is Bernard Lafayette, Jr., an employe of the Dallas County Board of Registrars?

A No, sir.

Q And do you know how long, approximately how long (10) Bernard Lafayette has been living in Selma, Alabama?

A Not to my knowledge.

Q And do you know of any employment that he may have here locally?

A Not to my knowledge.

Q Do you know of any property he may own that would have an income from for him where he would not be required to work?

A Not to my knowledge.

Q And do you know of any physical defects that he may have that would prevent him from working?

A Not to my knowledge.

Q And where all this took place, where you arrested him and everything, was that in Dallas County, Alabama?

A Yes, sir.

MR. McLEOD: Your witness.

CROSS EXAMINATION

BY MR. SEAY:

Q Mr. Webber, how long have you been on the Dallas County Sheriff's Department?

A Approximately four years.

Q Approximately four years. Are you originally from Selma?

A No.

Q Where are you from, sir.

(11) A Scranton, Pennsylvania.

Q Did you have this warrant in your possession at the time that you arrested him?

A I did.

Q And that warrant charges vagrancy?

A It does.

Q How long have you known Bernard Lafayette, either personally or by reputation?

A I only knew him for fifteen minutes.

Q Fifteen minutes; that was—

A (interrupting) That was the contact made by the arrest.

Q The contact made by the arrest; you hadn't seen him at all prior to that time?

A No.

Q Did you know him by reputation prior to that time?

A I have heard the name mentioned.

Q You have heard the name mentioned; and in what connection had you heard the name mentioned?

A With reference to articles in the newspaper.

Q The defendant didn't tell you he was employed by the Dallas County Board of Registration Board; he didn't tell you?

(12) A I made the statement Dallas County Voting Registration.

Q Dallas County Voting Registration; by that you are not referring to the Board of Registrars of this county?

A I am referring to the Dallas County Voting Registration.

Q You are referring to the Dallas County Voting Registration, very well. Now, did you make any investigation of Lafayette before he was arrested?

A I did not.

Q Did anyone to your knowledge investigate into his financial circumstances prior to his arrest?

A Not to my knowledge.

Q Now, I believe you carried him to the jail, is that correct?

A I did.

Q Did you shake him down when you got him there?

A I did.

Q You searched him and took his personal belongings?

A That is correct.

Q How much did he have in his pocket?

A \$27.75.

Q He had \$27.75 in cash?

A He did.

(13) Q In his pocket on his person when you arrested him for vagrancy?

A That is correct.

MR SEAY: I believe that is all—wait just one minute, please—that is all.

(Witness excused)

MR. McLEOD: Sheriff Clark.

JAMES G. CLARK, JR., of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. McLEOD:

Q What is your name?

A James G. Clark, Jr.

Q Are you the sheriff of Dallas County?

A Yes.

Q Did you in that capacity—were you in that capacity on the 18th day of June, 1963?

A Yes, sir.

Q On the 18th day of June, 1963, did you cause one Bernard Lafayette to be arrested on a charge of vagrancy?

A Yes, sir.

Q Do you have any idea as to approximately how long Bernard Lafayette, Jr. had been in Selma, Alabama?

(14) A Yes, a period of several months; I don't know exactly.

Q Did you know him personally before he was arrested?

A I had seen him.

Q And did you know him by reputation?

A Yes, I knew him by reputation.

Q And do you know of any gainful employment that he may have had during the time he was in Dallas County, Alabama?

A No.

Q Do you know of any property he may own from which he would derive an income whereby it would not be necessary for him to work?

A No.

Q And do you know of any physical defects that Bernard Lafayette, Jr. may have that would prevent him from working?

A None.

Q And had you had any reports concerning the fact that he was living in Dallas County and was not employed?

A Yes.

Q Have they been a few or numerous?

A There have been numerous reports.

THE COURT: Let me interrupt a minute; I didn't understand how long you have known this man to be here. I (15) want to get that straight in my mind.

A A period of several months, I don't know exactly what date it was, but I know it has been a period of several months.

Q During the entire time he has been here you have been able to ascertain no place where he was gainfully employed?

A No.

MR. McLEOD: Your witness.

CROSS-EXAMINATION

BY MR. CHESTNUT:

Q Sheriff, I believe you said that you had numerous reports that Bernard was unemployed, or had no visible means of support; who reported this, sir?

A There were numerous reports, people, telephone calls.

Q Is that a usual procedure that people call you to tell you that such-and-such, that somebody is unemployed or was Bernard's case a little bit different?

A Yes; I get all kinds of reports on them.

Q Would you know, Sheriff, whether or not the calls you got,

the reports on Bernard was because of work he was doing in relationship to voting and that sort of thing?

(16) A I wouldn't know that.

Q The mass meetings, so-called mass meetings, which they have had here, I think two, you were aware what was going on down there at those meetings; is that not a fact?

A I had reports on those.

Q You had official observers there, didn't you, Sheriff?

A Yes, sir.

Q They saw Bernard there, didn't they, Officer?

A Yes, sir.

Q They saw that Bernard was in charge of these mass meetings, did they not see that, sir?

A Yes.

Q I think it would be fair to say your office, being as efficient as I know it is, you knew Bernard was a representative of—it is an organization away from here, from Atlanta?

A I knew of no organization.

Q You didn't get that in your reports?

A I heard of an organization but I had no official notice of it.

Q Do you know where Bernard lives?

A I know he lives in Selma; I couldn't tell you the address.

(17) Q Therefore, you wouldn't know whether his rent is paid?

A No, I wouldn't know.

Q Actually, you don't know whether he is gainfully employed or not, do you, Sheriff?

A I have reports he was begging for money.

Q Begging for money? Was he begging for money for himself or was he begging for money for a cause which he says he represented?

A I know nothing but begging for money.

Q Was he questioned after he was arrested, in your presence?

A No.

Q What investigation, can you tell me,—did you want to say something?

A No.

Q What investigation, Sheriff, has been made, if any, since Bernard has been arrested?

A What do you mean by that?

Q Has there been any probe into his background to find out whether or not he is representing some organization, whether there is, in fact, some organization that pays him a salary; has your office tried to determine that?

A Yes.

(18) Q You met any success?

A No.

Q Which organizations did you contact, Sheriff?

A I didn't contact any organization; I knew of no official organization to contact.

Q Sheriff, what efforts, if any, were made at all to determine Bernard Lafayette's responsibility?

A We inquired of people who knew him, find out if he was employed anywhere; I understood he was a volunteer worker for that association by his own statement.

Q And you have not been able to get any evidence whatever that Bernard Lafayette is, in fact, gainfully employed?

A No.

Q Sheriff, do you have a record, a written record of any sort, or log, as of these people who allegedly were calling you to inform you he was walking around the streets un-employed and begging?

A No, sir.

Q You couldn't give us any lead as to where these reports might have come from?

A No.

Q Or is it you choose not to do it but you could if you wanted to?

(19) I have no records from my office.

Q Would you have any remembrance?

A Of what?

Q Of those calling to report that Bernard was walking the streets unemployed, begging?

A I had official reports that he was begging.

Q You cannot give us the name of some of these persons that made these reports to you?

A No.

Q Is it a policy in your office to keep a record of all incoming or outgoing calls?

A No.

Q That is not the policy; have you had any calls recently as to Bernard walking the streets begging?

A One, Monday.

Q But you don't recall who called—today is just Thursday, Sheriff?

A I had a report he was begging Monday, not walking the streets begging.

Q Who reported it?

A My deputies.

Q Which one.

A Well, it was the official observers, as you call them.

(20) Q But they did not make an arrest then?

A No.

Q My associate wants to know whether the call came from a mass meeting; he said there was begging there, that is the policy, was he begging on the streets though?

A I don't know of any begging on the streets; I didn't say begging on the streets; I said begging.

Q Sheriff, is this a fact, if we are going to arrest these people from begging in these churches, we might as well go out and get every preacher out there now and bring him in?

A If it was a church service—this was not a church service.

Q You mean a regular order of worship?

A That is right.

Q You take the position, Sheriff, in any other meeting where an offering is being taken up that one might run the risk of being charged with begging?

A I don't understand your question.

Q I withdraw it then, Sheriff. Excuse me just a moment; what was the name of the deputy that made that report to you, Sheriff?

A Which report?

Q The report that Bernard was begging on Monday.

A It was two of them.

(21) Q What were their names, sir?

A Suther and Bates.

Q Are they on duty now, Sheriff?

A They are here.

MR. CHESTNUT: That is all.

(Witness excused)

MR. McLEOD: The State rests, Your Honor.

MR. CHESTNUT: We move at this time to exclude the State's evidence on the grounds that it has not made a prima facie charge of vagrancy on the part of Bernard Lafayette, Jr. There is not one piece of evidence showing

grounds of reasonable doubt that this young man was not gainfully employed or has no visible means of support; as a matter of fact some of the State's evidence itself tends to show he has been leading mass meetings, he was in charge, sponsored by organizations outside of this state. Moreover, the state's evidence tends to show, though, he has been here some six months and that the Sheriff's office has known about him. It is only until relatively recently, on Monday, I believe, that they decided that they would arrest him for vagrancy. We submit there was no more evidence on Monday as to his vagrancy or alleged (22) vagrancy than there was six months ago, as the Sheriff and his deputy's testimony indicated this young man has been here and they have known about it.

We further submit, Your Honor, the State's evidence itself shows on the arrest of this young man he had \$27.00 in cash. The State's evidence further goes to show that when he was asked by the Deputy whether or not he was employed, that he referred that he was employed by the Dallas County Registration or some board such as that. We submit it is unreasonable to think that what the young man meant was to tell the Sheriff at that time he was employed by the official Board of Registrars, that any cursory examination into the background of this defendant would surely have revealed what organization he was talking about; it would further have revealed to the Sheriff that the defendant is, in fact, gainfully employed, he has been so ever since he has been here and we respectfully submit, once again, to Your Honor, that the State has not made a prima facie case of vagrancy and we ask that the evidence of State be excluded.

(23) THE COURT: I overrule your motion.

MR. CHESTNUT: May we take an exception to that, sir?

THE COURT: You certainly may.

MR. CHESTNUT: Bernard Lafayette.

BERNARD LAFAYETTE, JR., of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CHESTNUT:

Q Now, what is your name?

A My name is Bernard Lafayette, Jr.

Q Where do you presently reside?

A At 1703 Union Street.

Q Now, how long have you resided there, Bernard?

A Well, that particular place I have lived a little over two months.

Q Is your rent paid?

A In advance.

Q Do you owe any bills in Selma?

A No. I owe no bills in Selma.

Q Who buys your groceries?

A I purchase my own groceries.

(24) Q With whose money?

A With money that I get for this project.

Q We will get to the project in a moment; it is your personal money?

A Personal money.

Q This has been the case, has it not, ever since you have been in Selma?

A That is true.

Q Now, Bernard, are you employed?

A Yes, I am.

Q By whom?

A The Dallas—Student Non-Violent Coordinating committee to work with the Dallas County Voters League.

Q Where is this Student Non-Violent Coordinating Committee located; where is its headquarters?

A In Atlanta, Georgia.

Q You are employed to work with the Dallas County Board of Registrars?

A Not the Dallas County Board of Registrars; the name of the organization is Dallas County Voters League. I told the arresting officers that name; maybe he misunderstood.

Q That is what you told the arresting officer?

A Yes.

(25) Q Let's get how this organization pays you, if it does. Does it pay you or are you a volunteer worker as the Sheriff—

THE COURT (interrupting): What is the name? Student Non-Violent Coordinating Committee?

MR. CHESTNUT: It is this "SNCC" pin he is wearing, Judge.

Q Are you a volunteer or are you, in fact, paid for the work you do?

A My services are paid but we don't— we don't— you know pay that above the expense, personal expense and operational expense are paid.

Q Personal expense and operational expenses are paid?

A That is right.

Q Is this money paid directly to you?

A Yes, it is.

Q You are free to take out of that whatever is necessary to sustain you?

A That is right, and to make reports and validate the use of the money.

Q Now, how much do you receive?

A Well, it varies, at times I have received a hundred dollar check, \$250.00, sometimes \$500.00.

(26) Q Now, how do you receive these checks?

A As often as I request a need for more funds.

Q Do you have to make an accounting to this organization which you work for?

A Yes, I do.

Q You make these accountings; you make further requests for money if you need it?

A True.

Q Do you have to wait until you have exhausted funds before you can make a request?

A No, I do not.

Q This is your judgment?

A That is true.

Q Who is the head of this organization?

A Mr. James Foreman.

Q Isn't it a fact he was in this city about two weeks ago to examine the progress you were making and that sort of thing?

A That is true.

Q As your superior?

A That is true.

Q He was, in fact, trying to see that the money that had been sent down here was used for the proper purposes?

A That is right, we valued our program.

(27) Q Let me ask you this, have you ever begged on the public streets or Selma for your personal needs?

A No, sir, I have not.

Q Have you ever begged anywhere for your personal needs in this city since you have been here?

A No, I have not.

Q Any appeal for money that you have—on what basis has it been made?

A I cannot directly remember my making—

THE COURT: Let me interrupt you a minute, Chestnut.

MR. CHESTNUT: Yes, sir.

THE COURT: And just let me ask him a question or two; maybe we can get this thing cleared up. As I understand it, you are in effect on a salary from this Student Non-Violent Coordinating Committee?

A Yes.

THE COURT: Is that correct, whether you call it a salary or not, it is in effect a salary, is it not? They pay your living expenses and all expenses?

A That is right.

THE COURT: Do they do it at regular intervals?

(28) A Yes, sir; I have to make a financial report once a month, and they send the money in periodically when I make a request for it.

THE COURT: And you have never been denied by them a request for money for your living expenses and any other expenses that you might personally have?

A No, sir; it is understood as long as—

THE COURT (interrupting): Clothing and food and housing and so forth?

A That is right. And, you see, when I send in my reports it is up to them to decide I have spent it wisely and I haven't had any complaints since I have brought it about.

MR. CHESTNUT: Let me ask one question.

Q How many hours a day do you work at this project?

A Oh, about sixteen or seventeen.

Q That is every day?

A Yes, every day.

THE COURT: Mr. McLeod, this man, unless you have some further evidence, I think that they have—the burden of proof, of course, shifted to them, but I think they have satisfied that by proving that the man has a livelihood. He is not—

(29) MR. McLEOD (interrupting): I agree with you, Judge.

THE COURT: So, unless you have something further than that, I am going to find him not guilty.

MR. McLEOD: I have not.

THE COURT: Now, of course, you can still file all the motions you want to, if you just want to be filing motions; that is all right with me.

MR. SEAY: No.

THE COURT: As I see this case, it is simply a case of vagrancy, which was—I think the State put in enough evidence to shift the burden over to you, but I think you have averted it.

THIS IS ALL OF THE TESTIMONY IN THIS MATTER
(30)

REPORTER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF DALLAS

I, Mrs. Dorothy Jackson, Reporter and Notary Public for the State of Alabama at Large, do hereby certify that on Thursday, June 20, 1963, in the Dallas County Court Room, Dallas County Court House, Selma, Alabama, I reported the case of State of Alabama, Plaintiff, vs. Bernard Lafayette, Jr., before the Honorable Hugh Mallory, Jr., Judge presiding, in the Dallas County Court; that the foregoing 30 typewritten pages is a true and correct transcription to the best of my ability, skill, knowledge and belief, of all of the proceedings in this matter, including motions, rulings of the Court, and examination of witnesses.

I further certify that I am neither of kin nor of counsel to any of the parties in this matter, nor am I in any way interested in the results thereof.

Witness my hand and notarial seal this 21st day of June, 1963.

/s/ MRS. DOROTHY JACKSON
Reporter and Notary Public,
State of Alabama at Large,
My commission expires 9/4/63

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUN 26 1963
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

ORDER

A motion for a Temporary Restraining Order having been this date presented by the plaintiff in this cause, and the Court having considered the pleadings and affidavits and being of the opinion that the Motion for a Temporary Restraining Order should be denied,

IT IS ORDERED that plaintiff's Motion for a Temporary Restraining Order be and the same is hereby denied.

ORDERED and ADJUDGED this 26th day of June, 1963, 5:27 P.M.

DANIEL H. THOMAS
United States District Judge

U. S. DISTRICT COURT
SOU. DIST. ALA.

FILED AND ENTERED THIS THE
26 DAY OF JUNE, 1963, MINUTE
ENTRY NO. 15264.

WILLIAM J. O'CONNOR, CLERK
BY /s/ William J. O'Connor
Clerk

(Caption Omitted)

MOTION TO DISMISS

Come the defendants, Dallas County, Alabama, a body corporate; James G. Clark, Jr., Sheriff of Dallas County,

Alabama; Blanchard McLeod, Circuit Solicitor of the Fourth Judicial District of Alabama; Henry Reese, County Solicitor of Dallas County, Alabama, separately and severally, and move the Court to dismiss the complaint of the United States of America and each and every paragraph thereof, separately and severally, and in support of said motion, assign the following separate and several reasons:

1. Because it does not state a claim upon which relief can be granted.

2. The Court lacks jurisdiction in this cause.

3. For that a Court of the United States may not grant an injunction to stay proceedings in a State Court.

4. For that a Court of the United States may not grant an injunction to stay proceedings in a State Court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

5. For that the Courts of the United States may not grant an injunction to stay proceedings in a State Court, except as expressly authorized by Act of Congress, and there is no Act of Congress that expressly authorizes a United States Court to enjoin a criminal proceedings in a State Court.

6. For that a Court of the United States may not grant an injunction to stay proceedings in a State Court, except where necessary in aid of its jurisdiction, and there is no necessity of the Court issuing an injunction in order to protect its jurisdiction in this case.

7. For that the complaint shows upon its face that it is an attempt by the United States of America to use the Courts of the United States to obtain an injunction to stay a proceedings in a sovereign State Court.

8. For that the Courts of Dallas County, Alabama, are Courts of a sovereign State.

9. For that the Courts of Dallas County, Alabama, are the Courts of a sovereign which has inherent power to enforce its criminal statutes against all persons within the boundaries of said sovereign State, and the United States of America is only a Government of delegated power and there has not been delegated to the United States of America the power to enjoin a sovereign State's criminal courts or its officers.

10. For that Title 42, U.S.C.A., Section 1971 does not authorize the maintenance of an action to restrain or enjoin a State criminal prosecution under a valid State Criminal Statute.

11. For that the Bill of Complaint of the United States of America shows upon its face that the Negro, Bernard Lafayette, received a fair trial in a Dallas County Court because he was acquitted.

12. For that the Complaint of the United States of America shows upon its face that the Courts of Dallas County, Alabama, administered justice fairly and that the Negro, Bernard Lafayette was acquitted.

13. For that the averment that the arrest and prosecution of Bernard Lafayette and Bosie Reese "were and are without

legal justification and or excuse" is a mere conclusion of the pleader.

14. For the allegation that the arrest and prosecution of Bernard Lafayette and Bosie Reese "were and are without legal justification and or excuse and were and are for the purpose of intimidating, threatening, and coercing Negro citizens of Dallas County, from applying for registration to vote and for the purpose of preventing and discouraging these Negro citizens and other Negro citizens from encouraging and instructing and assisting Negro citizens in Dallas County, Alabama, to register to vote" is a mere conclusion of the pleader.

15. For that there are no facts set forth that would warrant this Court in arriving at the conclusion that the defendant, James G. Clark, Jr., acting as Sheriff of Dallas County, Alabama, arrested either Bernard Lafayette or Bosie Reese for the purpose of intimidating them or coercing Negro citizens of Dallas County from applying for registration to vote.

16. For that an issuance of an injunction in this case would strip Dallas County of all law and order.

17. For that the issuance of an injunction in this case would strip Dallas County, Alabama, of the right or opportunity to enforce by its local officers law and order.

18. For that the complaint shows upon its face that Bernard Lafayette and Bosie Reese have an adequate remedy at law.

19. For that the complaint shows upon its face that Bosie Reese or any other Negro citizen that is arrested in Dallas County, Alabama, has an adequate remedy at law.

20. For that the allegation that the said Bosie Reese was arrested and is to be tried in the Dallas County Court shows upon its face that the said Bosie Reese has an adequate remedy at law, to-wit: an appeal from the Dallas County Court to the Circuit Court of Dallas County, Alabama, and if then he does not feel he has received justice by appeal to the Supreme Court of Alabama or the Court of Appeals of Alabama.

21. For that said complaint fails to aver any unlawful act committed by the defendant, James G. Clark, Jr. as Sheriff of Dallas County, Alabama.

22. For that said complaint fails to allege any unlawful act committed by Blanchard McLeod as Circuit Solicitor of the Fourth Judicial Circuit.

23. For that said complaint fails to aver any unlawful act committed by Henry F. Reese, County Solicitor of Dallas County, Alabama.

24. For that there is no allegation in said complaint that would in anyway connect the defendant, Blanchard McLeod as Solicitor of the Fourth Judicial Circuit, with any of the alleged acts committed by the defendant, James G. Clark, Jr. as Sheriff of Dallas County, Alabama.

25. For that there is no allegation in said complaint that would in anyway connect the defendant, Henry F. Reese as County Solicitor of Dallas County, Alabama, with any of the alleged acts committed by the defendant, James G. Clark, Jr. as Sheriff of Dallas County, Alabama.

26. For it is an attempt by the United States of America to enjoin Constitutional officers of the State of Alabama from enforcing the criminal statutes of the State of Alabama.

27. For that the United States of America does not possess the power to institute any such proceedings.

28. For that the only person that can institute any such proceedings would be a citizen of the United States.

29. For that the only person that could institute the alleged proceedings would be Bosie Reese or Bernard Lafayette or some other Negro citizen.

30. For that the complaint shows upon its face that Bosie Reese was not entitled to register as a voter in Dallas County, Alabama.

31. For that said complaint shows upon its face that Bernard Lafayette was not entitled to register as a voter in Dallas County, Alabama.

32. For that said complaint shows upon its face that Alexander L. Brown was a Negro from Birmingham, Alabama, and was not entitled to vote in Dallas County, Alabama.

33. For that there is no allegation that any person who was attempting to register to vote was intimidated or in any-wise interfered with by any of the defendants.

34. It is beyond the power of Congress to authorize the United States to bring said action for the purpose of supporting a private Constitutional right.

35. For that Courts of Equity do not restrain criminal prosecutions.

36. For that no person is immune from prosecution in good faith for his alleged criminal acts.

37. For that the imminence of the acts, even though alleged to be in violation of Constitutional guarantees, is not a ground for equity relief since the lawfulness or Constitutionality of the Statute or Ordinance on which the prosecution is based may be determined as readily in the criminal case as in a suit for injunction.

38. For that the guilt or innocence of the Negroes that were arrested in Dallas County is a question to be decided by a criminal court and not a civil court.

39. For that the guilt or innocence of the Negroes that are alleged to have been arrested in Dallas County, Alabama, can be determined in the criminal courts of Alabama.

40. For that the guilt or innocence of the Negro defendants that were alleged to have been arrested in Dallas County, Alabama, can be determined only by Courts of Alabama and not by Federal Courts.

41. For that the United States Court is without jurisdiction to determine the guilt or innocence of the Negroes that are alleged to have been arrested in Dallas County, Alabama, on criminal charges.

42. For that there is no allegation in said complaint that Dallas County, Alabama, or any of its officers participated in any alleged wrongful act.

43. For that it is not alleged in said complaint that Dallas County, Alabama, as a body corporate participated in any of the alleged acts of intimidation or coercion.

44. For that it is not alleged in said complaint that any of the defendants participated in any of the alleged acts of intimidation or coercion.

45. For that it is an attempt to substitute Federal authority for the Courts of the State of Alabama.

46. For that there is no party before this Court that could prevent the prosecution of the Negroes, Bosie Reese and Bernard Lafayette, for the violation of a criminal statute in the State of Alabama.

47. For that no extraordinary circumstances exist that would authorize a Federal Court to enjoin a State Court in a criminal prosecution.

/s/ W. McLean Pitts
Of Counsel for Defendants

RICHMOND M. FLOWERS

Attorney General of Alabama
Montgomery, Alabama

GORDON MADISON

Assistant Attorney General of Alabama
Montgomery, Alabama

THOMAS G. GAYLE

Attorney at Law
Selma, Alabama

W. McLEAN PITTS
 Pitts & Pitts
 Attorneys at Law
 Selma, Alabama

ATTORNEYS FOR DEFENDANTS

U.S. DISTRICT COURT
 SOU. DIST. ALA.
 FILED IN CLERK'S OFFICE
 JUL 9 1963
 WILLIAM J. O'CONNOR
 CLERK

DEMAND FOR ORAL ARGUMENT

The defendants, separately and severally, desire to present this Motion by oral argument to the Judge of the United States District Court for the Southern District of Alabama, Northern Division, at Selma, Alabama.

/s/ W. McLean Pitts
 Of Counsel for the Defendants

TO: Mr. Vernol R. Jansen, Jr.
 United States Attorney
 311 Federal Building
 Mobile, Alabama

You will please take notice that the foregoing motion has been this day forwarded to the Clerk of the United States District Court for the Southern District of Alabama, Northern Division, Mobile, Alabama, for filing and the same will be

presented to Hon. Daniel H. Thomas, Judge of said Court, at such time and place as the Judge may designate.

DONE this the 8th day of July, A. D., 1963.

/s/ W. McLean Pitts
 Of Counsel for the Defendants

CERTIFICATE

I do hereby certify that a copy of the foregoing Motion and Notice was this day sent by United States Mail, postage prepaid, to Mr. Vernol R. Jansen, Jr., United States Attorney, 311 Federal Building, Mobile, Alabama, one of the attorneys of record for the plaintiff, United States of America.

DONE this the 8 day of July, A. D., 1963.

/s/ W. McLean Pitts
 Of Counsel for the Defendants

(Caption Omitted)

Comes Dallas County, a body corporate, and moves the Court to dismiss Dallas County as a party defendant to the above styled cause and assigns the following ground for said motion:

1. That Dallas County, a body corporate, is not a proper party defendant to this cause.

/s/ T. G. Gayle
 T. G. Gayle
 Attorney
 Dallas County, Alabama

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
JUL 5 1963
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

Selma, Alabama
July 25, 1963

BEFORE: HON. DANIEL H. THOMAS, Trial Judge

APPEARANCES:

HON. JOHN DOAR and HON. ARVID SATHER, of counsel,
Attorneys for the Government.

PITTS & PITTS by HON. McLEAN PITTS, and HON. GORDON MADISON and HON. THOMAS G. GAYLE, Attorneys
for the Defendants.

Gertrude M. Bailey
Official Court Reporter for the Fourth
Judicial Circuit of Alabama

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
SEP 17 1963
WILLIAM J. O'CONNOR
CLERK

INDEX

<i>Witnesses</i>	<i>Direct</i>	<i>Cross</i>	<i>Redirect</i>	<i>Re- cross</i>
James G. Clark, Jr.	5	27 & 34	36	
Bernard LaFayette, Jr.	40	45 & 53	58	59
James G. Clark, Jr.	60	62		
Virgil Bates	62	64		
William W. Averette	66			
John M. Frost	67			
Henry Lee Nichols	67			
Murphy F. Suther	67			
Alexander Lionel Brown	68	73		
Edwin Lewis Moss	77	79 & 83		
Amelia F. Boynton	85			
Marie J. Foster	87	90		
Pleasant L. Lindsey	92			
Rev. Marshall C. Cleveland, Jr.	93	94		
William James Anderson, Jr.	95	97		
Plaintiff Rests	102			
Blanchard L. McLeod	104	107	114	
Bernard A. Reynolds	115			
Henry F. Reese, Jr.	116	117		
DEFENDANTS REST	117			

EXHIBITS	PAGE	NO.
Affidavit & Warrant	18	1
Docket Sheet	18	2
Unnamed Exhibit	39	3
"	39	4
"	39	5
"	39	6
Meeting advertisement	43	7
"	43	8
"	43	9
"	43	10
"	43	11
"	43	12
"	43	13
Literature	43	14
"	43	15
"	43	16
Handbill	94	17
Selma Times-Journal	100	18
"	100	19
"	100	20
"	100	21
"	100	22

"	100	23
"	100	24
"	100	25
"	100	26
"	100	27
Selma Times-Journal	100	28
Private papers, not publicly named	40	29
"	40	30
"	40	31
"	40	32
Eight documents	73	33
Book	90	34
"	90	35
Census Statistics (REFUSED)	101	36
Affidavit of C. M. Porter	103	A
" Ethylene J. Nettles	103	B
" Nathan Payne, Jr.	103	C
" Maxine Ruffin	103	D
" Clara Belle Smith	103	E
" Mary Anne Leathers	103	F
" J. E. Lawson	103	G
" Clifton C. Hunter	103	H
" Pettus Gilford	103	I
" May Gibbs White	104	J

” Rozane Rogers 104 K

” Miss Lillian Hain 104 L

The Court: What says the Government?

Mr. Doar: The Government is ready.

The Court: What says the defendant?

Mr. Pitts: We are ready.

The Court: The defendants are ready?

Mr. Pitts: Yes, sir.

The Court: All witnesses in this case please stand where you are and raise your right hand and be sworn.

(Witnesses stand and are sworn by the Clerk)

The Court: Does either side ask for the rule?

Mr. Pitts: Yes, sir.

The Court: All witnesses please go out in the hall and remain there until we call you. We will get to you as quickly as we can and we will excuse you as quickly as we can.

(Witnesses leave the court room)

Mr. Doar: We have a request from a newspaper reporter and we are trying to work that out now.

Mr. Pitts: We have no objection to that.

Mr. Pitts: Judge, we would like to excuse Mr. Atkins and Mr. Bibb from the rule. They are the Dallas County Board of Registrars.

The Court: Are they subpoenaed as witnesses?

Mr. Pitts: Yes, sir, subpoena duces tecum.

The Court: Do you have any objection?

Mr. Doar: No, we have no objection.

The Court: All right. You may proceed.

Mr. Pitts: What I want to know now, are we proceeding on the motion to dismiss?

The Court: Do you wish to proceed on the motion to dismiss?

(1) Mr. Pitts: Yes, sir.

The Court: We will take it up first then. There is no need for the reporter taking this down. All right, proceed.

(Attorneys for both sides address the Court)

The Court: The Court reserves its ruling on the various motions to dismiss.

Mr. Pitts: In this case you denied the temporary restraining order and it has been affirmed by the Fifth Court of Appeals.

The Court: That is correct.

Mr. Pitts: What we are here today on is a motion for a temporary injunction.

The Court: That's my understanding.

Mr. Pitts: We are not trying the case as such. We are just trying it on a motion for a temporary injunction.

The Court: That is my understanding. All right.

Mr. Pitts: It is our contention then—it is two things I want to straighten out first. The first is that I understand the Court is going to leave about five o'clock.

The Court: I am going to hear this case today.

Mr. Pitts: Yes, sir. What I want some understanding with the Court is, that Mr. Doar wont take all of the day and then leave the defendants no time for their case. That's the first thing I want to straighten out.

The Court: I'm going to give you time to put your case on. I've got to go to Mobile tomorrow. Wont be back here tomorrow. If I have to I will come back another day to wind it up, but there is no reason for this case to take more than a day.

Mr. Pitts: Judge, the other thing I want to straighten out with the Court is, it is our contention that this motion for a temporary injunction can be tried solely on affidavits, or can be tried on affidavits and oral testimony, or it can
(2) be tried
on oral testimony.

The Court: I think you are correct. What is your thought as to affidavits, or partially affidavits and partially live witnesses?

Mr. Doar: My thought is, your Honor, that these things are not a disputed question of facts, that the Court should require in cases of temporary injunction that affidavits be submitted. Number two, with respect to certain of the witnesses, where affidavits have already been filed by both parties, that the Court can consider the affidavits but that the person also be present here for cross-examination, if the other side desires it. Now, with respect to the people that made affidavits for us, we have them present. I don't think it is necessary that the Court require the attorneys to ask all of the same questions in the affidavit, if he is here available for cross-examination for either side. And on the other hand, where there is a disputed question, particularly with respect to the purpose, of course I feel that we should take some oral testimony. And we propose to keep it as brief as possible.

The Court: Now, attached to your petition are numerous affidavits.

Mr. Doar: Four, your Honor.

The Court: Now, as to those parties, you have them available for cross-examination if the other side wishes it?

Mr. Doar: They are.

The Court: In the absence of the other side wishing to cross-examine, you would not put those witnesses on. Is that right?

Mr. Doar: There may be several questions I want to ask one or more of the witnesses, but not all of them.

The Court: Well, I would suggest that we do it this way
(3) —I

think it is discretionary, and I think you can do it either way. I think it would stand up either way. Use the affidavits as much as you can, and in instances in which you cannot use affidavits please confine the testimony as compactly as you can. Now, Mr. Pitts, I understood from you over the phone and I understand it from you this morning that you do have numbers of affidavits.

Mr. Pitts: Yes, sir, I think we have twelve or fourteen.

The Court: Are those parties here?

Mr. Pitts: Judge, my information is this morning—I haven't checked, but my information is most of those parties are here. We issued subpoenas for them yesterday.

The Court: You do not intend using them unless—you just intend using the affidavits?

Mr. Pitts: I intend just using the affidavits.

The Court: Or unless Mr. Doar wishes to cross-examine those parties. All right, let's proceed.

Mr. Doar: Sometime, at the first recess, may be study them?

The Court: Yes.

Mr. Doar: We haven't seen them.

The Court: Will you furnish the other side with copies of the affidavits during recess?

Mr. Pitts: We prepared copies of all those affidavits for the other side.

The Court: Put on your case, Mr. Doar, and you will have opportunity to look them over before proceeding.

Mr. Madison: Let the record show that all of the defendants deny the allegations of the injunction.

(4) The Court: All right.

Mr. Doar: Let the record show that the plaintiff is calling this witness as an adverse witness.

The Court: Yes, sir.

JAMES G. CLARK, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you state your full name, please?

A James G. Clark, Jr.

Q How old are you?

A Forty.

Q What is your education?

A Beg pardon?

Q What is your education?

A I have a high school education, six years college.

A Where is your home?

A Browns, Alabama.

Q Is that within Dallas County?

A It is.

Q How long have you lived in Dallas County?

A Sixteen years.

Q How long have you been in the State of Alabama?

A Forty years.

Q What is your race?

A White.

Q Are you a registered voter?

A I am.

Q What is your occupation?

A Sheriff.

Q How long have you been sheriff of Dallas County?

A It will be eight years next November.

Q Prior to becoming sheriff of Dallas County, did you have any prior law enforcement experience?

A I did.

Q Will you tell us briefly what that law enforcement experience was?

A I was assistant commissioner of revenue for the State of Alabama.

Q Will you just briefly indicate what your duties were in that job?

A It was of an investigative nature.

Q Were you investigating probable violators of some of the criminal statutes of the State of Alabama?

(5) A When they pertained to the revenue laws of the State of Alabama.

Q How long did you hold that job?

A Ten months.

Q Are you an elected official of Dallas County?

A I am.

Q Is the sheriff's job of Dallas County a full time job?

A It is.

Q Tell me how many deputy sheriffs did you have during the months of May, June and July of this year, please.

A What kind of deputies do you mean?

Q I mean your full time deputies.

A Well, I have eight field deputies, two in the office, who have deputy powers; also three jailers, who also have deputy sheriff powers.

Q Will you tell the Court, for the record, the names of those deputy sheriffs?

A Chief Deputy L. C. Crocker, and—

Q (Interrupting) That's C-r-o-c-k-e-r?

A Yes. Assistant Chief Deputy M. F. Suther, J. E. Houston, H. L. Nichols, Charles Weber, William Averette, Doyle Wright—I've lost count.

Q Are those the ones that you can remember at this time?

A That's all of the field deputies that I can remember at this time. I'm sure there're more, but I've lost count. And Virgil Bates, yes.

Q Thank you. Are these deputies that you say are full time deputies?

A Yes.

Q Are they uniformed law enforcement officers?

A The field deputies are.

Q In connection with your work as sheriff of Dallas County have you attended any schools with respect to law enforcement?

A Yes.

Q Tell the Court briefly what schools you have attended.

A I have attended the Police Academy in Montgomery, attended various civil defense schools, various traffic schools, Jones Law School in Montgomery.

Q Are you a graduate of Jones Law School of Montgomery?

A Yes.

Q Are you a lawyer?

A No, I am not.

Mr. Madison: I'd like to have this in the record. Can your (6) Honor see and observe the sheriff who is testifying? From where he is and where you are?

The Court: Yes, sir.

Mr. Madison: Let the record show that.

Q Do you also have, to aid you in law enforcement with the law enforcement problem in Dallas County, a sheriff's posse?

A Yes.

Q Could you briefly tell the Court when that was organized, and the number of persons in it, and how that operates?

A It was—er—I don't remember the exact date, about three years ago. It operates upon call of the sheriff to help out in any situation that we don't think we, that I, don't think we have enough deputies to handle. Any situation that might arise.

Q How many people are on this posse?

A I couldn't tell you.

Q Could you give us an approximate number?

A Well, there are several hundred.

Q Let me ask you this: are all of your field deputies of the white race?

A Yes.

Q Are all of your office deputies of the white race?

A Yes.

Q Are all of your jailers of the white race?

A Yes.

Q Are all of the members of the posse of the white race?

A Yes.

Q Sheriff Clark, were you aware of the fact that the Federal Government in 1961 filed a suit against the Board of Registrars of Dallas County?

A I was.

Mr. Pitts: Now we object to that. We object to going into that field. We object to any reference to the suit of the United States of America versus the Dallas County Board of Registrars.

The Court: Overrule the objection.

Mr. Pitts: We except.

The Witness: Repeat the question, please.

Q Were you aware of the fact that there was a suit filed by the United States of America in April of 1961 challenging (7) the operation of the Dallas County Board of Voting Registrars?

A Indirectly, yes.

Q You say indirectly. What do you mean?

