

A. I am comptroller and treasurer of the University of Georgia, and also treasurer of the Athletic Association.

Q. How long have you been connected with the University?

A. Since July 1, 1933.

Q. What part of that time have you known Coach Butts?

A. Since Coach Butts came there, I believe, in 1938.

Q. During that time have you been closely associated with him?

A. Yes, sir.

Q. How often would you see him and talk to him?

A. Quite—quite frequently.

Q. Almost daily?

A. Yes, sir; and sometimes—some instances, sometimes it would be maybe a week or more.

Q. How long have you been on the Athletic Board?

A. I think it was about 1935 or—6.

Q. Have you continuously been on it since?

A. Yes, sir.

Q. On it now?

A. Yes, sir.

[fol. 262] Q. What is the function of the Athletic Board, Mr. Bolton?

A. The Athletic Board—the University of Georgia Athletic Association is incorporated, and it has full responsibility for the athletic program, subject, of course, to the control of the Chancellor of the University system and the Board of Regents.

Q. How many members constitute that Board?

A. I believe it is fifteen.

Q. Composed in part by faculty?

A. Yes, sir; I believe there are eight faculty members and seven non-faculty members, alumni.

Q. When did you—when this so-called Butts-Bryant affair first come to your attention?

A. I believe it was on January the 24th.

Q. Do you have your notes there?

A. Yes, sir. Yes, sir; that's correct; is was on January 24, 1963.

Q. What brought it to your attention?

A. I was registered at the Biltmore Hotel to attend the Southeastern Athletic Conference, and we registered there, it was Thursday afternoon on January the 24th, and I was in my room looking at television. Coach Griffith called me and asked me if I—

Mr. Schroder: If the Court please, that would be hearsay, the telephone and any other conversation he had.

The Court: I will let him go into what was said, but not—when he first had knowledge of it. I won't let him go into any knowledge of any conversation.

[fol. 263] By Mr. Cody:

Q. Did you thereafter go to Mr.—Coach Griffith's room?

A. Yes, sir.

Q. Was that the first time he called it to your attention?

A. Yes, sir.

Q. What did you do after that?

A. I told him we would have to—

The Court: We can't go into any conversation, Mr. Bolton.

Mr. Cody: All right.

By Mr. Cody:

Q. Did he—Mr. Bolton, I show you what has been identified as the Defendant's Exhibit No. 12, and I'd like to ask you if those papers were shown to you at that time?

A. Yes, sir; they were.

Q. By whom?

A. Coach Johnny Griffith.

Q. Did you take charge of them from then on?

A. No, sir.

Q. What happened to them from that point?

A. He kept them until the following Saturday morning, about 9:30.

Q. Who got them then, if you know?

A. He turned them over to President Aderhold that morning on Saturday morning.

Q. I see.

A. And President Aderhold turned them over to me and asked me to lock them up in the vault.

[fol. 264] Mr. Lockerman: If Your Honor please, we object to that.

The Court: Sustain the objection.

The Witness: I'm sorry.

The Court: You did lock them up after that?

The Witness: Yes, sir.

By Mr. Cody:

Q. Did you later turn them over to Mr. Barwick?

A. Yes, sir.

Q. When?

A. It was that Saturday night, Saturday night on June 26th.

Q. Was Mr. Barwick the attorney for the Athletic Board and the University?

A. Mr. Barwick is a member of the Athletic Board. The Athletic Board at that time had no attorney, I don't believe.

Q. Now, you referred to meeting him on a Saturday. Where did you meet him?

A. At his home here in Atlanta.

Q. Don't go into any conversation that took place there. I am just trying to establish some dates. Now, thereafter did you—did you call a meeting in Mr. Barwick's office and have Mr. Burnett present?

A. I didn't call the meeting.

Q. Who did?

[fol. 265] A. President Aderhold.

Q. Did you attend the meeting?

A. Yes, sir.

Q. Do you have the date of that?

A. Yes, sir; it was on January 29, Tuesday.

Q. Now, following that meeting did you thereafter have a meeting at which Coach Butts attended?

A. Yes, sir.

Q. When was that?

A. That meeting was on February the 22nd, on Friday.

Q. Where?

A. In Mr. Cook Barwick's office.

Q. Now, at that time was Coach Butts made acquainted with this—with those notes?

A. Yes, sir.

Q. Do you remember whether or not he had those notes and took a look at them?

A. Yes, sir.

Q. Do you know whether or not Coach Butts was acquainted with the nature of the affidavit that Mr. Burnett had signed?

A. No, sir; I wouldn't know. I don't think he was.

Q. Was he told the purpose of this meeting after he got there?

A. Yes, sir; yes, sir.

Q. What was the purpose of it?

A. The purpose of the meeting was to inform Coach Butts of everything that we knew about at that particular time.

Q. That is, the Butts-Bryant affair?

A. Yes, sir.

The Court: Mr. Cody, I am not quite clear, and I don't [fol. 266] know whether the jury is, who was present at this meeting on February the 23rd, where it was held, and so forth.

Mr. Cody: I am just about to get there.

The Court: I am jumping ahead of you. I didn't quite know.

Mr. Cody: That is my next question, Your Honor.

By Mr. Cody:

Q. That meeting, I believe, was in Mr. Cook Barwick's office?

A. That is correct.

Q. At what time? Do you have a note of that?

A. I believe it was 10:00 a. m. I have a note here to that effect.

Q. As a matter of fact, Mr. Bolton, didn't—didn't you personally drive Coach Butts from Athens to that meeting?

A. Yes, sir.

Q. You invited him to ride with you?

A. Yes, sir; he rode with me and President Aderhold.

Q. Who was it contacted him to tell him that he was wanted at that meeting? Was it you?

A. No, sir.

Q. Now, tell us—tell us who all was at this meeting, if you know.

A. It was Chancellor Colwell, Mr. James Dunlap.

Q. That is Harmon Colwell?

A. Chancellor Colwell, Chancellor of the University Sys-
[fol. 267] tem of Georgia. Mr. James Dunlap—

Q. Wait a minute, wait a minute. Who is he?

A. He is the Chairman of the Board of Regents of the University System of Georgia.

Q. Go ahead.

A. Mr. Bernie Moore, Commissioner of the Southeastern Conference.

Q. Who else?

A. Mr. William Hartman of Athens, Georgia, Coach Butts, Mr. Cook Barwick, Dr. Aderhold, and I.

Q. When you gave Coach Butts those notes, did he make any comment about them?

A. Yes, sir.

Q. Could you recall for the jury what comments he did make?

A. The best that I remember, Coach Butts looked at the notes and said, "No doubt the guy heard what he said he heard. I don't blame him for placing the interpretation

that he did on this conversation. If I had been in his place, I probably would have thought the same thing, but he is mistaken. It's just conversation, ordinary football talk among coaches, and that you know I would not give old Bryant anything to help him and hurt Georgia, and I wouldn't do anything to hurt Georgia. If I did give any information to hurt Georgia it was not intentional."

Q. When was it that Coach Butts resigned as athletic director?

A. The following day, on February 23, which was Saturday following this meeting that you just referred to on February the 22nd.

Q. Has he had any connection with the University since that time?

A. Well, he resigned on that day effective February the [fol. 268] 28th, and there's been no connection since that time.

Q. Mr. Bolton, I assume by your testimony that you were on the Athletic Board in 1960 and '61; I believe you said your service was continuous?

A. Yes, sir; that is correct.

Q. When did Coach Butts resign as football coach at the University?

A. I believe that was effective January 1st, 1960. I expect I'd have to refer to some notes.

Q. See if it wouldn't be '61.

A. I believe it was '61.

Q. Did you have any understanding with him at the time of that resignation that he was to have nothing to do with football?

A. President Aderhold made a statement to him at the Board meeting—

Mr. Lockerman: Your Honor please—

The Court: Yes, sir; that would be hearsay.

Mr. Lockerman: Pure hearsay.

The Court: Unless Coach Butts was present.

The Witness: Yes, sir.

The Court: Were you present when Coach Butts—was

[fol. 269] Coach Butts present when Dr. Aderhold made the statement?

The Witness: Yes, sir.

The Court: I will let it in.

By Mr. Cody:

Q. Go ahead and tell us what he said.

A. He told Coach Butts he could contribute a lot to the public relations of the University and the Athletic Association, but he wanted—and the over-all athletic program, but he wanted it clearly understood that he would have no responsibility for coaching.

Q. Was that a voluntary resignation he made, Mr. Bolton?

A. So far as I know.

The Court: What resignation are you referring to?

Mr. Cody: 1961, the first, as coach.

By Mr. Cody:

Q. From that time, Mr. Bolton, has he had anything to do with the football team?

A. Not to my knowledge; no, sir.

Q. Thereafter and before—before this resignation of February 23 that you mentioned effective February 28, 1963, was there any previous resignation that you know of as athletic director?

[fol. 270] A. I'm sorry; I didn't quite catch the last date. Prior to February 23?

Q. Prior to that, did he tender his resignation as athletic director previous to that?

A. Yes, sir.

Q. What reason did he give?

A. He gave as a reason that he had realized that he had devoted a great deal of his time to personal business.

Q. Was anything said about that interfering with his duties as athletic director?

A. Yes, sir.

Q. Did you go into any detail about that? Don't mention the details; I just want to know if there were any.

A. Some of the details on it; yes, sir.

Q. Did he mention anything at that time about his physical condition?

A. I didn't—not to me; no, sir.

Q. Do you know, Mr. Bolton, whether or not these outside activities of Coach Butts had hurt the University?

Mr. Schroder: Had what? I didn't hear.

The Court: Just a moment, Mr. Bolton, don't answer that question. What is the nature—

Mr. Cody: These business activities that he referred to, his outside business interests. Let me re-form the question. [fol. 271] The Court: All right, sir. Don't answer the question, Mr. Bolton.

By Mr. Cody:

Q. Do you know whether or not these outside business interests that Coach Butts had did interfere with his responsibilities as athletic director?

Mr. Schroder: If the Court please, I think that would call for a conclusion of the witness.

The Court: Well, if he was one of the officers of the Athletic Board, I will let him answer that, but—

Mr. Schroder: I don't think it is—I will withdraw the objection.

The Court: All right, sir, go ahead.

By Mr. Cody:

Q. Can you answer that question?

A. Yes, sir.

Q. What is your answer?

A. I think it did.

Q. It did?

A. Yes, sir.

Mr. Cody: I believe that's all.

[fol. 272] The Court: We are going to take a recess for fifteen minutes.

Members of the jury, I must admonish you as previously—you may step down, Mr. Bolton.

(Whereupon the witness was excused from the stand.)

The Court: I am not going to send you to your jury room, but let you refresh yourselves on the outside. As I admonished you yesterday not to discuss the case among yourselves or let anyone discuss it in your presence. Simply dismiss it from your mind until we return at 11:25. Let the jury pass out; everyone else remain seated.

(Whereupon the jury retired from the courtroom at 11:12 a. m.)

The Court: Mr. Marshal, we will recess until 11:25.

(Whereupon Court recessed at 11:12 a. m., reconvening at 11:25 a. m.)

After Recess

The Court: Do you have any further questions, Mr. Cody?

Mr. Cody: Yes, I did, Your Honor.

[fol. 273] The Court: All right, sir, you may continue.

Mr. Cody: I have three more questions I'd like to ask Mr. Bolton which I neglected to ask a few moments ago.

J. D. BOLTON having resumed the stand, testified further as follows:

Direct examination (Continued).

By Mr. Cody:

Q. Mr. Bolton, at this meeting in Mr. Barwick's office February 22 when the other representatives of the University were present, was Coach Butts asked to sign an affidavit?

A. Yes, sir.

Q. What did he say?

A. He said, no, he would not.

Q. Was he asked to take a lie detector test?

A. Yes, sir.

Q. What did he say about that?

Mr. Schroder: If the Court please, they know that is strictly inadmissible.

The Court: Yes, sir; I don't believe that is admissible.

Mr. Schroder: Cody knows that.

[fol. 274] Mr. Cody: I think it is admissible to ask if he was requested to take one. I am not going into the results of it.

The Court: If he didn't take one there wouldn't be any results. I think the only purpose, and I thought I stated yesterday to the jury and I will instruct the jury again on the admissibility of the polygraph or lie detector test, would be to show in mitigation of damages, if any, on behalf of the Post, and I don't think that is a proper question, and I sustain the objection.

By Mr. Cody:

Q. Now, Mr. Bolton, I have one more question I'd like to ask you. What was the date of this resignation of Coach Butts as athletic director, the one previous to the February 23 resignation?

A. January 28, 1963.

Mr. Cody: Thank you, sir; that's all we have.

The Court: All right, Mr. Schroder.

Cross examination.

By Mr. Lockerman:

Q. I believe you testified, Mr. Bolton, that you and Wally Butts, that you had been at the University of Georgia since 1933, and he had been there since 1938?

A. Yes, sir.

Q. Is that right?

A. That's correct.

[fol. 275] Q. The two of you together?

A. Yes, sir.

Q. I believe that Mr. Cody asked you about those notes—

Mr. Lockerman: May I have them?

By Mr. Lockerman:

Q. —and about the first time you saw them, and I think you have some memorandum as to the first time that you said that you saw these notes—

A. That's right, sir.

Q. The Defendant's Exhibit No. 12. Now, you don't know anything about these notes yourself, do you?

A. I know nothing of the technical aspects of football; no, sir.

Q. You don't know anything about these notes themselves, do you?

A. I don't believe I understand the question, Mr. Lockerman.

Q. You don't know yourself who made the notes or when they were made, do you?

A. Oh, no, sir.

Q. They were merely handed to you by Coach Griffith; is that correct?

A. That is correct.

Q. As a matter of fact, these notes don't mean anything to you either, do they?

A. Not too much.

Q. Yes, sir. You don't know anything about football, do you?

A. No, sir; not the technical aspects of it.

Q. Mr. Cody asked you about the day that you came over to the meeting in Cook Barwick's office, and I believe [fol. 276] he asked you about—didn't he ask you if Wally Butts rode over here with you?

A. Yes, sir.

Q. As a matter of fact, Wally Butts called you that morning and asked you if he could ride here with you, didn't he?

A. I don't think that is right.

Q. Well, in any event he did ride in your car with you, didn't he?

A. Yes, sir; that's correct.

Q. And you at that time knew everything about, or rather you knew what the purpose of that meeting was, didn't you?

A. That is correct; yes, sir.

Q. And I believe you testified on direct-examination that so far as you knew Wally Butts didn't know anything about the purpose of that meeting, did he?

A. I don't remember that question was asked, but I don't believe he did.

Q. Yes, sir. And it took you about, say, an hour or an hour and a half to ride over here from Athens for the meeting, didn't it?

A. That's correct.

Q. Did you say anything to Wally Butts, this man you had been working with for, say, twenty-five years, about what the purpose of that meeting was?

A. No, sir; nothing was said whatever.

Q. You just kept perfectly quiet, didn't you?

A. Oh, no, sir; we talked.

Q. I mean about the purpose of the meeting.

A. Oh, yes, sir.

Q. You didn't mention why you were—you didn't mention why you were bringing him over here for the meeting, did you?

[fol. 277] A. No, sir; Dr. Aderhold was in the car also.

Q. And neither did Dr. Aderhold?

A. No, sir.

Q. Neither one of you?

A. That's correct.

Q. I believe you testified that when you finally got into the meeting in Cook Barwick's office, and the purpose of the meeting was brought out to Wallace Butts and he was shown these notes, he immediately said, did he not, that possibly the man heard some conversation between himself and Bryant; is that about what he said?

A. No, sir. He said that he didn't doubt that the guy heard what he said he heard. You want me to repeat the whole thing again?

Q. I think I remember quite well what you said, and I suppose the jury does too. The next thing he said was that he misinterpreted or didn't understand the conversation; isn't that right?

A. Yes, sir; that's correct.

Q. And that he had not given any information to Bryant in the telephone conversation, if he had one, that would help him, didn't he?

A. Well, the way I understood it was, he said that, "You know I wouldn't give old 'Bear' anything to help him".

Q. That is what I was getting to next.

A. Yes, sir.

Q. He told you immediately, and the others who were gathered there, that you knew, speaking to all of you, that he would not give old "Bear" anything that would help him?

A. Yes, sir.

Q. He said that, didn't he?

A. Yes, sir; he said that.

[fol. 278] Q. And he said that immediately, didn't he? I mean, in the conversation?

A. In the conversation; yes, sir.

Q. Yes, sir. I believe you referred also to some testimony about—I mean, in your testimony you said something about the fact that Wally Butts had some outside activities other than his connection with the Athletic Department.

A. Yes, sir.

Q. Is that correct?

A. That's correct.

Q. Is Wally Butts or was Wally Butts the only man that had any activities other than—that is, at the University of Georgia, other than his activities with the University?

A. Oh, I shouldn't think so.

Q. There were others, weren't there?

A. Oh, sure.

Q. Yes, sir.

Mr. Lockerman: Will you mark these two papers for identification, please, Plaintiff's Exhibit whichever number is next?

The Court: Are you familiar with these exhibits that are being marked, Mr. Cody?

Mr. Cody: I never have seen them. I'd like to take a look at them.

The Court: All right, sir.

[fol. 279] The Clerk: Plaintiff's Exhibit No. 26 for identification is a copy of a letter dated October 22, 1962 to J. D. Bolton from Wallace Butts.

(Whereupon above document was marked for identification only as Plaintiff's Exhibit No. 26.)

The Clerk: 27 is a copy of a letter dated April 27, 1962 to J. D. Bolton from Wallace Butts.

(Whereupon above document was marked for identification only as Plaintiff's Exhibit No. 27.)

Mr. Cody: He hasn't offered them in evidence yet.

Mr. Lockerman: I just wanted to get him to identify them; that's all.

By Mr. Lockerman:

Q. Mr. Bolton, will you look at these two documents marked for identification as Plaintiff's Exhibits Nos. 26 and 27, which are copies of letters addressed to you dated October 22, 1962, and the other dated April 27, 1962, and I ask you to state whether or not they are copies of letters you received from Wallace Butts.

A. Yes, sir; I can identify them.

[fol. 280] Mr. Lockerman: All right, sir, thank you. That's all.

The Court: Do you have any further questions?

Mr. Cody: I do; I do, Your Honor.

Redirect examination.

By Mr. Cody:

Q. Mr. Bolton, while we are on the subject of letters, do you have a letter there you received from Mr. Schroder?

A. Yes, sir; I think so.

Q. Will you let me see that just a minute?

Mr. Schroder: Can I identify it?

The Court: I presume you are familiar with that letter?

The Witness: All right, sir.

Mr. Cody: Will you identify this as Mr. Schroder's letter; that would be Defendant's Exhibit No. 16, wouldn't it?

The Clerk: 15.

[fol. 281] Mr. Cody: 15, and the reply is 16?

The Clerk: Yes, sir.

(Whereupon above documents were marked for identification only as Defendant's Exhibits Nos. 15 and 16 respectively.)

By Mr. Cody:

Q. Mr. Bolton, I show you the Defendant's Exhibit No.—

Mr. Schroder: You haven't shown it to me.

The Court: Sir?

Mr. Cody: I thought you knew what was in there.

Mr. Schroder: Well, I don't know.

The Marshal: Let's have order, please.

By Mr. Cody:

Q. Mr. Bolton, I ask you to take a look at this Defendant's Exhibit No. 15, and state if you received that during the course of the mail.

A. Yes, sir; I did.

[fol. 282] Q. Is the other exhibit, Defendant's Exhibit No. 16, your reply?

A. Yes, sir.

Q. You, of course, don't know whether that is Mr. Schroder's signature or not?

A. No, sir.

Q. But you did address your letter to him?

A. Yes, sir.

Q. Mr. Bolton, in connection with these outside business activities of Coach Butts, I show you what has been identified—

Mr. Cody: I don't believe it has been identified. Mark this as Defendant's Exhibit No. 17, which is a 42-page document listing some telephone calls.

The Clerk: Defendant's Exhibit No. 17.

(Whereupon above document was marked for identification only as Defendant's Exhibit No. 17.)

By Mr. Cody:

Q. I hand you the Defendant's Exhibit No. 17, and ask you to take a look at it, and then state to the Court and jury whether or not that is an instrument Coach Butts asked you to prepare.

A. I have got to do a little comparing here myself.

Q. That is all right. Take your time. Would you like to come over here to the table?

A. I think I can work it right here.

[fol. 283] The Court: The alternate juror on the rear, sir, can you see and hear everything?

Juror: Yes, sir.

The Witness: This looks like a part of it. I am not sure it is all.

By Mr. Cody:

Q. Well, such of it as is there, answer the question with reference to that.

A. All right, sir. I know this is a part of it.

Q. Did Coach Butts render any assistance in the preparation of that document?

A. Yes, sir.

Mr. Schroder: I haven't seen the document they are talking about, Your Honor.

The Court: I haven't either. I just don't know what the relevancy is.

Mr. Schroder: May I look at it, Mr. Counselor?

Mr. Cody: Sure, but I haven't finished with the witness, though.

[fol. 284] The Court: I think he is entitled to look at it, and see whether or not he might want to make an objection to it.

By Mr. Cody:

Q. Did you talk to Coach Butts after that document was completed or the one that you have there that has been identified?

A. Yes, sir.

Q. What did he say about it as to its correctness or as to any error?

A. Well, I have a letter from him.

Q. Will you let me see that?

A. I have two letters, one letter on February 26, one letter on April the 5th, one on April the 8th, one on April the 15th.

The Court: May I make this inquiry. What is the relevancy—

Mr. Schroder: That is what I would like to know, Your Honor.

The Court: —of all of this testimony insofar as the telephone call was concerned which was allegedly made to—

Mr. Cody: I'd like to discuss that with Your Honor, but I think it would be improper in the presence of the jury.

The Court: Well, let the jury be taken to the jury room. We will go ahead and work this out.

[fol. 285] (Whereupon the jury retired from the courtroom at 11:46 a. m.)

The Court: The line of questioning, as I recall, is based on outside activities.

Mr. Cody: Yes, sir.

The Court: And I assume that—and I certainly don't know; effort is being shown that phone calls were made on other activities, but what has that got to do with the issues in this case?

Mr. Cody: Two.

The Court: Sir?

Mr. Cody: Two, Your Honor. It has two.

The Court: What issue?

Mr. Cody: Number one, and the principal one, these is the information disclosed by this 42-page document which discloses—

[fol. 286] The Court: You said a 42-page document. That is a list of phone calls?

Mr. Cody: That's right. First, it discloses twenty-eight hundred eighteen dollars and ten cents in telephone calls that Coach Butts made on these personal and business transactions which he charged to the University.

Mr. Schroder: They have been paid. I think that's—that's all been paid.

The Court: Let's take number one. What's that got to do with this case?

Mr. Cody: I want to prove by this witness that this list of telephone calls was approved by Coach Butts and the parties to whom these calls were made are relevant in this case.

The Court: In proving what part of the case?

Mr. Cody: One, if Mr. Schroder, while he did not mention in his opening statement that any gambling was involved or had any relevancy to this case, nevertheless if he does see fit to inject it into this case, this document is very important in that respect because it discloses a tremendous number of calls to several different parties whom

[fol. 287] I expect to show and can show were gamblers. I am glad to make that statement in the absence of the jury, because I don't care to make any statement to prejudice Coach Butts' case, but I think that on that subject that this document is highly important and is relevant, and I intend to offer it for that purpose.

Mr. Schroder: Let me be—

Mr. Cody: It connects up a sequence of events which I think are highly relevant in this case. Now, I am—

The Court: Well, is it your contention in your plea of justification that there was gambling involved in the football fix; I mean, that is a loose term.

Mr. Cody: We haven't charged Coach Butts with gambling, and it is my contention that we have not. Mr. Schroder has said that by—and set forth in his pleadings by inference he reaches that conclusion.

The Court: Do you contend—

Mr. Cody: I am not offering this document at the present time, Your Honor. What I want this witness to do while he is here and available is identify it. I am not offering it in evidence yet, but I want to, while this witness is here, I want him to identify it.

[fol. 288] The Court: Mr. Schroder, is it your contention that the article does charge gambling?

Mr. Schroder: Let me, if I—

The Court: Can you answer that question?

Mr. Schroder: I can't answer it right now.

The Court: I think that deals with the admissibility of this answer.

Mr. Cody: I think he ought to answer it.

Mr. Schroder: I'd like to direct some remarks to that exhibit and what I have to say in connection with it.

The Court: All right, sir, go ahead.

Mr. Schroder: I know Mr. Cody real well, but I don't think it is fair what he has just said in the presence of the press, because he knows that is not the purpose for which he has that document there. He knows there is not but one man on there that is even mentioned in any respect with

relation to gambling. I don't think it is proper for him to [fol. 289] stand here in the presence of the press and say things that will really hurt the plaintiff.

The Court: Let's—let's eliminate the personalities. What I am trying to determine is the real issue. I will ask you the question, Mr. Schroder: Is it your contention that the article does, by the use of the word—I believe the use of the words “corrupt” and “fixing” and “rigging,” is it your contention and will it be your contention that they did charge gambling?

Mr. Schroder: It does, Your Honor; I think it does charge that there was gambling in connection with the outcome of this game by both of mine—not both of mine, but both parties.

Mr. Cody: I believe it is admissible.

The Court: Yes, sir.

Mr. Schroder: What is?

Mr. Cody: Your Honor, let me make one statement.

Mr. Schroder: Just a moment, just a moment, whoa, whoa. He said he thinks it is admissible, and what did Your Honor say?

[fol. 290] The Court: I think if your argument or contention to the jury is that it does charge gambling by innuendo or whatever it might be, I think he would be entitled at the proper time, if you do put it in, put forth such evidence, I think it would be admissible for him to show telephone calls to gamblers, if that is charged.

Mr. Schroder: No, sir. Let me straighten this out, Your Honor; that is not what this document shows that he is talking about he wants to introduce to prove—to disprove it.

The Court: Well, I don't—

Mr. Schroder: Let him take the ones off here he says he can prove are known gamblers, and maybe he has got something, but that is not what he wants to introduce this document for, and he knows it. There is not one single person on there that is a known gambler at the time of this transaction, and I challenge him to prove it.

The Court: Of course, Mr. Schroder—

Mr. Cody: We have got depositions here—

The Court: Just a moment; just a moment. I have never seen the document. I don't know what is contained in it.

[fol. 291] Mr. Schroder: He says what it shows. I want Your Honor to see it.

The Court: Well, as I understand—

Mr. Cody: I say it's got to be connected up.

The Court: Let's get the procedure straight. As I understand you, you do not intend to offer the document at this time?

Mr. Cody: No, sir.

The Court: And all you want to do is have the document identified by Mr. Bolton—

Mr. Cody: Yes, sir.

The Court: And go no further?

Mr. Cody: Except—

The Court: All right, sir.

[fol. 292] Mr. Cody: Except to this extent. I want to offer these letters with it. I want to prove by this witness before he gets away—

The Court: You are not offering the letters at this time; you are just identifying the letters?

Mr. Cody: Just identifying them before this witness gets out of pocket. I want to get the record straight.

Mr. Schroder: I have never seen—

The Court: You have identified it.

Mr. Schroder: Well, I have never seen them.

Mr. Cody: Well, you will have an opportunity to see them.

Mr. Schroder: Well, thanks.

Mr. Cody: I want to make one other statement in response to what Mr. Schroder has said. While we are talking about the discreetness with the press, I have never made any statement in this case to the press or anybody else with any intention of causing any prejudice or harm [fol. 293] to Coach Butts. There's been a good deal of— there's been a good deal of conferences, a good deal of

quotations from Mr. Schroder to the press, and I want to say that I resent any comment on his part that I am making this—trying to identify these documents for the benefit of the press. I can't help them being there, but, at the same time, I am not going to prejudice my client's case by excluding them from the evidence.

The Court: Well, we will cross that bridge when we get to it. I will let him identify the documents such as—and then we will, at such time as the evidence develops, we will determine whether or not they are admissible. I don't know what is in the documents. I can't rule on them without reading them.

Mr. Schroder: I don't know what is in the letter. May I have a look at the letters? I have never had them shown to me during any pre-trial hearing.

Mr. Cody: I have been presented with documents I have never seen before, and I can't help that.

The Court: Well, of course, that is where—I thought we had had enough pre-trial, but apparently we didn't. All right, sir.

Mr. Cody: I don't think we had room for all this, Judge. [fol. 294] The Court: Let the jury be brought back in.

(Whereupon the jury returned to the courtroom at 11:55 a.m.)

Mr. Cody: Will you identify that as a Defendant's Exhibit? What will that be, 17?

The Clerk: It will be Defendant's Exhibit No. 18. It is a letter dated April 8, 1963 to J. D. Bolton from Wallace Butts.

(Whereupon above document was marked for identification only as Defendant's Exhibit No. 18.)

By Mr. Cody:

Q. Mr. Bolton, I believe you have identified this Defendant's Exhibit 15 and 16 as—I believe you have already identified that. I show you now the Defendant's Exhibit

18, and ask you if that is a letter that you received from Coach Butts?

A. Yes, sir; it is.

Q. Do you know his signature?

A. Yes, sir.

Q. Is that it?

A. Yes, sir.

Q. Did this Exhibit 18 have reference to the Defendant's Exhibit No. 17, the one—

Mr. Lockerman: Your Honor please, the exhibits will speak for themselves.

[fol. 295] The Court: I will let him testify to it, if he connects it up. I haven't let the exhibits in yet.