A Well, primarily, hearing conversations, and reading the newspapers.

Q Now, in connection with your law enforcement duties as sheriff of Dallas County, do you from time to time serve as a law enforcement officer outside of Dallas County?

A Yes.

Q Did you this spring serve as a law enforcement officer in Birmingham, Alabama?

A Yes.

Q For how long were you there?

A Off and on for three weeks.

Q Did you have any of your men there with you?

A Yes.

Mr. Gayle: Your Honor, I object.

The Court: Sustain the objection.

Q Where is your office located?

A In the Dallas County court house, Selma, Alabama.

Q On which floor of the Dallas County court house is it located?

A First floor.

Q Is that on the same floor that the office of the Dallas County Board of Registrars is located?

A It is.

Q How far is your office from their office? Approximately.

A Approximately 100 feet.

Q Were you aware of the fact that registration by negroes to vote picked up during the spring and early summer of 1962 here?

Mr. Gayle: We object to that. It is immaterial. This is an injunction suit.

The Court: I don't think it makes any difference. It is immaterial, but let him answer.

Mr. Pitts: I didn't hear what the question was.

The Witness: "Picked up", I don't understand the question.

Mr. Doar: I will rephrase the question.

Q I direct your attention to the spring and early summer of (8) 1963, not '62, and asking you whether or not you observed more negroes going into the registrar's office during the spring and early summer of 1962 than theretofore during your term of office as sheriff?

A I was not aware of it.

Q Did you know that there was a Dallas County Voters' League organized by negro citizens in Dallas County? Were you aware of that?

Mr. Pitts: We object to that.

The Court: I think that's material. Overrule.

The Witness: That I was aware of what?

Q Were you aware of the fact that there was a Dallas County Voters' League organized by negro citizens in Dallas County?

A I had heard the name.

Q When had you first heard the name?

A I don't remember the exact time.

Q Was it before this year or during this year?

A During this year.

Q Are you able to fix the time at all?

A No, not exactly.

Q Did you know that there were certain Negro citizens from outside of Dallas County who have come in here to work on voter registration among negroes of Dallas County?

A Yes.

Q When did you first know that?

A I don't remember exactly.

Q Sheriff Clark, there have been a number of so-called mass meetings by negroes of Dallas County this spring and early summer. Is that correct?

A Yes.

Q And the first one of those meetings was on the 14th of May, 1963. Is that correct?

A I don't know the exact date.

Q Would you say that wasn't the exact date?

A I wouldn't say it wasn't the exact date.

Q Now, you were subpoenaed to bring with you your records with respect to these meetings by negroes. Did you bring any records with you?

A No, I did not.

Q Did you go through your files to see whether or not you had any records that were asked for?

(9) A I don't have them.

Q Did you ever have any such records?

A Yes.

Q Where are the records now?

A My attorney has them.

Mr. Doar: Your Honor, I'd like to have the witness make available to us those records which his attorney has now, the records in connection with these mass meetings.

The Court: Do you have them, Mr. Pitts?

Mr. Pitts: Yes, sir, I've got them. They are notes made by different deputies.

The Court: Will you furnish them to Mr. Doar?

Mr. Pitts: I'd like for them to be returned. If he'd like to have them copied—

The Court: That's quite all right.

Mr. Pitts: I have no objection to him seeing them here now, and I am handing Mr. John Doar, attorney for the Department of Justice, four yellow sheets of transcript.

The Court: All right.

Mr. Pitts: Now, Judge, I have here some typewritten sheets that are mine. My information is they are not originals, but I don't know. See what I'm getting at?

The Court: Are they exact copies of what Mr. Doar has?

Mr. Pitts: I don't know.

The Witness: They were just filed. Information. We haven't checked to see if they are exact copies.

Mr. Pitts: I don't have any objection to handing him these four typewritten copies. I'll hand him now four typewritten transcripts, and I'd like all of these returned to me. I will be glad to furnish him with photostatic copies. And if any of those are offered in evidence I'd like to substitute photostatic copies.

The Court: You may substitute certified copies.

Q Sheriff Clark, the documents which were just furnished (10) to me by your attorney indicate that they deal with certain activities on May 14th, June 24th, July the 8th, and July 15th of this year.

A Yes.

Q And they also reflect that two of them deal with May 14th, three of them deal with July 8th, and that there are a total of eight separate documents in all. Is that correct? (Hands said documents to witness, and witness counts same)

A Right.

Q Now, I'd like to ask you whether or not you have any notes or memorandums dealing with a mass meeting by negroes at the First Baptist Church in Selma on June 17, 1963?

A June 17th?

Q Yes.

A That is all I have there (indicating above referred to eight documents). As far as I know. Is anything on there on June 17th?

Q There is nothing here on the 17th.

A Then I don't have anything.

Q Can you tell me whether or not you had persons at the meeting of June 17th covering the meeting?

A We had people at every meeting that I was aware of.

Mr. Doar: I want to say to the Court that one of the witnesses that we propose to subsequently call is an FBI agent, who furnished information from the sheriff's department with respect to the June 17th meeting. Now, if there was such a report it would just shorten the testimony.

Mr. Pitts: I also want to point out to the Court, if he has it it has been misplaced somewhere. The sheriff delivered to me at my request all of the notes that he had of any kind that were in the file. He brought the entire file to my office and handed it to me.

The Witness: There are some that my deputies have not turned in to me.

Mr. Pitts: Your Honor, if there are some notes that he didn't have in this file, I don't know about it.

Q Your testimony is that you had deputies of yours at all (11) of the meetings, mass meetings by negroes that have been held this spring and summer that you knew about?

A That's right.

Q Did you have them there whether or not they were held for religious purpose?

A Beg pardon?

Q How did you decide whether to send a deputy to the meeting or not?

A Well, my job is to preserve the peace of Dallas County, and I observed the first meeting, the unrest that was there around the church, and I decided it would be a good idea to have somebody there to observe them all.

Q Did you have law enforcement officers inside of the meetings from that night on?

A Yes.

Q Was he there with any kind of radio equipment?

A Yes.

Q What kind of radio equipment did he have?

A They had walkie-talkies.

Q Were these particular deputies instructed to make notes of what took place at the meetings?

A Yes.

Q And were those instructions given to them by you?

A Yes.

Q And are these documents which you have handed to me the notes that your deputies made at these meetings?

A Yes.

Mr. Doar: With the Court's permission, I'd like to give these notes to one of the attorneys who is assisting me, so he can run through them while the witness is testifying, so that we can shorten things.

The Court: That's all right. He is an attorney with the Department of Justice?

Mr. Doar: Yes, sir.

The Court: Wait just a minute. Are you going to offer these documents?

Mr. Doar: We'd like to offer them—

Mr. Pitts: (Interrupting) Just a minute. Judge, we want to substitute photographic copies of them.

(12) The Court: That is all right. That's perfectly all right.

Mr. Madison: I object to his offering those reports. I haven't seen them.

The Court: I haven't seen them either. I reserve my ruling.

Mr. Pitts: I object to them on behalf of the defendant, Jim Clark. These are confidential records of the sheriff's office and of law enforcement. And what these records are, they were measures taken by the sheriff's officers, and infor-

mation obtained by the sheriff's officers, to preserve the peace of Dallas County, and the source of some of this information we have is confidential, and the contents of some of this stuff is confidential. And it is notes made by these deputies and reports to the sheriff's office. And I object to the introduction of those on that basis; and further, I would like the Court not to allow these records to leave this court room.

The Court: I think the documents are admissible, and I think the contents of them should not be made public. But I do think they are admissible.

Mr. Pitts: That's all right, that is my opinion.

The Court: I do not think the information in there is public information. Where is the gentlemen who is going to peruse them?

Mr. Pitts: One other objection I'd like to put in there—these notes that are offered in evidence are made by deputy sheriffs, persons who attended these meetings on behalf of the sheriff's office, but the contents of those are not binding on the sheriff.

The Court: All right.

Q After these reports were delivered to you, did you read them?

A Yes.

Q Did you receive any reports from any other law enforcement officers or agency prior to the 18th day of June pertaining to Bernard LaFayette?

(13) A Yes.

Q From whom did you receive those reports?

A FBI and our State Department of Investigation.

Q When were you first advised by the FBI with respect to Bernard LaFayette?

A I can't tell you the date.

Q What was the substance of what they advised you?

A He just said that he was here for the purpose of—I don't remember now. I think he said he represented the Student Non-Violent Co-ordinating Committee.

Q Did you inquire of the FBI as to what that organization was?

A I don't remember too much about the conversation.

Q But it was before the 17th of June, this year?

A To the best of my knowledge.

Q What reports did you receive from the State of Alabama with respect to Bernard LaFayette?

A That he was working. That's all I know. Trying to organize the niggers, I believe he said.

Q This report that you got from the State, was it in writing or oral?

A It was by telephone conversation.

Q Could you give us the date on that, when you were so advised?

A No, I couldn't.

Q Did you ever get any reports from the City of Selma about Bernard LaFayette?

A There was some conversation pertaining to him, but I couldn't say whether they advised me or I advised them. They were aware of him at the time I talked to them.

Q Now, are you a member of the White Citizens Council of Dallas County?

A No, I am not.

Q Do you know a negro by the name of Bosie Reese?

A Yes.

Q Did you arrest him on the 17th day of June, 1963, at the court house in Dallas County?

A I arrested him. I don't remember the date.

Q If your warrant of arrest reflects the 17th day of June, would you challenge that?

A No, not at all.

Q What was the initial charge that you placed against him?

(14) A Failure to obey the lawful order of an officer.

Q What was the order of the officer that he failed to obey?

A He was loitering in the court house and I ordered him to leave.

Q You are the person that ordered him to leave, is that correct?

A I'm one of them, yes.

Q Do you have a—strike that. Are you in charge of maintaining order in the court house at Dallas County?

A Yes.

Q Do you have any rules or regulations with respect to who may come and go in the court house?

A Well, we have a rule over there than any time there is a line there that there be no one molesting that line.

Q Is that rule written or is it unwritten?

A It's an unwritten rule, but it's a rule that has been standing for years when tag lines are in the hall. We have long tag lines and we have that rule—that any time there is a line that there be no one that molests it.

Q Are there any signs in the court house advising the public of this rule?

A No, there's not.

Q Can you recall any persons that you have ever arrested for violating that rule prior to the time that Bosie Reese was arrested?

Mr. Pitts: We object to that. He's trying to—

The Court: Sustain the objection.

Mr. Doar: Your Honor, I would like to ask the Court to permit the witness to answer under Rule 45, for the reason I respectfully feel that this answer is relevant. I understand the Court's ruling, but under Rule 45 in the absence of the jury, in order that the parties may make a full record of this case, the Court has discretion to permit the counsel to pursue the line of questioning, after the Court has sustained the objection.

The Court: Sustain the objection.

Mr. Doar: Does the Court by that mean that I could not (15) pursue the question?

The Court: Yes, I sustain the objection.

Mr. Doar: Your Honor, I apologize, but I don't understand if you mean I cannot go on, or—

The Court: (Interrupting) I don't think the question is relevant.

Mr. Doar: Does the Court also decline to permit me to proceed under Rule 45?

The Court: Let me see Rule 45.

Mr. Doar: Not Rule 45. It is Rule 43-C.

(Mr. Doar hands book to the Court and the Court reads silently)

Mr. Doar: Rule 43-C.

The Court: I will let him answer.

The Witness: Will you repeat the question, please?

Q Do you recall having arrested any other person for violating this unwritten rule for molesting the line in the court house prior to the arrest of Bosie Reese?

A No, they always left when I told them to.

Q Subsequently to Bosie Reese's arrest, is it not a fact that the warrant for arrest was changed?

A Yes.

Q Who made that change?

A Judge Mallory.

Q What was the—how was the warrant for arrest changed?

Mr. Gayle: Your Honor, the warrant is the best evidence.

Mr. Doar: According to the warrant, it was changed so that Bosie Reese was charged with conduct likely to provoke a breach of the peace.

Mr. Pitts: The warrant is the best evidence.

The Court: The warrant is the best evidence. If that's what it says, it will show it.

Q What was the conduct—strike that. Was the conduct that Bosie Reese engaged in likely to cause a breach of the peace for failure to obey your lawful order?

(16) A That was part of it, yes.

Q What was the other part of it?

A The fact that he was standing close to the line.

Q Did you see him standing close to the line?

A Yes.

Q What did you see?

A I saw him standing there with a pad and a camera.

Q Was that at the time that you made the arrest?

A No.

Q When you saw him standing there with a pad and a camera, what did you do?

A I went up and asked him what he was doing there, and he said he was waiting for a friend.

Q Then what happened?

Mr. Pitts: I'd like for him to prove at this time by the sheriff that that was a voter registration line.

Q Do you know what that line was waiting for?

A To go in the Board of Registration office.

Q How many persons were in that line that you recall?

A Ten or twelve—I don't remember exactly.

Q And did you ask him to leave?

A Yes.

Q Did he leave?

A I'm not sure. He went toward the front entrance of the court house on the Lauderdale side.

Q You did not arrest him at that time?

A No, I did not.

Q Now, did you ever see him standing around the line again?

A I saw him near the line, yes, a few minutes later.

Q What was he doing when you saw him the second time?

A He was standing outside of the door of my office.

Q How far was the line from outside door of your office?

A I'm not sure at that time.

Q What was he doing when he was standing outside of the door of your office?

A He was just standing there.

Q Is that when you arrested him?

A Yes.

Q Who set the bond on Bosie Reese, the appearance bond?

(17) A Judge Mallory.

Mr. Doar: Your Honor, I have marked for identification as Plaintiff's Exhibits 1 and 2 the affidavit and warrant for arrest and the docket sheets in the cases involving Bosie Reese, which have been served on him, and I offer them in evidence.

Mr. Pitts: That will be perfectly all right, provided—I want to see that certificate of Judge Mallory. I want to see

nothing has been taken out (examine said exhibits). I don't see any change. There are two warrants. Talking about a change in them, I don't see any change in them.

The Court: All right. Proceed.

(Above described Plaintiff's Exhibits 1 and 2 admitted in evidence without objection)

Q When you went up to talk to Bosie Reese the first time and he was standing by the line of persons waiting to enter the Board of Registration office, were some negroes standing in the line?

A Yes.

Q And he told you that he was checking on the line, didn't he?

A Said some negroes in the line?

Q You said there were some negroes standing in the line?

A Yes.

Q And he told you he was checking on the line. Did he tell you that?

A No.

Q Are you sure of that?

A I don't remember his telling me that.

Q Well, would you deny that he told you that?

A All I remember was he told me he was waiting for a friend to come back.

Mr. Pitts: Your Honor, if he is reading from any transcript there to Sheriff Clark, I think that Sheriff Clark ought to have an opportunity of reading the transcript. It's an unfair attack.

Q I'd like to direct your attention to page 52 of the transcript of the proceedings before Judge Mallory, in which you (18) testified as a witness, do you remember that, sir?

A Yes.

Q This proceeding took place July 11, 1963, 11:50 a.m.

A Yes.

Q And on page 52 of the transcript, I direct your attention to one of your answers in the middle of the page.

A Well, that was nearer the time that it happened, and my memory was better then I'm sure.

Q At any rate, what your testimony was on the 11th of July in regard to what you asked him and what he said to you is correct?

A Yes.

Q Now, Mr. Clark, the warrant in this case, in these cases against Bosie Reese reflect that M. H. Houston signed the

warrants. Did you go before Mr. Houston to have the warrants signed?

A No, I did not.

Q Do you know how Mr. Houston happened to sign the warrants?

A Mrs. Houston happens to be the Circuit Clerk.

Mr. Pitts: Judge, Mrs. M. H. Houston is clerk of the Circuit Court of Dallas County, and she is also the clerk of the Dallas County Court.

Mr. McLeod: Your Honor, I'd like to say that this is not the warrant he was arrested on. As solicitor of the Fourth Judicial Circuit—these sheriffs are not lawyers, the deputies are not lawyers—and when warrants come before me then I prepare it in a legal form, and I take it to the clerk to be signed. And that is what happened in that case. That is a substitute warrant of the register.

Mr. Doar: Do you have the original warrant of arrest?

Mr. McLeod: No. I did have it.

Mr. Doar: I would like to have the original warrant of arrest to be made a part of the record in this case.

The Court: All right.

Q Do you recall signing an affidavit on June 19th charging Bernard LaFayette with the crime of vagrancy?

A Yes.

Q When did you sign that affidavit? What time of day?

(19) A I don't remember.

Mr. Pitts: Now, your Honor, we object to any testimony about Bernard LaFayette. He was tried in the Dallas County Court and he was acquitted. And the Government is not in any position to say he didn't get a fair trial.

The Court: I don't see any connection with the trial of this case. Was LaFayette tried and was he acquitted?

Mr. Pitts: He was acquitted, yes, sir. He was acquitted by Judge Mallory. Bernard LaFayette is in no position to attack or say he didn't get a fair trial.

The Court: I'm not going to re-try it. Go ahead.

Mr. Doar: My question was when on that date did he sign the affidavit charging Bernard LaFayette with vagrancy.

Mr. Pitts: I object.

The Court: Sustain the objection.

Mr. Doar: Will the Court permit me to continue the question under Rule 43-C?

The Court: The time of day that he signed the affidavit has absolutely no connection.

Q Did you, at the time you signed the affidavit, have a report from your deputies with respect to what happened at the meeting on the previous night?

Mr. Pitts: We object.

The Court: I can't tell at this time. Go ahead. Overrule.

Q When you signed the affidavit charging Bernard LaFayette with the crime of vagrancy, had you received a report from your deputies as to what had taken place at the mass meeting of negroes on the previous night?

Mr. Pitts: Now, we object to that, your Honor. It is not relevant here. He was charged with vagrancy.

(20) The Court: Overrule. Go ahead.

Mr. Pitts: We except.

Mr. Gayle: That is hear-say evidence, your Honor.

The Court: Overrule.

The Witness: I was not even aware before or after the meeting.

Q What was the basis for the charge against Bernard LaFayette for vagrancy?

Mr. Pitts: Now, we object to that. It's incompetent, irrelevant, immaterial. And it is a charge in the State of Alabama, it's numerous items of vagrancy in the State of Alabama—

that a man or woman can be a vagrant. And he was acquitted of the charge.

The Court: I understand that. Overrule.

Q You may answer.

A I had reports, numerous reports, that he was not gainfully employed.

Q And from whom did you get those reports?

Mr. Pitts: We object.

The Court: Sustain the objection.

Mr. Doar: May I make inquiry under Rule 43-C for information given law enforcement officer?

The Court: From time immorial it is confidential. Overrule.

Mr. Doar: Would the Court permit me to state the Government's position?

The Court: I sustain the objection. Go ahead.

Q Isn't it a fact that you have official reports from your deputies, Mr. Bates and Mr. Suther, that he was at the meeting soliciting funds on the previous night?

Mr. Pitts: Now we object to that.

The Court: Sustain the objection.

Mr. Doar: Will the Court allow me to pursue this line of (21) questioning under Rule 43-C?

The Court: Mr. Doar, if it has anything to do with this, all right; but if it hasn't I don't see any reason to spending all that time. Now, the man was arrested, was acquitted, and I can see no relevancy here. If you insist that we hear it, go ahead.

Mr. Madison: Your Honor, I'd like for counsel to point out the relevancy of the testimony. If he is proceeding on the theory that the sheriff knew about this meeting, and knew that this particular witness was participating in the meeting, and that knowing that, knowing that he was a leader of some kind, he then swore out a warrant attempting to make him cease his activities and thereby intimidating in some way the other negroes who might have wanted to register, if that is the purpose of it then I state to the Court that we think it is objectionable.

The Court: Go ahead, Mr. Doar.

Mr. Doar: Did you say go ahead with the questioning, or go ahead?

The Court: Is it relevant or not?

Mr. Doar: Yes, your Honor, we feel it is very relevant to the facts and questions at issue in this case, whether or not this was a baseless arrest for the purpose of interfering with the right of unregistered negroes to register to vote. And what information and what facts this man had in swearing out that warrant, we believe is very relevant. We really think it is very relevant.

Mr. Gayle: There is no charge against this boy for registering and there is no interfering with the voting. It is not shown he was in the court house. No allegation set out in here. You have to interfere in some way with registration at the time. And furthermore he is not even a resident of (22) Alabama, he couldn't register.

The Court: Overrule.

Mr. Pitts: We except.

Q Sheriff Clark, at the time that you sworn out this warrant for Bosie Reese you'd had reports that he'd been begging for money. Isn't that true?

A Yes.

Mr. Pitts: We object to that. We object to that. I couldn't understand.

Mr. Doar: That he was begging for money.

Mr. Pitts: Is that Bosie Reese or Bernard LaFayette? I object.

Mr. Doar: Excuse me.

Q When you swore out the warrant for the arrest of Bernard LaFayette you had reports that he was begging for money?

A Yes.

Q And those reports were official reports from your deputies?

Mr. Pitts: Now we object to that, where those reports come from.

The Court: I think it is confidential, and I think it is objectionable. Anyway you had reports.

The Witness: Yes, sir.

Q And these reports came from your deputies Suther and Bates?

Mr. Pitts: Now we object to that, as to where the reports came from.

The Court: Well, if they came from a deputy I think they probably are admissible. If they came from an informer they would not be.

The Witness: Came from an informer.

The Court: All right. Sustain the objection.

Q I want to show you your testimony before the justice of the peace—

Mr. Pitts: (Interrupting) We object to that.

Mr. Doar: Excuse me, before Judge Mallory.

The Court: Go ahead.

Q In the case of the State of Alabama versus Bernard LaFayette, and I

direct your attention to the questions on page 21 of that hearing.

A May I read back a little bit?

Q Yes, sir, you may.

A (Witness turns back several pages in said transcript and silently reads) On page 15 it says there have been numerous reports.

Q I know, but I'm asking you about the report that he had been begging on Monday. Hadn't that report come from your two deputies, Suther and Bates?

A They were two of the ones that reported, yes.

Q Had you ever talked to Bernard LaFayette before you swore out the warrant for his arrest?

A I'm not sure whether it was before or after I talked to him.

Q To refresh your recollection I will ask you whether or not you had a conversation with him in your office sometime shortly after you arrested Bosie Reese on the 17th?

A Yes.

Q And he told you what his name was at that time?

A Yes.

Q And you knew who he was at that time?

A I didn't know him by sight.

Q You knew he was LaFayette—you knew his name was Bernard LaFayette?

Mr. Pitts: We object to that, your Honor. He is arguing with the witness.

Q You knew the name Bernard LaFayette?

A Yes.

Q And you knew that he was connected with the Student Non-Violence Co-ordinating Committee?

A Yes.

Q And you knew that he was here working on the voters registration?

A I don't know whether I knew it at that time or not.

Q Had you been advised that prior to the 18th of June that some unknown persons had committed an assault—an alleged assault—upon Bernard LaFayette?

Mr. Gayle: We object to that question.

(24) Mr. Doar: Let me finish the question.

Q Were you aware that prior to the 18th day of June that Bernard LaFayette made a complaint to the City police alleging that some unknown persons had assaulted him on the streets of Selma on, I believe, the 11th of June?

Mr. Gayle: We object to that.

The Court: Sustain the objection.

Mr. Doar: Will the Court permit me to continue under Rule 43-C?

The Court: I sustain the objection.

Q After you swore out the warrant for the arrest of Bernard LaFayette, tell me whether or not he was picked up about 10:30 that night by one of your deputies.

Mr. Gayle: We object, your Honor.

The Court: Go ahead. Overrule.

The Witness: Will you repeat the question, please?

Q After you swore out the warrant for the arrest of Bernard LaFayette on the 18th day of June, 1963, can you tell me whether or not Bernard LaFayette was picked up by one of your deputies about 10:30 that night?

Mr. Gayle: We object, may it please your Honor, unless he knows of his own knowledge.

The Court: Technically you are correct, but I will let him answer.

The Witness: It was reported to me that he was.

Q Did you have any interview with him after he was arrested and before he was tried?

A No, I did not.

Q Did you make any further investigation of his background before he was tried?

A Did I make what?

Q Any further investigation of Bernard LaFayette before he was tried before the County Judge?

Mr. Pitts: Now your Honor, I'm objecting to that question.

The Witness: Yes, I did.

Q What was your investigation?

(25) A Inquiries to people.

Q What did you find?

A I could find no evidence that he was gainfully employed.

Q Did you find any evidence that he was here working on the voter registration?

A I don't remember.

Q On the Voter's League?

A I don't remember that.

Q Did you have any evidence that he was here working with the Dallas County Voters League?

A I don't remember at this time.

Q Did you ask any negro citizens of Dallas County what Bernard Lafayette was doing in this county?

A No, I did not. I thought it would be a waste of time.

Q Did you make an arrest of a negro named Alexander Brown on the 22nd day of July, 1963?

A That's what he told me his name was.

Mr. Pitts: What date was that now?

Mr. Doar: July 22, 1963.

Q Did you know Alexander Brown before he was arrested?

A I had heard the name.

Q Did you know he was working with Bernard LaFayette in Dallas County?

A It was reported to me.

Q You were aware of the fact that he testified at the Bosie Reese trial on the 11th. of July?

A Yes.

Q You were aware of the fact that he was the other person who was in the court house with Bosie Reese on the day that you arrested him?

A I don't know that, except through his testimony.

Q You did hear his testimony in the County Court?

A No, I did not.

Q Did you hear any of his testimony?

A I was in and out of the court room, and I don't remember now.

Q But you did know that he did testify?

A Yes.

Q As one of the defense witnesses?

A Yes.

Mr. Doar: That's all of the questions I have at this time. I like to have an opportunity during the noon recess (26) consult with whoever is examining the reports and if necessary recall the sheriff back.

Mr. Pitts: I want to ask the sheriff some questions.

CROSS EXAMINATION

By Mr. Pitts

Q Did you testify to your experience, Sheriff Clark, the question you were asked about did you attend any school—did you attend the local FBI school that they have here?

A Several of them, yes.

Q And you said that you organized the sheriff's posse.

A Yes.

Q That was some three years ago, is that correct?

A About that time.

Q And at that time did you deem that it was necessary to have an auxiliary force of the sheriff's department in the event of any riot or demonstrations here?

A Yes.

Mr. Doar: We object to leading.

Mr. Pitts: All right, sir. You put him on the stand.

Mr. Doar: Well, I think—

Mr. Pitts: If the Government didn't lead this witness, Judge, I never heard one led.

Mr. Doar: He is an adverse witness, so far as the Government is concerned.

Q And what was the necessity of the sheriff's posse in your opinion?

A It was—er—any demonstrations or riots or floods or any emergency that would arise.

Q From time to time have they been called out by the sheriff's office to help in emergencies in Dallas County?

A Yes.

Q Has it all been in riot or demonstration?

A No, they helped about thirty days during the big flood here.

Q The big flood here.

(27) A That's right.

Q All right, sir. Now, I'll ask you, Sheriff, what was the reason that you have had officers at these meetings?

A I was informed by the FBI and also by leaflets that there would be a mass meeting of negroes for the purpose of urging voters registration at the church. I went down with the regular deputies to observe the meeting, to see what was going on, and to see if there was any need for any of our surveillance or any protection whatsoever. And we went down, and at that time we spotted quite a few cars with out-of-county tags, and also about six cars with unknown people in them parked in the vicinity. And there was quite a few people there that I didn't know. And that was when I called the posse to the scene.

Q Were those white people you saw?

A Yes.

Q In that vicinity?

A Yes.

Q And that was out here on Broad Street? At the church on Broad Street right across from the fire station?

A Yes.

Q And that was the first meeting that they had that you know of?

A Yes, sir.

Q And at that time did you call the posse out?

A Yes.

Q And what was the purpose of calling the posse out at that time?

A To protect the people inside the church.

Q And to prevent violence?

A Yes, to prevent violence.

Q All right, sir. Now, what has been the purpose of you having your officers inside these meetings at the church?

A To see if they were going to start any demonstrations or riots in the church and come outside. To work up in the church and violence outside.

Q Did you have any purpose in protecting these people, too, that was in the church?

A Yes.

Q And I will ask you, is it important for law enforcement to know in advance of any demonstrations or any—that may take place?

A Yes. I have been advised by the FBI on each one of these (28) meetings and asked to have protection.

Q On each one of them.

A Well, I won't say on each one of them, but I have been advised of several of them, and I have been advised to have protection there.

Q And is it important that law enforcement know where and when demonstrations may take place?

A Yes.

Q All right, sir. Now, Sheriff, to your knowledge at any of these meetings that have been had that Mr. Doar was talking about, where your officers were present, have any of those officers by your instructions intimidated or threatened anybody at any of those meetings?

A Definitely not.

Q Did you instruct them to intimidate or threaten anybody?

A Definitely not.

Q Did you instruct them to interrupt those meetings in any way?

A I did not.

Q Now, Sheriff, have you yourself intimidated or threatened any citizens of Dallas County, white or black, for the purpose of preventing him to register to vote?

A No, I have not.

Q Now, let's get to Bosie Reese. In the Dallas County court house after it was rebuilt, do all of the offices, such as the tax assessor's office and the tax collector's office and the Probate office, license department, do they have counters with windows that open out into the hall of the court house?

A Yes.

Q Do lines form there at various times?

A Yes.

Q Do they have long lines at times?

A Sometimes they wrap completely around the hall.

Q And has it been the practice of the officials of Dallas County to have a deputy in the hall during the time that there is a line out there?

A At all times.

Q And has that been going on for sometime?

A Yes.

Q And on this occasion that—. Now the registration office doesn't have a window that opens out in the hall, do they?

(29) A No.

Q On this occasion that Bosie Reese was there, was there a line there?

A Yes.

Q Was there white people in that line?

A Yes.

Q Did you know some of those people? Did you know some of them?

A Yes.

Q Was Mrs. Tom Rives in that line?

A Yes.

Q And was this negro, Bosie Reese, there with a camera? Or Alexander Brown. Did they have a camera?

A I saw Bosie Reese there.

Q Did he have a camera?

A Yes.

Q Was there some other negro there with him?

A Not at the first time.

Q All right. Now, was anyone else talking to anybody in the line there?

A No, sir.

Q Do you know whether any pictures were made of that line?

A It was reported to me.

Q It was reported to you that pictures were made of that line.

A Yes.

Q All right. Had you had a complaint that caused you to leave your office?

A Yes.

Q Now, after you told Bosie Reese to leave the corridor of the court house, did he leave?

A I am not sure whether he did or not. He went toward the front entrance of the court house.

Q Now, I'll ask you this: the only seats in the court house are the seats at the main entrance?

A Ask that again, please.

Q The only seats in the hall of the court house are the seats in the main entrance. Is that correct?

A Yes.

Q And some seats near the Probate Office?

A Yes.

Q Are those seats at the Probate Office retained for people that are attending the Probate Court?

A Yes.

Q And Bosie Reese was up and down that hall, do you know?

A I saw him there twice.

Q Now the second time he came in, did you arrest him?

(30) A The second time I saw him I arrested him.

Q And you had previously told him to leave the hall of the court house.

A Yes.

Q All right. Now, what name did he give you as his name?

A Bosie Reese.

Q And how old is Bosie Reese?

A Nineteen.

Q Nineteen years old.

A Yes.

Q Do you know where he lives, or where he told you he lived?

A In Selma.

Q In Selma. Did he tell you he was attending any school?

A No.

Q All right. So you arrested Bosie Reese at that time, is that correct?

A The second time I saw him.

Q All right. Now, he was tried subsequently in the Dallas County Court, is that correct?

A Yes.

Q Now after that on July 22, 1963, just a few days ago, did you arrest a man named Alexander Brown?

A That was the first name he gave me.

Q All right. Had he been previously arrested?

A No.

Q Had you seen him previously in the court house?

A Yes.

Q Where he was arrested at?

A He was arrested in the alley back of Roland Jordan's filling station on Broad Street.

Q Was it the day time or night time?

A Night time.

Q Were you the arresting officer?

A Yes.

Q What did you stop his car for?

A Having one headlight.

Q One headlight. Is that what attracted you to that car?

A Yes.

Q Did you know that Alexander Brown was driving that car when you stopped it?

A No, I did not.

Q But you stopped it because of one headlight.

A That's right.

Q *All right, now. When you stopped it what did Alexander Brown do?*

A The car pulled up and stopped, and I asked the guy on the right-hand side who was driving and he said, "Him".
(31) And I went around and he was getting out of

the driver's side, and I asked him, "Were you driving the car?" And he said, "Yes," and I said, "What is your name?" And he said, "Alexander Brown".

Q Did you tell him he had only one headlight?

A I told him, I said, "Well, I'm the sheriff and you have only one headlight." And I said, "Turn the lights on and come around and look."

Q Did he do that?

A He went around and looked, and he hit the dimmer switch and there were two.

Q All right. Now, did you ask him for his driver's license?

A Yes.

Q Did he give it to you?

A Not at first.

Q What did he say?

A I told him, I said, "I am the sheriff. I am checking the driver's license. You were driving the automobile."

Q What did he say then? What did he say to you about his driver's license?

A He reached and pulled out his billfold and handed me his billfold, and I said, "I want your driver's license, not your billfold."

- Q And did he pull his driver's license out?
- A He pulled his driver's license out and handed it to me then.
- Q All right. Now, that driver's license that he handed to you, did it give the name of Alexander Brown—issued in the name of Alexander Brown?
- A No, sir.
- Q Who was it issued to?
- A Alexander Lionel Love.
- Q Alexander who?
- A Lionel Love.
- Q Alexander Lionel Love. What was the address?
- A Birmingham, Alabama.
- Q Birmingham, Alabama. Did he ever present any driver's license issued in the name of Alexander Brown?
- A No, he did not.
- Q Did you arrest him?
- A Yes.
- Q Did he tell you at that time his name was Alexander Brown?

- A He told me his name. Later on he said his name was—he told me at first his name was Alexander Brown, and then after he gave me his driver's license he told me that his name was Alexander Lionel Love.
- Q Now, the alley behind the Gulf Service Station, now is (32) that a very secluded part of town? Is there any reason for cars to be going up and down that alley?
- A I could see no reason.
- Q And it is in the back of business, isn't it?
- A That's right.
- Q On that alley, is that right?
- A Yes.
- Q And houses back on that alley, too. Is that correct?
- A Yes.
- Q Now. And he finally told you his name was Alexander Love.
- A Yes.
- Q Is that the first time that you knew his correct name?
- A Yes.

- Q Is that the first time that you knew that he went by the name of Alexander Love?
- A That's right.
- Q Did you make a charge against him?
- A Yes.
- Q And what did you do with him?
- A Charged him with improper lights on an automobile, and also concealing his identity.
- Q Was any charge made about his driver's license?
- A No.
- Q Now, was he carried to the jail?
- A Yes.
- Q Was he booked?
- A Yes.
- Q Did he make any statement or say anything to the officers that were at the jail?
- A I don't know. I didn't take him to the jail.
- Q You didn't take him to jail. All right. Is that case now pending in the Circuit Court?

- A In the Dallas County Court.
- Q Dallas County Court. And is that the same Alexander Brown, alias Alexander Love, that you saw over here in the Dallas County court house?
- A Yes.
- Q And he is the man down here with the Coordinating Committee or something?
- A It was reported to me he was.
- Q I'll ask you one more time, did you know who was in that automobile when you stopped it?
- A I did not.
- Q Would you have stopped that car regardless of who was in it, or who was driving it?
- Mr. Doar: Objection, please. We object to leading.
- (33) The Court: Sustain the objection.
- Q All right. Now this man, Bernard LaFayette. I'll ask you one other question. Sheriff, back to the court house. You are custodian of the court house, is that correct?
- A Yes.
- Q And it has been the policy of the sheriff's department to prevent anybody from interfering with any line in the court house. Is that correct?

A Yes.

Q Have you ever intimidated any person in the Board of Registration line?

A No, I haven't.

Q Have you ever attempted to prevent any person, white or negro either from getting in the Board of Registration office?

A No, I haven't,

Q Have any of your officers done it?

A Not to my knowledge.

Mr. Pitts: That's all.

CROSS EXAMINATION

By Mr. Madison

Q Sheriff, I believe you testified that there were ten or twelve people in the line at the time Bossie was arrested—Bossie Reese?

A I'm not sure about the time he was arrested. There were ten or twelve at the time I talked to him the first time.

Q Did you see anybody in that line leave on account of your dealings with Bossie Reese?

A I did not.

Q As far as you know, all that were in line went on in and registered as usual?

A Yes.

Q Do you have any recollection of anyone in that line, either white or black, complaining to you about his presence there and pictures being taken and didn't want it taken?

A Yes.

Q Do you know who that was?

A Caldwell Cook spoke to me in the line—

Mr. Doar: (Interrupting) Your Honor, I object. The witness testified that a complaint was not made to him, and unless (34) the witness has personal knowledge of the complaint I object to it on the grounds it is hear-say.

The Court: Was the complaint made to you or to your officer, Sheriff?

The Witness: Made to my officer.

The Court: Sustain the objection.

Q Did you have any prior knowledge of Bossie—by the way, was Bossie Reese convicted or not when he was tried?

A He was convicted.

Q And who tried him? Judge Mallory?

A Yes.

Q Had you had any prior knowledge of Bosie in any way before he was in the line at that time? Did you know about any of his previous convictions, if he had any?

A I had never seen or heard of him before.

Q Do you know now?

A Yes.

Q Well, what do you know now about Bosie Reese's convictions?

Mr. Doar: Objection, it is immaterial.

The Court: Sustain the objection.

Mr. Madison: Will your Honor permit me to proceed under Rule 43 and state what I'd like to show by this witness? I'd like to show, if your Honor will permit, and state for the record that Bosie had been convicted of stealing a watch and also convicted of stealing a bicycle.

The Court: I still can see no relevancy on this. The sheriff has testified that at the time he made this arrest he had no knowledge of this man or of his previous convictions.