A. (By the Witness) Yes, sir; that is correct.

Mr. Cody: I believe that's all.

The Court: Did you have any further questions, Mr. Lockerman?

Mr. Lockerman: No, sir.

Mr. Cody: You can have these back.

The Court: Did I understand you to say you didn't?

Mr. Lockerman: No further questions.

The Court: All right, sir, let Mr. Bolton step down.

(Whereupon the witness was excused from the stand.)

The Court: Call your next witness.

Mr. Cody: You may be excused, Mr. Bolton.

[fol. 296] The Court: Let me ask this question, Mr. Schroder, Mr. Lockerman. Can Mr. Bolton be excused?

Mr. Schroder: Yes, Your Honor.

The Court: You have no further use for him in the trial?

Mr. Schroder: I want to accommodate Mr. Bolton. Let me confer.

The Court: I mean, if you—

Mr. Schroder: I don't have any, but let me check it out.

The Court: I presume he will be in Athens and can be available in a couple of hours.

Mr. Bolton: Yes, sir.

Mr. Lockerman: I believe he said he would be in Athens available?

* * * * *

JACK C. GORDAY called as a witness on behalf of the defendant, after having first been duly sworn, testified by deposition as follows:

[fol. 297] Direct examination.

By Mr. Davis:

Q. Would you state your name, please?

A. Jack C. Gorday.

Q. Where do you live, Mr. Gorday?

A. Tuscaloosa, Alabama.

Q. Are you an employee of the Southern Bell Telephone Company?

A. Yes, sir.

Q. What is your position with the company?

A. Group manager.

Q. Where?

A. Tuscaloosa.

Q. Any particular district or division?

A. The Tuscaloosa group, which comprises Tuscaloosa, Utah, Livingston, York.

Q. By subpoena we requested the toll ticket representing an alleged long distance telephone call made by Paul Bryant to Wallace Butts on Sunday, September 16, 1962, from the University of Alabama switchboard, number 752-7441 to either LI3-4351 or LI6-0262 in Athens, Georgia. Do you have a toll ticket representing such a call?

A. Yes.

Mr. Schroder: If it please the Court—

The Court: Yes.

Mr. Schroder: —may I ask a question? I believe that is toll ticket that is already in evidence. I don't see any sense [fol. 298] in going back over the testimony. Isn't that the toll ticket that is in evidence?

Mr. Joiner: May it please the Court—

The Court: My—go ahead.

Mr. Joiner: The toll ticket is in evidence, but the purpose of reading this testimony is to tie in the credit card number of Coach Bryant to the document which has already been admitted.

The Court: Yes, sir. I remember asking that question yesterday, and they said the evidence would tie it in. Yes, sir; go ahead. You don't insist, do you?

Mr. Schroder: No, sir.

The Court: All right.

By Mr. Davis:

Q. Do you have a toll ticket representing such a call?

A. Yes.

Q. May I see it, please? Is this a record that is kept in the ordinary course of business? That is, you have such a record on all telephone calls that are made on all long distance telephone calls that are made?

[fol. 299] A. Yes, sir.

Mr. Joiner: Mr. Davis states: "I will ask the Court Reporter to identify, as Defendant's Exhibit 1, the photostatic copy of the front and back of this toll ticket that you have handed me." Your Honor, I'd like to state that we do not intend to offer that exhibit since it is the one that we have previously offered. It's already been admitted in evidence.

The Court: All right, sir.

Mr. Schroder: That was admitted without objection.

The Court: Yes, sir.

By Mr. Davis:

Q. Mr. Gorday, I would like, while we both look at Defendant's Exhibit 1, for you to indicate what information is on this toll ticket designating, as clearly as possible, the position on this copy that you are reading from? Do you follow me? In other words, I want to know what informa-

tion is on this card as you interpret it, and I want you to tell me what place on the card you are looking at, whether it is the front, side or back side, lefthand corner or righthand corner?

A. I understand.

Q. All right.

A. I am looking at the front side of the card.

Q. Which is the front side?

[fol. 300] A. This is the side that gives the information as to the city called and the city from which the call was placed.

Q. Well, on the photostatic copy identified as Defendant's Exhibit 1, it would be the—

A. The top portion is the front side of the card.

Q. All right.

A. This is a record of a call placed to Athens, Georgia, to telephone number LI 6-0262. The call was placed from Tuscaloosa, Alabama, and was billed to a credit card, the credit card is No. 752-7441B1-K54.

Q. You said the call was made to a certain number in Athens, Georgia. How do you determine what number it was made to?

A. Across the face of the card there at the very top is one, two, three, four, five, six, seven items over, it says to C. O. That is to Central Office. And then L I 6 and the next little block says to No. 0262. So, the complete number is LI 6-0262.

Q. I see. Does this card indicate here who placed the telephone call?

A. No, sir; it does not.

Q. The credit card you referred to, to whom does that belong?

A. Our records indicate that card was issued to—let me give it to you exactly; Paul W. Bryant.

Q. Does the card indicate the person that the call was made to?

A. Yes, sir. Written in on the card is Coach Wallace Butts.

Q. Who would make that notation in the ordinary course of business?

A. Our operator would if the information was volunteered. She would not necessarily make any notation.

Mr. Joiner: If it please the Court, I'd like to read now from Page 14 of the deposition, a stipulation as to certain telephone calls which are summarized in the deposition, and then I would like to read the information pursuant to that stipulation as to one call.

The Court: All right, sir. Where is your stipulation?

Mr. Joiner: It is on Page 14, Your Honor.

The Court: All right.

Mr. Joiner: This is stated by Mr. Davis: "And it has been agreed by the attorneys for the parties to this action that the witness and his assistant or assistants may read from the toll tickets produced pursuant to this subpoena certain information, the same to be transcribed by the Court Reporter and made a part of this deposition without counsel for either party being present; it is further agreed that the information to be read from the toll tickets shall be transcribed in column style and consist of the following facts: A column indicating the date of the call, a column indicating the city and phone number where the call originated and also the person making the call, if any or all of that information is available; a column indicating the city and phone number called and the person called, if any [fol. 302] or all of that information is available; and a column indicating the time the connection was made and the duration of the call. Counsel further agree that the list of all calls compiled as above stated shall be an accurate account of the records produced and admissible in evidence as such if otherwise admissible."

Then I should like to read from Page 17, Your Honor.

The Court: All right, sir.

Mr. Schroder: 17?

Mr. Joiner: It is the last call on that page. "Date: Sep-

tember 9, 1962, from 959-5327, Tuscaloosa, Alabama, to Athens, Georgia, LIberty 6-0262, Wallace Butts, residence; time: 2:20 p.m.; duration of call: 28 minutes.”

* * * * *

JOHNNY GRIFFITH called as a witness on behalf of the defendant, after having first been duly sworn, testified as follows:

Direct examination.

By Mr. Cody:

Q. Your name is Coach Johnny Griffith?

A. Yes, sir.

Q. Where did you attend college, Coach?

A. University of Georgia and South Georgia College.

[fol. 303] Q. When did you finish?

A. Finished in the summer of 1949.

Q. Did you play football when you were at the University?

A. I played my freshman year there; yes, sir.

Q. Did you subsequently play at South Georgia College?

A. Yes, sir; I did.

Q. How long have you been in the coaching profession?

A. Since 1949.

Q. What year?

A. Since 1949.

Q. Will you state to the jury what your experience has been in coaching?

A. I began coaching at South Georgia College as backfield coach in 1949; became head coach at South Georgia College in 1950 through 1953; came to the University of Georgia in 1954 as assistant freshman coach; in 1955 at Furman University as backfield coach; I returned to the University of Georgia in 1956 as assistant coach; I was named head freshman coach in 1959 and '60; head coach of the University of Georgia in 1961.

Q. Are you the head football coach there now?

A. Yes, sir.

Mr. Cody: Can you hear all right?

Juror: Yes, sir.

[fol. 304] The Court: Can all of you jurors hear Coach Griffith? All right, sir.

By Mr. Cody:

Q. Coach Griffith, I show you what has been identified as the Defendant's Exhibit No. 12. Will you state to the jury whether or not you remember seeing those notes before?

A. Yes, sir; I did.

Q. When and where?

A. I don't recall the date. It was the weekend of the Southeastern Conference meeting in Atlanta at the Biltmore Hotel on a Thursday afternoon approximately around 5:30.

Q. Who turned those notes over to you?

A. Mr. George Burnett.

Q. What did you do with them thereafter?

A. I showed them to Mr. J. D. Bolton the same night, and turned them over to President Aderhold on Saturday morning of the same week.

Q. Coach Griffith, was the 1962 game with the University of Alabama the first game of the season?

A. Yes, sir.

Q. And that was to be played on September the 27th?

A. I recall it was the 22nd; yes, sir.

Q. In Birmingham?

A. Yes, sir.

Q. What—prior to the beginning of that season, what preliminary practice would your team normally go through, I mean, so far as the weekly period is concerned? You would have spring practice; I am trying to get at that first.
[fol. 305] A. Yes, sir; we had spring practice that year which consists of four weeks of spring practice. The squad reported on the 30th. We had picture day on the 31st, and—

The Court: The 30th of August?

The Witness: The 31st of August.

The Court: 31st of August.

A. (By the witness) We began practicing on the 1st of September, and we played the game on the 22nd.

Q. Then you had how many weeks of spring training, spring practice?

A. Four weeks.

Q. And then in the fall that would give you about three weeks?

A. Yes, sir.

Q. Did you have many new men on your team for the '62 season?

A. Yes, sir; we had approximately fifteen or sixteen sophomores that we counted on out of the twenty-five or twenty-six boys that we would play during the season.

Q. How many—Coach Griffith, how many formations, basic formations does a football team use during a seasons, approximately how many?

A. Approximately seven or eight or nine, somewhere along there. That is what we use.

Q. With some variations in each formation?

A. Yes, sir.

[fol. 306] Q. How many did—how many formations did you train your team for for the Alabama game, this upcoming Alabama game?

A. Two formations.

Q. Why do you limit it to two?

A. Well, we feel that two is satisfactory, possibly sometimes three, and we don't think we can handle any more offense plans than three formations.

Q. Is that by reason of the fact that boys themselves can't take in more than that?

A. Well, in our case last year; yes, sir; that would be true because of the sophomore people we had on the football team.

Q. Take a look at that Exhibit 1 showed you, Coach Griffith, and try to refresh your recollection now as to—

let's take it back to this meeting that you had at the Biltmore Hotel. Will you point out to the jury whether or not there is any reference on those—on that exhibit to either one or both of the formations that you had trained that team for?

A. Yes, sir; there are two notes that indicate the two formations that we used in the ball game.

The Court: That you used or planned to use?

The Witness: Planned to use and did use in the ball game.

By Mr. Cody:

Q. Did you—could you state to the Court what those formations are?

A. We used a three-yard slot in the ball game and the note reads "slot to right, ends normal (3 yards.)" We use what we call—

[fol. 307] Q. What page are you on?

A. These are not numbered.

Q. Mine is in the same order as yours.

A. I will have to count them. I am on Page 5.

Q. State to the Court the other formation that you referred to.

A. I am on the last page which is Page 8, "slot right, left end out. 15 yards."

Q. Is that last item what you coaches sometimes refer to as a pro-set?

A. Yes, sir.

The Court: As what?

The Witness: A pro-set.

The Court: Pro-set?

The Witness: Yes, sir.

By Mr. Cody:

Q. P-r-o, hyphen, s-e-t?

A. Yes, sir.

The Court: What is that, professional-set?

The Witness: Yes, sir; it is a terminology we use to describe an offensive formation. Other schools call it maybe something different; I don't know.

[fol. 308] By Mr. Cody:

Q. What reactions did you have to these notes when you saw those two items that you have mentioned to the Court?

Mr. Schroder: If the Court please, I don't think the reaction of the witness, what reaction he might have would be admissible.

The Court: Yes, sir; I don't think that is proper.

Mr. Cody: I withdraw the objection—I withdraw the question.

The Court: All right, sir.

By Mr. Cody:

Q. Coach Griffith, will you look on Page 1? Do you see the name "Reismueller" mentioned?

A. I don't understand you.

Q. Do you see the name "Reismueller" or "Rissmiller" mentioned?

A. Yes, sir.

Q. What is his correct name?

A. Rissmiller.

Q. Rissmiller?

A. Yes, sir.

Q. Was he a sophomore?

A. He was—he was starting his sophomore season; yes, sir.

[fol. 309] Q. You don't—freshmen are not permitted to play on the varsity team; is that right?

A. That is correct.

Q. So this would have been his first year on the team?

A. Yes, sir.

Q. What sort of a player was he?

A. Well, he is potentially a real fine football player, and we think he will be a real fine football player.

Q. Do you see anything in these notes other than the two formations that you have referred to which you particularly noticed?

A. I am not sure I understand your question.

Q. Turn to Page 2, the second item. Will you read that to the jury?

A. "Optional left pass if can block man on corner, keeps running."

Q. What does that mean to you?

A. Well, optional left pass is a terminology that I was familiar with.

Q. Was that terminology used by you in the 1962 season?

A. No, sir.

Q. Who used that terminology? Was it used before at Georgia?

A. Yes, sir.

Q. When?

A. It possibly could have been used in 1961; I don't recall. It had been used before that time, I don't know how long.

Q. Whose terminology was that?

A. Well, it was used by Coach Butts.

Q. Have you ever used that terminology yourself in the training of these boys?

[fol. 310] A. Not to my knowledge, in '61; definitely no in '62.

Q. On Page 2, that third item, "Well disciplined ball club": does that mean anything to you?

A. No, sir.

Mr. Schroder: I didn't understand the answer.

The Court: He said "No, sir."

Mr. Schroder: Thank you.

By Mr. Cody:

Q. Take the next. What about the next item at the top of Page 3?

A. "On side guard pulls on sweep"?

Q. Yes.

A. We pulled the on side guard on sweeps in the second half of the ball game against Alabama.

Q. Was that a part of the training you had given your team?

A. Yes, sir.

Q. Does that next item mean anything to you?

A. No, sir; it does not.

Q. Do you have a young man on your team or did you have one last year named Woodward?

A. We have a boy named Woodward; yes, sir.

Q. Turn to the third item there on Page 3, "Woodward commits fast—safety man"; did he play safety, the safety man position on your team?

A. Yes, sir.

Q. What does the term—in football terminology, what [fol. 311] does it mean by "commits fast"?

A. Well, it means that the halfback or safety man whoever is in the secondary, in this case refers to the safety man, that he comes up fast on running plays, commits himself from his original position to come up and make the tackle.

The Court: What would that do, leave safety open?

The Witness: Possibly so if they were throwing the ball; yes, sir.

By Mr. Cody:

Q. Was that a habit of Woodward?

A. Yes, sir; it was.

Q. Did you try to correct it?

A. Yes, sir; we have been trying to correct it since he came to the University. He is an aggressive type boy that likes contacts, and it is rather hard to try to discourage him from trying to do that; yet, it is definitely a disadvantage in playing secondary.