Mr. Pitts: The purpose of that testimony is to show the type of man that is down here and dealing—that Mr. Doar is trying to back up.

The Court: I still see no relevancy.

Mr. Madison: Now, I'd like to give your Honor my idea of the relevancy. I don't think that my client or these other (35) clients who are charged with arresting persons for the purpose of intimidation would pick out twice a convicted person of grand larceny in order to bring about such intimidation.

The Court: Go ahead. Anything further?

Mr. Madison: Would you stipulate what this man's criminal record is?

The Court: I can see no relevancy.

Mr. Doar: I object to that stipulation.

The Court: Sustain the objection.

REDIRECT EXAMINATION

By Mr. Doar

Q You were asked on direct-examination by your counsel if you had a walkie-talkie in these meetings—

Mr. Madison: I did not ask him that question. That was asked by Mr. Doar himself.

Mr. Doar: Well, I'd like to ask him a little bit more about that.

Q You did have a walkie-talkie in each one of these meetings, reporting back to you what was going on.

A At each meeting that I was there.

Q Did you have any tape recording device to take down exactly what was said at the meetings?

A No, I did not.

Q Did any of your deputies?

A There was a tape recording made, but it was illegible.

Q Served no useful purpose?

A That's right. Couldn't understand a word on it. Too much background noise.

Q Did you instruct your deputies to take license numbers of cars that were parked around the places where these meetings were held?

Mr. Pitts: We object. Incompetent, irrelevant, (36) immaterial.

The Court: Overrule.

Mr. Pitts: We except.

Q Answer.

A I did.

Q Did you receive from them a number of license plates at these meetings?

A Yes, we took down the tag numbers of some white men from Chilton County, who were there observing.

Q Did you take down any license numbers of persons attending the meetings?

A I don't know whether they were attending the meeting or not. We took down all the tag numbers in the vicinity of each place.

Q Have you done anything with those tag numbers since you took them down?

A We looked up to see who they belonged to.

Q Do you have a record of that in your office?

A I don't know.

Q Will you check on that during the noon hour to see if you have that record over there?

A We could see no purpose in it. I'm not even sure we have it now.

Q But will you check and see whether you have that record, whether it is available?

A I will be glad to.

Q And if you have it, will you bring it over here? If you have it?

A I will be glad to.

Q Thank you. Now, when you testified that you had seen Alexander Brown in the court house before you arrested him on the 22nd of July—is that right?

A Yes.

Q Was he in the court house near the registration line?

A Not to my knowledge.

Q Where was he?

A In the court room—Dallas County Court room.

Q Was that at the trial of the case of Bosie Reese?

A Yes.

Q Did you see him in the court house when you arrested Bosie Reese?

A I don't remember seeing him.

Q Do you know whether or not Alexander Brown had a birth certificate with him at the time that he was arrested?

(37) A No, I do not.

Q Did you ask to see his birth certificate?

A No, I did not.

Q Did you ask to see any other identification card besides his driver's license?

A No, I did not. The driver's license as far as we are concerned is identification.

Q Did Alexander Brown do anything else to conceal his identity other than not disclosing to you at the time you arrested him, and not disclosing at the time he testified in the Bosie Reese case, that he was going under a different name than on his driver's license?

A He told me his name was Alexander Brown and gave me proof that he was named different.

Q Did you inquire how that came about?

A No, I was not concerned with it. It was two different names and that was all I was concerned with.

Q You weren't concerned at all about how he happened to be going under one name and had a driver's license under another?

A No, I didn't see any reason to be.

Mr. Doar: That's all, your Honor.

The Court: Sheriff, what time of night was that, that the arrest was made?

The Witness: Approximately between nine and ten o'clock. I am not quite certain.

Mr. Doar: Your Honor, can I ask one more question?

The Court: All right.

Q Sheriff, at the time of the arrest, was that near the First Baptist Church?

A It was in front of—er—what do you mean, “near”?

Q Was it close to the Baptist Church, the negro Baptist Church?

A It was in the next block.

Q And were you out at that place near the Baptist Church for the purpose of observing a mass meeting that was being conducted at that church?

A Yes.

Q And did you have other law enforcement officers on duty out there at the same time?

(38) A Yes.

Q Do you know whether or not Alexander Brown was going to or coming from that meeting?

A No. He didn't even head toward the meeting. He came up the street and turned into the alley.

Q Did he stop the car?

A He pulled up in the alley and stopped at the boarding house that is behind the filling station.

Q Were there other people with him at that time?

A Yes.

Mr. Doar: Thank you.

The Court: Thank you, Sheriff. Now, in the event you want him back, let him know in time for him to get back.

Mr. Doar: Sheriff, you will check that about the license numbers, will you, please?

The Witness: Yes.

Mr. Doar: Thank you.

The Court: Court recessed until 1:15.

(Court stands in recess for the lunch hour)

(Court called to order after lunch and trial resumed)

Mr. Doar: I offer in evidence Exhibits 3 through 6, which are certified by the court reporter.

(Mr. Doar shows said exhibits to the Court, pointing out various things to the Court in too low a voice for the reporter to include in the record)

(Above described Plaintiff's Exhibits 3 through 6, both inclusive, admitted in evidence without objection)

Mr. Pitts: I will stipulate that Mrs. Jackson, if she was present, she would testify that she was the court reporter and that she was present in the Dallas County court house in the Dallas County Court on the occasion that these two

transcripts were made and that she took them down and transcribed them to the best of her ability.

(39) The Court: All right.

BERNARD LAFAYETTE, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you state your full name, please?

A Bernard LaFayette, Jr.

Q Mr. LaFayette, will you speak up in a loud voice so that everyone can hear you?

A Yes, I will.

Q Where do you live?

A 1703 Union Street, Apartment 1, Selma, Alabama.

Q How long have you lived in Selma?

A Since February 10, 1963.

Q What is your race?

A Negro.

Q Did you in connection with this—did you, at the request

of the Department of Justice, furnish an affidavit with respect to certain of your experiences since you came to Selma, Alabama?

A That is true.

Q Did you read over that affidavit before you signed it?

A That is true.

Q And did you furnish any more than just one affidavit for the Department of Justice in connection with this case?

A No, I did not.

(Mr. Doar and Mr. Pitts consult with the Court, discussing certain papers)

Mr. Doar: I would like to inquire with respect to these Exhibits 29 through 32, do I understand that these exhibits have been received in evidence?

The Court: Yes.

Mr. Doar: May I inquire as to what use the Government may make of them? What limits the Government's use is of them?

The Court: Their contents are not for public information, but they are for information in this case.

Q Did you on the 17th of June know a negro by the name of Bosie Reese?

A Yes, I did.

Q Do you know another negro by the name of Alexander Brown?

(40) A Yes, I do.

Q Will you tell me whether or not they work for you on the voter registration in Dallas County?

A Yes, they do.

Q Did they work at that time?

A Yes, they did.

Q Tell me whether or not you had any instructions to them on that day with respect to going to the court house.

A Yes, I did.

Q Tell the Court just what instructions you gave them.

A I instructed them to go down to the Dallas County court house and count the number of people who were applying for registration. To do this in connection with our voter registration program, so we could keep an accurate count of people going down to make application.

Q Subsequent to that giving of instructions, I will ask you whether or not you had a conversation with Sheriff Clark on that day?

A Yes, I did.

Q And where did that conversation take place?

A In the Dallas County court house, the sheriff's office.

Q Can you fix the time of that conversation?

A I'd say approximately three o'clock.

Q Can you tell the Court whether anyone else was present, other than you and the sheriff, at the time of that conversation?

A Yes, there was.

Q What were their names?

A One fellow was named Terry Sharp.

Q What's his race?

A He is negro.

Q Were there any other white persons present?

A There was a clerk there, a female clerk, at the desk. I don't know her name.

Q Tell the Court what the conversation was that you had with Sheriff Clark.

A Well, I received a report that Bosie Reese had been—

Mr. Pitts: We object—

Q Just give us the conversation that you had with the sheriff, please.

A Well, I asked the sheriff where was Bosie Reese, and he asked me what was my name and I told him Rev. LaFayette. And he said that Bosie Reese was under arrest, and I asked him what were the charges. At the time the sheriff told me the charges were failure to obey an officer of the
(41) law, I believe, and resisting arrest. And I further inquired as to the possibility of getting him out on bail, and the sheriff told me I would have to see Judge Mallory. And the sheriff asked a fellow next to me, "What's your name?" And he said (mumbling. "Terry Sharp." And the sheriff said, "Speak up, boy." And he said, "Terry Sharp." And he said, "Where do you live? What's your address?" And Terry Sharp gave him an address, and then we both turned and walked out.

Q Did you attend all of the mass meetings that were held in Selma, Alabama, that were sponsored here by the Voters League during the spring and early summer of 1963?

A Yes, I attended all of the mass meetings, the voter registration mass meetings held by the Dallas County Voters League.

Q I wonder if you could examine what has been marked for identification as Plaintiff's Exhibits 7 through 16, which I'd like to show to the attorneys for the defendants first.

(Mr. Doar hands said exhibits to Mr. Pitts and the other defense attorneys for their examination)

Mr. Pitts: Judge, we have no objection to 7 through 13. We object separately and severally to Plaintiff's Exhibits 14, 15 and 16; incompetent, irrelevant, immaterial, nothing in the world but a declaration by someone whose names are not signed, and in one instance by a man named Czelle Billingsley; and the statements are put out in mimeograph form. We have no objection to these others, but we object to these on that ground; incompetent, irrelevant and immaterial. We don't know the purpose of these statements, but something about voting.

Mr. Doar: That is the purpose, your Honor, just to show—not to prove the truth of any statement in there, but just to show—(voice trails off).

(Mr. Doar hands exhibits to the Court)

The Court: I don't know what those are.

Q Would you just briefly examine Plaintiff's Exhibits 7
(42) through 13, and not one at a time, but just tell the Court what those are? Not one at a time, but just look at them all.

Mr. Pitts: They are nothing but circulars.

The Court: Were those passed out at the meeting?

The Witness: At the meetings? No, sir. This is literature that we put out advertising the meetings.

The Court: That is literature that you all did put out?

The Witness: That is true.

The Court: All right.

Mr. Doar: I'd like to offer Exhibits 7 through 13 in evidence.

(Above described exhibits are admitted in evidence without objection as Plaintiff's Exhibits 7 through 13)

Q And I'd like to show you where they have been marked for identification as Plaintiff's Exhibits 14, 15 and 16, and ask you if you recognize these documents?

A Yes, I do.

Q What are those documents? Without going into what kind of—what are they?

A This is literature explaining the purpose of registering to vote, and also encouraging people to register to vote.

The Court: Is that put out by you all?

The Witness: Yes, this was.

The Court: Overrule the objection.

Mr. Doar: These are received in evidence?

The Court: They are.

(Above described exhibits are admitted in evidence as Plaintiff's Exhibits 14, 15 and 16)

Q Did you observe at any one or more of the mass meetings any law enforcement officers of Dallas County at these meetings?

A Yes, I did.

Q Did you have a conversation with any of these law enforcement officers at one of the mass meetings?

A Yes, I did.

Q Would you tell me where that conversation took place?

(43) A It took place—I'm not sure—I believe it was at our fourth mass meeting, at the Tabernacle Baptist Church. I remember the officer. It was Mr. Virgil Bates, a deputy sheriff of Dallas County. And I asked him—

Mr. Pitts: (Interrupting) We object. Not responsive to the question. He asked him where the conversation took place. It is a voluntary statement, not responsive to the question.

Q Will you tell me when that fourth mass meeting was?

A I am not sure whether—which mass meeting it was. The fourth mass meeting took place on the second Monday in June, I believe.

Q The second Monday in June?

A I believe it was.

Q And I ask you whether or not it wasn't the second Monday in July?

Mr. Gayle: We object.

The Court: Where was the meeting?

The Witness: Tabernacle Baptist Church.

The Court: Go ahead.

Q It was the second meeting at the Tabernacle Baptist Church?

A Yes, it was.

Q Who was present besides you and the Deputy Sheriff Bates? Keep your hands down from your face.

A Mr. James Gildersleeve was present and also two other officials. I think one told me he was from the City Police Department, and I believe the other was from the Sheriff's Department.

Q I didn't understand you.

A I said one officer was I believe from the City Police Department, and the other was Mr. Virgil Bates from the Sheriff's Department I believe. I can't be sure.

Q What was that conversation?

A Well, I asked them—well, in fact I told them to give me a definite reason for their being there, and would they give me a definite reason so that I—

Mr. Pitts: (Interrupting) I object to anything this man says.

The Court: Overrule. Go ahead.

A (Continuing) I said, "You never did give me a good reason (44) why you are here.

I didn't clearly understand what their purpose was. And Bates said, "We are here to observe this type of meetings." And I explained it was a voter registration meeting, that sort of thing. And he said, "This type of meetings we are—" I think he said "authorized"—I can't quote him, but he did tell me he had authority to be there and to observe.

Q Now, in connection with your case, sir, where you were charged with vagrancy, tell me whether or not you had attorneys in the County Court proceedings?

A Yes, I did.

Q And were you required to pay your attorney for the services he rendered you down here?

Mr. Gayle: We object to that, your Honor. I can see no relevancy, whether he had attorneys or paid attorneys.

The Court: I see what he is driving at, but I'm not sure—how much did you pay your lawyer?

The Witness: Well, I did not particularly pay the lawyer. The Dallas County Voters League paid the lawyer's fee for me.

The Court: I asked you how much it was.

The Witness: \$200.00.

Mr. Doar: That's all the questions I have, your Honor. We'd like the Court to know—to say again, that we are relying on the entire affidavits.

CROSS EXAMINATION

By Mr. Pitts

Q How old are you?

A I'm twenty-one years of age.

Q How old?

A I am twenty-two years of age.

Q And how long have you been in Dallas County?

A Since February 10, 1963.

Q And you are not a qualified voter in Dallas County, are you?

(45) A I
am not.

Q Where did you come from to Dallas County?

A From Atlanta, Georgia.

Q You are not even a resident of the State of Alabama, are you?

A Not yet.

Q How many times have you been arrested in your lifetime?

A Approximately ten times.

Q Approximately ten times. And what were those charges that you have been arrested for?

A All kind of things.

Q Well, name some of them.

A Disorderly conduct, I think it was trespass, ejection of undesirable guest, and several others.

Q Have you ever served any time?

A Served any time?

Q Yes, in the penitentiary.

A I have not served any—er—explain the question.

Q Have you been arrested before?

A Yes, I have.

Q And did you serve any time in jail? Before?

A I awaited trial in jail. I don't quite understand. Jail?

Q I asked you if you were convicted and the Court sentenced you to any time in jail?

A No, sir.

Q Did they sentence you to pay any fine?

A I'm not sure I understand the question.

Q Now, you know when you were tried on all those various charges, don't you? When you went in Court?

A Yes.

Q All right. Now, were you convicted or were you turned a loose on every charge?

A Some I was convicted and some I was turned loose.

Q Now, those that you were convicted on, how much time did you serve on?

A I didn't serve any time when I was convicted.

Q Well, did you pay a fine?

A Yes.

Q And how much were you sentenced to serve on each one of those convictions? Were you sentenced to any time in jail on those convictions?

(46) A Yes, I was.

Q How much?

A Well, one conviction, I think it was a year and six months in jail.

Q Where was that at?

A That was at Jackson, Mississippi.

Q And where else have you been sentenced to jail?

A I haven't been sentenced to jail any other places.

Q Huh?

A I haven't been convicted and sentenced to jail any other place.

Q You say that you are a reverend, what church—have you ever been ordained?

A I am licensed, not ordained.

Q In what church is it, or what denomination are you a reverend?

A Baptist faith.

Q Baptist faith. And where was it you were licensed?

A Licensed in Nashville, Tennessee, and Tampa, Florida.

Q But you never have been licensed in the State of Alabama, have you?

A I have not in the State of Alabama.

- Q Now, did you attend all of these mass meetings?
- A Yes, I did.
- Q You attended all of these mass meetings. Is that right?
- A That's right.
- Q Did you attend the one at the Tabernacle Baptist Church on Broad Street, the one down here on Broad Street? The first one they had?
- A Yes, I did.
- Q Were you on the inside of the church?
- A Yes, during the meeting I was.
- Q Did you look on the outside of that church?
- A While coming in and going out.
- Q Did you see any white people out there?
- A Yes, I did.
- Q Was there a thick number of people up and down that street?
- A When?
- Q During that meeting and after that meeting, and before that meeting.

- A During the meeting I was on the inside.
- Q Well, were there people there?
- (47) A When?
- Q During the meeting, after the meeting, before the meeting.
- A I can't say during the meeting.
- Q Well, before the meeting—
- The Court: Let me interrupt. I think you understand the question that's being asked, and I'll expect it to be answered. Were there any people there when you went in?
- The Witness: Yes.
- The Court: How many?
- The Witness: There was a small number of people. Mostly people coming to the mass meeting and police officers.
- The Court: All right. And when you went out?
- The Witness: When I went out I saw a large number of people who were leaving the mass meeting, and I saw also the police officers. I can't testify to how many when I was inside.
- Q Did you see other people up and down that street there that wasn't police officers?
- A Repeat the question. Explain—going out or what?

Q Going out of the meeting.

A Yes, I saw people leaving the meeting.

Q Well, I know, but I'm talking about people that wasn't at that meeting. Didn't you see a lot of white people up there that wasn't in that meeting? When you left there.

A I saw some. Yes.

Q And when you went in there, there was a lot of white people out there too, wasn't there? In automobiles, and also standing on the street, wasn't there?

A There were police officers.

Q Well I mean people other than police officers.

A I don't know who they were.

Q I didn't ask you who they were. I asked you did you see them.

A I can't say I saw a whole lot of people. I saw them as I was going in.

Q Well, I'll ask you if during the time of that mass meeting down there when it was about over with, didn't they ask one of the those police officers if it was safe for them to go back out?

(48) A Who?

Q Didn't someone in that mass meeting get up and ask the officers in there if it was safe for them to leave that meeting?

A I don't remember that.

Q You don't remember that. Do you know of your own knowledge that these officers had been down there for the purpose of protecting you negroes and preventing violence? You know that?

A I do not know that was their purpose, but I assume that was their purpose.

Q Have you ever seen any one of these officers intimidate anybody while they were in that church there, or abuse anybody in any of those churches? Any officer?

A I don't fully understand.

Q Have you ever heard one of those officers make any statement that would threaten anybody in that church that was attending one of those meetings?

A Threaten, I have not.

Q Have you ever seen one of those officers that was there abuse anybody in that church?

A I have not.

Q I'll ask you whether or not at those meetings it was discussed about demonstrations in the City of Selma?

A You ask if it was discussed?

Q Yes.

A By whom?

Q People that attended that meeting.

A Lot of things discussed. I don't know.

Q Well, was it ever discussed about having demonstrations?

A Having demonstrations? I don't recall.

Q You don't recall. All right. Was it ever discussed in there that they were going to have violence? Was any violence ever mentioned in one of those meetings?

A By whom?

Q People that were attending the meetings, or people that spoke at the time of the meeting.

A I don't understand what you mean by violence.

The Court: Have you ever heard the word violence used?

The Witness: The word violence used? Yes, sir. Yes, I've heard the word violence used.

Q Well, what did you hear it used in connection with?

(49) A When I told people about my own attack.

Q But I'm talking about in connection with the City of Selma.

A In connection with the City of Selma?

Q Yes.

A I don't recall anybody saying anything about violence.

Q And you don't recall any demonstrations being made there, or talk about violence?

A In Selma?

Q Yes. What you were going to force on the City of Selma.

A No, sir.

Q I will ask you this, Bernard. Were you arrested in Miami, Florida?

A Yes.

Q What charge was that for?

A Ejection of undesirable guest.

Q And what sentence did you get there?

A I got a year probation.

Q Were you arrested in Nashville, Tennessee?

A Yes.

Q And what was the charge there?

A Which arrest?

Q The first arrest in Nashville, Tennessee, on December 7, 1960?

A Now, that was—er—I think it was—let me see—

Q Well, I'll ask you, on that date wasn't you arrested for resisting arrest and disorderly conduct?

A I was charged with that. That's right.

Q That was what you were arrested for, wasn't it?

A Yes.

Q Then on February 20, 1960, weren't you arrested again—'61, wasn't you arrested again in Nashville, Tennessee?

A What date?

Q February 20, 1961.

Mr. Doar: I'd like to object to these questions and answers. He can show the convictions, not arrests.

Mr. Pitts: We are attempting to show that everywhere this man has gone he has caused trouble.

The Court: You can go along. He has answered that.

Q Well, I'll ask you this then: weren't you arrested in Jackson, Mississippi, on June 15, 1961, and fined \$200.00 and given sixty days?

A (No answer)

Q Is that right?

(50) A That's right.

Mr. Doar: Take your hand down from your face. Otherwise the reporter can't hear you. Understand?

The Witness: Yes, sir. (Takes hand from his face)

Mr. Doar: Thank you.

The Court: Anything else?

Q Now, I'll ask you, Sheriff Jim Clark, one of the defendants in this case, has he ever threatened you in any way?

A With arrest.

Q With arrest. Is that the only threat he has ever made against you? Is that right?

A That's right.

Q And where were you when he threatened you with arrest?

A I was standing on the corner of Minter and Broad.

Q When?

- A This past Monday night.
- Q And what did he tell you then?
- A You want me to repeat what he told me?
- Q What he told you then.
- A If I didn't get my ass out of there he was going to arrest me for interfering with an arrest.
- Q For interfering with arrest. And that was when this boy Alexander Brown was arrested, wasn't it?
- A That's right.
- Q That's right. And you were interfering with an arrest, weren't you?
- A No, sir.
- Q And has any other officer of Dallas County in any way threatened you or intimidated you in any way?
- A You call arresting a man intimidation?
- Q Im asking you whether or not, other than lawful arrest?
- A I feel it's unlawful.
- Q Well, have they arrested you or not?
- A I haven't been threatened otherwise than arrest.

- Mr. Pitts: We move to exclude what his opinion is.
- Q Has any officer of Dallas County threatened to do you any bodily harm?
- A No, sir.
- Q Now, the day you went up here to Dallas County to that (51) voter registration line, did you go inside the court house that day?
- A I remember no such date.
- Q Did you send Bosie Reese up there?
- A Yes.
- Q And you sent this man Brown up there?
- A Yes, I did.
- Q And you sent them up there for the purpose of making pictures, didn't you?
- A No, sir.
- Q Well, they had a camera, didn't they?
- A I wasn't up there.
- Q Well, did you tell them to take pictures?
- A Not on that occasion.

Q Not on that occasion. All right. Did you tell them—well, what did you tell them to do up there?

A I told them to count the number of people who were applying for applications so that we could keep a record of how many people applied.

Q Now, you could have done that by having those people report back to you, couldn't you?

A We do that too.

Q You didn't have to go up there to that line to get that information, did you?

A Yes.

Q Well, they could have reported to you, whether or not they submit themselves for registration, couldn't they? And given you their names, couldn't they?

A We thought it was necessary.

Q You thought it was necessary. But you knew that you were not supposed to go up there and interfere with that registration line in the court house.

A We were not interfering.

Q Well, you were contacting people in that line, wasn't you?

A I wasn't up there.

Q But you sent somebody else up there to do it, didn't you?

A To count the people.

(52) Mr. Pitts: All right. That's all.

CROSS EXAMINATION

By Mr. McLeod

Q Do you recall a meeting when James Foreman spoke in Selma at the church here?

A I recall that meeting.

Q When was that?

A I believe that was May 14th.

Q Where is James Foreman from?

A He came from Atlanta.

Q And is he your boss?

A Executive secretary.

Q Does that make him your boss?

A We don't call him boss.

Q He's over you, isn't he?

A He is my superior.

Q Now, on May 14th before that meeting that night, how many times did you call the Justice Department in Washington, D. C.?

A I called them not one time.

Q Did you call the Justice Department and ask them to send people here to protect you and others at that meeting that night?

A I did not.

Q Did they do it in your name?

A Maybe so.

Q And did the sheriff that night give you the protection that you were trying to get out of Washington?

A Did the sheriff do it?

Q Yes.

The Witness: Your Honor, may I ask a question?

The Court: All right.

The Witness: Does he include me in the question he is asking?

Q You were at the meeting, weren't you?

A Yes.

Q Did you speak at that meeting?

A I spoke at the meeting.

Q And did the sheriff maintain order at that meeting?

A Order was maintained.

Q Did you see any officers there besides the sheriff's department—the sheriff's department of Selma—at the meeting of May 14th?

A Inside or outside?

Q Inside and outside.

A The people at the mass meeting.

Q And did you see these officers there?

A Yes, I did.

Q And at that meeting, weren't 75% or 80% of them teenagers?

(S) A I couldn't say.

Q And did you hear James Foreman when he made his speech?

A I was present.

Q Well, if you were present, did you hear his speech?

A I heard his speech.

Q You were there all the time he spoke, were you not?

A That is true.

Q Did you hear James Foreman call for let blood flow in the streets?

A No, I did not.

Q Did you hear James Foreman call for mass violence through the streets of Selma by the negroes of this town?

A (No answer)

Q And do you know—

Mr. Doar: (Interrupting) Let him answer the question.

Mr. McLeod: He wont answer.

Mr. Doar: Yes, he will answer. Certainly he will answer.

Q Did you hear that?

THE Court: Answer the question.

The Witness: What is your question?

Q Did you hear James Foreman call on the colored people of Selma to be killed for their rights and to march on the court house and down the streets of Selma?

A Yes, if necessary.

Q If necessary.

A Do you want me to tell the truth?

Q Yes, if you know it.

A Well, I think when he said, "Die if necessary", we had to be willing to die. Not violently. If necessary.

Q Now, did you hear him cuss out the sheriff's department of Dallas County and the Governor of the State of Alabama?

A Curse out the sheriff's department?

Q Yes.

A No, sir, I did not hear that.

Q Now, do you know Rev. C. C. Hunter of Selma, Alabama?

A Yes, I do.

Q Is he a colored man?

A Yes, he's a negro.

Q Do you remember his making the statement, "Let us not (54) leave this room and may not wake up tomorrow." Do you recall that statement being made by James Foreman?

A Mr. Foreman or Mr. Hunter?

Q James Foreman.

A I don't know who said it. It was said.

Q It was said at this mass meeting.

A I recall that.

Q Now, you say you know Rev. C. C. Hunter.

A Yes, sir.

Q And is he a colored man?

A Yes, colored.

Q Now, did he speak before James Foreman spoke?

A Yes, he did.

Q And after James Foreman spoke did Rev. Hunter come back and tell the people, the colored people that were in that church, that, "I will not let you leave here during the frenzy that James Foreman's got you in. And I'm going to talk to you and quiet you down." Do you recall that?

A Portions of your statement, not all of it.

Q And didn't he tell them to get out of here and conduct yourselves like decent people?

A Yes.

Q And not to go out and do like James Foreman tried to get you to do?

A He didn't say that.

Q Well, what did he say?

A He said the same thing I said. He said, "We must leave quietly and orderly, and conduct ourselves as good citizens." To leave immediately and go directly home.

Q Now, he was not booked to speak the second time, was he?

A Who?

Q Rev. Hunter.

A I don't recall.

Q Didn't he make the statement that he was not booked to speak again but he had to speak in order to calm the people down after hearing your superior speak?

A I don't remember him saying that.

Q And do you remember James Foreman jumping up and shaking his head, and Rev. Hunter said, "sit down. You're going to hear what I say." Do you recall that?

A I don't recall that.

Q In other words, you can remember what you want to remember, can't you?

A I'm truthful. I don't recall it. It may have happened, but (55) I don't recall that.

Q But you do recall—do you recall his making this statement, "If they kill me, I will go to my grave a happy man because I will never look another white man in the face." Do you recall James Foreman making that statement during his speech?

A Yes, I do.

Q And he was calling for violence all the time, wasn't he?

A No, sir.

Q Well, the biggest part of the time he was calling for violence, wasn't he?

A No, sir.

Q How much of it?

A None of it.

Q Well, you just got through saying he said he was willing to die rather than look a white man in the face again.

A He didn't say he was advocating violence.

Q He called for violence, didn't he?

A He called for marching.

Q And he called for blood to be shed, didn't he?

A I don't think he called for blood to be shed.

Q You were there, weren't you?

A He didn't call for blood to be shed.

Q You don't try to remember those things, do you?

A (No answer)

Q Now one other question. At any meeting that you have had in Selma has there been a meeting that violence was not advocated?

A Violence advocated?

Q That's right.

A You mean violence—

Q (Interrupting) You're a college graduate aren't you?

A What?

Q You're a college graduate, aren't you?

A No, I'm not.

Q How many years have you been to college?

A Oh, I transferred from one college, three years at one college and—

Q (Interrupting) You know what the words "violence advocated" mean, don't you?

A Yes, I do.

Q Well, was it advocated?

A No.

Q I believe you stated awhile ago that James Foreman was secretary and treasurer of the organization that you work for. Is that right?

(56) A That's not right.

Q Well, what did you say?

A I said he was executive secretary.

Q Executive secretary. Now, of the Dallas County Voting League, are they the ones that invited you here?

A That's right.

Q And is James Gildersleeve the head of that?

A Vice-president of it.

Q Who is president?

A Mr. Jackson Lawson.

Q Speak up.

A Mr. Jackson Lawson.

Q Does he live in Selma, Alabama?

A Yes, he does.

Q And who is secretary and treasurer?

A Of what?

The Court: Same organization.

Q Same organization.

A You mean the secretary?

Q Yes.

A The secretary is Mrs. P. L. Lindsey.

Q And who is the treasurer?

A Mr. Buckley.

Q What's his full name?

A I don't know.

Q Oscar?

A I said I don't know his first name.

Q Who else is an official down there?

A What particular organization?

Q I am still talking about the Dallas Voters League. You know what I am talking about.

A You said what of what—?

Q I said do they have any other officials in that organization besides president, vice-president, secretary and treasurer? Do you have any other officials there?

A Yes.

Q What are their names and what are their titles?

A I am director of the project. My name is Bernard LaFayette, Jr.

Q Who else do they have?

A We have an assistant secretary.

Q Who is that?

A Ulysses Blackmon.

Q Isn't there a woman by the name of Boynton? Isn't she an official of it?

A Yes, she's a member of the Voters League.

Q Just a member?

A Yes.

Q Does she hold an office?

A No, I don't think so. She is probably head of some committee.

Q In the conversation that you had with the Justice Department (57) in Washington previous to that meeting that day, didn't you tell them that the sheriff's force of Dallas County had all left town so that you and the people at that meeting would be at the mercy of anyone that came up?

M. Doar: We object to that, your Honor, on the grounds that he has already testified that he had no conversation with the Department of Justice.

Mr. McLeod: We understand and have proof that he did have.

The Court: He said that he didn't. Go ahead, answer the question.

Q Did you send that message to Washington?

Mr. Doar: We object to that question, your Honor, on the grounds he said he had no conversation.

The Witness: I did not have such a conversation.

(58) Mr. McLeod: That's all.

RE DIRECT EXAMINATION

By Mr. Doar

Q Since you've been here, Rev. LaFayette, have you worked and spent your time working and teaching people how to register to vote in Dallas County?

A Yes, I have.

Q And do you know whether or not any member of your organization kept a record of the people that have attended your voting classes or voting clinics?

A Yes, I do.

Q What is that lady's name?

A Mrs. Marie Foster.

Q Mrs. Marie Foster?

A Foster.

Q And have you, during the time you have been here, worked with some of the negro young people and had them canvas throughout the negro area urging people to register to vote?

A Yes, I have.

Q About how many young people do you have working on that project?

A Approximately fifty.

Q You have testified that you saw the sheriff on the 22nd day of July, 1963. Where were you at that time?

A On the corner of Minter and Broad.

Q Were you coming from or going to a meeting?

A No, I just left out of a meeting. The meeting was not over, and I left—er—

Q Speak up, please.

A I was informed that an arrest was being made of one of our voter registration workers.

Q What kind of meeting had you been attending?

A Voter registration mass meeting.

Q Where was that meeting held?

A Tabernacle Baptist Church.

Q In connection with the arrests you have been asked about, can you tell us whether or not all of these arrests had arisen out of activities on your part in behalf of people of the negro race?

A Yes, that is true.

Q Have you ever been arrested for any activity, any unlawful activity, other than activity involving negro civil rights?

A No, I have not.

Q Are you at this time still employed by the Student Non-Violent Coordinating Committee?

A Yes, I am.

Q Are you still in charge of the voters registration project of the Dallas County Voters League?

A Yes, I am.

Mr. Doar: That's all.

Mr. Pitts: I want to ask him one or two more questions.

The Court: Go ahead.

RE CROSS EXAMINATION

By Mr. Pitts

Q Now, in these mass meetings that you had, the talk that went on in those meetings wasn't confined to voters registration, was it?

A No.

Q It was a broad thing of breaking down segregation, wasn't it?

A Yes.

Q And sit ins were discussed, wasn't it?

(59) A I don't recall.

Q Do you know Ella Mae Baker, or Barker—Baker—from Atlanta, Georgia?

A Mrs. Ella Mae Baker?

Q Ella Mae Baker.

A Yes.

Q Do you know her? Huh?

A Yes, I do.

Q She talked down at a meeting down there on June 24th. didn't she?

A Where?

Q In Selma, at 7:55 p. m., didn't she?

A Yes.

Q And she encouraged the young people there, and others, to break down all segregation. Didn't she?

A More than likely, but I don't know exactly.

Q And she made this statement, that she hoped that this could be accomplished in Selma without violence, didn't she?

A (No answer)

Q Huh?

A I don't remember exactly the words. She probably said it.

Q Did she or not say it?

A Yes, I suppose so.

Q Without violence, did she say that?

A Without violence. That's what we advocate, non-violence.

Q But you also advocate sit-ins, don't you?

A You said "we", "we" who?

Q At these meetings.

A At these meetings?

Q Yes.

A I don't remember sit-ins being mentioned.

Q Demonstrations. And she also said if necessary blood was going to run in the streets of Selma, didn't she?

A I don't remember that statement.

Mr. Pitts: That's all.

Mr. Doar: Step down, please.

JAMES G. CLARK, JR., recalled to the stand, testified further as follows:

DIRECT EXAMINATION

By Mr. Pitts

Q You testified this morning that your office had never arrested anybody or made anybody leave any of the lines in the court house. Is that correct? I mean, you testified to that effect this morning?

A We have never arrested anyone before.

Q Since then has it been called to your attention that there have been two occasions where persons were removed from the line? Or told to leave the line?

A It was before that.

Q Sir?

A Before that.

Q Before this. All right, sir. Now, on those—on one of those occasions was there a long line leading into the Board of Registration office?

A Yes.

Q I will ask you, Sheriff Clark, do you remember when this voter registration case was going on?

A Yes.

Q Do you remember whether or not the number of negroes that came down here to qualify, to apply to vote, there were some long lines at that time?

A Yes.

Q Sir?

A At that time, yes.

Q Was there a long line?

A Yes.

Q Was anybody told to leave those lines alone at that time?

A Yes.

Q Do you know the names of the people?

A No. It was three unidentified white people.

Q Three unidentified white people?

A Yes.

Q And did your officers make them leave them alone at that time?

A Yes, sir, I did personally.

Q All right. Now, on another occasion, do you remember?

A Yes, it was sometime in the spring. I'm not exactly sure of the time. It was three white men talking to a man in the line and they were told to leave the line.

Q And on both of those occasions you've testified to, these white men obeyed the order of the sheriff?

A Yes, they left immediately.

Q And no arrests were made.

(61) A No arrest was made.

CROSS EXAMINATION

By Mr. Doar

Q Do you have instructions to your deputies with respect to how they should handle anybody that hangs around the line?

A It has been a standing instruction on any line in the court house.

Q What is that instruction?

A It's that nobody can stand around the line, molest the line, or try to break in the line. We were asked by the tax assessor sometime ago to handle it in front of his office because we had people breaking in the line.

VIRGIL BATES, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Tell the Court your full name.

A I am Virgil Brantley Bates.

Q What is your occupation?

A Deputy sheriff of Dallas County.

Q How long have you been deputy sheriff?

A Four years.

Q What is your race?

A Deputy—

Q Your race. What race are you?

A Deputy, that's all I know.

Q Are you a member of the white race? Are you a white man?

A Oh, beg pardon, yes.

The Court: Excuse me just a minute. A long distance call for me. Take a ten minute recess.

(Court stands in recess for a few minutes, then called to order and trial continued with Mr. Virgil Bates still on the stand)

Q You are a deputy sheriff of Dallas County?

A Yes.

Q Would you speak up loud?

A Yes.

Q You work for the sheriff?

A Yes, sir.

Mr. Doar: I'd like permission to examine this witness adversely as an agent of the defendants.

(62) Mr. Pitts: We object to that, Judge.

The Court: Overrule. Go ahead.

Q Did you at Mr. Clark's, Sheriff Clark's, instruction attend certain mass meetings held by negroes in Selma during the spring and early summer of 1963?

A Yes.

Q Did you take notes at those meetings?

A Yes.

Q Directing your attention to Exhibits 30 and 31, which are handwritten notes, I ask you whether or not those notes are in your handwriting?

A This one is.

Q You are pointing out Exhibit 31 as being in your own handwriting?

A Yes.

Q Did you make up reports of what you heard and saw at the other meetings that you were at?

A Yes.

Q Were you at a meeting on the 17th day of June, 1963?

A Yes.

Q Did you make a report on that meeting?

A I did.

Q Do you have that report in your possession?

A I do not.

Q What did you do with that report?

A I left it in the sheriff's office.

Q Have you seen it since that time?

A I have not.

Q Did you advise the sheriff in that report that a certain collection had been taken up at that meeting?

A I don't recall.

Q You don't recall whether you advised him a collection was taken up or not?