Q. When you say "contact," you mean to make a tackle?

A. Yes, sir.

Q. That last item on Page 3, "Weak defense, anybody except Blackburn"; did you have—did you have a man on your team named Blackburn?

A. Yes, sir.

Q. Is that the way you pronounce his name?

A. Yes, sir.

Q. What position did he play?

A. He played left halfback normally. However, we did swing him from left and right halfback so he played both halfbacks.

[fol. 312] Q. Does that item mean anything to you?

A. Well, we had counted on him being our best defensive back from his previous experience over the 1961 season.

Q. This was his second year then?

A. He was a senior; it was his third year.

Q. Was he the best defensive back that you had?

A. We thought that he possibly would be, but he was sick off and on before the Alabama game, and didn't get the work he needed actually to be ready to play against Alabama.

Q. On Page 4, "Baer slots right, splits right end out"; does that mean anything to you?

A. No, sir.

Q. You have a man on your team named Baer?

A. We have a man named Babb, B-a-b-b.

Q. What position did he play?

A. He played both ends, left and right ends.

Q. This next item, Coach Griffith, on Page 4, "Long count, left half in motion"; does that mean anything to you?

A. We have a halfback in long motion count, what we call a four motion count, with both halfbacks, left and right halfbacks, and we throw an eighteen and nineteen overpass off of it.

Q. What is the purpose—difference between a long and a short count?

A. Well, the ball is snapped at different positions where the halfback is as he goes in motion; on a short motion he is normally about three or four yards from his original position, and in long motion he is normally about ten to twelve yards beyond the original position that he lined up in.

Q. Would that have any purpose in trying to draw your opponent off side?

[fol. 313] A. It will cause him to be off adjustment in the secondary to a certain extent, not to draw them off sides; no, sir.

Q. You see on Page 4 reference to Porterfield?

A. Yes, sir.

Q. Was he a new man?

A. He was an upcoming sophomore; yes, sir.

Q. Was he one of your best players?

A. He was our best back; yes, sir.

Q. Was he what you would call a running back?

A. He was our best running back; yes, sir.

Q. Turning over to the next page, Coach Griffith, you heretofore referred to that second item as one of your formations, "slot to right, ends normal (3 yards)"; what is the significance, if any, as to the distance that the ends spread, whether it is three, five or seven yards; what is the significance?

A. Well, it makes a difference in regard to the defensive end as to where he will line up, whether he will line up on his inside head up or outside shoulder, and it would depend on the width of the slot or the split of the end as to where he would line up. Some teams have certain rules; we have our own rules in regard to that.

Q. That is one of the formations that you referred to?

A. Yes, sir.

Q. Turning back to Page 4 just a moment, the item in the middle of the page, "Long count, left half in motion"; was that one of Georgia's plays for 1962?

A. Yes, sir.

Q. Had you trained your team for the Alabama game to use that play?

A. Yes, sir.

[fol. 314] Q. At the bottom of Page 5, Coach Griffith, does that last item there—can't tell whether it is one or several items—does it mean anything to you?

A. Not the way it is written; no, sir.

Q. Did you ever know Mr. Burnett prior to meeting him at the Biltmore Hotel when you were shown these notes for the first time? Did you ever know him?

A. No, sir; I did not.

Q. You don't know whether he knows much about football or not?

A. I couldn't answer that; no, sir.

Q. Turn to Page 6 just a minute. Do you see a reference there to a notation, "Can't quick kick"?

A. Yes, sir.

Q. Who did the kicking for the Georgia team principally?

A. Jake Saye.

Q. S-a-y-e?

A. Yes, sir.

Q. Was he what you coaches would describe as a quick kicker?

A. Not from his position; no, sir. We had to use a different formation to quick kick from because he was a quarterback.

Q. You mean by that quarterback is too close to the line to quick kick?

A. Yes, sir.

Q. Am I correct, then, in assuming that from his quarterback position he could not quick kick?

A. No, sir; we had to pull him into a type of quick kick formation that we used, and it is a double wing with a quarterback lining up about eight yards deep directly behind the center.

[fol. 315] Q. Now, when you do that, doesn't that tip off your opponent to the fact that you are kicking?

A. It could tip them off that we could quick kick from that, but when Saye lined up in that formation, we could

do one of three things off of it, that is, quick kick and throw and run off of it.

Q. Then, is it true that you did during the '62 season use some quick kicks?

A. Not from the quick kick formation that most teams use; no, sir; we went to this formation to do our quick kicking.

Q. Did you not have anybody that could do any quick kicking from a normal formation?

A. No, sir; we did not.

Q. Does that next item after the "quick kick" make any sense to you?

A. "Slot right, right half on fly, screen to him," it is a formation we used; however, we did not screen to the right halfback as the note reads, "To him," and I assume the note—

Mr. Schroder: If the Court please, it is not up to this witness to assume what the notes say, and he should construe what is in the notes as they are and not assume—

The Court: I will let him interpret the notes. I mean, he is an expert.

The Witness: "Slot right, right half fly, screen to him," we had a slot with a right halfback flying; however, we screened to the left halfback and not to the right halfback.

[fol. 316] By Mr. Cody:

Q. This "29-0 series," does that mean anything to you?

A. No, sir; we have an 029 series, not a 29-0.

Q. What's that? What is an 029?

A. It is what we call our outside belly series with the quarterback reverse pivoting, faking to the fullback, and either pitching off to the opposite halfback or keeping the ball and running.

Q. It is a short pass?

A. I beg your pardon?

Q. If it is a pass, if it develops into a pass is it a short pass?

A. We didn't throw off of this formation.

Q. I see.

A. It is a running series.

Q. At the bottom of Page 6 do you see that reference, "Babb catches everything"?

A. Yes, sir.

Q. What does that mean to you?

A. We had built our passing attack around Babb and had used him also as a split end in this particular ball game from a pro-set. In other words, he would line up if it was a slot, and he—the right end, he would stay in that slot if it was a slot formation. If we called a pro formation, he would always be the end that went out anywhere from ten to fifteen yards and split, regardless of which side of the field it was called on, right or left. We planned—we built our passing attack around him.

Q. Was that because he was the best receiver you had?

A. Yes, sir.

Q. I believe you have already mentioned, Coach Griffith, [fol. 317] this first item on Page 7; that is one of your formations?

A. Yes, sir.

Q. Does that next item make any sense to you?

A. "Georgia" with an arrow pointing to "drop end off, contain with tackle (defense)"; we drop our ends off and contain with a six loose defense.

Q. Is that part of the training that you gave this team for the Alabama game?

A. Yes, sir.

Q. Coach Griffith, you have been in the, according to your testimony, you have been in the coaching business quite some time. Will you state to the jury whether or not in your opinion the information which you have mentioned and which has been taken from these notes would be helpful to an opponent of your team?

A. If the information like this were given, the two most important things to me in the notes are the two formations that we planned to use in the ball game. Our preparation

during the summer and during the fall is based on defensively trying to determine the types of offensive sets that the opposing team will use and try to set the defenses for the possibility of the number of offensive formations that they have shown over the years or particularly in the last season.

Q. Would the information alone with respect to these formations that you mentioned, would that, to some extent, limit the preparation that was necessary on the part of Alabama?

A. Yes, sir; it would. It would eliminate them making preparation and spending time on the practice field to prepare against any of the possibilities of formations that we had shown to try to stop.

[fol. 318] Q. Coach Griffith, if I took a blackboard over here where you could draw a diagram of it, could you explain to the jury what these two formations are?

A. Yes, sir.

The Court: Would the black one be larger? Would it be more convenient?

Mr. Cody: Which one would you prefer?

The Witness: It is immaterial to me.

Mr. Cody: That is all right. Where is that chalk?

The Crier: On the board.

Mr. Cody: Let's get up here where we can see it a little bit better. Can you see that all right?

Juror: Yes, sir.

By Mr. Cody:

Q. Which formation are you referring to first?

A. This is the slot formation with the right halfback between the offensive right end and the right tackle.

Q. Did I understand you to say that it is important to know how far this end gets out from the tackle?

[fol. 319] A. Yes, sir.

Q. Why is that important?

A. Well, from a defensive standpoint it is the distance

he splits as to whether the ends go out with him and still help in the off tackle hold or whether it is right enough where he can play his inside and not be hooked on a sweep that the fullback might try to back him out or the end might hook him in.

Q. Any other comments you want to make descriptive of that particular formation?

A. No, sir.

Q. Let's pass on to your pro-set, as you coaches call it.

A. This is pro formation with the same slot on this side and the only difference is, the left end in this particular formation, because this is to the left, is split out to ten or fifteen yards, depending on the position of the field. In other words, if this were a half marker over here, he normally would not be able to go fifteen yards because he would go out of bounds. This formation is the same as this with the exception of this end who would normally line up here as he is lined up here, will split out approximately ten or fifteen yards.

Q. You can have a seat now, Coach Griffith. Did Wallace Butts have anything to do with the football team in 1962?

A. No, sir.

Q. How many coaches did you have there, assistant coaches?

A. We had ten.

Q. How many men did you have on the squad?

A. On our varsity squad we carried normally around forty-two or -three players.

[fol. 320] The Court: Some of your coaches would be team and freshmen; you didn't have ten varsity coaches, did you?

The Witness: No, sir.

By Mr. Cody:

Q. How many freshmen coaches did you have?

A. We had one full-time and normally we have two or three student assistants.

Q. Gives you about six varsity coaches?

A. Seven; I believe I am correct on that.

Q. Is Coach Frank Inman one of your assistant coaches?

A. Yes, sir.

Q. What part of your system does he teach?

A. He is now the offensive backfield coach, and he is in charge of the recruiting program.

Q. Is Coach Leroy Pearce one of your assistant coaches?

A. Yes, sir.

Q. What part of the team does he handle?

A. Now, he handles the defensive linebackers and the defensive ends. Last year, 1962 season, he coached the ends both ways, offensively and defensively.

Q. How long has Frank Inman been with you?

A. He came to the University of Georgia in July of 1962.

Q. How about Pearce?

A. Pearce came in the spring, I believe, in March; I am not sure; March of 1962.

Q. Coach Griffith, is it true that as early as the first game of the season the coaches themselves don't know very much about the players?

[fol. 321] A. It depends on how many sophomores you have on your football team. We should have a pretty good picture after spring practice is over in regard to the juniors and seniors. Your sophomores are untested, and you normally do not know how they are going to react to competition in the Southeastern Conference.

Q. Did you have an abnormal number of sophomores in '62?

A. I would say we did; yes, sir.

Q. Is it customary for one coach to talk to the coach of the opposing team a week or ten days before a game?

A. I would depend upon what they were talking about.

Q. Would it be customary to talk about players?

A. Well, that is difficult to answer; in general it is whose players and—

Q. What about the characteristic of players?

A. No, sir; I would say it would not be normal.

Q. What about formations?

A. In my opinion it would not be; no, sir.

Q. What about plays?

A. No, sir.

Q. When I use the term "play", does that mean to you a part of a formation or a variance of a formation?

A. Well, I assume you are talking about offensive plays?

Q. Yes.

The Court: Offensive plays run off of a certain formation?

The Witness: Well, offensive plays are run off of different types of formations. You can run a lot of plays off of—same type plays off of those formations.

The Court: You would have a number of plays run off of those two formations you say you prepared for the Georgia-Alabama game?

The Witness: Yes, sir.

The Court: And all of your plays would be run off of those two separate formations?

The Witness: Yes, sir.

By Mr. Cody:

Q. If these—if these notes that I have shown you and which have been identified, if they are genuine, does that disclose just general football talk?

A. I would not say so; no, sir.

Q. Did Coach Butts ever tell you that he, in September of 1962, that he was calling Coach Bryant about anything?

A. Not to my knowledge; no, sir.

Q. Did he ever tell you that Coach Bryant had called him any?

A. No, sir.

Q. Coach Griffith, it is customary, I believe, for coaches to scout an opposing team and try to get as much information as they can about their potential; is that correct?

A. Yes, sir.

[fol. 323] Q. Sometimes you coaches exchange pictures of

a previous game so as to minimize the difficulties; is that correct?

A. Yes, sir.

Q. Would the movies of a game normally show the action of a secondary defense?

A. Ours would show some of it at times and some of it would not. It would depend on the school taking the film and the type of equipment they were using. If they are using wide angles, it would consistently show the secondary. We do not use the wide angle.

Q. What do you mean by "wide angle", take it from down near the goal post, that direction?

A. No, sir. It shows the width of the field, and it will cover the offensive team in an offensive set and a defensive team entirely in its defensive set which will carry the lens or coverage approximately twelve or thirteen yards deep. I am not too familiar with it, but I have seen it and it shows the reaction of the secondary.

Q. Would it have—would it be able to show the tendencies of a particular player?

A. Yes, sir.

Q. Being the first game of the season, your opponent would have very little scouting information about your team; is that true?

A. In regard to the preparation for the coming game he would have—should have no information. He would have only the information he compiled from films of our games in the last season.

Q. Well, isn't it true that even if you had a picture of the previous season's game, you might have corrected defects that appeared in that game?

A. Yes, sir.

[fol. 324] Q. Does a movie of a game show pass patterns, Coach Griffith?

A. Well, I go back to the original answer. It depends on the type of lens you are using, and it is possible that it definitely would. In ours, sometimes we get the pass pattern, the entire pattern; sometimes we don't.

Q. You would have to show large portions of the field to do that, wouldn't you?

A. Yes, sir.

Q. Would the movies of a game show the distance of these splits?

A. It would show it, but it is rather difficult to look at a film and actually know the exact split of a line or a back or a split end or anything along those lines.

Q. Is that—is that because the cameras are at a bad angle?

A. No, sir; it is—in my opinion, it is because of the distance the camera is from the field in trying to cover the offensive and defensive team. It is just difficult to determine.

Q. Would the film of—would the picture of a game indicate the particular speed of a runner in comparison with other players?

A. Yes, sir; it could; yes, sir. It will—I will say it would.

Q. Do you have secret practice?

A. Yes, sir.

Q. How long before the first game of the season do you start that secret practice?

A. Beginning of the practice.

Q. September the 1st?

A. Yes, sir.

Q. In your opinion, Coach Griffith, would it be helpful [fol. 325] to an opposing team to know something that would keep them from being penalized, receiving penalties?

A. Yes, sir.

Q. Doesn't a game sometimes turn, that is, whether you win or lose, sometimes on as small an event as one penalty?

A. I have seen such games; yes, sir.

Mr. Schroder: I didn't hear that last answer; I'm sorry.

The Court: He said he had seen such games—

The Witness: I have seen such games.

The Court: —where it turned on one penalty. All right, sir, Mr. Cody.

Mr. Cody: Just about through, Your Honor.

By Mr. Cody:

Q. Coach Griffith, if Rissmiller, being a sophomore, was a top flight runner and you had no previous experience with him on account of his being a sophomore, would it be helpful, in your opinion, to an opponent—

The Court: Rissmiller was a tackle, wasn't he?

[fol. 326] By Mr. Cody:

Q. I mean any player—well, we will put it “any player”—to know his potential?

A. Well, I will say this about Rissmiller. I don't think that it was any particular secret that he was predicted to be a real fine football player, because he had been selected, as I recall, as possibly the lineman-of-the-year in the Conference as a sophomore.

Mr. Cody: I believe that's all.

The Court: All right, sir, Mr. Schroder; you want to remove that blackboard?

Mr. Schroder: A couple of questions I would like to direct to the witness about these formations a little later, so I will move it, but bring it back.

Cross examination.

By Mr. Schroder:

Q. Coach Griffith, who gave you your first job at the University of Georgia?

A. Coach Wallace Butts.

Q. That was in 1954?

A. Yes, sir.

Q. Did Wallace Butts also assist you in getting a position at Furman University?

A. To my knowledge he did; yes, sir.

Q. He did?

A. Yes, sir.

Q. When you returned to Athens in 1956 you returned to [fol. 327] work for Wallace Butts?

A. Yes, sir.

Q. In 1954, for a moment we will return to that year, when Wallace Butts gave you your first job at the University of Georgia, you at that time asked him if there was any way that Wallace Butts could give you financial aid, didn't you?

A. Yes, sir.

Q. And he arranged financial aid for you, didn't he?

A. As an assistant to the freshman team; yes, sir.

Q. Has he ever given you any other sort of financial aid?

A. In the form of loans which have been repaid.

Q. I didn't understand you, sir.

A. In the form of loans which have been repaid, with the exception of around three hundred fifty dollars.

Q. You mean Wally Butts has made you loans of money?

A. Yes, sir.

Q. When you needed it?

A. Yes, sir.

Q. And you still owe him some money?

A. Yes, sir.

Q. Did that quite willingly, did he not?

A. Yes, sir.

Q. He was anxious to help, was he not?

A. Yes, sir.

Q. Has Wallace Butts ever gone with you to the bank and endorsed a note so you could get a loan from the bank?

A. I don't recall his going to the bank. He has endorsed some notes for me; yes, sir.

Q. Whether he went to the bank or not with you, he did [fol. 328] endorse the loan for you to get—endorsed a note in order for you to get the loan, didn't he?

A. Yes, sir.

Q. Has Wallace Butts ever made payments to the bank on those loans when they were in arrears?

A. Yes, sir.

Q. In your behalf?

A. Yes, sir.

Q. Taking your testimony item-by-item, you testified

on direct-examination in response to a question put to you that the optional left pass pattern was something Wallace Butts used to use when he was head coach at the University, but which you did not use after you became head coach; is that right?

A. I said that we possibly did use it in 1961; I don't remember using it, but I definitely said we did not use the terminology in 1962.

Q. Did you use the terminology in 1961?

A. I said not to my knowledge we did not. We possibly could have.

Q. Let me refresh your recollection. Let me hand you a document here and ask you if you can identify that document, and, if so, let me know what it is?

A. It is the offensive plan for the Miami game in 1961.

Q. The offensive game plan for the Georgia team to employ in the Miami University game in 1961?

A. Yes, sir.

Q. Look at that game plan—who prepares the game plan?

A. The offensive backfield coach, Charlie Trippi, along with myself.

Q. Along with you?

A. That's right, sir.

Q. All right. Look in that game plan for the Miami game [fol. 329] of 1961, and see if you do not have in that game plan a pass pattern described by you and Charlie Trippi as optional left?

A. Yes, sir; we do.

Q. All right, sir, is there any doubt in your mind now that the term "optional left" was used by the University of Georgia in its football plans for 1961?

A. No, sir; there wasn't.

Q. All right. The previous question or my last question was this, and there may have been some misunderstanding as to what the answer was. Is there any doubt in your mind now, after seeing the Miami game plan for 1961, is there any doubt in your mind now that the term "optional left pass" was used by the University of Georgia during the year 1961?

A. I said that we possibly could have used that. I did not say that we didn't or we did. I don't know if that is an accurate game plan or not. I couldn't answer that. It appears to be; yes, sir; I would accept it as just looking at the front page.

Q. Well, there is a reference to an optional left pass in this game plan, is there not?

A. Yes, sir; there is.

Q. Well, is there now some doubt in your mind?

A. No, sir.

Q. All right, sir. These two diagrams which you have placed on the board here which you have described the top one as a slot formation—

A. Slot right; yes, sir.

Q. Slot right?

A. Yes, sir.

Q. And the bottom one is the pro-set?

A. Yes, sir.

Q. This slot right, was that something new for the [fol. 330] Georgia—that Georgia was planning for the Alabama game?

A. I am not sure I understand your question in regard to that formation.

Q. Was the slot right formation something new that Georgia was preparing to use for the first time in the Georgia-Alabama game of 1962?

A. Well, I still don't understand your question. You mean by "the first time", had we ever used the formation? It was something new as far as preparing for the Alabama game; yes, sir.

Q. You did not use that in 1961?

A. Yes, sir; we used it in 1961.

Q. Well, it wasn't something new, then, was it?

A. Not in the sense of the word being a new formation; no, sir.

Q. Did you use this slot formation that you have described here in 1960?

A. I was not the head coach then.

Q. No, sir; but you were on the coaching staff, weren't you?

A. I was the head freshman coach, and we used it at the University of Georgia; to my knowledge we did use it; yes, sir. I don't know whether it was a three-yard slot or a five-yard slot; I couldn't answer that.

Q. You used it in 1961 in every game you played, didn't you?

A. I couldn't say that we used it in every game. We used it some; yes, sir.

Q. Name me a game you didn't use it in? You were head coach in 1961.

A. Well, I couldn't—I couldn't recall.

Q. It was used very often in 1961, wasn't it? That is a fair statement, isn't it?

[fol. 331] A. Yes, sir.

Q. The lower formation that you have diagrammed here known as the pro-set, was the Alabama game in 1962 the first time the University of Georgia had used that formation?

A. No, sir.

Q. It had used that formation during the season of 1961 also, had it not?

A. Yes, sir.

Q. You have already testified at some length about scouting being done by the opposing teams. You will assume that Coach Bryant would scout your team during '61 just as you were scouting his team in 1961, wouldn't you?

A. Yes, sir.

Q. And if Coach Bryant scouted your team in 1961 they would have seen those same two formations, wouldn't they?

A. Yes, sir.

Q. As a matter of fact, those same formations are used by Alabama, aren't they?

A. Yes, sir.

Q. Exactly, aren't they?

A. No, sir; they use what they term as the two-yard slot rather than a three-yard slot.

Q. That much difference?

A. Yes, sir.

Q. How about the pro-set?

A. The same.

Q. They used that repeatedly in the year '61 and also through the year '62, didn't they?

A. Yes, sir.

Q. Wasn't anything secret about those formations, was there?

A. No, sir.

[fol. 332] Q. Practically every team in the Southeastern Conference uses those same formations?

A. I couldn't tell you about every team.

Q. Do you know of one that doesn't use it?

A. I couldn't tell you of one that doesn't use it.

Q. You play most of them, don't you?

A. We play six of them.

Q. Do you know any of those six that don't use those two formations?

A. Not offhand; no, sir.

Q. Was there any formation that you coached the university of Georgia football players to use against Alabama in 1962 that the Georgia team did not use in 1961?

A. No, sir.

Q. When you refer to the slot end out three yards, that doesn't mean that that end is going to play exactly three yards out from the tackle on every occasion that the formation is used, does it?

A. That is what we strive to get, three yards; yes, sir.

Q. Then it would be inaccurate to say that the end moves from three yards on one occasion to two, and from three yards on another occasion to five, in order to accommodate his own play against the defensive tackle; would that be an inaccurate statement?

A. I would like for you to repeat that again; I didn't get it.

Q. All right, sir. The split end—strike that. On the normal slot where the right end is away from the right tackle and there is a back between the end and the tackle—

A. Yes, sir.

Q. —the end in this position has a tackle on the other [fol. 333] team playing opposite him whom he has to block on occasions, doesn't he?

A. Not from a slot formation; no, sir.

Q. What does he do?

A. The tackle won't come out and line up on the end there.

Q. It will be the end that will line up.

A. Yes, sir; yes, sir.

Q. All right, sir. He has got a blocking assignment, this end has—

A. Yes, sir.

Q. —against the man playing opposite him, doesn't he?

Q. And if the man is where he can't get a good block at him, he will move his own position to accommodate him, won't he?

A. No, sir; because on a slot formation the end will block in, and in our plan the full back will block on the man lined up head on or inside or outside on the offensive end.

Q. All right. Let's put it simply. You know Mickey Babb?

A. Yes, sir.

Q. He is your best end, I believe you said a while ago?

A. Yes, sir.

Q. And Mickey Babb played all through the Alabama game, didn't he?

A. Yes, sir.

Q. He played approximately fifty, five-0 minutes?

A. Yes, sir.

Q. Both offensive and defense?

A. Yes, sir.

Q. Mickey Babb, when he was playing in the end position on slot right, was he or was he not, throughout the [fol. 334] Alabama game, three yards from the tackle?

A. Well, I couldn't answer that.

Q. Well, you were there, weren't you?

A. Yes; but I can't see from the sideline whether he is lined up two and a half or three, but we strive to get three.

Q. Yes, sir. Mickey Babb is going to testify in this case. You know he is under subpoena, don't you?

A. I did not know that; no, sir.

Q. Now, if Mickey Babb is out five yards on many occasions, four yards on other occasions, two yards on other occasions, and three yards on other occasions, those occasions where he is not three yards out, he is not playing the way you coached him; is that right?

A. I would say so; yes, sir.

Q. All right, sir. But you wouldn't say he wasn't playing that way through 1961 and 1962, would you, because you said you couldn't see from the sidelines?

A. Well, I can't see from the sidelines whether he is lined up two and a half or three or four, but we strive for the three-yard slot.

Mr. Cody: I didn't hear that last answer, sir.

Mr. Schroder: I'm sorry.

The Witness: I said I can't tell from the sidelines on every offensive play in a slot formation whether the end is lined up two and a half or three or three and a half, but we strive for a three-yard slot, and that is what we try to coach them.

[fol. 335] By Mr. Schroder:

Q. When a guard pulls on a sweep—what is a "sweep"?

A. Well, in our terminology it is the quarterback reversed pivoting, pitching to the left half or right half, depending on which way it is going, and the halfback tries to run wide, taking the block of the actual back either on the inside or outside.

Q. Well, in simple terminology, a sweep is a run around the end, isn't it?

A. If he can get around it; yes, sir.

Q. That's right; that is what a sweep means, to sweep out?

A. That's right.

Q. Sweep out around the end if he can get there?

A. That's right.

Q. Now, you have testified on direct-examination about pulling a guard on a sweep. When a guard is pulled, he is supposed to be out leading the interference, is he not?

A. On a sweep; yes, sir.

Q. All right, sir. Now, you say that Georgia pulled an on side guard out in front of the ball carrier to lead the play in the Alabama 1962 game?

A. Yes, sir.

Q. Have you seen the film?

A. Yes, sir.

Mr. Schroder: Before I forget it, may I address—

The Court: Sir?

[fol. 336] Mr. Schroder: Before I forget it, may I address a request to the Coach. When the film is shown in Court, may I request Coach Griffith to be here? I don't have him under subpoena.

The Court: Yes, sir. Well, he is under subpoena, though, isn't he? Well, regardless of who he is under subpoena by, he is supposed to stay here, regardless of who subpoenaed him.

Mr. Cody: Your Honor, we expect to show the films ourselves. We have asked to get them back. Mr. Schroder asked us to let him have them.

Mr. Schroder: Let's get going with them.

Mr. Cody: I have been trying to get them back.

Mr. Schroder: Let's get going with them this afternoon.

The Court: Let me say this. How much longer will you have this witness? I presume before he leaves, why can't you have the films this afternoon?

Mr. Schroder: I would be perfectly delighted if we can have them.

[fol. 337] The Court: Don't you have them?

Mr. Schroder: One of the assistant coaches—

The Court: One of who?

Mr. Schroder: One of the assistant coaches has it.

The Court: Where is he?

Mr. Schroder: He is at the Tech Clinic; isn't that where Mr. Gregory is?

The Witness: Yes, sir.

Mr. Schroder: We won't be able to show the film this afternoon. I am not through with my cross-examination of this witness.

The Court: Well, I wanted to clarify that.

Mr. Schroder: I also want this witness to be present when the film is shown.

[fol. 338] The Court: Well, he will be present unless he is excused.

Mr. Schroder: I mean, present in the courtroom.

The Court: Yes, sir.

Mr. Cody: I'd like to have him here.

The Court: I don't know. If he is not—do you want him to testify?

Mr. Schroder: Yes, sir. I want him where he can point out some of these things.

The Court: No witness is excused, regardless of who subpoenas him, once he is here, until the court is terminated.

By Mr. Schroder:

Q. When preparing a team for a football game to be played, and particularly Paul Bryant in preparing his team to defend against Georgia, you would assume that he would plan a defense against everything that he had seen during 1961, wouldn't you?

A. Yes, sir.

Q. Including your two formations over here?

A. Yes, sir.

Q. Your slot and the pro-set?

[fol. 339] A. Yes, sir.

Q. Now, you have referred to certain things that are—two formations that are in Burnett's notes. Is there anything in those notes that would indicate in any way that those were the only two formations that Georgia would use in its game against them in 1962 against Alabama?

A. No, sir.

Q. Nothing in the notes to indicate that, was there?

A. No, sir.

Q. Did Burnett ever say to you that in this conversation he is supposed to have overheard that Coach Butts said to Coach Bryant, "Now, these are the only two formations Georgia is going to use against Alabama?"

A. No, sir.

Q. The document I showed you a moment ago is known as a game plan, isn't it, in football terminology?

A. It is part of a game plan.

Q. It is part of a game plan?

A. Yes, sir.

Q. The final game plan that any team will—I won't say any game; put it to Georgia; Georgia gets up its final game plan when?

A. After the season starts; it is completed usually by Monday night; parts of it are completed by Sunday night, other parts of it completed during the day on Monday, and Tuesday the final game plan is made.

Q. Monday preceding the Saturday on which the game is to be played?

A. Yes, sir.

Q. That is when your final game plan is formulated?

[fol. 340] A. After the season has started.

Q. It is gotten up?

A. Yes, sir; after the season has started.

Q. On the Alabama game in 1962 your final game plan was not formulated until Monday before the game, was it?

A. Well, our game plan was formulated all through the summer in breaking down films and in meetings ten days before practice session started. The basic game plan was formulated at that time.