A I do not.

Q Do you recall whether or not you advised him in that report that Bernard LaFayette was at that June 17th meeting?

A I don't recall that.

Q Do you recall whether or not he was in fact at that June 17th meeting?

A Not that meeting, no, I don't recall.

Q You don't recall?

A I don't recall.

(63) Mr. Doar: That's all the questions I have.

CROSS EXAMINATION

By Mr. Pitts

Q Mr. Bates, did Bernard LaFayette ever make the statement to you that you and the other officers of the sheriff's department were welcome at these meetings?

A Yes, sir.

Q At these meetings have there been other people in and around these meetings, other than the people that were attending the meetings and other than officers of the law?

A Yes, sir.

Q Have there been people in automobiles riding around these meetings?

- A Yes, sir.
- Q They had no connection with law enforcement?
- A Beg pardon?
- Q They had no connection with law enforcement, is that correct?
- A That is correct.
- Q And do you remember the meeting they had, the first meeting they had out on Broad Street?
- A Yes, sir.
- Q At the church there?
- A Yes, sir.
- Q Were you inside the building or outside the building?
- A Inside.
- Q Do you remember one of the speakers at the meeting or somebody making a request, asking whether it was safe for the people to go outside?
- A I believe they asked one of the other officers that.
- Q Whether it was safe for them to go out?
- A Yes, sir.
- Q Were you in the building before the meeting?

- A Yes, sir.
- Q And were you in the building all during the meeting?
- A Yes, sir.
- Q And were you in the building after the meeting?
- A Well, I was one of the first to come out of the meeting and go—
- Q When you came out of the meeting were any people in and around there, up and down Broad Street there, that were not law enforcement officers?
- A Yes, sir.
- Q Were you at a mass meeting held at Browns Chapel on July 15, 1963?
- A Let me think a minute, Mr. Pitts.
- Q That's Brown's Chapel.
- (64) A Yes, sir—no, sir; no, sir.
- Q You were not at that meeting?
- A No, sir.
- Q Have you or anyone in your presence intimidated or abused any negro for the purpose of keeping him from registering to vote?
- A No, sir.

Q Have you received any instructions from the sheriff's office to do any such things as that?

A No, sir.

Q In fact, have your instructions been to the contrary?

A Right, sir.

Q Is that right, sir.

A Right, sir.

Q At these meetings that you went to, did you hear any statement by any of the speakers or any of the persons at that meeting in regard to demonstrations, sit-ins, or any violence that may take place?

A No, sir.

Q Now, Mr. Bates, did you hear Foreman when he spoke down here?

A Yes, sir.

Q Now, Mr. Bates, you haven't heard any officer of the sheriff's department make any threats of violence, have you?

A No, sir.

Q All right. Have you made any such threats?

A No, sir.

Q Have you heard some of these negroes that were at the meetings, in these meetings talk of violence?

A No, sir.

Q Mr. Bates, was Mrs. Boon Aikens (reporter not certain of this proper name)?

A Yes, sir.

Q You know Mrs. Boon Aikens?

A Yes, sir.

Mr. Pitts: I'm going to ask Mrs. Aikens to leave the court room, Judge.

The Court: What's that?

Mr. Pitts: I'm going to ask Mrs. Aikens to leave the court room. I didn't know she was there. She's a newspaper reporter.

The Court: Something was said about newspaper reporters.

Mr. Doar: It wasn't that person at all.

(The reporter referred to leaves the court room)

Q To refresh your recollection, this is a statement taken down by Mrs. Boon Aikens of James Foreman.

(65) A Yes.

Q And made this statement—did he make this statement, “Before this is over some of us are going to be dead. Even though you slay me, others will come along and take our places. When one of us dies there must be 100,000 to stand up in his place. Kill one of us going down to vote and there will be 1,000 to take his place. The greatest price we can pay for freedom is with our lives.” And there is something about segregation. Did you hear that statement made?

A Yes, sir.

Q And this Bernard LaFayette here, did you hear this statement made by him, “Before it is over, some of us may be dead in our graves. Let me be dead in my grave. I will still be there.”

A I don't recall that.

Q Now, Mr. Bates, those statements I have just read to you, did you hear numerous similar statements made all during this? Similar statements?

A I don't recall.

Mr. Pitts: That's all.

Mr. Doar: We have a number of deputy sheriff's subpoenaed.

The Court: Send them in one at a time.

WILLIAM W. AVERETTE, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Tell the Court your name.

A William W. Averette.

Q Officer Averette, were you subpoenaed to come here today?

A I was, yes, sir.

Q Were you asked to bring certain notes and records that you might have made at any mass meetings of negroes in the spring and early summer of 1963?

A That's what the subpoena said, yes, sir.

Q Do you have any such notes and records in your possession?

(6) A No, sir.

JOHN M. FROST, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A John Frost, John M. Frost.

Q Are you a deputy sheriff of Dallas County?

A Special deputy, yes, sir.

Q Were you subpoenaed to come here today?

A Yes, sir.

Q Were you asked to bring certain notes and records with you?

A In the subpoena, yes, sir.

Q And do you have any of those notes and records?

A No, sir.

Mr. Doar: Thank you. That's all.

HENRY LEO NICHOLS, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Henry Leo Nichols.

Q Are you a deputy sheriff of Dallas County?

A I am.

Q Were you subpoenaed to come here today?

A I was, sir.

Q Were you asked to bring certain notes and records with you?

A I was.

Q Do you have any of those notes and records with you?

A I do not. I don't have any notes.

Mr. Doar: Thank you. That's all.

MURPHY F. SUTHER, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Tell the Court your full name, please.

A Murphy F. Suther.

Q Officer Suther, are you a deputy sheriff of Dallas County?

(67) A That's right.

Q Were you subpoenaed to come here today?

A Yes, sir.

Q Were you asked to bring certain notes and records that you might have had in your possession with you?

A Yes, sir.

Q Do you have any such notes and records?

A Don't have any.

Q Did you ever make any?

A Didn't make any notes.

Mr. Doar: Thank you.

ALEXANDER LIONEL BROWN, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you speak up in a loud voice so that everyone in the court room can hear you?

A Yes, sir.

Q What is your name?

A Alexander Lionel Brown.

Q Where do you live?

A Birmingham.

Q What is your race?

A Negro.

Q How old are you?

A Sixteen.

Q Do you go to school?

A I do.

Q What grade are you in in school?

A Eleventh.

Q When did you first come to Selma, Alabama?

A June 4, 1963.

Q How did you happen to come to Selma, Alabama?

A During the racial demonstrations in the City of Birmingham I talked with Mrs. LaFayette and she informed me of the work that was being done for voters registration in Dallas and Wilcox Counties. Since I have a lot of relatives in Wilcox County and knew people here in Dallas County, I thought I might come down and help and my work might be effective in this county.

Q Now, when you answer questions will you keep your hand away from your face so that everyone can hear you?

(68) A Certainly. Excuse me.

Q Have you been working on voter registrations in Dallas County since you came on June 4th?

A I have.

Q Did you testify in the case of State of Alabama versus Bosie Reese on the 11th. of July, 1963?

A I did.

Q Was Sheriff Clark present in the court room when you testified?

A He was.

Q Did you see Sheriff Clark in the court house on the 17th day of June, 1963?

A I did.

Q Was that the day that Bosie Reese was arrested?

A It was.

Q Now, do you know whether or not Sheriff Clark saw you on that day?

A He did.

Q Do you know whether or not he recognized you?

Mr. Pitts: We object to that. Calls for a conclusion, whether or not he recognized him.

The Court: Sustain.

Q Did you have any conversation with the sheriff that day?

A I did not.

Q For how long a period of time did the sheriff see you?

A Well, I couldn't say.

Q What were the circumstances when you saw the sheriff that day? The place, where was it?

A He was standing at his office door, or near his office door, and I was at the main entrance.

Q What were you doing?

A I was making an exit.

Q What?

A Exit. I was leaving.

Q And who were you with?

A Bosie Reese.

Q Do you know whether or not Bosie Reese was arrested on that day?

A He was.

Q Where you when he was arrested?

A At the door.

Q How far away were you from Bosie Reese?

(69) A Approximately two or three feet.

Q Do you know by whom Bosie Reese was arrested?

A Sheriff Clark.

Q Now, were you arrested on the 22nd day of July, 1963?

A I was.

Q Where were you arrested?

A On Minter Avenue across from the Minter Avenue entrance of the Tabernacle Baptist Church.

Q About what time were you arrested?

A Oh, about eight o'clock.

Q And by whom were you arrested?

A Sheriff Clark.

Q Will you tell us what happened, what conversation you had with Sheriff Clark, at the time you were arrested?

A When I got out of the car he ran over to me and grabbed me by the arm and said that, "One of your lights is out", and "Come and I'll let you see it, see that it's out." And there was some profanity, and—

The Court: (Interrupting) You can leave that out.

A (Continuing) Well, anyway he told me, "I have you now

under technical—" and, er, he said, "Now I want to tell you that you are under arrest."

Q Then what happened?

A He took me by his car and had me stand there. He asked me for my driver's license.

Q Do you know whether or not he knew who you were that night?

A Yes.

Mr. Pitts: We object. Conclusion of the witness, whether he knew who he was.

Q Did you tell him your name that night?

A I did.

Q What did you tell him your name was?

A Alexander L. Brown.

Q Did he ask you for your driver's license?

A He did.

Q Do you have your driver's license with you?

A I have.

Q Will you get it out, please?

- A (Witness takes driver's license out and holds it up)
- Q All right. Did he ask you—what did he do after he looked at your driver's license?
- A He inquired as to why I had Love on my license and I had told him my name was Brown.
- Q Now, did you explain to him about that?
- A I made an attempt to explain, but he cut me off saying (70) he would talk or see me later.
- Q When you say you made an attempt, what if anything did you say?
- A As I said, I began to explain that I was born Love, and he cut me off.
- Q Well, then what happened?
- A He had me stand by his car.
- Q Then what happened?
- A Well, he called for a deputy to come after me.
- Q Did a deputy come after you?
- A He did.
- Q And did you have any further conversation with the sheriff that evening?

- A Not with the sheriff, no.
- Q Do you know whether or not the deputy sheriff had any conversation with the sheriff that evening?
- A He did.
- Q Could you tell us more about that conversation?
- A I asked the sheriff, I wanted to know what I was being arrested for. I wanted to know my charge, and the deputy got this information from the sheriff.
- Q How did he get the information?
- A Over the two-way speaker, the one in his car.
- Q Did the deputy ask you any question about how it happened you were going under the name of Brown?
- A When I was taken to the jail they asked me.
- Q What did you tell them?
- A Well, I tried to explain that I was born a Love but I have always lived with my grandmother, who is Mrs. Hattie B. Brown. And he cut me off, the deputy cut me off by saying that, "You niggers are known to have a lot of names. It's just like that common-law marriage you have."
- Q Did you have a birth certificate with you at that time?
- A I did.

Q Did anyone ask to see your birth certificate?

Mr. Pitts: Now, we object.

The Court: Well, I think it is admissible. Go ahead. The question is: did you have your birth certificate with you.

Mr. Pitts: No, sir, that wasn't the question. He asked him did the officer ask to see his birth certificate.

(71) The Court: Overrule the objection.

Q Did you have your birth certificate with you?

A I did.

Q Did you tell the officer that you had your birth certificate with you?

A I did.

Q Did you offer to show it to him?

A I did.

Q Do you have your birth certificate with you now?

A I have.

Q Will you get that out, please.

A (Witness takes out his birth certificate)

Q Did you have with you that night any other identification cards, such as school cards?

A I did.

Q What is that school card?

A (Reporter did not catch the name of the school)—High School Student Government Association.

Q Did you have any other cards or things of that type?

A I did.

Q And did you offer to show the officers those cards?

Mr. Pitts: We object to leading the witness. Don't lead him, Mr. Doar.

Q What, if anything, did you do with these cards?

A Well, I attempted to show them to the deputy, but he didn't want to see them.

(The witness hands cards, etc., to the attorney)

Q You had those cards at that time?

A I did.

Q Now, what is the fact with respect to your going by the name of Alexander L. Brown?

A Because I had always lived with my grandmother, who is Mrs. Hattie B. Brown, and that's the name I was taught.

Q When you say always, is that from the time you were a small baby?

A Yes, since about three days old.

Q When did you apply for your driver's license?

A April 3, 1963.

Q Will you tell me whether or not you were required to furnish a birth certificate at the time you got your license?

A I was.

Q And did you furnish to the proper authority that birth certificate?

A I did.

Mr. Doar: Your Honor, I would like these eight documents (72) marked as exhibits and offered in evidence.

The Court: Mr. Pitts, Mr. Bates just walked in the court room. If you are going to use him again I'll have to ask him to go out.

Mr. Pitts: Yes, sir, I want him out.

(Mr. Virgil Bates leaves the court room)

Mr. Doar: I'd like to offer in evidence the eight cards I referred to.

(Above described eight documents admitted in evidence without objection as Plaintiff's Exhibit 33)

Q Did you spend the night in jail on the night you were arrested?

A I did.

Q Did you get out later on bond?

A I did.

Q Has your case come up yet for trial?

A It has not.

Q What was the amount of the bond, if you know?

A \$500.00.

Mr. Doar: Thank you. That's all.

The Court: Any cross-examination?

Mr. Pitts: Yes, sir.

CROSS EXAMINATION

By Mr. Pitts

Q Now you said you came down here from Birmingham, is that right?

A I did.

Q You are not a resident of this county?

A I am not.

Q And this birth record that you say you have here shows your mother was from Michigan.

A I don't understand.

Q Is that right?

A I didn't understand you.

Q This birth record shows your mother was from Michigan.

(73) A That's right. She was born in Michigan.

Q Born in Michigan. And what is your grandmother's name?

A Mrs. Hattie B. Jackson Brown.

Q Hattie B. Jackson Brown. Where's she living?

A She is a resident of Birmingham.

Q Birmingham. Now, where is your father at?

A In Quincy, Florida, I am told.

Q You are told. When is the last time you saw your father?

A I don't remember.

Q Now, this information you've got here, did you have these papers in your possession the night you were arrested?

A No, I had the small one.

Q But you just testified that you had it in your possession, didn't you?

A The birth certificate—

Q (Interrupting) You didn't have that in your possession, did you?

A I didn't have this one, but I had a birth certificate. There it is (indicating).

Q And you have been going around the City of Selma representing yourself to be Alexander L. Brown?

A That's right.

Q And when your birth certificate shows your name is Alexander L. Love, isn't it?

A It does.

Q And you have a driver's license Alexander Lionel Love, isn't it?

A That's right.

Q And your birth certificate shows Alexander L. Love, doesn't it?

A It does.

Q All right. So you've got three names, then, haven't you?

A I have one.

Q You've just got one name?

A I have.

The Court: Mr. Pitts, those documents are in evidence.

Mr. Pitts: Yes, sir, but I want to ask him.

Q Alexander Brown's got a Social Security number, hasn't he?

A Yes.

Q Now, when you got down there that night, you had turned (74) up an alley that goes parallel with Broad Street, from Minter Avenue, hadn't you?

A No, I had not.

Q You did not turn up that alley.

A I did not turn up that alley.

Q Did you have a light out on your automobile?

A It was out.

Q It was out, wasn't it? And the sheriff told you that's the reason he stopped you, didn't he?

A That's right.

Q You were down here with Bosie Reese at the Dallas County court house on June 17th, wasn't you?

A I was.

Q And you went in that court house, and did you have a camera or did you have a pad? Which one did you have? In your hand, what did you have?

A When we entered the courthouse I had both pad and camera.

Q And what did you go there for?

A To observe the register's office, the negroes applying to register, in the Dallas County's register's office.

Q And did you go up to the registration door and try to go in that door?

A I did not.

Q You didn't go there and try that door, to see whether it was locked?

A I did that.

Q You did that.

A I did that to see whether anyone was there.

Q And did you open it?

A No, I did not.

Q Did you have any business at that Board for yourself?

A I had been sent there.

Q But you wasn't trying to register to vote, were you?

A No, I am not old enough.

Q And did you or this boy, Bosie Reese, make any pictures of persons in that line?

A I made one picture of one person only.

Q One person.

A Yes.

Q And how close did you get to that person when you made that picture?

A Average distance to take a very nice picture.

Q And who had a pad there?

A I did.

Q Did you see a woman by the name of Lovett there?

(75) A Who?

Q Lovett.

A I didn't know anybody's names.

Q You didn't see a colored woman there by the name of Lovett?

A I didn't. I saw a negro woman, but I did not know her name.

Q Did you see more than one negro woman?

A I only saw one negro woman.

Q How many white and negro men did you see?

A I talked with two.

Q And that was all that was in that line?

A I told you there were only—

Q (Interrupting) Only two negro men and one negro woman in that line, is that right, when you made that picture?

A When I made the picture there was only one negro man there. Period. No one else.

Q All right. And you didn't make any picture while Mary Anne Lovett was there, did you?

A I did not.

Q And I'll ask you if one Mary Anne Lovett didn't ask you not to take her picture, and you asked her what she was there for, and she told you she didn't want no publicity? Aint that right?

A I asked her if I could take her picture and she said no.

Q You asked her her name too, didn't you?

A She said she would give it to Mrs. Boynton when she returned to the office.

Q She said she didn't want no publicity, did she?

A She didn't tell me those words.

Q Did you take part in the race demonstrations in Birmingham, Alabama?

A I did.

Mr. Pitts: All right.

The Court: May this witness be excused?

Mr. Doar: Yes, sir.

(76) The Court: Thank you. You may go.

EDWIN LEWIS MOSS, being first duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Tell us your full name, please.

A Edwin Lewis Moss.

Q What is your race?

A Negro.

Q How old are you, Mr. Moss?

A Forty-eight.

Q Where do you live?

A Selma, Alabama.

Q What is your occupation?

A Supervisor for the Fathers of St. Edmond.

Q What does that job consist of, briefly?

A I am in charge of their clerical work. I do all of their clerical work and their publications.

Q Have you been active with the Dallas County Voters League?

A I am.

Q What is the Dallas County Voters League?

A It is an organization composed of the voters in Dallas County.

Q Are they the voters of the negro race?

A Negro race.

Q What other organizations are you connected with in Selma, Alabama?

A I am a member of the Veterans of Foreign Wars, National Post No. 8188; I am a member of the Elks Lodge—did you say Dallas County, Alabama?

Q Yes.

A I am also a Mason; I am on the Board of Management of the YMCA; I am a trustee of Brown Chapel A.M. Church; I am associated with the Elks Credit Union as treasurer and manager. I guess that's all.

Q Are you a registered voter in Dallas County?

A I am.

Q Have you been a registered voter for sometime?

A That's right, since '45.

Q Now, do you know Bernard LaFayette?

A I do.

Q When did you first know him?

A I'm afraid I can't give you a date on that, but I would say at least two months possibly.

Q Have you ever had occasion to observe what work he is doing here, in Selma, Alabama?

A I certainly have.

Q What has been your observation?

Mr. Pitts: Your Honor, we object to what his observation was. (77) We don't mind his telling what he has seen.

The Court: All right.

Mr. Pitts: We object to his observation.

The Court: Well, that's what he's asking, Mr. Pitts. What he saw him do. All right. What did you see him do?

The Witness: I have seen him work here, specifically on the line of voters registration, trying to get negroes to register to vote. That's all that I know of him as doing, and I have worked with him along that line myself.

Q Do you know whether or not he is affiliated with the Dallas County Voters League?

A Affiliated with the—you mean as a member?

Q No, working with them.

A Working with them, surely. I know that.

Q Well, is he still working with the Dallas County Voters League?

A As far as I know he is.

Q Did you attend a mass meeting on the 14th day of May, 1963?

A Now, I would have to ask you where that meeting was, because I don't know the date. I don't know which mass meeting you are referring to, because I don't know the dates of the ones that I attended.

Q Well, did you attend a mass meeting in May at the Tabernacle Baptist Church?

A I did.

Q Tell the Court about how many people were present, if you know.

A I would judge it to have been at least 400 people, or 450.

Q Could you tell me whether or not there were many adult negro citizens there?

A Well, there were. I don't know what proportion, but I do know there were many adult persons there.

Q Do you recall the names of any of them?

A At the meeting?

Q Yes.

A There was John Creagh, Sonny Chestnut, Bernard L. Fayette, James Gildersleeve, Rev. Lett, Rev. C. C. Hunter—that's all I can recall at this moment. (Reporter not certain of the first name above, John "Creagh")

Q Now, would you know whether or not that meeting was sponsored by the Dallas County Voters League?

(78) A That's the impression I have. That's the knowledge I have concerning the meeting.

Q Did you have a discussion prior to that meeting with any police officers in Dallas County?

A I did.

Q With whom did you have that discussion?

Mr. Gayle: We object, unless the time and place and proper predicate is laid, your Honor.

The Court: All right.

Q What was the time and place of that discussion, and who was present?

A I think it was before—the day before the meeting was held at the Tabernacle.

Q Where was this meeting?

A At the City Hall.

Q Who was present?

A The Chief of Police.

Q Have you attended subsequent mass meetings of negroes in Selma, Alabama?

A I have.

Q How many of them have you attended?

A Since that time I have attended two.

Mr. Doar: Two of them. That's all I have. Thank you.

Q Wait one moment. Let me ask you this: did you make bail for Alexander Brown?

A I was a co-signer. I was a co-signer on the bail.

Q Was this a cash bond?

A It was a cash bond.

CROSS EXAMINATION

By Mr. Pitts

Q Did you know Alexander Brown?

A No, I didn't.

Q I'll ask you, do you know him now?

A I know him when I seen him, yes, sir.

Q Did you ever hear him, before today or a couple of days ago, did you ever hear him called Alexander Love?

A No, I haven't.

Q You didn't know his name was Alexander Love?

(79) A No, I didn't.

Q You have only known him by the name of Alexander Brown.

A Yes, that's right.

Q Your meeting that you're talking about, you say, in answer to Mr. Doar's question you say this meeting at the Tabernacle Baptist Church was sponsored by the Coordinating—what you call it?

A The voters league, the Dallas County Voters League.

Q That was their meeting. Is that right?

A To my knowledge.

Q The purpose of that meeting was to get people to vote, is that right? To register to vote.

A That's right.

Q Well, why did you all put out this pamphlet here, this hand bill that says, "Support Rev. L. L. Anderson", who was the pastor of that church and who has been charged with manslaughter?

A I am not an officer of the Voters League. I am only a member, and I was called upon to help them, to—

Q I'm handing you here now Plaintiff's Exhibit No. 7, and that does say, "Support Rev. L. L. Anderson, Come to the mass meeting at the Tabernacle Baptist Church," doesn't it, on "Tuesday night, May 14th", is that right?

A That's right.

Q And you do know that Rev. L. L. Anderson was the pastor of that church, don't you?

A Yes.

Q And you do know that Rev. L. L. Anderson was charged with manslaughter, don't you?

A I know that he was charged.

Q And you know that he was convicted, don't you?

A I heard it.

Q And you know that he run over a man of his own race, don't you?

A I heard it.

Q You went to that meeting?

A Yes, sir.

Q Now, Moss, you are familiar with the area between First Avenue and Broad Street, aren't you?

A I am.

Q I mean you are familiar with the area on Broad Street between First Avenue and the railroad, aint that right?

A Yes, sir.

Q And this Tabernacle Church is about halfway in between, (80) on the corner of Minter and Broad?

A That's right.

Q About halfway from First Avenue down toward the railroad, aint that correct?

A I would say so.

Q Now, what time did you arrive at that meeting that night?

A I can't give you the time. I only know I was there about fifteen minutes before the meeting started.

Q Before the meeting started. Now, when you went there, did you see any people on the outside of that meeting? And people riding by in cars?

A I saw a normal number of people riding by in cars. However, I did see people on the other side of the street, colored people.

Q And you saw a lot of white people in that area.

A Not as I remember as I went in.

Q Not when you went in. When you come out did you see them?

A I did.

Q And at that meeting didn't someone at the meeting there ask one of the officers was it safe for the people to go on out?

A I didn't hear that.

Q Well, you were there?

A I certainly was.

Q And was the sheriff's force and other officers there, in and around that building?

A There were white people there that I thought were connected with the sheriff's department.

Q Uniformed officers, I'm talking about. People in uniform.

A There were.

Q Now, were there any inside the building?

A I think there were, yes.

Q Do you know them?

A I don't think that I know them, because when they were mentioned I only looked back for a moment. I didn't look back enough to be able to recognize them. I only saw two officers. One had a walkie-talkie.

Q Had a walkie-talkie. All right. Now, did you see those officers at that time, did they take part in that meeting in any way?

A Did they take part in the meeting? They didn't take part in the meeting.

Q All right. Did they try to disturb the meeting in any way?

A No.

Q Did they do anything to intimidate anybody at that meeting?

(81) A At the meeting?

Q Yes.

A No.

Q Did they make any speeches or do anything to disturb anybody at that meeting?

A No.

Q Did you hear them threaten anybody at that meeting?

A No.

Q Now, you say you have been to how many meetings?

A Three.

Q And that's three including this one?

A That's right.

Q Where were the other two?

A The other two—at Browns Chapel Church and back to the Tabernacle.

Q In other words you've been to two of them at the Tabernacle Baptist Church and one at Browns Chapel, is that right?

A Yes.

Q At any of those meetings did you hear any of these officers attempt to disrupt the meeting or threaten anybody or intimidate anybody?

A No, sir.

Q Were there uniformed officers in and around the church?

A I didn't see any uniformed officers around the church at the last meeting.

Q Are you afraid of any of those officers?

A I'm not.

Q Now you mentioned one time, didn't you say that you had been to talk to Chief Mullen?

A Yes.

Q Where was that at? That was before the first meeting?

A That's right.

Q Who went with you?

A I went alone.

Q And who did you see when you went up there?

A Chief Mullen.

Q At police headquarters, in his office?

A In his office.

Q And what did you—what was the purpose of your trip there?

A The purpose of my trip, I was concerned about the meeting, and I was asking him did he think it was necessary or whether it would be necessary to have any of the officers be there. That was the purpose of my going there.

Q In other words you felt like, that the police department of the City of Selma would give protection against any violence. Is that right?

(82) A Yes, I felt that way.

Q And did you find that out to be true?

A In discussing it with Mr. Mullen I was under the—he gave me to know that certainly it would be protected.

Q So really, these officers being out there at the meetings offered protection to the colored people that wanted to go to those meetings.

A I didn't see any police officers of the city at all.

Q I mean any type of law enforcement officers.

A Please ask the question again.

Q The presence of law enforcement officers in the area where these meetings were had has shown the colored people that they are protecting them in their meetings, is that right? I mean protecting them from violence.

A I can't say purely that that would be the reason, because possibly in many instances it is misunderstood, or possibly some other reason. Therefore, I'm saying that I feel it could be for their protection.

Q But you had asked for protection from the police department.

A I didn't ask for protection. I only asked what he thought.

Q What he thought. And you felt like if you needed protection the Selma Police Department would give it.

A Certainly, sir.

The Court: Is that all?

Mr. Pitts: That's all.

CROSS EXAMINATION

By Mr. McLeod

Q Did you hear the Rev. L. L. Anderson make a speech there that night?

A I think Rev. Anderson did make a comment.

Q And he was one of the last speakers to speak, wasn't he?

A Right.

Q And did you hear the Rev. L. L. Anderson praise the law enforcement officers of this county and this town?

A I'm sorry, but I don't recall Rev. Anderson, whether or (83) not Rev. Anderson made that remark.

Q Rev. Hunter was one of the first speakers, wasn't he?

A He was master of ceremonies, I think, wasn't he?

Q Now after—well, he was one of the first speakers though, as well as master of ceremonies?

A I think so.

Q Now, were you there when James Foreman of Atlanta, Georgia, made a speech?

A Yes.

Q And immediately after he got through speaking Rev. Hunter spoke again?

A He did.

Q Did you hear Rev. Hunter tell the people in the audience that they were not to leave that church in the frenzy that Foreman had got them in?

A I don't know if he said it in those words. I think I can remember clearly Rev. Hunter—the form of Rev. Hunter's statement. I don't know if he made those particular statements.

Q He made something similar, didn't he?

A He cautioned the people to leave with love.

Q And didn't he tell James Foreman to sit down, "I want you to hear what I have to say"?

A I didn't hear that.

Q And he told them that he had colored people that hated him and colored people that liked him.

A Who said that?

Q Rev. Hunter. And he said he had white people that liked him and white people that hated him, both sides. And then he told the people to go out there and conduct themselves like he conducted himself and they'd have friends among the colored people and the white people. You remember him saying that?

A He said something of that nature.

Q And do you remember James Foreman, told them that people would march and people would die if necessary for right?

A Calling on people here to do that?

Q Yes.

A I understand his remarks that he would say that people have done that and are doing that all over the country.

Q And called on them to do it here in Dallas County, didn't he?

(84) A

He called on them to do it, to march and to die if necessary for their rights.

Q And he asked them to march that next Monday morning, didn't he?

A I don't think that's correct.

Q You didn't hear that part.

A No, I don't think that's so.

Q You heard him tell them to fight and fight again, and curse the law enforcement officers of Dallas County, didn't you?

A Well, he wasn't cursing them, I don't think.

Q He wasn't saying anything nice about them, was he?

A Not too nice.

Q And he ended up by saying curse old George Wallace too, didn't he?

A He mentioned Mr. Wallace.

Q And he said that old sorry sheriff and that old George Wallace, didn't he?

A I don't think he said it like that, sir.

Q Didn't he call him that old George Wallace?

A I don't think that he said it like that.

Q He told them to hate them, didn't he?

A I don't think so.

Q Now, did you hear some of the people at these meetings invite these officers that were there to come down front and sit down if they wanted to?

A I did.

Q So the people didn't object to the members of the sheriff's force being there, did they?

A I don't think so. I don't think they objected to their being there.

Q Well, they invited them to come from the rear to the front, didn't they?

A They did.

Mr. McLeod: That's all.

The Court: Thank you very much. You can go if you'd like.

AMELIA P. BOYNTON, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q What is your full name, please?

(85) A My name is Amelia P. Boynton.

Q Mrs. Boynton, will you speak up in a loud voice, please?

A My name is Amelia Platt Boynton.

Q How old are you, Mrs. Boynton?

A I am fifty-two.

Q How long have you lived in Selma?

A I have lived in Selma thirty-three years.

Q What is your race?

A I am a member of the colored race.

Q Do you have a job?

A I have.

Q What is that job?

A I am employed by the Pilgrims Health & Life Insurance Company as an ordinary supervisor for the State of Alabama.

Q Are you a registered voter in the State of Alabama?

A I am.

Q Do you hold any office in the negro voter league or negro voter organization?

A I am the secretary of the Fourth Congressional District for registration and voting; I am the chairman of the Civil Liberties Department of the Temple of the Elks Association; I am the chairman of the State Association of Women's Clubs, Political Action Department.

Q Are you a member of the Dallas County Voters League?

A I am.

Q Will you tell me whether or not you know Bernard LaFayette?

A I do.

Q Do you know how Bernard LaFayette happened to come to Selma, Dallas County—if you know?

A I do.

Q Will you tell the Court, please?

A I attended the Alabama Coordinating Association for Registration and Voting. I think it was in April, 1962. At that time I met a man from Atlanta, Georgia—

The Court: (Interrupting) Just a minute. Let me interrupt. Was he invited down here by your organization?

The Witness: Was he, who was that?

The Court: Bernard LaFayette.

The Witness: I invited him down here. I asked, in fact, that he would come down here and help us to get our people prepared to register.

Q Do you know whether or not he came for that purpose?

(86) A He came for the purpose of helping negroes become prepared to fill out applications and go to the court house and register.

Q Do you know when he first came here?

A It was in November, 1962.

Q Do you know how long he has been here continuously?

A I imagine he has been here about five months. Sometime in April—he came back sometime in March, February or March.

Q Has he worked with your voter league since that time, voter registration?

A He has been constantly working with the Dallas County Board of Registrars—the Voters Registration Board, Dallas County Colored Voters League, may I say.

Q Do you know of what type of work he has been doing?

A He has been helping the negroes. Teaching them or training them how to fill out the applications. He has organized clinics. He has conducted organizations, or he has conducted meetings, that these people can come to the meeting and understand how to fill out these blanks. He has gone out into the county, and has trained people to help in getting clinics set up.

Q And he has also had something to do in organizing the mass meetings that you have had?

A Yes.

Mr. Doar: Thank you.

The Court: Any cross-examination?

Mr. McLeod: No questions.

The Court: Step down. You may go.

MARIE J. FOSTER, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Mrs. Marie J. Foster.

Q Where do you live, Mrs. Foster?

(87) A 1421 Union Street, Selma, Alabama.

Q What is your race?

A Negro.

Q How old are you?

A I'm forty-five.

Q What is your occupation?

A I am a certified oral hygienist.

Q How long have you lived in Selma?

A I have lived in Selma ever since July 19, 1922.

Q Are you married or single?

A I'm a widow.

Q Do you have any job with the Dallas County Voters League?

A Well, I won't say I have a job. I'm a member of the Dallas County Voters League.

Q Do you keep any records for the Dallas County Voters League?

A Yes, I do.

Q What records do you keep?

A Well, I kept the records of the clinic that was connected with the Dallas County Voters League.

Q Who organized that clinic, if you know?

A Well, it was about eight people. Between eight and ten people organized the clinic: Mrs. Boynton, Rev. C. C. Hunter, Attorney Chestnut, Matilda Olds, Gladys C. Austin, James Austin, and Mr. Lawson and myself. (Reports not certain of all of these proper names)

Q Have you kept records of the persons coming to the Voters League or Voter's Clinic to learn how to fill out applications?

A I have.

Q Have you to the best of your ability kept records of persons who have gone to apply to register?

A Yes, I have.

Q Do you have that record with you?

A I do.

Q Are all of the persons whose names appear in that book negroes?

A Negroes. They are negroes.

Q And are they all residents of Dallas County?

A They are residents of Dallas County.

Q Could I see that book, please?

Mr. Pitts: Now, we are going to object to that.

The Court: I don't see the relevancy of that.

Mr. Pitts: I'm objecting to any of this testimony. This doesn't concern this case at all.

Mr. Doar: You object to this book?

Mr. Pitts: She hasn't testified that she personally knows that these people presented themselves to the Board of Registrars. It is only hearsay testimony.

The Court: What was your question, Mr. Doar?

Mr. Doar: My question was if you kept those records of the persons that attended the voters clinic that your organization has been running in the ordinary course of the business of the voters clinic?

A I conducted the clinic and I kept the records.

The Court: Speak up loud enough so that everybody can hear.

A I conducted the clinic.

Q And did you keep the records?

A I did keep the records.

Q As part of that clinic?

A As part of that clinic.

Q And did you also as part of the voters registration program keep a list of the persons that went up to try to register?

Mr. Pitts: Now wait a minute, your Honor. I object to that unless she personally knows that they came to the court house and presented themselves in the registration office. I object to that.

The Court: Sustain the objection.

Mr. Doar: I asked her first if she just kept the record, and then if she personally knows.

Q Did you keep a record to the best of your ability of the persons that applied—that you believe applied to register to vote?

A I would tell them whenever they go up to register to let me know, and when they would let me know I would put that on the record. And when they would hear from the Board, they would let me know whether they passed or whether they were rejected and I kept a record of that.

Q Was this part of the general work that you did for the Voters League?

(89) A That's right.

Mr. Doar: I would like to have these books marked and offered in evidence.

Mr. Pitts: We object on the grounds they are irrelevant in this case. The Board of Registrars of Dallas County are no part of this case, and I object to it on that ground; and the second thing I want to point out is that the testimony that she is giving here is nothing in the world but hearsay testimony. A person could have come and told her that they came down here and submitted themselves to vote and not even darkened the Dallas County court house door. And from information that we've got that has been true on occasion. And I submit to you that that is nothing in the world but hearsay testimony.

The Court: I think the book, in so far as it shows who attended the various clinics, it is admissible. In so far as showing who presented themselves to the Board of Registrars, I think it is hearsay evidence, and I sustain the objection to that part.

Mr. Pitts: That's all right.

(Above described books admitted in evidence in so far as they disclose the persons who attended the clinics, and the part pertaining to persons who presented themselves to the Board of Registrars is refused, as Plaintiff's Exhibits 34 and 35)

Q Could you tell whether or not Bernard LaFayette worked with you on the voter clinics?

A Yes, he did.

Mr. Doar: Thank you, that's all.

CROSS EXAMINATION

By Mr. Pitts

Q You can tell me—I'll call off some names to you, and you can tell me whether they are colored people, if you know.

(90) If you don't know them just say you don't know then. If you know they are colored persons, say colored. J. C. Lawson?

A Colored.

Q Does he hold any office in the Voters Coordinating Council, or whatever you call that organization?

A Voters League?

Q Yes.

A He does.

Q And what office does he hold?

A He is the president of it.

Q He is the president of it. Now, do you know a woman by the name of Mary Anne Leathers?

A Mary Anne Leathers?

Q Yes, L-e-a-t-h-e-r-s, Leathers.

A Yes, I do, colored.

Q Do you know a woman by the name of Clara Belle Smith, lives at Orrville, Alabama?

A I know her. She's colored.

Q Colored. Do you know a woman by the name of Maxine Ruffin, 905 Minter Street, Selma, Alabama?

A I know her.

Q Is she colored?

A She is colored.

Q Do you know a man by the name of Nathan Paine, Jr., Route 1, Box 60, Orrville, Alabama?

A I just met him today.

Q You met him today?

A Yes.

Q Is he out there?

A He's out there.

Q Is he colored?

A He is colored.

Q Do you know Ethylene Jones Nettles?

A I know her. She's colored.

Q Do you know Claughton Melvin Porter (reporter not certain of this proper name)?

A I know him, he's colored.

Q Do you know Rosa May Gibbs Whitt, W-h-i-t-t, she lives at Route 2, Box 228, Orrville, Alabama?

A I don't know that I know her.

Q Do you know Clifton C. Hunter?

A Is that Rev. C. C. Hunter?

Q That's right.

A I know him. He is colored.

Q And do you know Pettus Gillford, Route 2, Box 32, Marion Junction, Alabama?

A If I do, I can't recall.

Q Do you know Rosene Rogers?

A I know her. Colored.

Q What organization are you a member of?

(91) A The Alabama Dental Society.

Q What?

A Alabama Dental Society.

Q Dental?

A Yes, d-e-n-t-a-l, dental.

Q All right. Anything else?

A Well, I am a member of Tabernacle Baptist Church, I'm on the usher board.

Q Any other organizations?

A And the Dallas County Voters League.

Q Anything else?

A Not that I can think of, any other organizations.

Q You are not a member of the NAACP?

A Well, no, it has been barred. I'm not a member of that.

Q Anything else?

A No.

Mr. Pitts: That's all.

PLEASANT L. LINDSEY, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Please tell the Court your full name?

A My name is Pleasant L. Lindsey.

Q What is your race?

A I'm negro.

Q How old are you?

A Sixty-nine.

Q How long have you lived in Selma?

A Since 1926.

Q What is your job?

A Public Relations Department, Selma University.

Q What is your education?

A I hold a college degree, Selma University.

Q Have you attended any of the mass meetings that were held in the Tabernacle Baptist Church in Selma?

A I have attended four.

Q Did you at any one of those meetings observe any police officers or members of the Sheriff's Department taking down license numbers?

A I did.

Q Tell the Court just what meeting that was that you noticed that, and what you saw.

A I drove up on the parking lot at the First Baptist Church and after parking, sheriff's officers, two officers, drove

(92) up and took a flash light and walked around behind my car and read out my number on a walkie-talkie.

Q And which meeting was that?

A Meeting at the First Baptist Church.

Q Was that the first meeting?

A Second meeting.

Q Do you know whether that was on or about June 17th?

A On or about June 17th, Monday.

Q Did you see whether or not the officers from the Sheriff's Department were doing the same thing with other cars there?

A They did not at that time.

Q Did you see them doing that at any other time?

A No, I haven't.

Mr. Pitts: No questions.

Mr. Doar: Thank you very much. You may go.

MARSHALL C. CLEVELAND, JR., being duly sworn,
testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Rev. Cleveland, will you tell the Court your full name,
please?

A My name is Marshall C. Cleveland, Jr.

Q What is your race?

A Negro.

Q Where do you live?

A 614 First Avenue.

Q In what city?

A Selma, Alabama.

Q How long have you lived here?

A I've lived in Selma since 1950.

Q What is your occupation?

A I am a minister of the gospel.

Q Will you tell me whether or not—first, tell me what church
you are a minister of?

A I am the minister of the First Baptist Church, Colored,
of Selma.

Q Tell me whether or not you had a religious revival at your
church on July 22nd?

A We did, and it is going on now.

Q Will you tell me whether or not any officers of the Sheriff's
Department of Dallas County came to your church that
night?

(93) A There were two.

Q And what did they do?

A They stood at the back door. And I asked them to take a
seat if they so desired, but they said that they would prefer
to stand. So they took notes, and they used a walkie-talkie.
One of them leaned out of the window and would say
something in it every once in awhile.

Q Was anything said at the meeting other than talking about
religion?

A There was nothing said except about religion, for it was
a revival.

Q Did you advertise that meeting in advance?

A We advertised it by handbills and also in the newspaper.

Q I'd like to show you what's been marked as Plaintiff's
Exhibit 17, and ask you whether that's one of the hand-
bills?

A This is one of the handbills.

Mr. Doar: I'd like to offer in evidence Plaintiff's Exhibit 17, and I have no further questions.

(Above described handbill admitted in evidence without objection as Plaintiff's Exhibit 17)

The Court: Any cross?

Mr. Pitts: Yes, sir.

CROSS EXAMINATION

By Mr. Pitts

Q Now, Cleveland, there was a meeting scheduled, of the voters meeting, scheduled there at that church that night, and it was changed, wasn't it?

A There was not.

Q Never was changed?

A There was not, not that night.

Q All right. And those officers stayed there for awhile and left, didn't they?

A They stayed there for forty-five minutes or more.

Q All right. Did they leave before the meeting was over?

A They left after the minister finished his sermon.

Q After he finished his sermon, huh? How long did they stay there after that?

(94) A They didn't remain after that. They left.

Q How long did the meeting go on after that?

A Well, the meeting went on for about fifteen minutes after that.

Mr. Pitts: That's all.

WILLIAM JAMES ANDERSON, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell us your full name, please?

A William James Anderson, Jr.

Q Mr. Anderson, will you speak up a little louder, so that everyone can hear you?

A William James Anderson, Jr.

Q Thank you. Where do you live?

A I live in Selma.

Q How old are you?

A Twenty-nine.

Q What is your race?

A My race?

Q Yes.

A Negro.

Q What is your education?

A I have a B.S. degree and M.A. degree.

Q From what University?

A University of Wisconsin.

Q Did you go down to attempt to register to vote in May of this year at the court house in Selma?

Mr. Pitts: I object to that question. We are not trying the Board of Registrars.

The Court: Overrule.

Mr. Pitts: We except.

Q You may answer.

A I did.

Q And will you tell the Court what your experience was when you went down to register on that day?

Mr. Pitts: We object to that question on the same grounds.

The Court: Does this have to do with being registered?
(95) Does
this have to do with the Board of Registrars themselves,
or what?

Mr. Doar: It has to do with what happened outside while he was waiting to register in the hall.

The Court: Overrule.

Q Will you tell the Court what happened while you were waiting in the hall to register that day?

A Well, two men asked my name, and they asked if I was LaFayette.

Q Did you observe what those two men were wearing?

A A couple of them had khaki on.

The Court: Were they uniformed officers?

The Witness: That I couldn't say. They had khaki on. I don't know whether they were uniformed officers.

Q Did they have hats? Did they have wide hats?

A That I couldn't say.

Q Can you tell me whether or not they were carrying any sidearms?

A That I couldn't say positively.

Q Were there any other persons waiting in the hallway while you were standing there?

A Yes, to my right.

Q Were there other people standing in line waiting to register?

A That's right.

Q How many people were there?

A Well I'd say approximately there were about twenty-five.

Q How long did you stay in that line there that day?

A I'd say, oh, about fifteen minutes.

Q Well, were there any other people standing across from the line that day?

A There were.

Q Well, how many of those people were there?

A Approximately eight, eight or nine or ten, something like that.

Q What were those people's race?

A Well, some were white I guess.

Q Those were not the people in the line, but the people on (96) the other side. What was their race?

A White.

Q Now, during the time you were there did anybody come along, any officer of the sheriff's department, and ask those people to move?

A Not to my knowledge.

Q You say while you were there two persons came up and asked you if your name was LaFayette?

A That's right.

Q Did anything else happen?

A No. They asked if I was LaFayette and I said no, and Rev. Anderson came to my defense and he told them no.

Q Did any of the white persons standing across the hall make any reference or point to you in any way while you were there?

A Well, I heard somebody down the hall say, "There he is. That's LaFayette." That's all I remember.

Q As long as you were in the line there waiting to register did the white persons who were standing across the hall remain there?

A They did.

Q Did you ever get in or get down to the front of the line, or did you leave before you went in to register?

A Left before I went in to register.

Mr. Doar: Thank you.

CROSS EXAMINATION

By Mr. Pitts

Q Now, you first told Mr. Doar here that some of these people across from where the line was were white people. Is that right?

A That's right.

Q Were there some colored people there too?

A I said white people.

Q You said that some of them were white people. Now, weren't there some colored people there too?

A I said white people.

Q But you used the word "some". What about the others?

A Well, colored people there too.

Q Oh.

A I didn't say on the other side of the line.

Q But you said some of those people across from the line (97) were white people. Now what about the other people that were across from the line? Were they colored people or white people?

A They were just people, that's all.

Q Now, did any—did Mr. Jim Clark here threaten you while you were in that line?

A Well, I don't know Mr. Jim Clark.

Q You don't know him. Did any deputy sheriff threaten you while you were there?

A Nobody threatened me.

Q Nobody threatened you or intimidated you in any way while you were in that line. Is that right?

A No, they just asked me a question.

Q And did any two colored boys there, did they ask you any questions?

A No colored boys.

Q Did Alexander Brown ask you any questions?

A No.

Q Do you know Alexander Brown?

A I know of him.

Q Did you ever hear him called Alexander Love?

A I don't know Alexander Love.

Q And so neither Alexander Brown or Alexander Love was down there that day, is that right?

A How should I know? I don't know them.

Q You don't know them.

A They could have been there. I don't know.

Q Did you see Bosie Reese down there?

A I don't know Reese. I saw colored people there and I saw white people there.

Q All right. Did you see anybody down there that day with a camera taking pictures?

A With a camera taking pictures?

Q Yes, a colored boy with a camera taking pictures.

A I didn't notice all that. I don't know whether they were there taking pictures or not.

Q Do you know whether these people you saw standing there in the hall, whether they were employees there in the court house or not?

A Would you repeat that, please?

Q Do you know whether these white people you saw standing over there in the hall were employees of offices in the court house?

A That I don't know. They could have been.

(98) Mr. Pitts: That's all.

REDIRECT EXAMINATION

By Mr. Doar

Q When did this occur again? What month, and approximately when during the month?

A This was in the early part of May.

Q The early part of May. And were there negro persons in the line waiting to register while you were waiting?

A That's right.

Q How were these white persons, other than the two in khaki, how were they dressed?

A Dressed in civilian clothes.

Q In civilian clothes. Did anyone else come over that day and ask you whether you were LaFayette?

A Just two gentlemen in civilian clothes.

Q They also came over and asked you that?

A That's right.

Q And they weren't standing in the line waiting to register?

A No.

Mr. Doar: Thank you very much, and you may go.

Mr. Doar: Now, your Honor, this is the last witness we have. This witness, Bosie Reese, I don't propose to call him,

but he is here if the defendant wishes to cross-examine him. We have filed his affidavit. And Mr. Gildersleeve likewise is out there in the lobby.

The Court: Does the defendant wish to cross-examine either of these? All right. We will take a ten minute recess.

(Court stands in recess for a few minutes, then called to order and trial resumed)

Mr. Doar: Your Honor, I have twelve issues of the Selma Times-Journal, each of which has been marked for identification, and each of which contain some reference to the Board of Registration meetings being held all over this circuit, the trial of Bosie Reese and Lafayette contained in the documents, and I would like to offer these papers, or that part of the papers dealing with the activities of the Voters Registration League and the arrest of Bernard LaFayette and Bosie Reese into evidence, for the purpose of showing that these activities and arrests were (99) matters of general knowledge within this community, and not for the purpose of showing the truth of any particular statement in any article.

The Court: Any objection?

Mr. Pitts: Yes, sir. I object to any newspaper being offered into evidence.

The Court: Will you gentlemen stipulate that this is a matter of general knowledge?

Mr. Pitts: The arrest of Bernard LaFayette and Bosie Reese—

The Court: Read back, please, Mr. Doar's statement.

Court Reporter: (Reading from her notes) "I would like to offer these papers, or that part of the papers dealing with the activities of the Voters Registration League and the arrest of Bernard LaFayette and Bosie Reese into evidence, for the purpose of showing that these activities and arrests were matters of general knowledge within this community, and not for the purpose of showing the truth of any particular statement in any article."

The Court: Will you stipulate to that?

Mr. Pitts: Judge, what I'm getting at, the mere fact they are in the newspaper, I don't know whether it is general knowledge. To be perfectly frank with you, I never read it. If you limit it to that, I will stipulate that.

The Court: That's the only purpose he is offering it for. Not for the purpose of the truthfulness of the articles, merely for the purpose stated, and I will let it in for that.

Mr. Madison: We except.

The Court: How many articles?

Mr. Doar: Twelve.

Mr. Pitts: Is that in there just for the purpose of dealing (100) with the Board of Registration?

The Court: Yes, and the arrests.

Mr. Pitts: Could he cut these papers and just offer the particular articles?

The Court: Yes, but I am not going to do it now.

(Subject to the above limitations, the above described issues of the Selma Times-Journal admitted in evidence as Plaintiff's Exhibits 18 through 28, both inclusive)

Mr. Doar: The next exhibit we'd like to offer, your Honor, consists of the census statistics and registration in the County of Dallas, and I have the census of—I have a three page statement setting forth the census and registration statistics, all of which was introduced in evidence in the case against the Board of Registrars.

Mr. Gayle: We object to them, your Honor. The Board of Registrars is not part of this case.

The Court: I see no connection. Sustain the objection.

(Above described census statistics and registration list refused admission into evidence, and is marked for identification as Plaintiff's Exhibit 36)

Mr. Doar: We also subpoenaed from the Board of Registrars the Board of Registrar's records since March, 1962; and the purpose of subpoenaing those records was to show the number of persons who applied, the date of their application, and whether or not they were accepted or rejected, so that we will have a full picture of registration history up to the date of trial.

Mr. Pitts: We object to that, your Honor, because the Board of Registrars is not a part of this suit, and they are trying to connect the old Board of Registration case which is now on appeal.

(101) The Court: Sustain the objection. I see no connection.

Mr. Doar: Those records are not here to be marked.

The Court: What's that?

Mr. Doar: Those records are in the possession of the Board of Registrars and the only way they could be made a part and marked would be to be photographed and substituted at a later time as part of the record, along with the other pictures of the registration records that have heretofore been made.

The Court: Mrs. Bailey, do you have everything in the record said by Mr. Doar and the attorneys with reference to the Board of Registrar's records?

Court Reporter: Yes, sir.

The Court: All right. Sustain the objection.

Mr. Doar: Your Honor, in addition to the new records, we also intended to offer all of the old voter registration records which have heretofore been photographed by the Government in this case. I assume that the Court will make the same ruling on those records, and I just mention it so that the Court will understand that our offer of course deals with all of the voter registration records and not just the registration records since the last photographing.

The Court: Any objection?

Mr. Pitts: Yes, sir, we object.

The Court: Sustain the objection. Same ruling. Anything further?

Mr. Doar: No, I have nothing further.

The Court: Do you rest?

Mr. Doar: Yes, I do.

Mr. Gayle: Your Honor, I'd like to make a motion at this time on behalf of Dallas County. I move that this proceeding be dismissed. There is not one scintilla of evidence (102) before your Honor connecting the Board of Revenue or Dallas County in any way. Not one witness has mentioned the Board of Revenue. There is not one scintilla of evidence.

The Court: All right. I reserve my ruling. Proceed.

Mr. Pitts: At this time on behalf of all of these defendants I would like to introduce the following affidavits.

The Court: All right, sir.

Mr. Pitts: They have not been marked. I'll just hand them up. Affidavit of Claughton Melvin Porter, negro, 1614 Church Street, Selma, Alabama.

The Court: What's his name?

Mr. Pitts: Claughton Melvin Porter. Affidavit of Ethylene Jones Nettles, a negro, residing at 124 Washington Street in Selma, Alabama. Affidavit of Nathan Payne, Jr., a negro, residing at Route 1, Box 60, Orrville, Alabama. Affidavit of Maxine Ruffin, a negro, residing at 905 Min-

ter Street in Selma, Alabama. Affidavit of Clara Belle Smith, a negro, residing at Route 1, Box 140, Orrville, Alabama. Affidavit of Mary Anne Leathers, Route 3, Box 212-A, Selma, Alabama, a negro. Now, Judge, that particular affidavit I would like to call to the Court's attention, because she was in the line on June 17th, and she asked that she—

The Court: (Interrupting) I remember that.

Mr. Pitts: Yes, sir. The affidavit of J. C. Lawson, a negro, residing at 1920 First Avenue, Selma, Alabama; and I want to call that affidavit to the Court's attention because he is the president of this Coordinating Non-Violent Voting Council, or whatever it is. The affidavit of Clifton C. Hunter, 1509 Sylvan Street, Selma, Alabama—that's Rev. C. C. Hunter, referred to who was at these meetings. The (103) The affidavit of Pettus Gillford, a negro, Route 2, Box 32-D, Marion Junction, Alabama. Affidavit of May Gibbs Whitt, W-h-i-t-t, a negro, Route 2, Box 228, Orrville, Alabama. Affidavit of Rosene Rogers, a negro, who is a teacher at the New Knox School, Selma, Alabama. The affidavit of Miss Lilliam Hain, clerk in the Tax Assessor's office, Dallas County Court House, Selma, Alabama.

(Above described affidavits admitted in evidence without objection as Defendant's Exhibits A through L, both inclusive)

(Reporter not certain of the spelling of all of the proper names of the signers of the above described affidavits)

BLANCHARD L. McLEOD, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Pitts

Q Is this Mr. Blanchard L. McLeod?

A Yes, sir.

Q Where do you live, Mr. McLeod?

A Camden, Alabama.

Q And what is your—are you an attorney at law?

A Yes.

Q And are you the Circuit Solicitor of the Fourth Judicial Circuit of the State of Alabama?

A I am.

Q How many counties?

A Five.

Q What counties?

A Wilcox, Dallas, Hale, Perry and Bibb.

Q All right, sir. Are you charged with the prosecution of criminal offenses in the Fourth Judicial District?

A I am.

Q Mr. McLeod, I'll ask you if at any time you have intimidated, threatened or prosecuted, or taken any steps to prevent any negro or white man from presenting themselves to register to vote?

A I have not.

Q Mr. McLeod, do you know the case of Bosie Reese?

A Yes, sir.

Q Did you prosecute that case?

A Yes, sir.

Q In the Circuit Court of Dallas County?

(104) A Yes, in the Dallas County Court.

Q In the Dallas County Court. Was Bosie Reese convicted?

A Yes, sir.

Q Is his case on appeal to the Circuit Court?

A Yes, sir.

Q Mr. McLeod, did you prosecute the case of Bernard Lafayette?

A Yes, sir.

Q Was he tried in the Dallas County Court?

A Yes, sir.

Q Was he convicted or acquitted?

A He was acquitted.

Q What was he charged with?

A Vagrancy.

Q Now, did he have any attorney?

A Yes, he had counsel.

Q Do you know who they were?

A J. L. Chestnut from Selma, and Solomon Seay from Montgomery.

Q Did you have a conversation with those attorneys relative to the case of Bernard LaFayette before he was tried?

A Yes, sir, in my office in the Dallas County court house.

Q Did you offer to nol-pros that case?

A Yes, sir.

Q And did you ask them whether or not—what did they reply to that?

A I asked them—I told them that he was charged with vagrancy, which was not being gainfully employed, and I said, “If you can prove to me that he is employed I will nol-pros the case.”

Q What did they say?

A They told me they didn't know whether he was gainfully employed or not.

Q Did you then proceed with the trial of the case?

A I then proceeded with the trial.

Q Now, Mr. McLeod, did you prosecute Bernard LaFayette or Bosie Reese for the purpose of intimidating them or threatening them in any way to keep them from their activities in the voters registration?

A No, sir, I did not.

Q Did you know anything about those arrests before they were made?

A No, sir, I did not. Not until several days after they were arrested.

Q Where is your home?

A Forty miles south of here in Camden.

Q Where is your office?

(105) A I have an office here in Selma, Alabama, and one in Camden, Alabama.

Q Do you go in all of these counties every week nearly 'bout?

A Yes, sir, I go in one of them every day.

Q And for the past several years have you been prosecuting cases in the Dallas County Court?

A Yes, sir.

Q And what days does that meet?

A Every Thursday.

Q Are you in Selma on other days of the week, or usually on Thursday?

A Always on Thursday and sometimes otherwise.

Q When you arrive at the Dallas County Court on Thursday morning are the warrants there and brought into Court, and any that you handle, do you make any investigation or anything before that time?

A No, sir, I talk with the officers and witnesses. That's all cases that happen between the last Thursday and that Thursday. Unless it's an unusual case, I do not know a thing about it until I arrive in Selma.

Q Now, when did you first learn of the Bosie Reese case?

A I had a conversation with one of the officers of the sheriff's department the day before not concerning that, but in the conversation they told me about it.

Q And when was it that you talked to the lawyers of Bernard LaFayette?

A Well, we left my office and went immediately to the trial at ten o'clock, and they were talking to me the last ten or fifteen minutes before the trial.

Q Just before the trial.

A Yes, sir.

Q And you offered to nol-pros it if they showed you he was gainfully employed.

A Yes, sir, and they said they didn't know themselves.

Q Now, Mr. McLeod, is Mr. Henry F. Reese, Jr., your county solicitor of Dallas County?

A He is, yes, sir.

Q And he is in effect a deputy solicitor, is that right?

A That is right.

Q Handling cases only in Dallas County, Alabama.

A Right.

Q And this is Mr. Henry F. Reese sitting here now, over here (indicating Mr. Reese)?

(106) A Yes, sir.

Q Now, was he present when you had the conversation with the attorneys for Bernard LaFayette?

A No, sir, just the two attorneys and myself.

Q Was Mr. Reese subsequently present in Court?

A He was present in the Court room, yes, sir.

Mr. Pitts: That's all.

CROSS EXAMINATION

By Mr. Doar

- Q Will you tell me how long you have been circuit solicitor?
- A On the fourth of next month it will be nine years.
- Q When was the first time that you heard of the Bosie Reese case?
- A It was on a Wednesday. He was arrested, I believe, on a Monday, the 17th, and I heard about it that Wednesday. Then I came up here the next day. But Monday, Tuesday and Wednesday of that week I was not in Selma at all.
- Q You made a full investigation of that case before you tried it, did you not?
- A Only by talking to the arresting officers. Otherwise I made no investigation except by conversation with the attorneys.
- Q This is the Bosie Reese case?
- A Bosie Reese case?
- Q Yes.
- A I made no personal investigation myself. The law doesn't require me to make any investigation at all. The facts are just brought to me and I prosecute from that.
- Q You continued the Bosie Reese case for two weeks, didn't you?
- A I did.

- Q Did you make any investigation—
- A (Interrupting) I did not.
- Q —during that two weeks?
- A I did not. That continuance was requested, the first continuance, was at the request of the defense. Then the next Thursday at my request because of the absence of a material witness.
- Q Did you interview those witnesses before the trial?
- A I did.
- Q Now, you know who Bernard LaFayette was before or (107) prior to this vagrancy charge was brought to your attention?
- A Yes, I did.
- Q You knew he was working for the Student Non-Violent Coordinating Committee?
- A I didn't know what he was working for. I just knew he was in here.
- Q You knew that he was working with the Dallas County Voters League Board of Registration?
- A I did not. I did not. I knew he was in here but I didn't know who he was working for.
- Q Were you out at the church on the night of May 14th?

A I was.

Q Didn't you send the sheriff's car out there that night?

A I did.

Q Didn't you hear—

A (Interrupting) I had a walkie-talkie there and I was listening to it, what was taking place inside.

Q And didn't you hear these men at the other end of the walkie-talkie tell you that Bernard LaFayette was making a speech inside?

A I did.

Q And didn't that man communicate the substance of what Bernard LaFayette said?

A He did.

Q And whatever—

A (Interrupting) Whatever it was I would hear myself, and then if it was noise or cheering, anything of that nature, he would repeat to me over the walkie-talkie what was taking place. I was not operating the walkie-talkie, the man beside me was.

Q As a matter of fact you appeared before the Court of Appeals in the case involving the Dallas County Board of Registrars on June 4, 1963?

Mr. Pitts: We object to that. The Board of Registrars' case has nothing to do with this case.

The Court: I realize that. Go ahead.

The Witness: I was there.

Q Didn't you tell the Court of Appeals during your argument that you were out in the sheriff's car out in front of the meeting that night observing what was happening?

A I have admitted that.

Q Didn't you say, when the Court asked you if that was in the record, "No, sir, but I just wanted the Court to know (108) what the situation was down there"?

A I said something similar to that, yes.

Q That was on the 4th of June?

A That is correct.

Q Are you a member of the White Citizens Council of Wilcox County?

A My present dues are not paid, but I have always been proud to be a member of it.

Q Are you a member of the Dallas County Citizens Council?

A When they first organized I was, but I am not a paying member now.

Q Have you made any contribution to the Dallas County Citizens Council?

A I have never known of them to ask for contributions.

Q I want to show you an advertisement that appeared in the papers—

Mr. Pitts: (Interrupting) I object to that. I object to any introduction because the White Citizens Council in not a party to this thing.

The Court: Sustain the objection.

Q Were you present with the sheriff outside the meeting that took place on June 17th?

A I attended only one meeting, that was May the 14th, and I attended that on account of Bernard LaFayette.

Q What do you mean by on account of Bernard LaFayette?

A Because he was wiring the Justice Department that all of the sheriff's force had left Selma, that we had imported a bunch of dogs, fighting dogs—which was not true—and which was not true about the other. And he reported that his life had been threatened, and that everyone there was going to be hurt, and he was asking for help. And I was getting ready to go to my home in Camden, Alabama, and was in Court here that day, when all of this came in, and I felt like it was my responsibility to stay here to advise the sheriff in case something did come up. That's the reason I went to the meeting.

Q Where did you get the information that he had advised the Justice Department?

A Because the FBI was investigating it and they came to me over in the sheriff's office when I was there to find out if it was true that we had sent all of the sheriff's department out of this county and that we were arming the white people. (109)

Q What exactly—who are the FBI agents that came over there?

A Young man in this office here—either Buckner or Buckley, one.

Q What exactly did he say?

A I can't quote you word for word what he said. Anyway, the Justice Department was investigating to find out if these things were true.

Q And what things did Mr. Buckley say? I am interested in knowing what Mr. Buckley said.

A I can't tell you exactly what he said.

Q Well, give me the substance of what he said.

A The substance was that Bernard LaFayette had reported to the Justice Department that all of the sheriff's force had left town, that we had imported fighting dogs, and that the white people of this county were being armed to prevent that meeting that night.

Q Did Mr. Buckley advise you that that information had come from Bernard LaFayette?

A I got the information that he was from others too.

Q Did you get it from Mr. Buckley of the Federal Bureau of Investigation?

A I cannot recall whether Mr. Buckley used the name of Bernard LaFayette or not. I have the information I get from so many people. Most of my information comes from colored people.

Q I'm asking you whether or not you got that information from—

A I can not tell you that he said it. I cannot say that Mr. Buckley called the name of Bernard LaFayette. But until that day I had never heard the name Bernard LaFayette. I didn't know there was anyone by that name but I did check with a great many of my colored informers and they informed me who Bernard LaFayette was. First time I knew.

Q Who informed you that Bernard LaFayette called the Department of Justice?

A I refuse to reveal the name.

Mr. Pitts: We object to that. That's confidential information.

The Court: Sustain the objection.

Mr. Doar: Your Honor, this man is a witness and a defendant (110) in this case.

The Court: Sustain.

Mr. Doar: The Court sustains the objection?

The Court: Yes, sir, I sustain the objection. From time immemorial—

Mr. Doar: (Interrupting) The specific question, your Honor, is to name the person who told him Bernard LaFayette called the Department of Justice.

The Court: And I sustained the objection.

Q You knew then that Bernard LaFayette was in charge, or one of the persons in charge, of that Voters Registration meeting or that mass meeting that night?

A I knew that James Coleman was the main speaker, and I knew that Bernard LaFayette made a short talk preceeding the talk of James Coleman.

Q Did you know that that meeting was sponsored by the Dallas County Voters League?

A To my information, it was not.

Q Did you have information that it was not?

A That is right.

Q That it was not sponsored by the Dallas County Voters League?

A That is right.

Q From whom did you get that information?

Mr. Pitts: We object to that.

The Court: All right. Sustain.

Mr. Doar: The Court overrules?

The Court: Sustain.

Q When you were listening to the walkie-talkie out at the church on the night of the 14th. day of May, did you hear Bernard LaFayette say that he wanted all—every negro twenty-one years and up to go down there and register to vote?

A He said something like that, yes.

Q Did you hear him say that voting was our security?

A Something similar to that.

Q Did you hear him say that over in Wilcox County not one negro is registered to vote?

A I don't remember hearing him say it. I remember hearing (111) ing another negro say it, somebody by the name of Brown. Not Brown or Love who was here, but some other Brown.

Q Now, you, in your office as Circuit Solicitor, represented the Board of Registrars in Dallas County in the case of the United States versus the Board of Registrars of Dallas County?

Mr. Pitts: We object to that. Incompetent, irrelevant, immaterial.

The Court: Well, I know that he did. The Court takes judicial knowledge of that.

Q Well, will you tell me again just exactly what the attorneys for Bernard LaFayette said to you when you met with them in your office?

A Solomon Seay and James Chestnut came into my office. They were outside to get a drink of water and I recognized them and spoke to them. And they went in my office and told me they wanted to speak to me. At that time I didn't know what case they were on. Got in there and they told me that they represented Bernard LaFayette and they wanted to know what the charge was. And I told them it was vagrancy. And I told them what vagrancy was, which means physically able to work and not being gainfully employed and no money to take care of himself. And so we talked around there awhile and I told them, I said, "You're asking for a continuance of the case." Solomon Seay was asking for a continuance. He had just been contacted, I believe he said, sometime the night before. I told him, I said, "There's no need of a continuance. If he is gainfully employed, let me know it and I'll non-pros the case." And their reply to me was that they didn't know. So then I looked at my watch for the time, and I said. "Well, it's time to go to trial. Let's go into the court room"—which was on the floor above my office. I'm on the second floor and this court is on the third floor. We went up there and they made a request of the Judge for a continuance and the Judge denied it. Then they asked for time to talk to their client and the Judge granted it. We gave them an office to go into and talk together. And while they were doing that I went ahead (112) and cleared my other docket, and that case ended up as the last case on the docket. They

never informed me that he was gainfully employed. After I put my evidence on they asked for another recess, which the Judge granted—short recess, five or ten minutes—then came back and LaFayette got on the stand, and he testified that he did not have a salary, that they did not pay him a salary but he was on all expenses.

The Court: I don't want to retry the case.

Q But you knew before that time that he was employed by the Student Non-Violence Coordinating Committee.

A I didn't know it. I didn't even know that name. Oh, I had seen it in the paper sometime, but didn't know a thing about it until he took the stand

Q Did you know what job he had?

A I didn't know what job he had. No. I knew he was in here for the purpose of trying to get— working with the negroes and things of that nature.

Q You knew that.

A I knew that. But those he was working for, I had no more idea. You all know, because you all sent him down here.

Q Did you, between the 14th. day of May and the 17th. day of June, make any effort to determine who Bernard LaFayette was working for?

A I was not interested.

Q After he was arrested, did you make any attempt to—

A (Interrupting) I still was not interested.

Q When you inquired of the counsel whether or not they knew Bernard LaFayette was employed, did you make any attempt to ascertain that fact?

Mr. Pitts: (Interrupting) Wait a minute! I object to that question. What counsel are you alking about?

Mr. Doar: Counsel Seay and Chestnut.

The Witness: I consider it very unethical for a prosecutor to talk to anyone, a defendant, when he has an attorney.

Q Prior to the time that you were advised that he had an attorney, you didn't know anything about the case?

(113) A I knew about it the afternoon before.

Q Did you talk to the sheriff about what evidence he had about Bernard LaFayette?

A I talked to the sheriff or one of his deputies. One, I don't know which.

Q What did he tell you about Bernard LaFayette?

A Told me that they could not find anything where he was gainfully employed.

Q Did they tell you that he was wroking on voters registration for the Dallas County Voters League?

A I don't remember whether he did or not.

Mr. Doar: Thank you.

REDIRECT EXAMINATION

By Mr. Pitts

Q Mr. McLeod, you said you were out there that night of that first meeting, walkie-talkie out there on Broad Street.

A I was with the man that had a walkie-talkie.

Q Yes, sir, I meant you were with him. Were there many people on the outside of that church?

A Mr. Pitts, there were more on the outside than there were on the inside.

Q And were there people strung all up and down the street who were not law enforcement officers?

A That is right.

Q Were there groups of people from other counties in here?

A There were.

Q And was the sheriff's force there and the city police force there?

A Yes, sir.

Q And were you there to see that law and order was maintained?

A That's right.

Q And that no violence took place?

A That is right.

Q And no violence did take place, did it?

A No, sir.

Q And it was through the efforts of the Dallas County sheriff, is that right?

A I will tell you this. A bunch of cars came in, and my in-
(114) formers

had informed me that members of the Ku Klux Klan. And at that time I called the sheriff's force and told them we had to clear the street because I feared some violence. And the sheriff proceeded to do it, and he had some members of his posse here at the court house and he called for them to come down. The people that we cleared were white people and not negroes, we gave them free right to go on in, and it was white people that we cleared—and these were white people from other counties that we felt like had no business here, and especially in that vicinity.

Q And that is what was done there that night by the sheriff's posse.

A Yes, sir.

Q For the purpose of protecting negroes that were down there in a mass meeting, is that right?

A That's right. From these white people from other counties that we felt would cause some trouble with the negro people of Dallas County, and we weren't going to allow it.

The Court: All right, anything else?

Mr. Pitts: That's all.

The Court: Step down, please. Anything else?

BERNARD A. REYNOLDS, being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Gayle

Q What is your full name, please?

A Bernard A. Reynolds.

Q What is your occupation?

A Probate Judge of Dallas County, Alabama.

Q Are you also chairman of the Board of Revenue?

A Yes, sir.

Q Now, Mr. Reynolds, many times during the year there are lines in the corridor of the court house, is that correct?

A Yes, sir.

Q Have you had the sheriff's force keep that line in order, not to block the free passageway?

A That has been our policy for many years, to have a deputy or someone to keep the court house corridors where people (115) who are in there for other business from what might be the line that was formed, to be kept in orderly line. Yes, sir.

Q The benches back by your office, right back in the corner, those benches are used for witnesses and people to be brought into your Court. Is that right?

A Right.

Q They are not for loafers?

A No, sir.

Q And on many occasions I have brought witnesses there, colored and white, and other attorneys have when they've asked for the rule and you have had to send them out?

A Yes, sir.

Q You do not have room in your office for them?

A That's right.

Q Now, Judge Reynolds, do you know of any intimidation by the Board of Revenue, of any threat of intimidation, of anyone, white or black, in regard to registration?

A No, sir, there has not been to my knowledge.

Q Have you personally done anything to prevent them or try to prevent them from registering?

A You mean me, personally?

Q Yes, sir.

A No, sir.

Q Do you know of any member of the Board of Revenue who have?

A No, sir, they do not.

Mr. Gayle: That's all.

The Court: Is that all?

Mr. Doar: No questions.

HENRY F. REESE, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Pitts

Q Is this Henry F. Reese, Jr.?

A Yes, sir.

Q Are you a practicing attorney?

A Yes, sir.

Q How long have you been a practicing attorney in Dallas County, Alabama?

(116) A Since 1909.

Q And do you hold any official office now?

A Yes, sir, I am deputy solicitor for Dallas County under Mr. Blanchard McLeod.

Q Is that an appointed office or elected?

A Mr. McLeod appoints me.

Mr. Reese, how long have you been deputy solicitor or county solicitor?

A Forty-two years.

Q Have you at any time threatened, abused or intimidated any person, black or white, for the purpose of keeping them from presenting themselves to the Board of Registrars to register to vote?

A No, sir.

Mr. Pitts: That's all.

The Court: Any cross?

CROSS EXAMINATION

By Mr. Doar

Q Mr. Reese, when Mr. McLeod is out of the county, you do handle criminal prosecutions at his instructions?

A Some of them, and some of them I have continued that he wants continued until he is present.

Q You do, though have the authority to handle these prosecutions at his direction.

A Yes, sir.

Mr. Doar: Thank you.

The Court: Thank you, Mr. Reese, step down, please.

Mr. Pitts: Judge, will you give us just a minute?

The Court: Yes, sir.

(Court stands in recess for a few minutes, then called to order and trial continued)

Mr. Pitts: At this point the defendant rests.

The Court: The Court stands in recess. If the Government wishes to put on anything further I will continue the case. The Court has to be in Mobile tomorrow, and if the Government wishes to put on anything further it will be at a later (117) date.

STATE OF ALABAMA
COUNTY OF DALLAS

The undersigned, Gertrude M. Bailey, hereby certifies that she is a full time court reporter of the Fourth Judicial Circuit of Alabama, which judicial circuit includes the County of Dallas, and that she was received and accepted by the United States District Court, Northern Division of the Southern District of Alabama, Honorable Daniel H. Thomas presiding, during the trial of the case of:

UNITED STATES OF AMERICA,

Plaintiff

VERSUS

DALLAS COUNTY, JAMES G. CLARK, JR.,
BLANCHARD McLEOD and HENRY F. REESE.
JR.,

Defendants

being case No. 3046-63, and charged with the duty to record the testimony of witnesses on the Stenotype for the purpose of

preserving such testimony; that the testimony in said cause was taken orally before the Judge.

I further certify that I, Gertrude M. Bailey, as such court reporter, have transcribed my stenographic notes of such oral testimony and that the foregoing transcript from page 1 to and including page 117 comprises a transcript of all the evidence, including rulings of the Court, offered and made during the trial of said case, and that the same is true and correct.

/s/ GERTRUDE M. BAILEY
Official Court Reporter

U. S. DISTRICT COURT
SOU. DIST. ALA.

FILED IN CLERK'S OFFICE

SEP 17 1963

WILLIAM J. O'CONNOR
CLERK

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

(Caption omitted)

For good cause appearing to the Court, it is ORDERED and ADJUDGED that the hearing set in the above entitled matter on October 3rd, 1963 be, and the same hereby is, CONTINUED, to be re-set by the Court at a later date.

Dated this the 30th day of September, 1963.

DANIEL H. THOMAS
United States District Judge.