Q. I am asking you about the final game plan.

A. The final game plan was formulated on Monday.

Q. Monday preceding the Saturday on which the game was to be played; is that true?

A. Yes, sir.

Q. I believe you testified that you have seen the film of

the Georgia-Alabama game in 1962. On how many occasions would you estimate you have you already seen that film?

A. Approximately four or five times.

Q. Describe briefly how the first touchdown for Alabama was scored and what it resulted from?

A. Well, I believe that in the first quarter they intercepted a pass and hit Wilson, their split end, for a touchdown, and I believe that the next point—

Q. Just one moment, please, sir. The end's name was not Wilson; it was Williamson, wasn't it?

A. Williamson.

Q. And he was known by Georgia to be a very capable end, pass receiver and fast, wasn't he?

A. Yes, sir.

Q. Now, as a matter of fact, Coach Butts, after he had returned from a trip to New York with Coach Bryant and Coach Graves, told you and your coaching staff that [fol. 341] Bryant had told him that "We are going to throw what is known as the bomb, the home run against Georgia the first chance we get to."

A. Not to my knowledge he didn't tell me that.

Q. You don't know that he told that to John Gregory, your defensive coach?

A. No, sir; I do not.

Q. Would you say he didn't?

A. I wouldn't say; I don't know.

Q. The first time Alabama got the ball, what did it do? Threw the bomb, didn't they, the home run?

A. Not the first time; no, sir.

Q. All right, sir, what was their first play?

A. I don't recall the play. They kicked to us after a series of downs.

Q. All right, sir. Well, I meant—Georgia threw a pass which you say was intercepted?

A. Yes, sir.

Q. That pass was thrown by Rakestraw?

A. Yes, sir.

Q. It was from the—it was thrown—he was running out to his right to throw to the left end, Babb, wasn't he?

A. Yes, sir.

Q. And Babb was jostled or held up by LeRoy Jordan, the All-American center of Alabama, wasn't he?

A. I don't recall who held him up.

Q. He was held up?

A. That's right.

Q. And he didn't get where he was supposed to, not on his account, but he didn't get to where he was supposed to get, did he?

A. That's right.

Q. And Rakestraw threw the pass, and Alabama made a fine interception right down to the man's shoetops, didn't [fol. 342] he?

A. Yes, sir.

Q. First play they ran after they intercepted that pass was the home run, wasn't it?

A. That's correct.

Q. All right, sir. They ran it from the same formation you have got over there called the pro-set, didn't they?

A. That's right.

Q. Williamson was a split end, and he was a swinging end; he would play left end when he was split on the left and right end when he was split on the right, wouldn't he?

A. That's right.

Q. The fellow that was supposed to cover Williamson was not a defensive ball player, was he?

A. No, sir; he was not.

Q. He wasn't trained to play defense, was he?

A. No, sir.

Q. And Williamson had no trouble at all giving him a wrinkle and going on by and catching the ball for a touch-down, did he?

A. That's right.

Q. You know that boy that was playing that position who was supposed to cover Williamson on the home run was not a defensive ball player, didn't you?

A. Yes, sir.

Q. You were supposed to have someone else in there for him?

A. Well, the reason that he was in the ball game, we got Rakestraw out first because Rakestraw had a bad ankle.

Q. Yes, sir.

A. And we had to put in another substitute, and under the rules we could only put in two in at a time, and we [fol. 343] took a chance on leaving Porterfield to get Rakestraw and another boy out.

Q. Porterfield was the one that was playing the position that was supposed to guard—defend against Williamson?

A. Yes, sir.

Q. These notes say that Porterfield is the best since Trippi; do you agree with that?

A. Well, that is a matter of opinion.

Q. Have you ever seen Charlie Trippi play?

A. Yes, sir.

Q. You know about him, don't you?

A. Yes, sir.

Q. One of the all-time greats of the University, isn't he?

A. Yes, sir.

Q. Porterfield cannot play defense, can he?

A. We haven't trained him to play defense.

Q. Charlie Trippi played defense, didn't he?

A. Yes, sir.

Q. Very good one, wasn't he?

A. Yes, sir.

Q. Charlie Trippi threw passes—

A. Yes, sir.

Q. —did he not?

A. Yes, sir.

Q. Did he kick it?

A. Yes, sir.

Q. Entirely different sort of ballplayer than Porterfield, isn't he?

A. Yes, sir; I would say so.

Q. All right, sir. That is the first touchdown. That re-

sulted from the home run with the offensive man in there on Georgia's defensive team. Now, the second score was a safety, wasn't it?

[fol. 344] A. Yes, sir.

Q. Would you please describe how that safety came about?

A. As I recall, it was a bad snap over the kicker's head and went in the end zone.

Q. That is just one of those things that will happen, isn't it?

A. Yes, sir; they happen.

Q. Just hard luck; the center threw it over the man's head that was supposed to be kicking it, right?

A. Yes, sir.

Q. And the ball went back into the end zone, and all he could do was fall on it for two points for Alabama; right?

A. Yes, sir.

Q. All right, sir. Now, tell me how the—how Alabama scored its second touchdown?

A. I am not sure I recall.

Q. This formation referred to or that you have already described about dropping the end off, containing with the tackle—

A. Yes, sir.

Q. —that is a normal defense employed by every college that you know about in the Southeastern Conference, isn't it?

A. Depends on the defense.

Q. That is what I mean.

A. Yes, sir.

Q. When you are against a pro-set passing situation, you drop your defensive ends off, don't you?

A. Normally.

Q. Normally?

A. Under passing conditions.

Q. All right, sir. Now, isn't it true—let me put it this way. You had a new man playing left end for Georgia in

[fol. 345] the Alabama game, didn't you, named Barry Wilson?

A. Yes, sir.

Q. Never had played in any varsity game before?

A. No, sir.

Q. Your team captain, his name was Ray Clark, wasn't it?

A. That's correct; yes, sir.

Q. And Ray Clark ordinarily would have been playing that position, wouldn't he?

A. Yes, sir.

Q. Ray Clark was injured two nights before the Alabama game in a scrimmage, wasn't he?

A. That's correct; yes, sir.

Q. Why were you scrimmaging your boys two nights before a big game like Alabama?

A. I felt like we weren't getting the concentration in a scrimmage that we planned with no contact, and we were not getting response from the players, and we scrimmaged them for about ten minutes.

Q. You felt just forty-eight hours before the game was to be played that you were not getting the concentration from your players that you thought you were entitled to?

A. Wasn't getting the concentration I felt it was going to take to play a good ball game and beat Alabama.

Q. And what other reason did you give for scrimmaging them just forty-eight hours before the game?

A. Wasn't no other reason.

Q. All right, sir. They weren't too happy about that, were they?

A. Well, I couldn't answer that; I don't know.

Q. What is your thought about it?

A. Well, I don't know; I don't imagine they wanted to [fol. 346] scrimmage. That is something normal in football.

Q. It is abnormal in football to scrimmage any team just forty-eight hours before the game, isn't it?

A. Well, that would depend on the situation.

Q. Well, is it normal at Georgia to scrimmage Georgia's team just forty-eight hours before a game?

A. It is the only time I have ever done it.

Q. Yes, sir. And it was in that scrimmage that you lost the captain of your team?

The Court: What is the nature of this, Mr. Schroder? I mean, I want you to have an opportunity; I can't see where going into what individual players did in the scrimmage, what relevance it has. If it is relevant, I am going to let you put it in.

Mr. Schroder: I will go into detail and explain to Your Honor what I am doing.

The Court: All right, sir.

Mr. Schroder: The impact of this witness' deposition, I mean, this witness' testimony, at least the way it occurred to me, I may be too close to the case, I don't know, was that certain information was transmitted which assisted the coach of the opposing team in his preparations for the coming game.

The Court: Yes, sir.

[fol. 347] Mr. Schroder: I can show not only that that didn't happen and couldn't have happened based on what we have got here already, but, as a matter of fact, the Georgia team itself wasn't ready to play that game. They lost the score, yes, 30 to 0, but it could not be attributed to what the Post says it was; could not be. Now, I am going into reasons to show why it was 35 to 0, or any other score.

The Court: All right, sir. If you have got the solution, go ahead.

Mr. Schroder: I have got the solution.

The Court: All right, sir.

By Mr. Schroder:

Q. I have talked about the first touchdown. I have talked about the safety. Now, the second touchdown, your left end, as I said, was a new man, sir?

A. Correct.

Q. And he committed an error, didn't he?

A. That's correct.

Q. He committed quite an error; he did not cover the area where he was supposed to cover?

A. That's right.

Q. And the man he was supposed to cover caught the ball for a touchdown, didn't he?

A. I believe that's correct, yes, sir.

Q. Yes, sir. Now, that is nine, that is fifteen points. The third touchdown happened in just the same way to the same unfortunate end who was out of position again [fol. 348] and didn't cover his man, didn't it?

A. Yes, sir.

Q. Same thing, wasn't it?

A. Yes, sir.

Q. Therefore, we now have the score about three touchdowns and two safetys; we have got 21 to 0, all of which occurred as a result of an individual unfortunately not doing what he was coached to do; right?

A. Well, there are things that lead up to that situation where they scored. There were other things that led up to it, too.

Mr. Cody: Speak up a little louder; I can't quite hear you.

The Witness: There are situations that put Alabama in position to score in the ball game, and those drives that the Alabama team made and the mistakes the Georgia team made.

By Mr. Schroder:

Q. None of those touchdowns were within the ten-yard line, were they?

A. That's correct.

Q. They were from out in the middle of the field?

A. Well, I believe that the first one was around the thirty-five or forty-yard line.

Q. Yes, sir.

A. Yes, sir.

Q. Do you know how the next two touchdowns were scored?

A. I don't recall; no, sir.

Q. But you do know that Georgia—your Georgia players—I hate to have to say this, being a Georgia man, but [fol. 349] Georgia did not play a good football game that night, did they?

A. I didn't think we played well; no, sir.

Q. The Georgia players made quite a few serious errors on their part in not doing what you had coached them to do?

A. Due to lack of experience; yes, sir.

Q. Well, I am certainly not being critical; I am stating a fact. That is a fact, isn't it?

A. Yes, sir.

Q. You have referred, in response to a question to you put by Mr. Cody about Rissmiller, and as you said, he was already voted by the sports writers of some organization as being, in their opinion, would be the sophomore-of-the-year, tackle?

A. Yes, sir.

Q. It was known, everybody knew he was potentially a great tackle at Georgia?

A. Yes, sir.

Q. Wasn't anything new about that, was there?

A. No, sir; I would say not.

Q. As a matter of fact, Coach Bryant himself had tried to recruit Rissmiller to come to Alabama, hadn't he?

A. I think that's correct.

Q. You know that is so, don't you?

A. I am not positive; no; I didn't recruit him myself.

Q. Where is he from?

A. He is from Eastern Pennsylvania.

Q. How many colleges to your knowledge were after him?

A. I couldn't say; probably five or six.

Q. You know there were more than that now, Coach Griffith?

[fol. 350] A. I really don't; I didn't recruit the boy individually.

Q. You didn't have a report from your recruiter that did go up there and get him?

A. Yes, sir; but we recruit some sixty boys. I can't remember that far back how many schools were after him.

Q. Georgia felt they had a real scoop when they got Rissmiller?

A. We still think so.

Q. And Bryant wanted him to come to Alabama, didn't he?

A. Probably did.

Q. Be that as it may, in your opinion, is Rissmiller the best tackle in the history of the University of Georgia to come to Georgia?

A. Well, he's got two more years left, and, as I say, I think potentially he is a real great football player.

Q. Well, what is your answer to my question? Is he the best tackle that—in the history of Georgia football?

A. I couldn't answer that.

Q. It is a matter of opinion, isn't it?

A. It is a matter of opinion. From what I know back through the years of Georgia football, he would be maybe not the greatest, and I would have to say probably he was not the greatest now, but he has two more years.

Q. As a matter of fact, he had a little bit of difficulty himself in the Alabama game, didn't he?

A. He was knocked out in the Alabama game; yes, sir.

Q. He made how many tackles?

A. I couldn't tell you.

Q. Have you talked to Coach Pearce about it?

[fol. 351] A. Not to the number of tackles Rissmiller made. We know, but I don't have those records with me.

Q. He played a fine game; I will say that for him; he played up to his capabilities. The next note here—pardon me—that was a note I was reading from, "Rissmiller great-

est in history." Next one said, "Rakestraw to right." I believe you said that means nothing to you?

A. No, sir.

Q. The next one is "Optional left pass" and you corrected your testimony now to say that was used in Georgia's plans in 1961?

A. That's correct.

Q. Nothing new about that, is it?

A. In 1961; yes, sir.

Q. Nothing new about that?

A. No, sir.

Q. "If can block man on corner, keeps running"; is that connected up in anything that you know of that Georgia has got?

A. Well, I—I would say it is a piece of information that could mean several things in football in general.

Q. Is that anything peculiar to the University of Georgia's football game?

A. No, sir.

Q. Is there any secret there in that?

A. I would say not.

Q. Next entry is a—

The Court: Mr. Schroder, before you go into that next entry, we have been sitting for an hour and a half. I am going to let the jury refresh themselves. You may step down, Coach Griffith.

[fol. 352] (Whereupon the witness was excused from the stand.)

The Court: Members of the jury, I am going to permit you to refresh yourselves from now until 3:30, at which time you will return to the jury box, but I must admonish you as previously not to discuss the case among yourselves or permit anyone to discuss it in your presence. Simply dismiss it from your mind until you return to the jury box at 3:30.

Let the jury pass out; everyone else remain seated.

(Whereupon the jury retired from the courtroom at 3:15 p.m.)

The Court: Court is recessed until 3:30.

(Whereupon Court recessed at 3:15 p.m., reconvening at 3:30 p.m.)

After Recess

The Court: All right, Mr. Schroder; you may proceed.

JOHNNY GRIFFITH having resumed the stand, testified further as follows:

Cross examination (continued).

By Mr. Schroder:

Q. Coach, the next entry in what has been described as [fol. 353] Burnett's notes reads, "Well disciplined ball club"; that would be on the second page, I believe, sir.

A. Yes, sir.

Q. What does a "well disciplined ball club" mean to you?

A. Well, it is a matter of opinion. It's been my opinion it means the team that is consistent in the operation and techniques of offense and defense, fundamentally strong, don't break down offensively or defensively as individuals. They are physically tough, strong, and basically that is my opinion of it.

Q. Doesn't that also—what you are saying, doesn't that add up to this, that a football player, or in this instance, the football club will be trained and trained and trained again in the particular techniques that the individual members of the club are supposed to carry out, that when the situation occurs in a game they will react instinctively?

A. That's correct; yes, sir; I would say so.

Q. Well, now, was the Georgia football team in the Alabama game of 1962, would it come within that definition?

A. In due respect to the football team, I would say no, because of the number of young people that we had to play in the game and after a certain amount of time there is a certain element of self-discipline that an individual develops through four years of college football.