U. S. DISTRICT COURT
SOU. DIST. ALA.

FILED AND ENTERED THIS THE
30TH DAY OF SEPTEMBER, 1963
MINUTE ENTRY NO. 15687-B
WILLIAM J. O'CONNOR, CLERK.
By /s/ John V. O'Brien
Deputy Clerk

(Caption Omitted)

STATEMENT BY JOHN DOAR, ESQ., OF OFFER OF
PROOF, TO HON. DANIEL H. THOMAS, U. S. DISTRICT
JUDGE, AT SELMA, ALABAMA, ON OCTOBER 15th, 1963.

Mr. Doar: Your Honor, could I make for the record a state-
ment, with respect to our theory of why this evidence is
admissible?

Judge Thomas: I think you have that right, yes, sir.

Mr. Doar: Paragraph 19 of our complaint alleges that unless
restrained, the defendants will continue to engage in un-
lawful acts, the same or similar to those described in the
complaint. Under that paragraph of the complaint, we
respectfully urge this Court that it is material as to the
conduct of the Sheriff right up to the date of this hearing.
If the Court were to not consider what has happened in
(1) Selma, Alabama, with respect

to the acts of Sheriff Clark, as they are related to efforts
by Negroes to register to vote, the Court would be doing
an injustice both to the Government and to Sheriff Clark.
Because of other business of the Court, the Court was not
able to continue to hear the full case that day, and, as a
result, two months have expired. What happened within
those two months is very material on whether or not the
Court should or should not issue an injunction, as a Court
of Equity.

We would propose to show to the Court four events
that occurred during that time. The first event was the
arrest of some twenty-nine people, Negroes, who were at
a mass meeting, for improper license tag lights on July
29th. The second would be the arrest of twenty-seven ne-
groes, who were picketing with voter registration signs in
front of the courthouse on September 25th, and the fact that
they were charged with unlawful assembly and inciting a
riot, and that bond was set for those Negroes at either
\$500.00 or \$1,000.00. The third fact we would show is
that five Negroes were arrested in front of the courthouse
on September 27th, carrying voter registration signs, and
they were arrested and charged with inciting a riot and
unlawful assembly, and their bonds were set at either
(2) \$500.00 or \$1,000.00. The fourth we
would show that Sheriff Clark arrested, on the 1st of Oc-
tober, five Negroes, who were parading or picketing in
front of the courthouse, across the street, in front of the
federal building, across the street from the courthouse,
and charged those Negroes with unlawful assembly and
inciting a riot, when they were peacefully carrying signs,
urging people to register to vote. We would also show to
the Court, if the Court please, that on the 2nd of October,
there were two or three Negro students or young people

who were carrying signs on federal property, and standing on federal property, either at the old or new post office, and were permitted by Sheriff Clark to stand there all day, and they were there a substantial part of the day and were not arrested. On October 7th, at a voter registration date, where over two hundred Negroes lined up to register, Sheriff Clark required those Negroes to stay in line all day and did not permit any Negro to leave the line without losing his place, even if it was to go to the bath room, or get another pair of shoes, or get something to eat. Not one of those Negroes was permitted to leave the voter registration line to exercise and do any act unless they suffered the penalty of going to the rear of the very slowly moving registration line. We would show to the Court that Sheriff Clark and his deputies arrested two Negro students, who

(3) tried to bring food to those people who were standing, waiting to register to vote, and also that on the same date three pickets, three individual Negro students, who were standing on federal property with signs urging all citizens to register to vote, were arrested by Sheriff Clark and charged with unlawful assembly and inciting a riot.

Now, it is that proof that we think is material under paragraph 19 of the complaint, which alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint.

In addition, if the Court please, if the Court feels that the complaint is not broad enough to cover that, I would respectfully ask the Court to take the evidence under Rule 15(b) of the Rules of Federal Procedure, which provides if evidence is objected to at the time of the trial, on

the ground that it is not within the issues made by the pleadings, the Court may allow the pleadings to be amended, and shall do so freely when the presentation of the case will be served thereby, and the objecting party fails to satisfy the Court that the admission of such evidence will prejudice him in maintaining his action in the defense upon the merits. In connection with that, at the conference that we had here in Selma, on the 3rd of October, it is my recollection that I advised the defendants that I would

(4) attempt to offer this evidence. The Court did indicate what his tentative ruling would be. I respect the Court's ruling, but I do urge the Court to reconsider its ruling, in the light of the evidence we would offer. It is all confined to arrests by Sheriff Clark of persons who were carrying voter registration signs out in the immediate vicinity of the courthouse, in a peaceful manner, where there were no crowds and no disturbance whatsoever. It also relates to the conduct of the Sheriff, with respect to Negro citizens, who were trying to register to vote, and what he did to them, and what rules he laid down to them at the voter registration line last Monday.

Judge Thomas: I have re-considered my ruling and I still think it is right.

Mr. Doar: Would the Court permit me a minute to confer with other counsel, please?

Judge Thomas: Surely.

Mr. Doar: I would state to the Court that we have a number of witnesses that we called to prove these items that the Court has ruled on and considered not to be admissible, under the terms and limits of this ruling. If the Court

would permit a recess at this time, so we could re-organize the remaining witnesses. I think there are three or four
 (5) other witnesses we would call after lunch.

Judge Thomas: You can call them before lunch. I will recess for five minutes.

Thereupon, a five minute recess was had.

(6) * * * * *

I, Rosa Gerhardt, Court Reporter, hereby certify that the foregoing pages, numbered 1 to 6, both inclusive, constitute and are a true and correct transcript of Statement by John Doar, Esq., of Offer of Proof, to Hon. Daniel H. Thomas, U. S. District Judge, at Selma, Alabama, on October 15th, 1963, in the District Court of the United States for the Southern District of Alabama, Northern Division, in the matter of United States of America, Plaintiff, vs. Dallas County, Alabama, et al., Defendants, Civil Action No. 3064-63.

Dated, this, the 16th day of October, 1963.

/s/ Rosa Gerhardt
 Court Reporter

U.S. DISTRICT COURT
 SOU. DIST. ALA.
 FILED IN CLERK'S OFFICE
 OCT 23 1963
 WILLIAM J. O'CONNOR
 CLERK

(Caption Omitted)

TRANSCRIPT OF PROCEEDINGS HAD BEFORE HON. DANIEL H. THOMAS, U. S. DISTRICT JUDGE, AT SELMA, ALABAMA, ON OCTOBER 15, 1963.

Appearances: For Plaintiff John Doar, Esq.,
 V. R. Jansen, Jr., Esq.
 Richard Wasserstrom, Esq.

For Defendants Wm. McLean Pitts, Esq.,
 Gordon Madison, Esq.,
 T. G. Gayle, Esq., and
 Blanchard McLeod, Esq.

Judge Thomas: Are you ready to proceed in Civil Action No. (1) 3064-63, United States vs. Dallas County and others?

Mr. Doar: The Government is ready, your Honor.

Judge Thomas: Are the Defendants ready?

Mr. McLeod: The Defendants are ready, your Honor.

Judge Thomas: All right, proceed. Call your first witness, Mr. Doar.

Mr. Doar: Yes, sir. My first witness is Chief Mullen. If there are any witnesses in the court room summoned to testify, please step out of the court room.

Judge Thomas: I will tell them what to do. Just leave them alone.

Mr. Doar: Excuse me, your Honor.

Judge Thomas: All witnesses who were subpoenaed here today please stand where you are, raise your right hands, and be sworn.

Thereupon, Mr. O'Connor swore the witnesses.

Judge Thomas: The rule was asked before. All witnesses except the litigants go out in the corridor and remain there until your names are called. We will get to you as quickly (2) as we can and I will excuse you as quickly as I can.

EDWARD W. MULLEN, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Would you tell the Court your full name?

A Edward W. Mullen.

Q What is your race?

A White.

Q Where do you live, sir?

A Selma, Alabama.

Q How old are you?

A Sixty-eight.

Q What is your occupation?

A Chief of Police.

Q Mr. Mullen, how long have you been Chief of Police?

A Approximately eighteen years.

Q Were you subpoenaed to come here today?

A I was.

Q Were you asked to bring certain records of your police department, with respect to notes that were taken at mass meetings of Negroes in several Negro churches, during the summer of 1963?

A I was.

(3) Q Do you have those with you?

A Yes. They are out in the witness room.

Q I wonder if you can step out and get them, please.

A Yes, sir.

Q You now have those records with you, Chief Mullen?

A Yes, sir.

Q Do your records contain the reports of your police officers of what they observed and noted at mass meetings, at meetings between the 17th of June and the 22nd of July, 1963?

A I did not understand the first part of that question.

Mr. Pitts: We object to this type of testimony, because it has nothing to do with rebuttal of what the Defendants offered.

Judge Thomas: What is it in rebuttal of?

Mr. Doar: In rebuttal of two things, your Honor. First, Sheriff Clark testified to the fact that he went to these meetings and had his officers there, and it is offered that he was there to—

Judge Thomas: It is in rebuttal of, you think, the Sheriff's testimony?

Mr. Doar: Yes, sir, that is right.

Judge Thomas: All right, go ahead. Overruled.

Mr. Pitts: Exception.

Mr. Doar: Could you tell me the officer who made the notes of those meetings?

(4) A Officer W. D. Nichols.

Q (Mr. Doar continuing) Is Officer W. D. Nichols here now?

A He is.

Q I wonder if you could just leave your notes on the table so that I can call Officer Nichols to the stand.

Judge Thomas: I think these notes should be identified.

Mr. Doar: Excuse me.

Judge Thomas: I think the notes should be identified as an exhibit.

Mr. Doar: Chief Mullen, would you take out the notes of your police officer for the meetings I have referred to and hand them to me so that I can hand them to the clerk for identification?

Mr. Pitts: Are you taking them out?

Mr. Doar: Yes, sir.

Mr. Pitts: We would like an opportunity to see them.

Mr. Doar: Surely.

Mr. Pitts: I would like to ask Mr. Mullen a few questions. I think this would be the appropriate time.

Judge Thomas: Surely.

Mr. Pitts: Are all of those the notes?

A Yes, sir. Several meetings.

Judge Thomas: Hand them all to the clerk and let him mark them.

Mr. Pitts: Some of this stuff he has taken out of his file.

(5) I want

Mr. Mullen to re-identify these, because he has some stuff in there that didn't come out of his file.

Mr. Pitts: Was that in that file when you gave that to him?

A Yes, sir.

Judge Thomas: All of them were in the file.

Mr. O'Connor: Plaintiff Exhibit 37 for identification is Selma Police Department report.

Mr. Doar For what date?

Mr. O'Connor: 6/17/63. There might be some others attached to it.

Mr. Pitts: I may want to object to some of those individual notes. I have not had a chance to see them.

Judge Thomas: I understand that.

Mr. O'Connor: Plaintiff Exhibit 38 for identification is Selma Police Department report of mass meeting.

Judge Thomas: Just give the date.

Mr. O'Connor: It does not have a date, up at the top, it says Mass Meeting No. 15.
Plaintiff Exhibit 39 for identification is Selma Police Report of Mass Meeting 7/1/63.

Mr. Madison: May I inquire if all of those are meetings held prior to this lawsuit?

(6) Mr. Pitts: That is what I have in mind.

Mr. O'Connor: Plaintiff Exhibit 40 for identification is Selma Police Department Report of Mass Meeting 7/8/63.
Plaintiff Exhibit 41 for identification is Selma Police

Department Report of Mass Meeting 7/15/63.
Plaintiff Exhibit 42 for identification is Selma Police Department Report of Mass Meeting 7/22/63.

Mr. Doar: Your Honor, the subsequent meetings that are in that file relate to meetings after the 25th of July. We handed them all up to him.

Mr. Pitts: Yes, that is what I object to.

Mr. Doar: I just want to call the Court's attention right now.

Mr. O'Connor: Plaintiff Exhibit 43 for identification is Selma Police Department Report of Mass Meeting 8/26/63.
Plaintiff Exhibit 44 for identification is Selma Police Department Report of Mass Meeting 9/16/63.
Plaintiff Exhibit 45 for identification is Selma Police Department Report of Mass Meeting 9/13/63.
Plaintiff Exhibit 46 for identification is Selma Police Department Report of Mass Meeting 9/9/63.
Plaintiff Exhibit 47 for identification is Selma Police Department Report of Mass Meeting of December 8, 1962.

Judge Thomas: Let me see No. 38. Chief, could you tell me (7) what date that it?

A Unless it is at the top of this thing.

Judge Thomas: Look at 39 and see, Mr. O'Connor, if it has a meeting number on it.

Mr. O'Connor: 39 is a Report of a Mass Meeting at the First Baptist Church, dated July 1, 1963.

Judge Thomas: It does not have a number on it?

Mr. O'Connor: I don't see it, as far as Mass Meeting is concerned.

Judge Thomas: That does not throw much light on it.

Mr. Doar: It says Mass Meeting No. 7.

Judge Thomas: I see that. If this meeting was subsequent to No. 15, then, I would have some idea as to when 15 happened.

Mr. Doar: Maybe I can clear that up with another witness.

Judge Thomas: You do not know?

A No, sir.

Judge Thomas: Do the Defendants object to all of them?

Mr. Pitts: We do object, your Honor, first, to any notes that the Chief produces that were not between the period of the 17th of June and the 22nd of July, because it is not responsive to the question. Then, we object, your Honor, to any of the notes that were after July 22nd. Is that the date we had this case before?

Judge Thomas: July 25th.

(8) Mr. Pitts: July 25th, the date this case commenced trial.

Judge Thomas: Nos. 37, 39, 40, 41 and 42 will be admitted in evidence. Nos. 43, 44, 45, 46 and 47 go beyond the period asked for. Now, Mr. Doar, as far as No. 38 is concerned, I will have to reserve my ruling. If that is a meeting which occurred between June 17th and July 22nd,

I think it is admissible. If it occurred outside of that period, I think it is not.

Thereupon, Plaintiff Exhibits 37, 39, 40, 41 and 42 were marked in evidence, respectively.

Mr. Madison: I have not had an opportunity to read these. I make a motion to exclude on the ground that there is nothing in any one of them or all of them combined to show that all of these Defendants participated in any way.

Judge Thomas: In the interest of conservation of time, I will let them go in.

Mr. Madison: Exception.

Mr. McLeod: Your Honor, those are records I am using in trials of cases in the state court. That is the only record (9) we have.

Our next trial is the 25th of October. If the Government will take photostatic copies and return them to me in plenty of time—

Judge Thomas: Surely. Mr. Doar, return the originals and substitute copies.

Mr. Pitts: I would like to object on the further ground, as far as Jim Clark is concerned, who is Sheriff of Dallas County, these are no records taken by him. If those are records of the Police Department of the City of Selma, they would not be binding on Jim Clark, Sheriff of Dallas County.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Judge Thomas: Proceed, Mr. Doar.

Mr. Doar: I would like to call to the attention of the Court that Plaintiff Exhibit 37 contains the records of not only a meeting on the 17th but also a meeting on the 24th of June. They were attached together.

Judge Thomas: Is that correct, Mr. O'Connor?

Mr. O'Connor: May I have Plaintiff Exhibit 37, please?

Judge Thomas: In other words, two of them are clipped together? Is that right?

Mr. Doar: Yes, sir.

Judge Thomas: Plaintiff Exhibit 37 contains the notes (10) of June 17th and what other date?

Mr. O'Connor: June 24th.

Judge Thomas: All right.

Mr. Doar: That is all I have, your Honor.

CROSS EXAMINATION

By Mr. Pitts

Q Chief Mullen, how long have you been Chief of Police of the City of Selma?

A Approximately eighteen years.

Q Up until recently was there any trouble with the Negroes?

A Not to my knowledge.

Q Of this type?

A No, sir.

Q Did any Negroes from other towns come into the City of Selma?

A Not to my knowledge.

Q Well, recently, has there been an influx of Negroes from other towns?

A Yes, sir.

Q Have there been agitators in here?

A Yes, sir.

Q Have they been at these meetings?

(11) A Yes, sir.

Q Did you, as Chief of Police, deem it advisable to in some way obtain information as to what was going on at those mass meetings, in order that you could have proper police protection?

A I certainly did, sir.

Q Did you think that was necessary in your position as Chief of Police of the City of Selma?

A I certainly felt that way.

Q What was this information that was obtained at those mass meetings, what was it used for and what was the purpose?

A It was used for the purpose of knowing where and when they were going to have other meetings. We thought possibly that might come out in these meetings, maybe something would come out, and usually they did announce where the next meeting would be. That is all in the world that those notes have been used for.

Q Were they also used for the purpose of ascertaining whether or not there was to be any demonstration?

A Yes, sir.

Q Did that give you the opportunity of knowing when and where it was necessary for you to have police?

A Yes, sir.

(12) Q Has Selma got a large police force?

A Selma has a very small police force.

Q In order to handle those demonstrations, has it been necessary for you to have auxiliary police?

A Yes, sir.

Q Has the police department worked in close harmony and accord with the sheriff's department

A Yes, sir, we have.

Q The two have worked together?

A Yes, sir.

Q Do you know of any instance anywhere that any of the police department has intimidated any Negro, for the purpose of keeping him from registering to vote?

A I do not, sir.

Q Do you know of any instance where Jim Clark, Sheriff of Dallas County, or any of his deputies, have intimidated any Negro for the purpose of keeping him from registering to vote?

A I do not.

Q Were those notes that you have produced here taken by the police department and the sheriff's department, were they taken for the purpose of intimidating a Negro, to
(13) keep him from registering to vote?

A No, sir.

Q Did they have anything to do in the way of preventing Negroes from going down to the courthouse and getting in line to register to vote?

A They did not.

Q Mr. Mullen, is it your opinion that the little trouble that has been here in Selma has been caused by agitators brought in here from outside sources?

Mr. Doar: Objected to, as not in the scope of the Direct Examination of Chief Mullen and incompetent and irrelevant.

Judge Thomas: Sustained.

Mr. Pitts: Exception.

Mr. Pitts: Is it your opinion that the only trouble that has been caused by Negroes attempting to register to vote has been caused by outside agitators or workers in Selma?

A I think so.

Q (Mr. Pitts continuing) Is it also your opinion, from the information you have, that any trouble along the registration line going into the courthouse, that the only interference with that line has been with outside workers coming into Selma or agitators interfering with people in that line?

(14) A Now, from my own knowledge, I don't know.

Mr. Madison: Your Honor, may I talk with him a second? If your Honor will permit me?

Judge Thomas: All right.

CROSS EXAMINATION

By Mr. Madison

Q Are there any other type of meetings by white people only in which you have furnished police to observe for protection or for any other purpose?

A Yes, sir.

Q Tell the Court what some of them are?

A Well, the Citizens Council has met and we have had a number of policemen out there to see that order was carried out, and we have had them at football and baseball games.

Q Now, is it your purpose, as chief, when those officers are there, are they there in order to preserve order and protection for the lives and liberty of the people that is necessary?

A Yes, sir, they certainly are.

RE DIRECT EXAMINATION

By Mr. Doar

Q Chief, you testified that you worked closely with Sheriff Clark, with respect to law enforcement, in the City of Selma?

(15) A Yes, sir.

Q Have you had occasion to discuss the information you obtained at these meetings with Sheriff Clark?

A At those meetings?

Q Yes, sir?

A I have discussed once or twice the meetings by telling him where the next meeting was going to be, such stuff as that,

but the reports, these transcripts here, we have not done anything other than read them and put them in the file.

Q Since this is the first time that there has been much voter registration going on in Selma, is this the first time this took place?

A To my knowledge.

Q Do you know Bernard Lafayette?

A I know him by name.

Q Do you know that he was in Selma working on voter registration?

A Yes, sir.

Q Do you know that he had been arrested by Sheriff Clark for vagrancy?

A Off hand, I don't know.

Q You didn't know that?

A No.

(16) Q Did you know a Negro by the name of Bosie Reese?

A Yes, sir.

Q Did you know that he had been arrested by Sheriff Clark?

A I think I heard he was arrested.

Q Did you know anything about the circumstances of the arrest?

A No, sir.

Q Do you know a Negro named Alexander Brown?

A I knew of him, yes.

Q Did you know he had been arrested by Sheriff Clark?

A No, sir, I did not.

RE CROSS EXAMINATION

By Mr. Madison

Q You say you knew Bosie Reese?

A Yes, sir.

Q What do you know about him?

A He had a pretty bad record with our department down there.

Q Do you know anything about his stealing? Did that come under your observation?

A I would have to look at the finger print record to answer that.

Q Do you know that he has been twice convicted for larceny?

A I knew he had been convicted several times, but for what

(17) I don't know.

RE RE DIRECT EXAMINATION

By Mr. Doar

Q Did you take similar notes like these at meetings of the White Citizens Council?

A No, sir.

RE RE CROSS EXAMINATION

By Mr. Pitts

Q I don't want to be crossing up, but he asked some things I have not asked about. Do you know whether this Alexander Brown's name is Alexander Love, that he was going under two names?

A I have heard that through outsiders. ,

Q Now, have you ever heard or received any information that at any of the Citizens Council meetings there was any advocacy of demonstrating, where it was going to be necessary for future police work?

A No, sir.

Q Is that correct?

A Yes, sir.

Q You never heard them advocate any demonstration or violence of any type?

(18) A No, sir.

Q Is it a fact that you know that all of the Citizens Council meetings are taped, every one of them?

A Yes, sir.

Q And nowhere have they ever advocated any demonstrations?

A Not to my knowledge, no, sir.

RE RE CROSS EXAMINATION

By Mr. Madison

Q What about Ku Klux?

A We have not had a meeting of the Ku Klux that I know of in Selma, not in a long time.

Judge Thomas: Thank you very much. You may go. Gentlemen, from now on, it is going to be Direct, Cross and Re Direct, and that is it.

Mr. Doar: We also subpoenaed today Mr. Nichols, the police officer who took these notes, but, in view of the testimony and the admission of those records, I don't have any reason to call him. I would like to ask that he be excused, unless counsel would like to question him.

Mr. Pitts: I understand that they have never been accepted in evidence.

Judge Thomas: Nos. 37, 39, 40, 41 and 42 are in evidence.

Mr. Pitts: We object to all of them.

Judge Thomas: I understand it. I ruled against you on those. If you do not need the witness, don't call him.

Mr. Pitts: He has Mr. Victor Atkins sitting here. He has been subpoenaed. Mr. Allen is in the hospital. They have a line over there of thirty some odd people right now. By keeping Mr. Atkins over here, it is preventing the Board from functioning, and Mr. Atkins would like the permission of the Court to go back to his office.

Judge Thomas: May Mr. Atkins be excused.

Mr. Doar: He may be. We told Mr. McLeod on Sunday that he didn't have to be here. The question about it is that I would like to renew our offer with respect to the registration records. He was subpoenaed, because he has custody of the registration records.

Judge Thomas: Who is that?

Mr. Doar: Mr. Atkins, Chairman of the Board.

Judge Thomas: What records do you want?

Mr. Doar: The application forms since the last photographing, which was in February 1962.

Judge Thomas: Have I ruled on it?

Mr. Pitts: Yes, sir, you have ruled on it, and you ruled—

Judge Thomas: Just make your objection. When I ask a question, don't make a speech. Have I ruled against the Government on it?

(20) Mr. Doar: You did, your Honor.

Judge Thomas: That ends it.

Mr. Doar: Could I be heard on it?

Judge Thomas: No, I will not change my ruling.

Mr. Doar: In the affidavits which were filed with the Court, as part of the case of the Defendants, there are ten or eleven affidavits of Negroes who were accepted for registration, and the facts with respect to their respective registrations and the fact that they were accepted are set forth in those affidavits, and it is our position, your Honor, that if the records were not originally admissible in this Court they are now admissible in rebuttal of proof offered by the defense.

Judge Thomas: I will reserve my ruling. Mr. Atkins, you may go.

Mr. Atkins: Your Honor, will you allow me to have a word of personal privilege. I was subpoenaed to bring the files from March 1st, 1962 and since April 2nd, 1962, and so the dates are a little confused; then, too, I would beg the Court to consider this, that where there is a line of people to register, there is bound to be considerable confusion, and to get those files out today, which this Court has subpoenaed us to do would be very impracticable to handle.

Judge Thomas: I will reserve my ruling. You may go.

(21) Mr. Atkins: Thank you.

Judge Thomas: Who is your next witness?

Mr. Doar: Rosalie Rogers. She is called for Cross Examination.

Judge Thomas: Her affidavit was Exhibit K.

ROZENE ROGERS, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Rozene Rogers.

Q What is your race?

A Negro.

Q How old are you?

A Forty-three.

Q Where do you live?

A Selma, Alabama.

Q How long have you lived in Selma, Alabama?

(22) A All my life.

Q You signed an affidavit on the 19th day of July, 1963, is that correct.

A Yes, sir, it is.

Q That affidavit dealt with your experience in going up to the courthouse on the third Monday in June, is that right?

A Yes, sir, it is.

Q Of this year?

A Yes, sir.

Q Was that the first time you had gone to try to register?

A No, sir.

Mr. Gayle: Objection, as not in rebuttal.

Judge Thomas: He has a right to cross examine this witness.

Mr. Gayle: This is his witness.

Judge Thomas: No, I beg your pardon. I thought we had it understood that he had a right to cross examine the witnesses whose affidavits had been put in by you all. It is cross examination.

Mr. Gayle: Exception.

Mr. Doar: Was that the first time you had gone up to register?

A No, sir.

Q (Mr. Doar continuing) How many times had you tried to register before that time?

(23) A Several times before.

Q Can you fix the dates of those times?

A I cannot fix the dates. The first time was before they reduced the poll tax, I went up and registered, but I never heard from the application.

Mr. Pitts: Objection. I move to exclude. In the first place, the poll tax has not been removed altogether. I guess she refers to the time you had to pay all back poll tax.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: When was the second time you tried?

A The first time I heard from them was in 1961.

Q (Mr. Doar continuing) What happened in the year 1961?

A I went down to fill out an application, to become a registered voter, and I received a letter from the Board that I didn't answer all the questions on the application blank.

Q When you went down in 1961, did any other Negroes go down with you?

A Yes, sir.

Q How many went down?

A Three teachers from the school where I worked.

Q Did any of those teachers pass, if you know?

Mr. Pitts: Objection.

(24) Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: How much education have you had?

A I finished Alabama State Teachers College in 1942 with a B. S. degree.

Q (Mr. Doar continuing) What is your job?

A Teaching school.

Q What grade?

A The first grade.

Q When you went up to register on the third Monday in June, you testified, in your affidavit, that you went into another office and were asked several questions by a white man and woman there?

A Yes, sir.

Q What questions were asked you?

A They asked me how did a bill become a law, and what do you mean by the word "secular", and what do you mean by "bona fide".

Q Do you know Bernard Lafayette?

A Yes, sir.

Q Did you know him at the time this affidavit was filled out?

A Yes, sir.

Q Did you know that he had been working in Selma (25) on voter registration?

A Yes, sir.

Q Did you know that he was arrested about the 17th day of June and charged with vagrancy?

A Yes, sir, I did.

Q What effect did that arrest have on you?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant and it calls for a conclusion.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: You have stated in your affidavit that you don't know of any other person who was intimidated or abused because of their desire to register. I would like to ask you if it is not a fact that a great many Negroes in Selma are afraid to try to register?

Mr. Gayle: Objection.

Mr. Pitts: Objection.

Mr. Madison: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, could I be heard on that ruling?

Judge Thomas: No, I sustained the objection.

(26) Mr. Doar: Exception.

Mr. Doar: Do you know a young man by the name of Bosie Reese?

A Yes, sir.

Q (Mr. Doar continuing) Did you know that he had been arrested at the courthouse for working on voter registration?

Mr. Gayle: Objection.

Judge Thomas: Overruled.

Mr. Gayle: May I be heard, your Honor?

Judge Thomas: I don't think it has anything to do with it, but I overruled the objection.

Mr. Gayle: Exception.

Mr. Doar: Did you know that he had been arrested at the courthouse, while working on voter registration?

A Yes, sir.

Q (Mr. Doar continuing) Do you know Alexander Brown?

A Yes, sir.

Q Did you know that he had been working on voter registration in Dallas County?

A Yes, I did.

Q Did you know that he had been arrested by Sheriff Clark?

A Yes, I did.

Q What effect did those arrests of Bernard Lafayette, Bosie Reese and Alexander Brown have on you, with respect (27) to your willingness to initiate or to exercise your right to vote in Dallas County?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant, and it calls for a conclusion.

Judge Thomas: Overruled.

Mr. Pitts: It makes her form a mental conclusion—what effect did they have—

Judge Thomas: Wait just a minute. I think it calls for a conclusion. I sustain the objection.

Mr. Doar: Exception.

Mr. Doar: When was this affidavit obtained from you?

Mr. Pitts: Objection, because the affidavit is the best evidence.

Judge Thomas: It shows July 19th, 1963. Was that the date or the approximate date?

A Yes, sir, it was.

Mr. Doar: What were the circumstances surrounding the taking of this affidavit?

A Will you state your question again?

Q (Mr. Doar continuing) How did this affidavit happen to be taken and who took it?

A A state investigator came to my home and asked if I had been down to register to vote and asked me what happened (28) the day I went to the courthouse to register to vote.

Q Did he ask you any questions about your previous experience registering?

A No, he did not.

Q Did you tell him about your previous experience?

A No, sir, I did not.

Mr. Pitts: I want to object to the previous experience. That is not in issue in this case. What is at issue in this case is the intimidation of Dallas County officials, Jim Clark, from keeping people from going in the registration line,

some of this occurred before Jim Clark was ever Sheriff of Dallas County.

Judge Thomas: All right, I sustain the objection.

Mr. Doar: Exception.

Mr. Doar: Who wrote up this affidavit? Did you or the state investigator write it up?

A He wrote it up.

Q (Mr. Doar continuing) What discussion did you have with him prior to the time you wrote this sence, "I don't know of any other person who was intimidated or abused because of their desire to register"?

A He asked me did I see anyone being abused the day I was (29) at the courthouse.

Q Did you understand that question just to be confined to the day you went up there to register?

Mr. Pitts: Objection.

Judge Thomas: She has stated what he told her. Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, I would like to respectfully call the Court's attention to the fact that when Chief Mullen was on the stand, he was asked if he knew of anything that Sheriff Clark had done to intimidate any Negroes, and he was permitted to answer the question.

Judge Thomas: Did you object?

Mr. Doar: I think I did object.

Mr. Pitts: No, sir.

Judge Thomas: What is the question now before this witness?

Q Did you understand that question just to be confined to the day you went up there to register.

Judge Thomas: She said he asked her did she see anyone being abused the day she was at the courthouse. I think the question is clear. Go ahead.

Mr. Doar: Exception.

Mr. Doar: Do you know of any other Negro person who has been frightened because of those arrests by Sheriff Clark?

(30) Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all the questions I have.

Judge Thomas: Any Re Direct?

Mr. Pitts: Yes, sir.

RE DIRECT EXAMINATION

By Mr. Pitts

Q Have any F B I agents been out to see you since you gave this affidavit?

A No, sir, no one.

Q Since you gave this affidavit?

A No, sir.

Q Whom have you talked to since you gave this affidavit?

A To Mr. Doar.

Q Where did you see him?

A Here in the courthouse.

Q When?

A This morning, and in July.

Q Is that the last time you have seen him?

A Yes, sir, it was.

Q Are those the only two occasions that you talked to him?

(31) A Yes.

Q Were you not subpoenaed up here at the first hearing we had of this case in July?

A Yes, sir.

Q You were here?

A I was.

Q Was that the time that you talked to him?

A Yes, it was.

Judge Thomas: Thank you very much. You may go. Call your next witness.

CLARA BELL SMITH, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Clara Bell Smith.

Q Could you speak up in a loud voice, so everyone can hear you, please?

(32) A I will.

Q Thank you very much. What is your race?

A Negro.

Q How old are you?

A I am fifty-seven.

Mr. Pitts: Have any of these witnesses been sworn?

Judge Thomas: Were you sworn this morning when the witnesses were sworn?

A I was.

Mr. Doar: What is your education?

A High School.

Q (Mr. Doar continuing) What do you do?

A Farm.

Q Are you married?

A I am.

Q How long have you lived in Dallas County?

A Since 1917.

Q When you went up to try to register on the first of July, was that the first time you tried to register?

A It was not.

Q How many times prior thereto have you tried to register?

A One.

(33) Q What happened on that occasion?

Mr. Pitts: Objection. The time is not shown.

Judge Thomas: When was that, please?

A Around seven years ago.

Judge Thomas: Objection sustained.

Mr. Doar: Exception.

Mr. Doar: When you went up on the first of July, you indicated that you were asked some questions by the registrars. What questions were asked you?

A I was asked who was the executive federal officer and to name three of his duties.

Q (Mr. Doar continuing) Did you answer those questions?

A I did.

Q Did you know Bernard Lafayette?

A I did.

Q Did you know that he had been working in Dallas County on voter registration?

A I did.

Mr. Gayle: Objection.

Judge Thomas: Overruled.

Mr. Gayle: Exception.

Mr. Doar: Did you know that he had been holding meetings of Negroes in Dallas County, urging them to register to (34) vote?

A I knew that.

Q (Mr. Doar continuing) Did you know that he had been arrested by Sheriff Clark for vagrancy?

A That is right.

Mr. Gayle: Objection.

Judge Thomas: Overruled.

Mr. Gayle: Exception.

Mr. Doar: Did you know a young man by the name of Bosie Reese?

A I did.

Q (Mr. Doar continuing) Did you know he had been working on voter registration in Dallas County?

A Yes.

Q Did you know that he had been arrested at the courthouse by Sheriff Clark?

A I knew that.

Q Did you know Alexander Brown?

A I knew Brown, too.

Q Did you know he had been working this summer on voter registration in Dallas County.

A I did.

Q And that he had been encouraging Negroes to register to (35) vote?

A I did.

Q Did you know he had been arrested by Sheriff Clark?

A I knew that.

Q What effect did those arrests of those young people that were working on voter registration have on you?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: How long have you lived, did you say, in Dallas County?

A Since 1917.

Q (Mr. Doar continuing) Are most of the Negro people in Dallas County dependent upon the white people for their jobs?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Did you ever know of as much registration activity among Negroes as there has been in Selma this summer before?

A I never have.

Mr. Pitts: Objection. It calls for a comparison and conclusion.

Judge Thomas: Overruled.

(36) Mr. Pitts: Exception.

Mr. Doar: What was your answer?

A I never knew as many as tried to register this summer.

Mr. Doar: Have there ever been as many people encouraging Negroes to register as there have been this summer?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A There have not.

Mr. Doar: What?

A It has been more this summer than I ever knew before.

Q (Mr. Doar continuing) As a matter of fact, there has been hardly any interest in registration activity among Negroes until this summer?

A That is right.

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Your Honor, she will not wait to answer until I can get my objection in.

Judge Thomas: Don't answer until he has a chance to object and then wait until I rule on his objection, please.

Mr. Doar: Who took this affidavit from you, Mrs. (37) Smith?

A Pardon?

Q (Mr. Doar continuing) Who took this affidavit from you that you signed on the 19th of July?

A Sheriff Clark. You said the affidavit?

Q The affidavit that you signed? Do you know who wrote that down? How did you happen to sign that affidavit?

A Now, I am trying to see which was the affidavit.

Judge Thomas: The affidavit of July 19th, 1963?

Mr. Doar: This is the affidavit you signed here. Take your time.

A Sheriff Clark.

Q (Mr. Doar continuing) What happened when he came out and took that affidavit?

A He told me that this could be used in Court.

Q Did he ask you whether or not you knew Bernard Lafayette?

A He did not.

Q Did he ask you whether or not any Negroes were afraid to register?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: In your affidavit, you have stated here that you do (38) not know of any other person who has been threatened or abused because of their desire to register. Do you remember saying that?

A I did.

Q (Mr. Doar continuing) What did you mean by that?

A I meant on the day.

Mr. Pitts: Objection to what she means by the statement. The statement is in the English language. I object to any question as to what a person means by something. That is calling for a mental operation.

Judge Thomas: Will you all just make your objections and let me rule on them? Sustained.

Mr. Doar: Exception.

Mr. Doar: When you said that you did not know of any person who had been threatened or abused, because of their desire to register, were you talking only of what happened on the day you went up to register?

A Yes, sir.

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, I would like to ask permission to (39) continue this examination under Rule 43(c).

Judge Thomas: What is that?

Mr. Doar: That rule provides that where the Court sustains an objection in the trial of a case where there is no jury that the Court will take the testimony subject to the objection, for the purpose of a full record being made.

Judge Thomas: I am not going into that.

Mr. Doar: Thank you. Exception.

Judge Thomas: Is there any Re Direct?

Mr. Madison: Your Honor, we have several defendants and several lawyers representing different ones. Would you mind outlining who can ask questions and the order, so that we may observe it?

Judge Thomas: You all ought to be able to straighten that out among yourselves. There is nothing complicated about that.

Mr. Madison: I think it is rather complicated. We jump up three at a time and you say "Sit down" three at a time.

Judge Thomas: Go ahead, Mr Pitts.

Mr. Pitts: It is my understanding that each one of us has the right to examine each witness, representing different ones.

(40) Judge Thomas: That is correct.

Judge Thomas: I do want this in the record. There are several Defendants. During the testimony in the case, any objection made to any of the testimony by any Defendant, let the record show that it will be considered that it is being made by all the Defendants and the ruling will apply to each one. All right, Mr. Pitts.

RE DIRECT EXAMINATION

By Mr. Pitts

Q Do you know Sheriff Jim Clark?

A I know him.

Q Do you see him in this Court room?

A I see him.

Q Is that him sitting right back yonder?

A That is right.

Q Is he the man that came out there and got you to sign that affidavit?

A Yes, sir.

Q Are you positive of that?

A I am. He did.

Q Do you know a man named Judd Ernest Houston, deputy sheriff?

A Yes, sir.

(41) Q He is a deputy sheriff, is he not?