Q. Yes, sir. On the next page you have already discussed the first note there, so I will pass on to the second one which reads, "Don't overshift". Georgia's basic fundamental defense could be described as "the loose six"?

A. Yes, sir.

[fol. 354] Q. Does Georgia or did Georgia in the game against Alabama in 1962 overshift?

A. Yes, sir.

Q. Did the Alabama team in the game against Georgia in 1962 overshift its defense?

A. Yes, sir.

Q. The next entry reads, and I believe you have discussed this, but I am going to ask you a couple of questions about it, reads, quote, "Woodward commits fast, safety man", unquote. Woodward is one of the best, if not the best, tackler in the secondary Georgia defense?

A. Yes, sir; I would say so.

Q. You have seen the film of the Georgia-Alabama game?

A. Yes, sir.

Q. You testified on direct-examination that it would be helpful for a defensive coach or a coach preparing his defenses against Georgia to know that Georgia had an individual who committed himself fast?

A. Yes, sir.

Q. Woodward was not a sophomore, was he?

A. No, sir; he was not.

Q. Woodward had played an entire season as safety man for Georgia in 1961, hadn't he?

A. Yes, sir.

Q. Georgia was scouted by Alabama in 1961, weren't they?

A. Yes, sir.

Q. Alabama had films of the Georgia games in 1961, didn't they?

A. Yes, sir.

Q. Well, it would be no news to anybody coaching Ala-
[fol. 355] bama that Woodward committed himself fast, would it?

A. No, sir.

Q. Now, as a matter of fact, having seen the film, don't you know that Alabama never did throw a pass in the season that was to be protected by Woodward?

A. Yes, sir.

Q. You know they didn't do that?

A. They did not.

Q. The next entry has to do with Don Blackburn?

A. Yes, sir.

Q. And Don Blackburn, unfortunately, was sick, wasn't he?

A. Yes, sir.

Q. And he only played about, what, four or five minutes in the Alabama game?

A. I would say approximately five minutes.

Q. Five minutes?

A. Yes, sir.

Q. The top entry on the page—on Page 4 reads, "Baer", and I am assuming we are changing that to read "Babb" for the purpose of our discussion—

A. Yes, sir.

Q. —"slot right, split right end out"; is that the way—doesn't "slot right" mean all those words?

A. As I say, I am not sure what it means actually.

Q. Wouldn't mean anything to you if you were getting ready to play Georgia, would it?

A. Well, no, sir; I would say not.

Q. All right, sir. Your next one, "Long count, left half in motion"; that is, what, a description of a half of a play?

A. It is the action of the left halfback. It doesn't mention a play.

[fol. 356] Q. Not a play; it is just an action of the left halfback?

A. That's right.

Q. That is nothing new, is it?

A. Long motion is not.

Q. "Long count, left half in motion," there is nothing new in that, is there?

A. No, sir.

Q. That's been used by Georgia for years, hasn't it?

A. Yes, sir.

Q. In fact, that is commonly used throughout the Conference, isn't it?

A. Yes, sir.

Q. Now, we have discussed the next one about "Best since Trippi". On top of Page 5, there is the entry again where we will use or substitute the name, "Babb on a hook on goal line." Now, is there anything new about that?

A. No, sir; we usually hook Babb on the goal line. We normally had two or three goal line passes. We would be—that would be one of them.

Q. That is one of the few things that an end can do that is left for him to do on the goal line is hook, isn't it?

A. That is one of the things he can do; yes, sir.

Q. Well, is there anything new about throwing an end on a hook on the goal line?

A. In football; no, sir.

Q. That is what we are talking about, football?

A. Yes, sir.

Q. We have discussed the next one. The third one on Page 5, reads, "Right halfback on fly, left halfback, quarterback gives to left half, left guard pulling blocks on corner"; now, "right halfback on fly" means one thing and that is [fol. 357] simply this, isn't it, that when you have a slot formation to the right with the end out from the tackle about three or four or five yards with a halfback, the right halfback is right here behind him, isn't he?

A. Yes, sir.

Q. And when he goes on what they call the fly, he reverses and heads back toward the quarterback before the ball is snapped, doesn't he?

A. That's correct.

Q. Now, is there anything else in that note that would mean anything at all to you?

A. You mean in all the notes or that one note?

Q. That one note I just read, that third entry on Page 5?

A. No, sir.

Q. That is no play that Georgia has, is it?

A. We put the right halfback on fly; yes, sir.

Q. But that doesn't tell anybody anything, does it?

A. No; it tells the action of one individual.

Q. That is done by everybody, isn't it?

A. Well, I have seen it; it is done in football.

Q. In college football everybody puts the slot man on a fly some times, don't they?

A. Yes, sir.

Q. Nothing new about that?

A. No, sir.

Q. Does the rest of the entry mean anything to you? Is it descriptive of anything the University of Georgia does?

A. No, sir; I couldn't tie that in with anything.

Q. The top of Page 6, I believe this one has been discussed. It reads, "Slot or wide slot till goal line"; now, isn't it true that every football team that you know anything about usually does pull in the offensive location of [fol. 358] the players, lining up of the players when they get to the goal line?

A. Yes, sir.

Q. Nothing new about that entry, is there?

A. No, sir.

Q. That is used by every team in the Conference, isn't it?

A. Yes, sir.

Q. The next one you discussed somewhat at length on direct examination, as I want to ask you a few questions about it. The entry reads, "Can't quick kick", well, now,

as I understood your testimony, Saye can quick kick, can't he?

A. Yes, sir.

Q. So that is not a true statement, is it?

A. Well, in the sense of the word, we can't quick kick from the normal quick kick formation.

Q. Is that what the note says?

A. No, I was explaining what a quick kick means to me.

Q. What does the note say?

A. "Can't quick kick."

Q. Georgia can't quick kick?

A. Yes, sir.

Q. And Georgia does quick kick, doesn't it?

A. Yes, sir.

Q. And so to that extent the entry is inaccurate, isn't it?

A. Yes, sir; I would say it was.

Q. All right, sir. The next one, "Slot right, right half on fly, screen to him;" so, again, I am the end, the tackle is there, and the halfback is right behind me in the slot; he goes on the fly back towards the quarterback before the center hands the ball to the quarterback. "Screen to him," [fol. 359] now where would he be if the quarterback was going to screen to him with relation to the field?

A. You are speaking of the right halfback?

Q. Yes, sir, screening to the man on the fly?

A. He would be beyond the left halfback three or four yards.

Q. And isn't it true that when this halfback moves on the fly, as we have described, the defensive team adjusts itself to that direction to protect against him doing something in that direction; is that right?

A. Well, not particularly on a fly. A long motion causes an adjustment in the secondary more than the fly.

Q. Well, why wouldn't you screen to the right half on the fly? You say you don't have that play, but this says you do have it. I want to ask why you don't have it?

A. Well, we don't think it is a good play. It is something we just don't do.

Q. So, certainly that is not an accurate picture of what Georgia does?

A. No, sir; it is not.

Q. All right, sir. The next note you have also discussed at some length. Anyway, "29-0 series, Babb catches everything they throw"; now, 29-0 series, that is not even a pass series, is it?

A. No, sir.

Q. I believe you described that on direct-examination as being what is known in football jargon as the outside belly play?

A. Our 029 is; not 29-0.

Q. You don't have a 29-0, do you?

A. No, sir.

Q. You have no idea what 29-0 means, do you?

A. No, sir; I am not familiar with it.

[fol. 360] The Court: You do have an 029?

The Witness: Yes, sir.

By Mr. Schroder:

Q. And the 029 is the outside belly play?

A. Yes, sir.

Q. Where the quarterback can either kick or pitch to the man running out towards the sideline, the man in motion?

A. Yes, sir; that's correct.

Q. But there is no pass off of that?

A. No, sir.

Q. No way Babb could catch anything in that play; is there?

A. Not in this ball game here; no, sir.

Q. I believe we have already discussed the final page there and the entries on that. The basic formations used by the University of Georgia when it is on defense really are the same as those used by Alabama, aren't they?

A. In that ball game; yes, sir.

Q. In the ball game in 1962 they were using the same formations?

A. Basically the same thing.

Q. In 1961 after you became head coach, didn't you hire someone from Coach Bryant's coaching staff?

A. Yes, sir; I did.

Q. And he came over to coach the University of Georgia along with you?

A. Yes sir.

Q. For the 1961 season?

[fol. 361] A. Yes, sir.

Q. And his name was Bob Ford?

A. Yes, sir.

Q. And Bob Ford brought with him, when he came there to join your staff, all of the formations that Alabama was using?

A. Basically the defensive formations.

Q. Yes, sir. And you took those defense formations and put them into Georgia's formations, didn't you?

A. We took part of it, correlated it with ours; yes, sir.

Q. And he—when I say "he", Coach Bryant is recognized as the outstanding defense coach in the country, isn't he?

A. Yes, sir.

Q. And one of the reasons you employed Coach Ford to come over and join your staff was to bring some of the information and help he had gotten under Coach Bryant when he was coaching at Alabama?

A. I thought he was a well-trained football coach and had a knowledge of defensive football.

Q. Which he had obtained from Coach Bryant at Alabama?

A. That's right.

Q. That is right, isn't it?

A. That's right.

Q. During the 1962 season you, as head coach, assign to one of your assistants the responsibility of preparing your team for offense, don't you?

A. Yes, sir.

Q. And your offense head coach, the coach in charge of your offense under you—

A. Yes, sir.

[fol. 362] Q. —in 1962 was Charlie Trippi?

A. Right.

Q. And Charlie Trippi has been a coach there at the University since he retired from professional football?

A. Yes, sir.

Q. And he left the professional ranks in what, about 19—

A. I don't recall; I think he came to the University as a coach in 1957; I am not sure.

Q. He had been there, anyway, five years through 1962?

A. Yes, sir.

Q. Now, you also have an assistant coach to whom you assign the over-all responsibility of preparing the Georgia team for defense or on defense, don't you?

A. Yes, sir.

Q. And what was the name of the assistant coach that had that responsibility during 1962?

A. John Gregory.

Q. John Gregory?

A. Yes, sir.

Q. During the game in Birmingham, 1962, Coach Charlie Trippi was up in the press box, wasn't he?

A. Yes, sir.

Q. And what was his function? What were his duties up in the press box?

A. To observe the Alabama defenses and make suggested plans as to what we could do to compete against them.

Q. He was up there to assist, be an offensive coach, to assist Georgia in its offense against Alabama?

A. Yes, sir.

Q. And he had a telephone that he would communicate [fol. 363] with someone down there on Georgia's bench?

A. Yes, sir.

Q. And he would tell that someone on Georgia's bench what play he thought Georgia ought to use?

A. That's correct.

Q. On the next series—on the next play?

A. Yes, sir.

Q. And you would send in a substitute to tell whoever was playing quarterback on that occasion—I think it was Rakestraw—to tell quarterback Rakestraw what play Coach Trippi wanted him to run?

A. Yes, sir.

Q. And that is the way most of the plays were run that evening, were't they?

A. About eighty per cent of them; yes, sir.

Q. Eighty per cent were called by Charlie Trippi up in the press box?

A. Yes, sir.

Q. All right, sir. Now, on defense, of course, when Georgia is on defense it has to adjust whenever its particular defense pattern is at the time according to, number one, what down it is, with Alabama having the ball; with the location on the field, that is to say, on what yard line or what area of the field; number three, what the—whether it is, as I said, the down and yardage, that is whether it would be first and ten, or second and eight; all of that goes into the person's mind who is setting the Georgia defense at any particular time; is that right?

A. Yes, sir.

Q. Now, who was—during the Alabama game of 1962, was Coach John Gregory on the sideline as the head defensive coach?

A. Yes, sir.

Q. Was Coach Gregory signalling to the Georgia team [fol. 364] on the field what defense to go into on any particular occasion?

A. Most of the time; yes, sir.

Q. Eighty per cent of the time?

A. I couldn't answer that.

Q. But you do know that the defenses that Georgia was in at any particular time, most of the time was called by your head defensive coach from the sideline?

A. Correct.

Q. Sir?

A. Correct.

Q. Going back to formations for just a moment before I go into the Post story or the Post article. Any variety of plays can be run from any given formation, can it?

A. Yes, sir; you can run a series of plays from possibly three to four different formations; yes, sir.

Q. All right, sir. Let's take the two formations on the board there, the slot formation at the top. From that formation how many different varieties of plays can a team use that is employing that formation?

A. Well, I can call them out the way we run them.

Q. Can you see that?

Mr. Cody: Speak a little louder so we can hear you.

A. (By the witness) Running to the slot formation you can run the sweep; you can run—would you like for me to draw them? I can call the name of the play. I don't know whether it will mean anything to you.

Q. I will bring this over there for you. Coach, it won't be necessary for you to draw it with crayon; you can use your finger.

A. Run this one here, and here with this man, go in the [fol. 365] trap here, come back with a pop on this side over here, and run a slant, pull back in here, and put this man in motion, and come back with a sweep, the same as you would run in this direction here, and you run a nineteen roll-out in this direction here, and run a—run a trap play back with him, and so on.

Q. And you can also run pass patterns off of that formation, can't you?

A. Yes, sir.

Q. Now, can the same thing be said for the pro-set?

A. Well, you limit yourself in this direction here in this hole right here; other than that you have got the same setback to this direction, you see.

Q. My point simply is this; you can run a—any number of—any number of running plays off of either formation, can't you?

A. Yes, sir; that's correct.

Q. And you can run any number of passing formations off of any formation?

A. Yes, sir; that's correct.

Q. Coach Griffith, have you read the article appearing in the March 23rd issue of the Saturday Evening Post bearing the caption "The Story of a College Football Fix"?

A. Yes, sir; I have read it.

Q. I now have before you here, Coach Griffith, the first column of that article on Page 81, Column 1. Where I am pointing my hand reads as follows: "Butts also said that Rakestraw (Georgia quarterback Larry Rakestraw) tipped off what he was going to do by the way he held his feet. If one foot was behind the other it meant he would drop back to pass. If they were together it meant he was setting himself to spin and hand off." I want to ask you a couple of questions about that entry, please, sir. That would be [fol. 366] right vital information for a coach planning his defense to have, wouldn't it?

A. Yes, sir.

Q. Did you tell the Saturday Evening Post that that was true insofar as Larry Rakestraw is concerned?

Q. Have you ever told anyone that that is true insofar as Larry Rakestraw is concerned?

A. No, sir.

Q. Well, is it true insofar as Larry Rakestraw is concerned?

A. Not to my knowledge.

Q. Thank you, sir. Will you step down here just a moment. Put a—put sort of a parenthesis and then initial it.

A. Right here?

Q. Yes, sir. Draw a line right there. Thank you. I am now going to show you, Coach, the same page, Column 2. There is an entry on Page 2, in referring to Wallace Butts, reading: "Butts, filed away in the position of Georgia's athletic director, which he had held along with his coaching job for some years, was outspokenly bitter about his removal from the field." Did you tell that to the Saturday Evening Post?