A Yes, sir.

Q He was a deputy sheriff, was he not?

A Yes, sir.

Q He was there, was he not?

A That is right.

Q The man that actually took this affidavit from you was a man that didn't have on any uniform at all and was dressed just like I am, and his name was Dickerson?

Mr. Doar: Objection. He is cross examining his own witness.

Judge Thomas: I think you are correct. Sustained.

Mr. Pitts: Exception.

Mr. Pitts: Do you know Mr. Dickerson, a state investigator?

A Do I know him?

Q (Mr. Pitts continuing) Yes?

A I know him.

Q Did he have on clothes like I have?

A Yes.

Q Is he the one that wrote this thing out?

A Sheriff Clark and his deputy came out.

Q You mean Sheriff Clark wrote this thing out here?

A He and his deputy.

Judge Thomas: Let me ask the witness one question. When (42) this affidavit was signed by you, were there more than one person that came out there?

A It was two.

Judge Thomas: Who was it?

A Sheriff Clark and Mr. Houston.

Judge Thomas: O. k.

Mr. Pitts: Mr. Dickerson was not there? Is Mr. Dickerson out there?

A I am getting confused now.

Q (Mr. Pitts continuing) That is what I know.

A I don't want to get confused.

Q Is that the man that was out here?

A You are Mr. Dickerson, am I right, can I ask that question?

Q Is that the man that was out there that was with Sheriff Clark? I am just asking you now? Is that him?

A I believe it is.

Q All right.

A I believe that is the one.

Q All right, now, actually, Mr. Jim Clark was not even there, was he? You are mistaken about that. Only Mr. Houston and Mr. Dickerson were there, I am asking you now?

(43) A Sheriff Clark was there.

Q When you signed this affidavit, was Sheriff Clark there?

Judge Thomas: Let me ask you this: To the best of your recollection, who was there when you signed the affidavit, if you recall. That is all we want to know.

A To the best of my recollection, it was Sheriff Clark, and, if this was Mr. Dickerson that walked in here now, I say those are the two, to the best of my recollection.

Judge Thomas: That is all I want to know.

Mr. Pitts: That is all.

Judge Thomas: Mr. McLeod, do you want to ask her any questions?

Mr. McLeod No, sir.

Judge Thomas: Mr Madison, do you want to ask her any questions?

Mr. Madison: Yes, sir.

RE DIRECT EXAMINATION

By Mr. Madison

Q Do you recall the day that you were registered?

A I do.

Q All right, were there other people there?

A I was alone.

Q By yourself?

A That is right.

Q Was anybody else in line?

(44) A There was no line.

Q Did you have any trouble going in before the registration board?

A I didn't have any trouble going in, since there was no line.

Q You got right on in?

A I did.

Q Now, you said you knew a Negro boy by the name of Alexander Brown. Is that the same one they call Love?

A Am I a Negro boy?

Q No, you said you knew a Negro boy named Brown?

A That is right.

Q Do you know him under the name of Love, too?

A All I knew was Brown.

Q What was the other one you said you knew, the name of the other one that was arrested for vagrancy there?

A Reese.

Q Bosie Reese was arrested for something else, was he not?

A Something else?

Q Yes.

A I don't know.

Q Have you had any of them to come to you and talk to you (45) about going to the courthouse to register?

A I have heard them talk.

Q Had you heard them talk before you went up there to register?

A Before I went up, I have heard talk, because it was just everywhere.

Q Before you went to register

A I had heard it.

Q Had you attended meetings?

A I had not attended any meeting.

Q Had you talked to Brown?

A I had not talked to Brown.

Q Who did talk to you about going to register?

A I talked with different friends.

Q You talked with different friends?

A That is right. I listened to the President.

Q Did you talk to anyone you knew was out of the state of Alabama or Dallas County? Did you talk to anyone who was out of Dallas County?

A They were all living in Dallas County.

Q All you talked to were living in Dallas County?

A That is right.

Q You went on up and registered?

(46) A That is right.

Q What did you do, after you registered?

A What did I do, after I registered?

Q Yes?

A I went on home and waited until got a hearing.

RE DIRECT EXAMINATION

By Mr. Gayle

Q The affidavit that you gave, that is true, is it not, the affidavit that you gave, when you talked to Mr. Clark?

A It is true.

Q You are not denying that today at all, are you?

A I am not denying it.

Q You swore to it?

A I did.

Judge Thomas: She said it was true.

Mr. Gayle: It is true?

A Yes, sir.

Judge Thomas: Thank you very much. You may go if you (47) like.

ALEXANDER BROWN, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Will you speak up in a loud voice so that everyone can hear you? Keep your hands away from your face, so your voice comes out loud and clear. You testified here before at the last hearing?

A Yes, sir.

Q Subsequent to the last hearing did you appear in the state court on the charge of concealing you identity, changing your name?

A I did.

Q How did you plead to that charge?

A Not guilty.

Q How did the Court find?

Mr. Pitts: Objection. The court's record is the best evidence.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: At that hearing, did Sheriff Clark testify?

(48) A He did.

Q (Mr. Doar continuing) Did you testify?

A I did.

Q Did you testify to substantially the same facts as you testified while you were here in Court in July?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant.

Judge Thomas: When did this trial take place?

Mr. Pitts: It took place some time after this Court met, after July 25th.

Mr. Doar: August 1st, your Honor.

Mr. Pitts: About a week after the trial.

Judge Thomas: The question is did you testify to substantially the same facts as you testified while you were here in Court in July. Is that correct?

Mr. Doar: Yes, your Honor.

Judge Thomas: What is the purpose of this, Mr. Doar?

Mr. Doar: The purpose, your Honor, is to show to the Court what took place in the State Court, in the case of Alabama vs. Brown, and show the testimony was the same as it was up here, and then to offer the docket record as to what the State Court did.

Judge Thomas: As to whether there was acquittal or conviction?

Mr. Doar: Yes, sir. I have the docket record here, your (49) Honor.

I want to ask him who was the prosecuting attorney, to show that these Defendants continued on with that case after hearing the testimony here on July 25th.

Mr. Pitts: It was after this July 25th hearing, the date this Court was in session, and we object to it on that ground. The conviction is the best evidence.

Judge Thomas: I am going to take a few minutes recess.

Thereupon, a short recess was had.

Thereafter, Court re-convened, and the following transpired:

Judge Thomas: You were tried on this arrest about which you testified back in July in this case, is that right?

A Yes, that is right.

Judge Thomas: I am not going to re-try that case. He has testified that he was tried. I am not going to re-try that case. He has testified that he was tried. I am not going into

the testimony, but I will admit, over the objection of the Defendants, the proper document showing the outcome of that trial.

Mr. Madison: I would like the record to show that for what he was arrested for, he came in with counsel and plead Guilty to it. In the charge that was put against him for having two names, he was tried on that, and the Court cleared him of that charge. The original charge that he (50) was arrested for, he plead Guilty to.

Judge Thomas: What was that?

Mr. Madison: Traffic violation, not having lights.

Judge Thomas: You were originally arrested for not having lights?

A Yes, sir.

Judge Thomas: Did you appear in Court?

A I appeared in Court, but I knew nothing of pleading Not Guilty.

Judge Thomas: Did you plead Guilty?

A I didn't make a plea in that particular case.

Judge Thomas: I am not going into details. Put into the record both cases, but I am not going to re-try it.

Mr. Pitts: We can put in the record in both cases, because he did enter a plea of Guilty.

Judge Thomas: I just said put in the record on both cases. I am not going to re-try either one of them.

Mr. Doar: In connection with the case of concealing your identity, going under a false name, did Mr. McLeod prosecute that case in the state court?

A He did.

Judge Thomas: Do you have a certified copy?

Mr. Doar: I do.

Judge Thomas: Hand it to the clerk.

Thereupon, the document as to changing name or concealing (51) identity was marked Plaintiff Exhibit 48.

Thereupon, the document as to improper lights was marked Plaintiff Exhibit 49.

Judge Thomas: Is there anything else of this witness?

Mr. Doar: Nothing else. I would like to offer these in evidence.

Judge Thomas They are in.

Judge Thomas: Is there any Re Direct?

Mr. McLeod: No questions, your Honor.

Judge Thomas: Step down, please.

SOLOMON S. SEAY, JR., being first sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows

DIRECT EXAMINATION

By Mr. Doar

(52) Q Will you tell the Court your full name, please?

A Solomon S. Seay, Jr.

Q Mr. Seay, where do you live?

A Montgomery, Alabama.

Q What is your occupation?

A Attorney at law.

Q Are you admitted to practice law in the state courts of Alabama?

A Yes, sir.

Q One you admitted to practice law in the federal court in Alabama?

A Yes, I am.

Q Mr. Seay, how long have you been practicing law in Alabama?

A Since August 1957.

Q Did you, in the summer of 1963, represent in the County Court of Dallas County, Alabama, a Negro man by the name of Bernard Lafayette?

A I did.

Q Did you represent him in connection with the criminal charge of vagrancy?

A I did.

Q Did you know Bernard Lafayette prior to the time you were (53) engaged to represent him?

A Yes, sir, I did.

Q How long had you known him?

A I had known Lafayette since 1960 or 1961.

Q Did you know that he had been working in Dallas County since—

Mr. Pitts: We object to him leading this witness.

Judge Thomas: Don't lead him.

Mr. Doar: What was the extent of your knowledge of Bernard Lafayette's work, in Dallas County, during the year 1963?

A I knew that Bernard Lafayette was working in Dallas County with the Dallas County Voters' League, as a field representative, for the Students Non Violent Coordinating Committee.

Q (Mr. Doar continuing) Do you know what kind of work he was doing in Dallas County?

A Yes, sir, he came into Dallas County to assist the Dallas County Voters' League, in helping to formulate plans for the voters' campaign in Dallas County among Negroes.

Q Do you know the Circuit Solicitor, Mr. McLeod?

A Yes, sir.

Q Did you have any conversation with him prior to the time that Bernard Lafayette was tried in the state court?

Mr. Pitts: Objection. I don't know whether he is referring to (54) Bernard Lafayette or Blanchard McLeod.

Judge Thomas: I don't understand your objection.

Mr. Pitts: His question is not clear. I don't know whether Mr. Doar is referring to a conversation with Blanchard McLeod or Bernard Lafayette.

Judge Thomas Re-phrase your question.

Mr. Doar: Did you have a conversation with Circuit Solicitor Mr. McLeod about State vs. Bernard Lafayette for vagrancy, prior to the time it was tried in the County Court?

A Yes, sir, I talked to Mr. McLeod, on the morning of the trial, approximately an hour or so before the case was tried.

Q (Mr. Doar continuing) Where did that conversation take place?

A In Mr. McLeod's office, in the County courthouse. Mr. McLeod, Mr. Chestnut and I were present.

Q Who is Mr. Chestnut?

A J. L. Chestnut, an attorney, with offices at Selma, Alabama. He was assisting me in the trial of this case.

Q What was that conversation?

A The conversation related to the possibility of a continuance of the case.

Mr. Pitts: I object to any conversation that took place between this man and Mr. McLeod. Now, any statement that Mr. McLeod may have made would be admissible, but the conversation between the two would not be admissible.

(55) Any statement made by Seay or Chestnut would not be admissible at that time. I object to it.

Judge Thomas: I think Mr. McLeod went into that in his testimony. Overruled.

Mr. Pitts: Exception.

Mr. Doar: You may answer.

A I discussed with Mr. McLeod the possibility of a continuance in the case of the State of Alabama vs. Bernard Lafayette, on the ground that I had just been called in, and I wanted to prepare and file some preliminary motions, which it was my understanding under the law of Alabama—

Mr. Pitts I object to what was his understanding. We don't want a dissertation on the law.

Judge Thomas: Go ahead.

A I asked Mr. McLeod to continue the case, to permit me to prepare and file some preliminary motions in the case of State of Alabama vs. Bernard Lafayette, and Mr. McLeod intimated to me that the Judge wanted to dispose of this case, that he would not object to a continuance, or that I could move the judge for a continuance and he would not object to it, but he would not agree to a continuance, because the Judge wanted to dispose of it. That was the substance of the conversation.

Mr. Doar: Did Mr. McLeod make any offer to you to nolle pros the case?

A No, sir.

Q (Mr. Doar continuing) Did Mr. McLeod say anything to you about proving to him right then and there that Bernard Lafayette was gainfully employed?

Mr. Pitts: Objection. That is not the purpose of the solicitor. The purpose of the solicitor in Alabama is only to prosecute cases where people are arrested and brought into court. The question of proving to the solicitor is absurd. The solicitor does not have to take anybody's proof. He can submit it to the Judge and let the Judge decide. That is not the duty of the solicitor. He is a prosecuting attorney.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, sir.

Mr. Doar Thank you.

CROSS EXAMINATION

By Mr. McLeod

Q Seay, when you came to my office, didn't I tell you that the only purpose involved was whether he was employed or not employed?

(57) A No, sir.

Q Had you talked to Bernard Lafayette at that time?

A Yes, sir.

Q Didn't you tell me that you had just run up to Selma and had not had a chance to talk to your client?

A No, sir, I made that statement with respect to Bosie Reese.

Q We were trying Bernard Lafayette?

A Both cases were scheduled for trial.

Q Didn't I go to the Court room and ask for a recess, so you could have time to talk to your client?

A No, sir, so I would have an opportunity to talk to Bosie Reese.

- Q Didn't you talk to Bernard Lafayette at that time?
- A I had talked to him before.
- Q Didn't you tell me that you didn't know whether he was employed or not?
- A No, sir.
- Q The first time evidence was put up that he was employed, didn't I ask the Court to stop the case right where it was?
- A That is not my recollection.
- Q Was not the case stopped?
- A It is my recollection that the case was dismissed by the
(58) Judge, on his own motion.
- Q Didn't he ask me did I agree with him?
- A That is my recollection.
- Q What did I tell him?
- A That you agreed.
- Q That I had nothing else and that I agreed with him?
- A Yes, sir.
- Q You didn't know that Bernard Lafayette was employed until he got on the stand and told it?

- A Yes, sir.
- Q But you didn't tell me that when I asked you?
- A That didn't come up in the conversation between the two of us.
- Q You proved that all he had was expense money, didn't you?
- A We proved that he had sufficient money to live on in Selma.
- Judge Thomas: Thank you, you may go.

MAXINE RUFFIN, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

- (59) Q Will you tell the Court your full name, please?
- A Maxine Ruffin.
- Q Will you speak up in a loud voice, please?
- A Yes, sir.
- Q How old are you?
- A Twenty-four years of age.
- Q How far did you go in school?

A I finished High School.

Q Are you employed?

A Yes, I am.

Q What is your job?

A Clerk-typist for the Fathers of St. Anthony.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

A All my life.

Q When you went up to register to vote in February 1963, were you asked any questions by the registrars?

A Yes, I was.

Q What questions were you asked?

A I was asked one question: what was the Constitution.

Mr. Pitts: I object to going into the questions that were asked by the Board of Registrars. We are not trying the Board (60) of

Registrars. This case here involves Jim Clark, Blanchard McLeod and Henry Reese and Dallas County. They say they intimidated people to keep them from voting. This affidavit just says she was not intimidated in any way.

That is the only purpose. To go into what the registrars did is incompetent, immaterial and irrelevant, and has no place in this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. McLeod: The Board of Registrars is under the control of the State of Alabama. Dallas County has no control over them, except to furnish a place for the meeting.

Judge Thomas: I think that is admissible. Overruled.

Mr. Pitts: Your Honor, I do feel like this. I don't feel that Jim Clark should be charged with what the Board of Registrars did and neither should Dallas County nor Mr. McLeod.

Judge Thomas: She has answered the question. I cannot possibly see where it hurts or helps anybody.

Mr. Pitts: I wish you would instruct the witness not to answer until I have a chance to object.

Judge Thomas: When you are asked a question and someone objects, please don't answer it until I rule on the objection.

Mr. Pitts: I move to exclude the answer on the same (61) ground.

Judge Thomas: Overruled. Go ahead.

Mr. Pitts: Exception.

Mr. Doar: Do you remember when this affidavit that you signed was taken from you?

A It was, I think, in July. I am not for sure.

Q (Mr. Doar continuing) Do you recall who took the affidavit?

A I don't remember his name, but he said he was a state investigator.

Q Did the state investigator ask you at the time he was interviewing you whether or not you attended any of the mass meetings?

A Yes, sir, he did.

Q What did you tell him about attendance at any of the mass meetings?

A I told him that I attended a couple only, because I was out of town, and he asked me were any deputy sheriffs at the first meeting, and I told him there was. I estimated there were about two hundred people there.

Q Did they ask you how those deputy sheriffs affected you?

A I told him they made me nervous.

Mr. Pitts: Objection. That is another way of getting in backhandedly. That calls for a mental conclusion and would not have been admissible, if asked.

(62) Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Didn't you tell the state investigator, when he interviewed you, that you didn't go to any more mass meetings because the Sheriff and posse men made you nervous?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, I told him I had not attended any more because I was out of town.

Mr. Pitts: I object to any other statement. She said No. The questions calls for Yes or No.

Judge Thomas: All right, O. K.

Mr. Doar: What did you tell him?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A I told him I didn't go, because I had been out of town on my vacation.

Mr. Doar: Did you describe to him the number of police officers outside the meetings?

A Yes, sir, I did. I told them they were dressed in brown khaki uniforms, with helmets on their heads, and some (63) had guns and sticks, and they were stationed outside the Church on Broad and Lauderdale.

Mr. Doar: Did you state anything to him about them making you nervous?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

A Yes, sir.

Mr. Doar: Exception.

Mr. Doar: What did you say about making you nervous?

Mr. Pitts: Objection. That is leading

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Would the Court permit me to pursue the question under Rule 43(c)?

Judge Thomas: No, sir.

Mr. Doar: Exception.

Judge Thomas: Any Re Direct?

Mr. Gayle: No, sir.

Judge Thomas: Thank you very much. You may be excused, (64) if you like.

ETHELTYNE JONES NETTLES, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Ethelyne Jones Nettles.

Q Will you speak up in a loud voice, so everyone can hear you. Try to make people in the back of the court room hear you, then everyone can hear you. How old are you?

A I am twenty-five years of age.

Q Are you married or single?

A I am married.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

A Twenty-five years.

Q How far did you go in school?

A I went one year to business school.

Q Was that after finishing High School?

A Yes, sir.

Q You filled out an affidavit and signed an affidavit some (65) time in July, in connection with this case, is that right?

A Yes, I did.

Q In that affidavit, you referred to the fact that you went to the Dallas County Courthouse on the 17th day of June, 1963, to register, is that right?

A Yes.

Q Was that the first time you had gone up to register?

A No.

Q Could you tell us when the first time you tried to register was?

A I went the third Monday in March 1963.

Q Were you accepted or rejected?

A I was rejected.

Q Did you go again before the 17th of June?

A Yes, I did.

Q What happened on that occasion?

Mr. Pitts: I object to this line of questioning. What the registrars did is not valid evidence on Jim Clark, Blanchard McLeod or Henry Reese or Dallas County.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, I did.

Mr. Doar: What happened on that occasion?

(66) Mr. Pitts: Same objection, same ground.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, I did.

Judge Thomas: He asked you what happened on that occasion.

A Well, I stood in line and I was able to get to the door, but I didn't get inside the office.

Mr. Doar: How long did you stand in line?

Mr. Pitts: I move to exclude that answer, because it does not go to prove or disprove the Government's allegations against Jim Clark or any of these Defendants.

Judge Thomas: She still has a right to answer. Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Which visit are you talking about?

Mr. Doar: The visit that took place on the 3rd of June, the one before the one she covered in her affidavit.

Mr. Doar: How long did you stand in that line?

Mr. Pitts: Objection, on the same grounds. What I am trying to get at, I don't want to be objecting to all this, if it is something that Jim Clark or some of these Defendants did—

Judge Thomas: She might say that the Sheriff came up there and did something. How do I know until they ask her? Overruled.

(67) Mr. Pitts: Exception.

Mr. Doar: How long did you stand in line?

A I stood in line from 10:00 until 12:00, until the man said it was closed, he was going to lunch.

Q (Mr. Doar continuing) Speak up, please.

A The man came to the door and said they were going to close up for lunch.

Q The next time you went back was the third time, on the 17th of June?

A If you make a motion to exclude the answer, I will exclude it.

Mr. Pitts: I move to exclude the answer.

Judge Thomas: Granted.

Mr. Doar: Exception.

Judge Thomas: Now, what is your question?

Mr. Doar: The third time you went, it was on the 17th of June?

A Yes.

Q (Mr. Doar continuing) In your affidavit, you have indicated that you were asked six or seven oral questions by the Board?

A Yes, I was.

Q What were those oral questions?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

(68) Mr. Doar: Exception.

Mr. Doar: I move that all these affidavits be excluded on the ground they are immaterial.

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I would like to move, specifically, that this affidavit be excluded on the ground that it is immaterial.

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I move, specifically, that the Court strike from the affidavit "I filled out an application and answered six or seven questions".

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I would like to ask the right to cross examine this witness with respect to what she said in her affidavit.

Judge Thomas: You have a right to do that.

Mr. Doar: What questions were asked you?

Mr. Pitts: Objection. What the Board may have done is not binding on these Defendants.

Judge Thomas: I will let her answer, and if it has nothing to do with the lawsuit, you may move to exclude the answer. Overruled.

(69) Mr. Pitts: Exception.

A He asked me to name the departments of the Government, and then he asked me what type of Government I preferred, then he asked me what was Congress, and he asked me who makes the laws, and he asked me what do he mean when he says a person is "bona fide", what was "secular", and then he said what are the principles of the Government.

Mr. Pitts: I move to exclude that. It does not go to prove or disprove any of the allegations of the complaint. It would not be binding on any Defendant.

Judge Thomas: All right, granted.

Mr. Doar: Exception.

Mr. Doar: In your affidavit, you have testified you said that you were not threatened, intimidated or abused by any board member, county official or any other person before, during or after the time you registered to vote. Is that right?

A Yes, it is.

Q (Mr. Doar continuing) Now, do you know Bernard Lafayette?

A Yes.

Q Did you know that he was working in this county on voter registration?

A Yes.

Q Did you know that he had been arrested by Sheriff

(70) Clark
for vagrancy?

A Yes, sir.

Q Did you know Bosie Reese?

Mr. Pitts: Objection. I don't think it has any bearing on this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes.

Mr. Doar: Did you know that he was arrested by the Sheriff?

A Yes, I did.

Q (Mr. Doar continuing) Did you know Alexander Brown?

A Yes, I did.

Q Did you know that he had been working on voter registration in Dallas County?

A Yes.

Q Did you know that he had been arrested by the Sheriff?

A Yes.

Q What effect did these arrests by the Sheriff have on you, with respect to being interested in getting involved in voting in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

(71) Mr. Doar: Exception.

Mr. Doar: Do you know whether or not there are any Negro people who were afraid to register to vote in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all.

RE DIRECT EXAMINATION

By Mr. Madison

Q I believe you said when you got to the registration office that day you stood in line?

A Yes, sir.

Q Was there a line there?

A What day are you talking about?

Q The day you registered?

A Yes, sir.

Q How many people, do you recall?

A It was about ten or fifteen.

Q About ten or fifteen people?

A Yes.

Q Both colored and white?

A Well, I believe there were about two white people (72) there.

Q And the rest of them were Negroes?

A Yes.

Judge Thomas: Thank you very much. You may go, if you would like. Call your next witness.

Mr. Doar: I would like to call Sheriff James Clark.

JAMES CLARK, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q At the last hearing, I asked you to check to see whether or not you had a list of license plate numbers that you

had taken down or your men had taken down at one or more of the mass meetings. Did you look to see if your records contain that list?

A They did not.

Q You looked to see if they had it and they were not there?

A Yes.

Q On the 29th of July, 1963, Sheriff Clark, did you direct your men to arrest persons operating vehicles without a (73) license flood light around a mass meeting that night?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant. The 29th of July was after this hearing.

Judge Thomas: I am not going into anything that happened subsequent to July 25th, 1963. This case started on that date. I mean the Plaintiff put on its case. The Defendants put on their case. I asked the Plaintiff if there was any rebuttal and the Plaintiff stated they had not had an opportunity of reading the affidavits, and they would advise me later, and I stated that would be quite all right. Mr. Doar, or someone representing the Government, advised me a day or two later that they did wish to put on rebuttal testimony, and to cross examine some of the people or maybe all of the people who had made affidavits that Defendants had offered. I stated that that was all right. That is the purpose of the hearing today. I sustain the objection.

Mr. Doar: Exception.

Mr. Doar: Your Honor, could I be heard on that?

Judge Thomas: No, sir, I ruled on that.

Mr. Doar: I would like to respectfully ask the Court to give me five minutes to present that matter to the Court.

Judge Thomas: I am not going into anything that happened subsequent to July 25th, other than to permit the Govern-
(74) ment to introduce the results of those two trials, which are already in.

Mr. Doar: Your Honor, could I make for the record a statement, with respect to our theory of why this evidence is admissible?

Judge Thomas: I think you have that right, yes, sir.

Mr. Doar: Paragraph 19 of our complaint alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint. Under that paragraph of the complaint, we respectfully urge this Court that it is material as to the conduct of the Sheriff right up to the date of this hearing. If the Court were to not consider what has happened in Selma, Alabama, with respect to the acts of Sheriff Clark, as they are related to efforts by Negroes to register to vote, the Court would be doing an injustice both to the Government and to Sheriff Clark. Because of other business of the Court, the Court was not able to continue to hear the full case that day, and, as a result two months have expired. What happened within those two months is very material

on whether or not the Court should or should not issue an
(75) injunction, as a Court of Equity.

We would propose to show to the Court four events that occurred during that time. The first event was the arrest of some twenty-nine people, Negroes, who were at a mass meeting, for improper license tag lights on July 29th. The second would be the arrest of twenty-seven Negroes, who were picketing with voter registration signs in front of the courthouse on September 25th, and the fact that they were charged with unlawful assembly and inciting a riot, and that bond was set for those Negroes at either \$500.00 or \$1,000.00. The third fact we would show is that five Negroes were arrested in front of the courthouse on September 27th, carrying voter registration signs, and they were arrested and charged with inciting a riot and unlawful assembly, and their bonds were set at either \$500.00 or \$1,000.00. The fourth we would show that Sheriff Clark arrested, on the 1st of October, five Negroes, who were parading or picketing in front of the courthouse, across the street, in front of the federal building, across the street from the courthouse, and charged those Negroes with unlawful assembly and inciting a riot, when they were peacefully carrying signs, urging people to register to vote. We would also show to the Court, if the Court please, that on the 2nd of October, there were two or three Negro students or young people who were carrying signs on
(76) federal property, and standing on federal property, either at the old or new postoffice, and were permitted by Sheriff Clark to stand there all day, and they were there a substantial part of the day and were not arrested. On October 7th, at a voter registration date, where over two hundred Negroes lined up to register, Sheriff Clark required those Negroes to stay

in line all day and did not permit any Negro to leave the line without losing his place, even if it was to go to the bath room, or get another pair of shoes, or get something to eat. Not one of those Negroes was permitted to leave the voter registration line to exercise and do any act unless they suffered the penalty of going to the rear of the very slowly moving registration line. We would show to the Court that Sheriff Clark and his deputies arrested two Negro students, who tried to bring food to those people who were standing, waiting to register to vote, and also that on the same date three pickets, three individual Negro students, who were standing on federal property with signs urging all citizens to register to vote, were arrested by Sheriff Clark and charged with unlawful assembly and inciting a riot.

Now, it is that proof that we think is material under paragraph 19 of the complaint, which alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the (77) complaint.

In addition, if the Court please, if the Courts feels that the complaint is not broad enough to cover that, I would respectfully ask the Court to take the evidence under Rule 15(b) of the Rules of Federal Procedure, which provides if evidence is objected to at the time of the trial, on the ground that it is not within the issues made by the pleadings, the Court may allow the pleadings to be amended, and shall do so freely when the presentation of the case will be served thereby, and the objecting party fails to satisfy the Court that the admission of such evidence will prejudice him in maintaining his action in the defense upon the merits. In connection with that, at the conference

that we had here in Selma, on the 3rd of October, it is my recollection that I advised the defendants that I would attempt to offer this evidence. The Court did indicate what his tentative ruling would be. I respect the Court's ruling, but I do urge the Court to reconsider its ruling, in the light of the evidence we would offer. It is all confined to arrests by Sheriff Clark of persons who were carrying voter registration signs out in the immediate vicinity of the courthouse, in a peaceful manner, where there were no crowds and no disturbance whatsoever. It also relates to the conduct of the Sheriff, with respect to Negro citizens, who were trying to register to vote, and what he did to them, and (78) what rules he laid down to them at the voter registration line last Monday.

Judge Thomas: I have re-considered my ruling and I still think it is right.

Mr. Doar: Would the Court permit me a minute to confer with other counsel, please?

Judge Thomas: Surely.

Mr. Doar: I would state to the Court that we have a number of witnesses that we called to prove these items that the Court has ruled on and considered not to be admissible, under the terms and limits of this ruling. If the Court would permit a recess at this time, so we could re-organize the remaining witnesses. I think there are three or four other witnesses we would call after lunch.

Judge Thomas: You can call them before lunch. I will recess for five minutes.

Thereupon, a five minute recess was had.

Thereafter, Court re-convened and the following transpired:

Judge Thomas: All right, proceed, please.

CROSS EXAMINATION

By Mr. Pitts

Q Mr. Clark, did you go to Clara Bell Smith's house to get the affidavit?

(79) A I did not.

Q Were you present at the time any of those affidavits were taken?

A I was not.

MARIE FOSTER, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q You testified before at the first hearing, did you not?

A Yes, I did.

Q You also identified a note book, in which you kept track of the number of persons that attended a number of registration clinics that you conducted?

A Yes.

Q Did you, at my request, make a computation of the number of Negro persons that attended your voter registration clinics and the dates they were held, between February 5th and July 16th, 1963?

(80) A I did.

Q Did you obtain these counts from the document which was offered in evidence at the last hearing?

A I did.

Q Would you examine this document and tell me if that is a copy of the list that you compiled at my request and Mr. Mr. Wasserstrom's request?

A It is.

Mr. Doar: I would like to ask that this be marked as Plaintiff Exhibit 50 and shown to the Defendants and then offered in evidence.

Judge Thomas: Let me see if I understand it. The document from which this computation has been made, is it in evidence?

Mr. Doar: Yes, your Honor, it is.

Judge Thomas: Do you know what number it is.

Mr. Doar: I can tell you in a minute.

Judge Thomas: It is probably 16.

Mr. Doar: It is probably 34 or 35.

Judge Thomas: I beg your pardon. It is after 33.

Mr. O'Connor: Is it a book like this? It is 34 and 35.

Judge Thomas: Is that correct?

Mr. Doar: Yes, sir.

Judge Thomas: The books themselves are the best evidence,
(81) but
this is merely a computation for the convenience of the parties.

Mr. Doar: Yes, sir, and the Court, because it takes quite a while to dissect this out, because the Court only admitted part of the pages in the books.

Thereupon, said computation was marked Plaintiff Exhibit 50.

Mr. Doar: Mrs. Foster, what has been the effect on voter registration activities by you of the arrests of Bernard Lafayette, Bosie Reese and Alexander Brown?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Mrs. Foster, how long have you lived in Selma?

A I have lived in Selma around forty years.

Mr. Doar: Has there ever been as much activity among the Negro citizens concerning voter registration as there has been this past summer?

A No.

Mr. Pitts: Objection.

(82) Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: Mrs. Foster, if you will, before answering the question, wait to see if the defense attorney objects. They should have an opportunity to make an objection before you answer. Will you do that? Mrs. Foster, in connection with your work as a teacher at the voter registration clinic, will you tell me whether or not any specific Negroes told you they were afraid to continue to come to the clinic, because of the arrests of Bernard Lafayette, Bosie Reese or Alexander Brown by Sheriff Clark?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you have an opinion, Mrs. Foster, as to why the number of persons who attended your voter registration clinic dropped off in the middle of June and throughout July?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all.

(83) Judge Thomas: Any Re Direct?

Mr. McLeod: No, your Honor.

Judge Thomas: Thank you very much. You may be excused.

AMELIA BOYNTON, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q You testified before in this trial, is that correct?

A Yes, sir.

Q Would you tell the Court what your full name is?

A Amelia Platts Boynton.

Q How long have you lived in Selma?

A I have been in Selma since 1930. It is thirty-three years.

Q How long have you been active in working on voter registration?

A For the past fifteen years.

Q Have you been active continuously during that period?

A I have been active continuously but to a small degree.

Q What was the situation in Selma during that period, (84) or in

Dallas County, with respect to Negroes attempting to register to vote?

Mr. Pitts: Objection. That is way beyond the time that Jim Clark was ever Sheriff of Dallas County.

Judge Thomas: What period?

Mr. Doar: The period between 1946 and the summer of 1963.

Mr. Pitts: That was prior to the time of Sheriff Clark.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Your Honor, one other thing I would like to point out to the Court. I object on the ground that it is covering a period when this defendant, Jim Clark, was not in office.

I point out to the Court that it is calling for testimony that has nothing to do with this case at all. It is a question of whether or not Jim Clark intimidated anyone to keep them from voting. That is the question that is involved in this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: I would like to object further on the ground that (85) she is not qualified.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Judge Thomas: Give the Defendants an objection to this line of testimony.

A When I first started, I was working with my husband, getting people to register, by holding clinics. Negroes were not registering in large numbers. Perhaps two or three of them would be up there at a time, and sometimes just one. There was a statement made by one of the officials that "we cannot afford to let Negroes register in large numbers"—

Mr. Pitts: Objection.

Judge Thomas: Sustained. The question is too broad. Ask her specific questions, Mr. Doar.

Mr. Doar: Exception.

Mr. Doar: Mrs. Boynton, to your knowledge, about how many Negroes registered prior to the summer of 1963 in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

(86) Judge Thomas: The record is all in any way, most of it.

Mr. Doar: What did the Court say?

Judge Thomas: Objection sustained.

Mr. Doar: Exception.

Mr. Doar: Did you keep a record of the number of Negroes who became registered to vote during the period through the 50's?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Mrs. Boynton, has there ever been as much activity in connection with voter registration of Negroes in Dallas County, in your experience in the last fifteen years, as there was this summer?

A No.

Mr. Pitts: Objection, on the same ground.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, there has not been as much activity previously that there was this summer.

Mr. Doar: In connection with the Negro people in Dallas County, upon whom do they depend for their economic (87) livelihood?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Can you tell me whether or not Negroes are dependent upon the white community for their jobs?

A They are.

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: You knew Bernard Lafayette?

A Yes.

Q (Mr. Doar continuing) You knew Bosie Reese?

A Yes.

Q You knew Alexander Brown?

A Yes.

Q Did you know that those three persons had been working with your league on voter registration during this year in Selma?

A Yes.

Q Did you know that they were arrested by Sheriff Clark on various criminal charges?

(88) A Yes.

Q What has been the effect of their arrests on the Negro citizens in Dallas County?

A They are very fearful?

Mr. Pitts: Objection.

Judge Thomas: Don't answer the question until they have an opportunity to object and I rule. Objection sustained.

Mr. Doar: Exception.

Mr. Doar: Did you attend most of the mass meetings that were held this summer in connection with voter registration?

A Yes.

Q (Mr. Doar continuing) After the arrest of Bernard Lafayette, can you tell me whether or not any Negro citizens of Dallas County told you that they didn't want to become involved in voter registration because of this arrest?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know of any Negro citizens in Dallas County who have not tried to register to vote, because of Bernard Lafayette's arrest?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

(89) Mr. Doar: Exception.

Judge Thomas: Is there any Cross?

Mr. Pitts: No questions.

Judge Thomas: Thank you very much. You may be excused.

PETTUS GILFORD, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Mr. Gilford, will you tell the Court your full name, please?

A Pettus Gilford.

Q How old are you?

A Forty-seven.

Q What is your race?

A Negro.

Q By whom are you employed?

A I am self employed.

Q What do you do?

A Farm.

Q Did you sign an affidavit in connection with this case, about (90) your experience in attempting to register on June 17th?

A Yes, sir.

Q How far have you gone in school?

A I finished High School.

Q When you went up to try to register on June 17th, was that the first time you tried to register?

A No, sir.

Q When did you first try to register?

A I tried to register, I guess, several years ago.

Q Were you able to become successful in registering?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: How many times have you tried to register before June 17th?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Twice.

Mr. Doar: Now, when you were up in the line there on the 17th of June, did Alexander Brown ask you if he could take your picture?

(91) A He did.

Q (Mr. Doar continuing) Did you tell him that he could take your picture?

Mr. Pitts: Objection, as leading.

Mr. Doar: This is their witness. This is Cross Examination. Did you tell him that he could take your picture?

A I told him it was all right.

Q (Mr. Doar continuing) Would you speak up loud, please?

A I told him it was all right with me.

Q Now, do you know whether or not there are any Negroes in Dallas County who are afraid to try to register to vote?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: When you went in to try to register to vote on the 17th of June, did the Board of Registrars or any one of the members ask you any questions?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, sir.

Mr. Doar: What questions were asked you?

A One question was: what does the word "secular" (92) mean.

Q (Mr. Doar continuing) What other questions were asked?

A What do you mean by "bona fide".

Q Were you asked any other questions?

A One question I was asked was: What was the Constitution of Congress. That is what I understood him to say.

Q Were you accepted or rejected when you tried to register?

A Rejected.

Q While you were up in the hall there, waiting to register, did you see Bosie Reese or the other young men there bothering anyone in the hall?

A No, sir.

Q Were you in a position to observe what they were doing while they were inside the courthouse?

A Yes, sir.

Q Did they bother anybody that day?

A I didn't see them bother anybody.

Judge Thomas: Any Re Direct?

Mr. Pitts: None.

Judge Thomas: Thank you very much. You may go.

Mr. Doar: I would like to offer in evidence notice of the registration periods in Dallas County, official special notice, during the remainder of this month and next (93) month.

Mr. McLeod: Objection. That has nothing to do with this case.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Would the Court permit the document to be made a part of the record?

Judge Thomas: You have a right to have it identified.

Thereupon, said document was marked Plaintiff Exhibit 51 for identification.

EDWIN M. MOSS, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A My name is Edwin M. Moss.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

(94) A Forty-eight years.

Q Have you been active in connection with the voter registration program of the Negro community this summer in Selma?

A I have.

Q Can you tell me how the activity concerning voter registration in the Negro community compares this summer with former years in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A I would say that the participation for this particular drive has been the greatest participation that I can recall.

Mr. Doar: You were aware of the arrest of Bernard Lafayette for vagrancy?

A I am.

Q (Mr. Doar continuing) you knew of the arrest of Bernard Lafayette for vagrancy?

A I did.

Q You were aware of the arrest of Bosie Reese, while he was at the courthouse on an assignment in connection with voter registration?

(95) A I am.

Q Are you aware of the arrest of Alexander Brown near a mass meeting on the 22nd of July?

A Yes, sir.

Q You knew that those three people were working on voter registration?

A I did.

Q Can you tell me whether or not they had or had not had wide contact with Negroes in Dallas County prior to the time they were arrested?

A They had.

Q Can you tell me what the effect of their arrests has been upon the Negro community, in connection with their desire to participate in voting?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know of any particular Negroes who have held back from getting involved in voter registration activities, because of those arrests?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

(96) Mr. Doar: Exception.

Mr. Doar: Who was responsible for Negro voter registration activity this summer in Selma?

Mr. Pitts: Objection.

Judge Thomas: I think that calls for a conclusion. Sustained.

Mr. Doar: Exception.

A Would you please repeat the question?

Judge Thomas: I don't think it is admissible.

Mr. Doar: That is all the questions I have for him.

Judge Thomas: Thank you very much. You may be excused.

CLAUGHTON MELVIN PORTER, being first duly sworn to speak the truth, the whole truth, and nothing but the truth testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q What is your full name, please?

A Claughton Melvin Porter.

Q How old are you?

A I am twenty-six years old.

(97) Q Where do you live?

A 1614 Church Street, Selma, Alabama.

Q How long have you lived in Selma?

A I was born here.

Q How far did you go in school?

A A year and three summers in college.

Q What is your race?

A Negro.

Q Did you sign an affidavit, with respect to your registration experience in Dallas County this summer, at the request of a state investigator?

A Would you repeat that, please?

Q Did you sign an affidavit in connection with this case, at the request of a state investigator, dealing with your voter registration experience here?

A Would you explain experience?

Q You did sign an affidavit, with respect to going up and trying to register in February 1963?

A I did.

Q Was that the first time you tried to register?

A No.

Q How many times prior to that date had you tried?

(98) A Eight times.

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant. This is not part of a registration case, unless it involves intimidation in some way by the Sheriff.

Judge Thomas: When was the first time?

A When I came out of the Air Force.

Judge Thomas: Just give me the date?

A July 1958.

Judge Thomas: Then, the last time you went was in February 1963, is that right?

A That is right.

Judge Thomas: You went six times in between those two dates?

A Seven times.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: Now, in your affidavit, you say that you were not threatened, intimidated or abused by any members of the board or any county officials. At that particular time, the eighth time, you were referring just to the time you went up to register?

Mr. Pitts: I object to what he was referring to. The affidavit speaks for itself. He says he was not threatened, intimidated or abused by any members of the board or any (99) county officials.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: You were referring just to the time you went up in February, in your affidavit?

A Yes, sir.

Q (Mr. Doar continuing) Do you know Sheriff Clark?

A Yes.

Q Do you know of any instances where he has intimidated any Negroes, in connection with their voter registration activities?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant. The period is not defined. It would have to be prior to July 25th, 1963.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: You may answer.

A Yes.

Q (Mr. Doar continuing) Would you give the Court those instances, confining yourself to prior to the 25th of July, 1963?

A Monday, October 7th.

Mr. Pitts:

Judge Thomas: I grant the motion. That is after the time (100) in question.

Mr. Doar: Before July 25th?

A No.

Q (Mr. Doar continuing) Do you know Bernard Lafayette?

A Yes.

Q Did you know he was arrested by Sheriff Clark?

A Yes.

Q Did you know Bosie Reese?

A Yes.

Q Did you know that he was arrested by Sheriff Clark?

A Yes.

Q Did you know Alexander Brown?

A Yes.

Q Did you know that he was arrested by Sheriff Clark?

A Yes.

Q Do you know whether those people were engaged in voter registration activities in Dallas County?

A Yes, I do.

Q What effect did those arrests have on the Negro community?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Have you been working in voter registration (101) activities in Selma this summer?

A I didn't hear you.

Q (Mr. Doar continuing) Have you been working in voter registration activities in Selma this summer?

A Yes.

Judge Thomas: Any Re Direct?

Mr. McLeod: No questions, your Honor.

Judge Thomas: Thank you very much. You may go.

FATHER MAURICE OULLETT, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Father Maurice Oullett.

Q What is your race?

A White.

Q Are you a Catholic priest?

(102) A Yes, I am.

Q Where do you work, Father?

A At St. Elizabeth Mission, 1401 Broad Street, Selma.

Q How long have you been a priest in Selma?

A A little over two years on this hitch. I was here in 1952 and 1953, say, three years in all, going into my fourth year.

Q What is your background, Father?

A Educationally?

Q Yes?

A I have an A. B. degree from St. Michael's College in Winooski, Vermont, four years at St. Michael's Theological Seminary in Randolph, Vermont, graduate work at the University of North Dakota, and St. Michael's College.

Q How long have you been a Catholic priest?

A Eleven years.

Q Are you a member of a particular order?

A Of the Society of St. Edmund.

Q Does the Society of St. Edmund have a mission in Selma, Alabama?

A It does, St. Elizabeth's.

Q How long has St. Elizabeth's Mission been in existence (103) in Selma?

A Twenty-six years.

Q At the present time, what does St. Elizabeth Mission consist of?

A It consists of—

Mr. Pitts: We object to all this testimony. It is nothing in rebuttal of what has been offered by the Defendants.

Judge Thomas: I don't know yet. Overruled.

Mr. Pitts: Exception.

A It consists of a church, of a convent that houses sisters, who teach in St. Elizabeth Grammar School, which is also maintained by the Mission. Some of these sisters also serve as nurses in Good Samaritan Hospital, which is owned and operated by the Fathers of St. Edmund, and the Mission also has a Boys Club and St. Elizabeth's Girls Club. I guess that is about it.

Mr. Doar: Does St. Elizabeth Mission in Selma deal principally with persons of the white race or the Negro race?

A Principally with people of the Negro race, but not exclusively.

Q (Mr. Doar continuing) Father, is your work in Selma with the Negro race principally or with the white race?

A With the Negro race.

Q Did you know Bernard Lafayette during this past (104) summer?

A Yes, I did.

Q Did you have occasion to observe his work in Selma?

A Yes, I did.

Q What did you personally observe, with respect to his work?

Mr. Pitts: Objection, to what he may have observed.

Judge Thomas: Overruled.

Mr. Pitts: That is a broad field, your Honor.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A I observed that he worked along the line of voter registration, in working with the youth, he taught them how to answer forms that were to be used in voter registration, that they, in turn, might go out and teach other people how those forms should be answered.

Mr. Doar: Did you have occasion to attend meetings where he was present and was encouraging people to register to vote?

Mr. Pitts: Objection, that is a leading question.

Judge Thomas: Overruled.

Mr. Pitts: Exception. This is his witness.

(105) Judge Thomas: I know it.

A Yes, I went to some of those meetings where I saw the forms on the table.

Mr. Pitts: I object to any further statement.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: The question is: Did you observe Bernard Lafayette at those meetings?

A Yes, sir.

Q (Mr. Doar continuing) Were you aware of the fact that Bernard Lafayette was arrested for vagrancy?

A Yes, sir.

Q Were you aware that this was done by Sheriff Clark?

A Yes, sir.

Q Were you aware of the fact that Negro named Bosie Reese was arrested for an incident at the courthouse?

A Yes, sir.

Q Were you aware that Alexander Brown, a Negro, was arrested in connection with alleged misuse of a name?

A Yes.

Q Do you have an opinion, Father, what effect those arrests have on voter registration activities of Negroes in Dallas (106) County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Father, do you know Sheriff Clark?

A By sight, yes.

Q (Mr. Doar continuing) Have you, during this summer, had any conversations with him, with respect to the activities of Dallas County voter registrations?

A I have not.

Q Have you been present at mass meetings of Negroes in Selma where voter registrations were urged?

A Yes.

Q Have you seen deputies of Sheriff Clark's present there?

A Yes, sir.

Mr. Pitts: Objection, as leading.

Judge Thomas: I realize that, but go ahead.

Mr. Pitts: Exception.

Mr. Doar: Father, based upon your experience and work in Selma, could you tell the Court what is the relationship between the Negro and white communities in Selma, in Dallas County, Alabama?

(107) Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Father, do you know, of your own personal knowledge, whether or not the Negro community depends upon the white community for their jobs and livelihood?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know whether or not there are any Negroes in Dallas County who are afraid to become involved in

voter registration because of the arrests of Bernard Lafayette, Bosie Reese and Alexander Brown?

A Yes.

Mr. Pitts: Objection. Ask the Father not to answer until we object.

Judge Thomas: Don't answer until I have an opportunity to rule. Sustained.

Mr. Doar: Exception.

Mr. Doar: Father, were you subpoenaed to come here today?

A Yes.

Judge Thomas: Any Cross?

Mr. McLeod: No questions, your Honor.

(108) Judge Thomas: Thank you, you may be excused.

Mr. Doar: Your Honor, that is all the witnesses. In connection with the Court's ruling on the admissibility of the evidence, with respect to events after the 25th of July, with the exception of the trial of Alexander Brown, we have certain documents, certain pictures of those events, which we would like to have marked as exhibits for identification.

Judge Thomas: How many of them do you have?

A (Mr. Doar) There are about twenty-five pictures.

Judge Thomas: Cull them down to twelve and put them in as exhibits. I don't want unnecessary documents in the record. Put them all in. I am not going to admit them, but identify them.

Mr. Pitts: The record shows we object to them and you sustain our objection?

Judge Thomas: Yes. Mr. O'Connor, number them as Plaintiff Exhibit 52, consisting of x number photographs, for identification.

Mr. Pitts: In connection with these photographs, I would like to say it is apparent those photographs are very carefully made not to show the crowd there that the Sheriff had on his hands.

(109) Judge Thomas: The pictures are not in evidence.

Mr. Pitts: Yes, sir, I know they are not in evidence.

Judge Thomas: How many pictures are there, Mr. O'Connor?

Mr. O'Connor: Thirty-two pictures.

Thereupon, said thirty-two pictures were marked Plaintiff Exhibit 52 for identification.

Mr. Doar: I have marked each group as to the particular day they were involved. That is attached to the top of the first picture in the group with a paper clip. Perhaps Mr. O'Connor can attach them with staples.

Judge Thomas: Is there anything further?

Mr. Doar: No, your Honor. We would like to call the Court's attention that he reserved the ruling on the application forms and the registration records in Dallas County.

Judge Thomas: I was going to get to that. Explain to me just exactly what documents you are requesting the Board of Registrars to produce. Am I correct that is what it is?

Mr. Doar: Yes, your Honor.

Judge Thomas: Explain exactly what you want.

Mr. Doar: To produce all of the application forms of applicants for registration between the 19th day of March, (110) 1962, and the date of the hearing. Actually, we subpoenaed them to the date of the hearing today, both accepted and rejected applicants.

Judge Thomas: From March 19th, 1963?

Mr. Doar: From March 19th, 1962 to the present.

Mr. Madison: What is the materiality?

Mr. Doar: The materiality is that with respect to registration of Negroes in the county is, we feel, relevant on the question of whether or not arrests of voter registration workers would be for the purpose of interfering with people's right to register to vote.

Mr. Pitts: Is it your contention that the Sheriff had no right to arrest them under any condition?

udge Thomas: There is no need in going into that. What fixes the date of March 19th, 1962?

Mr. Doar: The documents which we offered in evidence in the case of U. S. vs. Atkins and the opinion of the Circuit Court of Appeals, with respect to the registration statistics, with reference to the past eight years, of which the Court could take judicial notice, and we want to bring the registration picture up to date.

Mr. Madison: May I point out, if my recollection serves me right, you ruled out any evidence with reference to that (111) case before.

You said you were not going to try it over again. Are we going to try part of it over again. What connection do the Sheriff and Mr. Reese have with those particular application blanks that he wants introduced in evidence? What is the connection?

Mr. Doar: I have authority for the receipt of this evidence.

Mr. Madison: You have what?

Mr. Doar: Authority for the receipt of this type of evidence.

Mr. Madison: Where from? From the Judge?

Mr. Doar: From U. S. vs. LeFlore County, in the Northern District of Mississippi.

Mr. Pitts: That is not true over here. That is entirely different.

Judge Thomas: I will reserve my ruling.

Mr. Pitts: Our contention is that that cannot possibly be binding on Dallas County or any of the officials of Dallas County, Alabama.

Judge Thomas: I will reserve my ruling. Is there anything else?

Mr. Doar: Yes, your Honor. We have not shown sufficient evidence with reference to Mr. Reese, who was one of the Defendants. We would like to move to dismiss Mr. Reese from the complaint. With respect to our application for a preliminary injunction, we would like to ask the Court to issue a preliminary injunction against the Sheriff, Mr. (112) Clark, and the solicitor, Mr.

McLeod, and, in the alternative, to issue the injunction against the sheriff alone, Mr. Clark, in the event that the Court feels that sufficient proof has no been made out against Mr. McLeod. We would like the record to be clear that we are urging the Court to consider our application for a preliminary injunction against all of the Defendants, to include application against the sheriff, Mr. Clark, and also as against the solicitor, Mr. McLeod. It is not a joint application.

Judge Thomas: It is a joint and several proposition.

Mr. Doar: That is right, your Honor. The last thing we would like to urge the Court, inasmuch as this is a ruling on a preliminary injunction and inasmuch as voter registration activities are continuing in this case, to issue its ruling in this case at the earliest possible date.

Judge Thomas: All right, is there anything else? Is there any objection on the part of the Defendants to the Government striking Mr. Reese? I think you have a right to do it. I assume there is no objection to it.

Mr. Pitts: No objection that that. Your Honor, Mr. Gayle wants to move to discharge Dallas County.

Mr. Gayle: I make that motion. We have no control over anything else. That is just a Board of Revenue that handles (113) county business.

Judge Thomas: Gentlemen, I am not going to rule from the bench. In all non jury cases, I have to write a finding of facts and conclusions of law, which I intend to do in this case. I will get it out post haste. In the meantime, the matter will be taken under submission. If I decide, Mr. Doar, that those records are admissible, I will notify Mr. Jansen.

I, Rosa Gerhardt, court reporter, hereby certify that the foregoing pages, numbered 1 to 114, both inclusive, constitute and are a true and correct transcript of proceedings had before Hon. Daniel H. Thomas, United States District Judge, at Selma, Alabama, on October 15th, 1963, in the District Court of the United States for the Southern District of Alabama, Northern Division, in the matter of United States of America, Plaintiff, vs. Dallas County, Alabama, et al., Defendants, Civil Action No. 3064-63.

Dated, this, the 23rd day of October, 1963.

/s/ ROSA GERHARDT
Court Reporter

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
OCT 23 1963
WILLIAM J. O'CONNOR
CLERK

(Caption omitted)

It appearing to the Court that on October 15th, 1963, at Selma, Alabama, in open Court, the Plaintiff, UNITED STATES OF AMERICA, by its Attorney, the Honorable John Doar, orally moved the Court to dismiss the Defendant, HENRY REESE, as a Party Defendant, and,

Now, after consideration thereof,

IT IS ORDERED by the Court that the Plaintiff's motion be, and the same hereby is, GRANTED and the Defendant, HENRY REESE is hereby dismissed as a Party Defendant herein.

Made at Mobile, Alabama, this the 22nd day of October A. D., 1963.

DANIEL H. THOMAS
United States District Judge

U. S. DISTRICT COURT
SOU. DIST. ALA.

FILED AND ENTERED THIS THE
22nd DAY OF OCTOBER, 1963,
MINUTE ENTRY NO. 15769

WILLIAM J. O'CONNOR, CLERK
BY /s/ John V. O'Brien
Deputy Clerk

(Caption Omitted)

*OPINION WITH FINDINGS OF FACT AND
CONCLUSION OF LAW*

This suit is brought under authority of Title 42 U.S.C., Sec. 1971 (a), (b) and (c) against Dallas County, Alabama, and the above-named officials. The complaint prays that this Court issue a preliminary and permanent injunction enjoining the defendants, their agents, servants, employees and all persons in active concert or participation with them from:

- (a) Intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and vote in Dallas County, Alabama, for candidates for federal office, or punishing any person for having registered or attempted to register to vote and vote for any such candidate;
- (b) Striking, threatening to strike, arresting, threatening to arrest, holding in custody, prosecuting or attempting to prosecute any person in the Courts of the State of Alabama for the purpose of interfering with the right of any Negro citizen to become registered or to vote in Dallas County and to vote for candidates for federal office, or for punishment for having previously registered or voted, or engaging in any act or practice which would deprive any Negro citizen of Dallas County, Alabama, of any such right or privilege;

- (c) Proceeding with the prosecution, failing to return the bond monies or release the sureties on the bond in connection with the prosecution of Bosie Reese in the courts of the State of Alabama on the charges for which he was arrested on June 17, 1963.

The matter was first brought before this Court on a petition for an ex parte restraining order, covering relief sought in (c) above and filed with this Court in Mobile on June 26, 1963, at 5:25 p.m., which application this Court denied. That action was reviewed by the Fifth Circuit Court of Appeals on the same evening at 9:00 p.m., in Montgomery, Alabama, and upheld on June 27, 1963. In brief, counsel for defendants state that at that hearing, the Fifth Circuit Court of Appeals pointed out that this case was distinguishable in several respects from that of *United States v. Wood*, 295 F. 2d 772 (1961), on which plaintiff's counsel at that time relied.

The cause was set for hearing at Selma, Alabama, on July 25, 1963, on plaintiff's motion for a preliminary injunction covering relief sought in paragraphs (a), (b), and (c) above. Motions of defendants to dismiss were heard at the same time. Evidence was introduced by the Government as well as by the defendants. As the Court was unable to devote more than one day to the hearing at that particular time, the case was recessed in order to give the Government an opportunity to cross-examine the affiants who had testified in affidavit form for the defendants; and also in order that the Government might introduce rebuttal testimony.

The hearing was duly set to be reconvened on October 3, 1963. However, due to a condition of unrest then existing in Selma and Dallas County generally, the Court by order dated September 30, 1963, good cause appearing therefor,

continued the October 3rd hearing for resetting at a later date. Counsel for the Government, deciding that the Court had abused its discretion, on the 8th of October 1963, filed a petition for writ of mandamus to the Fifth Circuit Court of Appeals. This petition was subsequently dismissed as moot, at the request of the Government, inasmuch as at the time of the service of the notice of mandamus on the District Court, the Court had already made its plans to re-set the hearing in Selma for October 15, 1963.

At the conclusion of the hearing on that date, the Government moved for a dismissal as to the defendant Henry Reese on the ground that there was no evidence against him. Counsel for the Government should have made a similar motion as to each of the other defendants, but did not see fit to do so. After careful consideration of the evidence, the Court finds no evidence against any of these defendants to justify or even to suggest that they should be enjoined.

The Government bases its request for an injunction on five allegedly wrongful acts committed by the defendants and/or their agents. These five acts are as follows:

1. Attendance of the Sheriff and the Prosecuting Attorney and their agents at a mass meeting held in Selma on May 14, 1963.
2. The same acts at a mass meeting held in Selma, June 17, 1963.
3. The arrest by Sheriff Clarke of Bosie Reese on the afternoon of June 17, 1963.
4. The arrest of Bernard Lafayette on June 18, 1963.

5. The arrest of Alexander L. Love, alias Brown, on July 22, 1963.

As to the mass meeting on May 14, 1963, the Sheriff and others testified that there was a general feeling of unrest in Selma about that time; and learning of the proposed mass meeting, he felt it his duty as principal law enforcement officer of the county to be in attendance at the meeting. He and some of his deputies accordingly attended the meeting. No arrests were made, no demonstrations took place, several cars containing white men and bearing license tags from counties other than Dallas were turned away from the immediate vicinity of the meeting.

As to the mass meeting of June 17, 1963, the Sheriff's participation was substantially the same as that of the meeting of May 14, 1963.

The evaluation of a set of facts by one individual might not comport with the evaluation of the same facts made by another. The correct evaluation may best be made by one who has lived in and is familiar with the environment wherein the evaluation is to be made. The proper evaluation of a situation involving the clash of divergent ideas in the process of being resolved according to relatively recent judicial pronouncements necessitates sound, thorough and temperate thinking. In order to evaluate properly Sheriff Clarke's action, some knowledge of the problems with which he was confronted is necessary. Dallas County is a rural county in southwest Alabama; and as shown by the complaint, its population is almost evenly divided between white and colored, there being few more colored than white.

Unfortunately, for a number of months there has been much social unrest in Alabama, and, indeed, in the entire United States. Situations have developed in all sections of the country which have required thoughtful handling, else chaos would have broken out. Indeed, in many instances, due to improper handling, chaos has been the unhappy result. Had Sheriff Clarke not taken cognizance of advance information as to the holding of these meetings, he would have been derelict in his duty. Having had notice of the meetings, if his office had not been represented at these meetings, he would have been even more derelict. As is shown by much of the testimony, many of those in attendance felt that the presence of the Sheriff and his deputies was conducive to good order. It will never be known, as some things (especially what might have happened) are incapable of absolute proof, but the Court is of the opinion that the re-routing by the Sheriff of the out-of-county cars away from the vicinity of these meetings was perhaps the difference between order and disorder.

As to the arrest of Bosie Reese on the afternoon of June 17, 1963, there was testimony that a number of people were in line in the hall of the Dallas County Courthouse, waiting to register to vote. Reese was in close proximity to the voter registration line, having with him a note pad and camera. His purpose in being there was to obtain the names and addresses of Negroes who registered, and to take pictures of such persons. In order to obtain such information, he approached the individuals in line, requesting their names and addresses. Some furnished this information, and there was testimony that some emphatically refused.

Sheriff Clarke, in his capacity as Sheriff of Dallas County, is charged with maintaining order in the Dallas County

Courthouse, as well as throughout Dallas County generally. At various times during the course of any year there are lines of people in the hall of the courthouse for various purposes, such as lines formed to purchase automobile tags. Such lines are necessitated by the positioning of windows along the hall, through which windows business is transacted by the various officers in the courthouse—such as the sale of automobile tags through a window in the office of the Judge of Probate. These lines, varying in length from time to time, depending on their purpose, certainly present a problem of control, and this problem is a responsibility of the office of the Sheriff. Since control of these various lines and the maintenance of order fall within the responsibility of the Sheriff, certainly it is within his discretion to devise methods and establish rules, within reasonable limits, of executing his duty. As such, a deputy sheriff is made available to observe these lines, and a rule has been established that no person will be allowed to molest any line within the courthouse. This has been an unwritten rule of longstanding and there can certainly be no serious contention that such rule should have been in writing and posted.

Reese was in fact molesting the voter registration line in that he was requesting information of persons therein, some of whom refused to divulge such information. Sheriff Clarke, well within the authority conferred upon him as Sheriff, informed Reese that he was loitering and would have to leave, and ordered him to do so. Reese apparently left; but very shortly thereafter, he was again seen by Sheriff Clarke in the hall of the courthouse. Sheriff Clarke testified that at that time he arrested Reese for failing to obey the lawful order of an officer. Reese was charged with and tried on charges of resisting a lawful arrest and for conduct calculated to provoke a breach of the peace in the hallway of the Dallas County Courthouse, Selma, Alabama. Reese was convicted on both

counts, following a refusal by the United States District Court for the Southern District of Alabama, affirmed by the United States Court of Appeals for the Fifth Circuit, to enter a temporary restraining order enjoining the prosecution of Reese. There is a presumption that Reese was afforded a fair trial in the Dallas County Court and that the evidence warranted the aforesaid arrest and subsequent conviction.

As to the arrest of Bernard Lafayette, Jr., he was arrested on the afternoon of June 18, 1963, on a warrant issued on the affidavit of Sheriff Clarke, charging the offense of vagrancy. Vagrancy is defined, and various persons are described as vagrants, in Title 14, Sec. 437, Code of Alabama (Recomp. 1958). Among those described as vagrants are persons leading an idle life, who have no property sufficient for their support, and who are able to work and do not in fact work. Another is any able-bodied person who is found begging.

Sheriff Clarke testified that he had reports from his deputies and from other individuals, informers, that Bernard Lafayette had been begging. On such information, Sheriff Clarke executed an affidavit which formed the basis for the warrant on which Lafayette was arrested. Subsequent to Lafayette's arrest, and before trial, inquiries of Sheriff Clarke failed to produce any evidence that Lafayette was gainfully employed.

Lafayette was tried on the charge of vagrancy, June 20, 1963, in the Dallas County Court, Selma, Dallas County, Alabama. The prosecution, in the opinion of the trial court, made out a prima facie case of vagrancy, which was then averted by the defendant on a showing that Lafayette was in fact gainfully employed by the Student Non-Violent Coordinating Committee, with headquarters in Atlanta, Georgia. Blanchard Mc-

Leod, prosecutor, a defendant in the instant case, agreed with the Court that the defendant Lafayette had averted the state's prima facie case. Lafayette was found not guilty.

Sheriff Clarke's affidavit, on which the warrant for Lafayette's arrest was issued, was based on probable cause for believing and belief. It is the opinion of the Court that Sheriff Clarke did in fact have probable cause for believing that Lafayette was a vagrant. So believing, it was his duty, in his capacity as Sheriff, to initiate such process as required to bring Lafayette before the court to be tried on a charge of vagrancy.

As to the arrest of Love, alias Brown, the testimony of both Sheriff Clarke and Love shows that Love was arrested while driving an automobile with one headlight, and at the time of said arrest had a driver's license in the name of Alexander Love, while at the same time he was going under the name of Alexander Brown, and in fact when asked by the Sheriff at the time of the arrest, gave his name as Brown. Sheriff Clarke testified that he did not know the identity of the driver of the automobile at the time it was stopped.

I have carefully examined and considered all the evidence introduced in this case, and am firmly of the opinion that no federal constitutional rights of those for whom the plaintiffs have been violated in any way by the alleged actions of any one or all of the defendants.

As stated by Judge Grooms in the case of *Perry v. Folsom, et al.*, 144 F. Supp. 874, at page 877:

"The United States is sovereign in its sphere and the States are likewise sovereign in their spheres. Encroachments

one upon the other should be studiously avoided and can but lead to unseemly disputes. If the federal courts attempt to exercise the sovereignty vested in the States, as plaintiff here seeks, state sovereignty will suffer serious if not fatal impairment. State sovereignty is not a will-of-the-wisp. It is not a mere abstraction, or untested theory. It is tangible, concrete and real. It is a living principle that marked a new concept of government. It is inherent, it is explicit; and it is basic in our legal fabric. It is to be honored by what it has wrought and treasured for what it is. When our fathers founded these States and established this Union, it was one of the corner posts in the constitutional barriers which they erected to shield their newly won rights from the tyranny of the all-powerful state. No federal court should remove or mar these ancient landmarks, 'which they of old times have set in thine inheritance.' "

This court is of the opinion that the plaintiff has failed in proof and the relief prayed for is therefore denied. A judgment in accordance herewith will be entered.

Dated 3/19/64.

DANIEL H. THOMAS
District Judge

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
MAR 19 1964
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

*ORDER ON MOTIONS TO DISMISS AND MOTION
FOR PRELIMINARY INJUNCTION*

This cause came on to be heard at Selma, Alabama, on July 25, 1963, on motion of Dallas County, a body corporate, to dismiss it as a party defendant, filed July 5, 1963; on motion of the defendants, separately and severally, to dismiss the complaint and each and every paragraph thereof, separately and severally filed July 9, 1963, and on motion of plaintiff for a preliminary injunction, filed June 26, 1963, with complaint praying for preliminary and permanent injunction. The motions to dismiss were taken under submission after hearing on July 25; and the hearing on the motion for preliminary injunction was recessed on that date, after examination of witnesses and the offering of exhibits. The hearing was resumed on the 15th day of October, 1963. Witnesses were further examined and additional exhibits offered. Plaintiff's motion for preliminary injunction was then taken under submission. On oral motion of the plaintiff, made October 15, 1963, Reese was dismissed as a party defendant on October 22, 1963.

Now after due consideration, the Court makes the following rulings:

1. ORDERED that the motion of Dallas County, a body corporate, to dismiss it as a party defendant be and the same hereby is denied.

2. ORDERED that the motion of the defendants, separately and severally, to dismiss the complaint and each and every

paragraph thereof, separately and severally, be and it hereby is denied.

3. And the Court having this day filed its opinion with findings of fact and conclusions of law holding that the plaintiff has failed in its proof and the relief prayed for should be denied, it is now,

ORDERED, ADJUDGED AND DECREED that plaintiff's motion for a preliminary injunction be and the same hereby is denied.

Done at Mobile, Alabama, this the 19th day of March, 1964.

DANIEL H. THOMAS
United States District Judge

U.S. DISTRICT COURT
SOU. DIST. ALA.

FILED AND ENTERED THIS THE
19 DAY OF MARCH, 1964, MINUTE
ENTRY NO. 16391.

WILLIAM J. O'CONNOR, CLERK,
By /s/ John V. O'Brien
Deputy Clerk

(Caption Omitted)

NOTICE OF APPEAL

Notice is hereby given that the Plaintiff, United States of America, hereby appeals to the United States Court of Ap-

peals for the Fifth Circuit from the Opinion with Findings of Fact and Conclusions of Law and Order entered in this action on March 19, 1964.

/s/ VERNOL R. JANSEN, JR.
Vernol R. Jansen, Jr.
United States Attorney

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
MAR 24 1964
WILLIAM J. O'CONNOR
CLERK

(Caption Omitted)

*DESIGNATION OF CONTENTS OF RECORD
ON APPEAL*

Pursuant to Rule 75 of the Federal Rules of Civil Procedure, the Plaintiff-Appellant hereby designates for inclusion in the record on appeal to the United States Court of Appeals for the Fifth Circuit, taken by notice of appeal filed March 24, 1964, the entire record, proceedings, and evidence in this action.

/s/ VERNOL R. JANSEN, JR.
Vernol R. Jansen, Jr.
United States Attorney

Certificate of Service

I, Vernol R. Jansen, Jr., United States Attorney for the Southern District of Alabama, hereby certify that I have on the 30th day of March, 1964, served a copy of the foregoing designation on Honorable Richmond M. Flowers, Attorney General of Alabama, Montgomery, Alabama; Honorable Blain McLeod, Circuit Solicitor, Camden, Alabama; Honorable Thomas G. Gayle, 1104 1/2 Water Avenue, Selma, Alabama; and Honorable McLean Pitts, City National Bank Building, Selma, Alabama, attorneys for the Defendants, by mailing a copy to each of them at their respective addresses.

/s/ VERNOL R. JANSEN, JR.
Vernol R. Jansen, Jr.
United States Attorney

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
MAR 30 1964
WILLIAM J. O'CONNOR
CLERK

U.S. COURT OF APPEALS
F I L E D
APR 30 1964
EDWARD W. WADSWORTH
CLERK

(Caption Omitted)

*APPELLANT'S DESIGNATION OF PORTIONS
OF RECORD TO BE PRINTED ON APPEAL*

Pursuant to Rule 23(a) of the Rules of this Court, the following portions of the record on appeal are hereby designated by appellant for printing:

1. Complaint.
2. Notice of motion and motion for a preliminary injunction.
3. Application for an order to show cause and temporary restraining order, with accompanying proposed order to show cause and proposed temporary restraining order and affidavits of Bernard Lafayette, Jr., Bosie Reese, James E. Gildersleeve and Alexander Lionel Brown.
4. Order dated June 26, 1963, denying Plaintiff's motion for a Temporary Restraining Order.
5. Motion of the defendants separately and severally to dismiss the complaint, dated July 8, 1963.
6. Motion of Dallas County, a body corporate, to dismiss it as a party defendant.
7. Transcript of proceedings before Honorable Daniel H. Thomas at Selma, Alabama on July 25, 1963.
8. Order filed September 30, 1963.

9. Notice of continuation of hearing on motion, dated
 er 10, 1963.
10. Transcript of proceedings had before Honorable Dan-
 l. Thomas, U.S. District Judge, at Selma, Alabama on
 er 15, 1963.
1. Order filed October 22, 1963.
 2. Order filed March 19, 1964.
 3. Opinion filed March 19, 1964.
 4. Notice of Appeal.
 5. Designation of Record.
 6. Motion for Injunction Pending Appeal.
 7. Transcript of Proceedings had before Honorable Dan-
 H. Thomas, U.S. District Judge, at Mobile, Alabama, on
 rch 30, 1964.
 8. This designation.

Respectfully submitted,

/s/ Burke Marshall
 BURKE MARSHALL
 Assistant Attorney General.

/s/ Harold H. Greene
 HAROLD H. GREENE

/s/ David Rubin

DAVID RUBIN
 Attorneys,
 Department of Justice,
 Washington, D. C. 20530

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 1964, I served a copy of
 the foregoing Appellant's Designation of Portions of Record
 to be Printed on Appeal upon the attorneys for appellees by
 mailing a copy to each of them addressed as follows:

Honorable Richmond M. Flowers
 Attorney General
 Montgomery, Alabama

Honorable Gordon Madison
 Assistant Attorney General
 Montgomery, Alabama

Blanchard McLeod, Solicitor
 Fourth Judicial Circuit
 Camden, Alabama

Henry F. Reese, Jr.
 County Solicitor
 Selma, Alabama

Thomas G. Gayle, Esq.
 1104 $\frac{1}{2}$ Water Avenue
 Selma, Alabama

W. McLean Pitts, Esq.
 Pitts & Pitts
 Attorneys at law
 P. O. Box 722
 Selma, Alabama

J. Edgar Wilkinson, Esq.
 Wilkinson, Wilkinson & Russell
 Attorneys at law
 Peoples Bank Building
 Selma, Alabama

Honorable James Hare
 Judge, Fourth Judicial Circuit
 Selma, Alabama
 M. Alston Keith, Esq.
 Selma, Alabama

Dated this 29th day of April, 1964.

/s/ Harold H. Greene
 HAROLD H. GREENE
 Attorney,
 Department of Justice,
 Washington, D. C. 20530

U.S. COURT OF APPEALS
 F I L E D
 MAY 14, 1964
 EDWARD W. WADSWORTH
 CLERK

(Caption Omitted)

*APPELLANT'S AMENDED DESIGNATION OF PORTIONS
 OF RECORD TO BE PRINTED ON APPEAL*

Pursuant to Rule 23(a) of the Rules of this Court, the following portions of the record on appeal are hereby designated by appellant for printing:

1. Complaint.
2. Notice of motion and motion for a preliminary injunction.
3. Application for an order to show cause and temporary restraining order, with accompanying proposed order to show cause and proposed temporary restraining order and affidavits of Bernard Lafayette, Jr., Bosie Reese, James E. Gildersleeve and Alexander Lionel Brown.
4. Order dated June 26, 1963, denying Plaintiff's motion for a Temporary Restraining Order.
5. Motion of the defendants separately and severally to dismiss the complaint, dated July 8, 1963.
6. Motion of Dallas County, a body corporate, to dismiss it as a party defendant.
7. Transcript of proceedings before Honorable Daniel H. Thomas at Selma, Alabama on July 25, 1963.
8. Order filed September 30, 1963.

9. Notice of continuation of hearing on motion, dated October 10, 1963.

10. Transcript of proceedings had before Honorable Daniel H. Thomas, U.S. District Judge, at Selma, Alabama on October 15, 1963.

11. Order filed October 22, 1963.

12. Order filed March 19, 1964.

13. Opinion filed March 19, 1964.

14. Notice of Appeal.

15. Designation of Record.

16. This designation.

Respectfully submitted,

/s/ Burke Marshall
BURKE MARSHALL
Assistant Attorney General

/s/ Harold H. Greene
HAROLD H. GREENE

/s/ David Rubin
DAVID RUBIN
Attorneys,
Department of Justice,
Washington, D. C. 20530

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appellant's Amended Designation of Portions of Record to be Printed on Appeal have been served by official United States mail in accordance with the rules of this Court to the attorneys for appellees addressed as follows:

Honorable Richmond M. Flowers
Attorney General
Montgomery, Alabama

Honorable Gordon Madison
Assistant Attorney General
Montgomery, Alabama

Blanchard McLeod, Solicitor
Fourth Judicial Circuit
Camden, Alabama

Henry F. Reese, Jr.
County Solicitor
Selma, Alabama

Thomas G. Gayle, Esq.
1104 $\frac{1}{2}$ Water Avenue
Selma, Alabama

W. McLean Pitts, Esq.
Pitts & Pitts
P. O. Box 722
Selma, Alabama

J. Edgar Wilkinson, Esq.
Wilkinson, Wilkinson & Russell
Peoples Bank Building
Selma, Alabama

Honorable James Hare
Judge, Fourth Judicial Circuit
Selma, Alabama

M. Alston Keith, Esq.
Selma, Alabama

Dated this 13th day of May, 1964.

/s/ Harold H. Greene
HAROLD H. GREENE
Attorney,
Department of Justice,
Washington, D. C. 20530