A. No, sir.

Q. Do you know where they got that information?

A. No, sir; I do not, sir.

Q. Would you mark that, please, sir?

A. All right.

Q. Thank you, sir. Let's have Column 3, same page. The paragraph I am now referring to and pointing is on Page 81, and this is the last column. "The game itself would have been enjoyed most by a man who gets kicks from attending executions." It comes on down here, [fol. 367] "The Georgia players, their moves analyzed and forecast like those of rats in a maze, took a frightful physical beating." And, of course, you were there as head coach, weren't you?

A. Yes, sir.

Q. Did you ever say anything like that to the Saturday Evening Post?

A. No, sir.

Q. Do you know where they could have gotten that information?

A. No, sir; I do not.

Q. Will you please repeat with this, those places?

A. All right.

Q. Will you please just—well, do it right here, save you some running up and down. On this same page, being 81, in the third column where I am pointing now, it reads, and I quote, "It was a bitter defeat for Georgia's promising young team. The twenty-eight-year-old Johnny Griffith, who was beginning his second season as head coach, was stunned." Did you ever say that to anybody connected with the Saturday Evening Post?

A. No, sir.

Q. Do you know where they got that information?

A. No, sir.

Q. Would you do that, please, sir?

The Court: That is not attributed to Coach Griffith as having said that.

Mr. Schroder: He said he was stunned, it was a bitter defeat for him.

[fol. 368] The Court: He didn't say he wasn't stunned. You asked him did he tell the Saturday Evening Post that.

Mr. Schroder: The Saturday Evening Post attributes—

The Court: They didn't attribute that, from reading the article they didn't attribute that to Coach Griffith.

Mr. Schroder: I don't believe, with all due respect, Your Honor, I don't know whether anybody could know whether he was or wasn't, and whether he told the Post if he was.

The Court: He testified he didn't tell the Post that, but he didn't—

By Mr. Schroder :

Q. Did you tell anyone that?

A. No, sir.

Q. Let's have Page 82, Column 2. This is a quote directly attributed to the coach. Coach, at the bottom of the column there you are quoted as saying this, and I will read: "We knew somebody had given our plays to Alabama,' Griffith told him." Did you say that?

A. No, sir.

Q. Do you know where the Post got that information?

A. Possibly so. I said this, that I figured somebody—

[fol. 369] The Court: Let him come back to the stand where we can hear his testimony.

Mr. Cody: Speak so we can hear you, will you, Coach Griffith?

The Court: Talk out a little louder.

The Witness: I made the statement I figured somebody had been giving information to Alabama, period.

By Mr. Schroder :

Q. Did you say what they have you quoted there as saying, giving your plays to Alabama?

A. I did not say "plays"; no, sir.

Q. Did you say right after that, "We knew somebody had given our plays to Alabama,' Griffith told him, 'and maybe to a couple of other teams we played too. But we had no idea that it was Wally Butts.'" Did you say that?

A. No, sir; I did not.

Q. Here at the bottom, Coach Griffith, it says, "Griffith went to University officials, told them what he knew and said that he would resign if Butts was permitted to remain on his job." Did you say that?

A. No, sir; I did not.

Q. Will you mark that one and initial it?

A. Yes, sir.

Q. Thank you, sir. Let me turn to Page 83, column 2.

[fol. 370] The Court: Mr. Schroder, before you take that down, did Coach Griffith mark there something he hasn't testified about or am I mistaken?

Mr. Schroder: No, sir; he went down too low the first time, and he—

The Witness: I put an arrow in there.

The Court: I thought it was something about calling the plays before the signals. That is where he marked it. He marked it incorrectly?

Mr. Schroder: No, sir; he marked it right; you have got it correct, now, have you not, Coach?

The Witness: Let me see; I think I have.

The Court: What I wanted clear was that about the players coming—that has never been gone over.

Mr. Schroder: Well, while he is down here, may I ask him about that?

The Court: Yes, sir; I thought that this would be the time to clarify it.

[fol. 371] Mr. Schroder: Yes, sir; I overlooked it.

By Mr. Schroder:

Q. "You Know"—and I am reading or quoting from the article. "You know, during the first half of the Alabama game my players keep coming to the sideline and saying, 'Coach, we been sold out.'" Is that an accurate statement?

A. No, sir.

Q. "Their linebackers are hollering out our plays while we're still calling the signals."

A. Some of them came out of the game and said, "They knew what we were going to do," or something along those lines. I don't recall it word-for-word, and I don't know who said it.

Q. Just one player?

A. I am not sure; just one or two.

Q. Just one or two?

A. Yes, sir.

Q. But they didn't say it like they have got it there that you said?

A. No, sir.

Q. And to that extent it is an inaccurate statement?

A. That's correct.

Q. Did anyone ever come off the field and say anything to you about, "Coach, we have been sold out"?

A. Not to my knowledge.

Q. Well, you would remember it, wouldn't you?

A. I don't know whether I would, but I don't remember it.

Q. Well, you don't know where the Post got that information?

A. No, sir; I do not.

[fol. 372] Q. Thank you, sir. In block letters at the top of this, this being page 83, column 2, I think that is going to refer to what is down here at the bottom; if not, you correct me. I am reading here at the bottom, "I never had a chance, did I?" Coach Johnny Griffith said bitterly to a friend the other day. 'I never had a chance.'" Now, is that a correct quotation?

A. No, sir.

Q. Did you ever say that to anybody?

A. No, sir.

Q. The Post put it in large block letters on its own sheet "I never had a chance". That is what you say you never told anyone?

A. No, sir.

Q. You have not said that to anyone?

A. No, sir.

Q. The way that reads—only have half of it up there, but the article itself will show, “Head Coach Johnny Griffith of Georgia’s beaten Bulldogs: ‘I never had a chance.’”; your testimony is that is absolutely inaccurate?

A. That’s correct; it is not a quote by me.

Q. All right, sir. After the—would you mark that one? I hate to give you all this exercise. Coach Griffith, after the Post issue of March 23rd hit the streets, did anybody come by to see you from the Post?

A. Yes, sir.

Q. Let me back up for just a moment and ask you this. Before the Saturday Evening Post published this article that we are talking about, did it ever consult with you as to the accuracy of the quotations that they were putting in that article as having been said by you?

A. No, sir.

[fol. 373] Q. Now, you said you were visited by a representative of the Saturday Evening Post after the issue hit the streets?

A. Yes, sir.

Q. Did you point out to the man who visited you from the Post that you had not been quoted accurately in that article?

A. Not the man that delivered the magazine to me; no, sir; because I did not read the magazine while he was there.

Q. Well, you have had some discussion with somebody from the Post since?

A. Perhaps a week or two weeks later.

Q. That is what I am referring to. What did you tell him about the manner in which they had used your name and your quotations in their article?

A. I simply told him—point out the misquotes that were directed to me.

Q. And what did you say about him having—should consult you before they quoted you in that way?

A. I said that I felt that I should have been contacted.

Q. And you went further than that, didn’t you? Didn’t

you write a letter or send a copy of a letter to the editor of the Post pointing out that you had been misquoted?

A. I wrote the letter to Dr. Aderhold and a copy was sent to the editor of the Saturday Evening Post.

Q. Has the Saturday Evening Post done anything about retracting the quotations which it has put in its article as being attributable to you?

A. Not directly to me.

Q. Have you seen any—not directly to you?

A. They have not contacted me directly; no, sir.

Q. I see.

[fol. 374] Mr. Schroder: May I ask the Court approximately what time—

The Court: 4:30.

By Mr. Schroder:

Q. The sophomore group that you have there at the University of Georgia, and I say “the sophomore group,” I mean the group in 1962, they will be juniors this fall?

A. Yes, sir.

Q. They have quite a bit of potential, don't they?

A. I think so; yes, sir.

Q. And they showed that by beating Auburn, which has a right strong team, right?

A. Yes, sir.

Q. Won from Clemson also?

A. Yes, sir.

Q. With many of those sophomores coming back this fall we can certainly hope for a still better fall this season, can't we?

A. Yes, sir; I think so.

Mr. Schroder: Thank you.

Redirect examination.

By Mr. Cody:

Q. Coach Griffith, I have just a few more questions.

Mr. Schroder: Cody, you going to use this?

[fol. 375] Mr. Cody: No.

By Mr. Cody:

Q. And the first one being a little bit personal, you can decline to answer it if you wish, and I won't insist upon it. Was it true that Coach Butts was outspokenly bitter against Georgia's coaching staff?

Mr. Schroder: If the Court please, I think that would certainly be hearsay.

The Court: Well, I believe that you asked—

Mr. Cody: He went into it.

Mr. Schroder: That was in the article, and he denied he said that.

The Court: I think it is admissible.

Mr. Schroder: All right.

The Court: You asked him had he ever heard him say anything about him, and he asked him—I think it is admissible; I overrule the objection.

Mr. Schroder: All right, sir.

[fol. 376] By Mr. Cody:

Q. You want to make any comment about that?

A. I don't have any comment to make about it, because I don't know anything about it.

Q. Was it true that Georgia took a frightful beating in this Alabama game?

A. Not a physical beating; no, sir.

Q. So far as the score was concerned, they took a frightful beating?

A. Yes, sir.

Q. Was it true that that more or less shocked you, stunned you?

A. Yes, sir; to a certain extent.

Q. Was it true that in the 1962 season that you did think that somebody had given the Georgia plays or formations to other teams?

A. Yes, sir.

Q. Is it true—

Mr. Schroder: If the Court please, I haven't objected for two days as to leading questions, but I think he is leading the witness.

The Court: Don't lead your witness.

Mr. Cody: It is in rebuttal to something he asked about, Your Honor, and I—

The Court: You are still not privileged to lead him.

[fol. 377] By Mr. Cody:

Q. Coach Griffith, tell us just a little bit more about these boys coming off the field during the game, and by that I mean, you point out what part of the game or who those players were, if you remember, whether offensive or defensive players, and tell us a little bit more about that, if you can remember.

A. As I remember, one or two came out with a statement along these lines, that "they know what we are running; they are even calling out our plays. What are we going to do?" or something along those lines. I don't recall a great deal about it, because in the heat of a ball game you are not concentrating on something like that, but I do remember something of that nature.

Q. You are busy trying to make substitutions and look at the plays yourself, aren't you?

A. That's correct; yes, sir.

The Court: You are leading him, Mr. Cody.

Mr. Cody: I will quit that.

The Court: It's awfully easy to do that.

Mr. Cody: I know.

By Mr. Cody:

Q. Now, there's a lot been said here about the fact that a lot of other teams use this pro-set and use this slot formation that you describe; are there variances from that [fol. 378] formation by different teams?

A. Are there what?

Q. Variances.

A. In—yes, sir; in, for example, the slot formation there is; some teams will use a six-yard slot; some a ten; some a five; and some a two.

Q. Of what importance is that?

A. Well, as I said before—

Mr. Schroder: Cody, I believe we have been all over this.

By Mr. Cody:

Q. Have you answered that before?

A. Yes, sir; along those lines in regard to the defensive and play as to where he will line up.

Q. There is a time when you use a particular play; is that of importance?

A. In a game plan you have game situations, first and ten, second and long, second and short, second and third, and the offensive plan or your running attack and your passing attack are broken down to those categories; yes, sir.

Q. Now, to reduce football really to its most common denominator, what you try to do when you get the ball—see if this is correct—you have four downs to make ten yards; is that right?

A. Yes, sir.

Q. You—

Mr. Cody: You mind if I lead him to that extent?

The Court: No, sir; you can't lead him.

[fol. 379] By Mr. Cody:

Q. If you don't make the ten yards in four downs, what happens?

A. Well, you don't get to that fourth down as far as running the game goes. You kick the ball normally on the fourth down.

Q. And the opponent has the ball?

A. That's correct; yes, sir.

Q. Is that when the—is that when the opponent has a better opportunity to make a touchdown, when they have the ball?

A. Yes, sir.

Q. If they don't make a touchdown when they have the ball, it is when they intercept a pass or something of that sort, isn't it?

A. That's correct.

Q. Fumble, pick up a fumble? Now, what was your—what was your complaint or what was your opinion, Coach Griffith, as to the effect that it had on your team when it got the ball by your opponent having some information about your plays or formations? Now, tell us about that.

Mr. Schroder: Now, wait a minute, whoa. Let me see here.

Mr. Cody: I think that is—

The Court: Just a moment; just a moment.

Mr. Cody: I think that is a proper question.

[fol. 380] The Court: Well, I don't know.

Mr. Schroder: No, sir; he is putting words into the witness' mouth not only by leading him but also is putting words in the witness' mouth that the witness hasn't said.

By Mr. Cody:

Q. I will correct that by adding the words "if they had information about your plays and formations."

Mr. Schroder: If the Court please, I think that would call for a conclusion.

Mr. Cody: I think it is a hypothetical question based upon facts that have been testified to.

The Court: Well, I don't know. I don't think you prop-

erly worded your question, and as it is now I think it is objectionable. I will sustain the objection to it.

Mr. Cody: Very well then.

By Mr. Cody:

Q. Coach Griffith, have you ever expressed any opinion as to how much better team Alabama had than Georgia before the game?

A. Yes, sir; I am sure that I have. I could not give you a definite date or who I expressed it to, but it was general information before the ball game—I felt that Alabama had [fol. 381] better personnel than we had, and more experienced football team.

Q. How much better?

A. Well, in my opinion I felt that if the Georgia team scored once and Alabama scored three, that we would have done possibly the best we could have done with the material that we had at the University of Georgia.

Q. You got another game coming up in September, haven't you?

A. Yes, sir.

Q. You hope you do better?

A. We plan to do better; yes, sir.

The Court: Any further questions of Coach Griffith?

Mr. Cody: Just a moment, Your Honor.

By Mr. Cody:

Q. Coach Griffith, roughly do you know how many yards Georgia gained in its offensive plays against Alabama during that game?

A. No, sir. I don't know the exact number. I think it would probably be less than a hundred, in the 80's, 90's; I am not sure.

Q. Is that good or bad?

A. That is bad.

Q. You know how many passes they completed?

A. Georgia?

Q. Georgia.

A. Not the exact number; no, sir. I would say probably around eleven; I am not sure.

Q. Do you know how many they tried?

A. No, sir; I don't know the exact number; probably [fol. 382] eighteen or nineteen.

Q. Do you know how close you got to the goal line at any one time or the closest you got?

A. I believe that we got to their 40-yard line; that was the closest we got.

Q. And you said the score was 35 to nothing, I believe?

A. Yes, sir.

Mr. Cody: I believe that's all.

Recross examination.

By Mr. Schroder:

Q. Mr.—Coach Griffith, the last quarter of the game Alabama was using its third and four stringers, wasn't it?

A. I believe they were in the last.

Q. They were trying not to run up the score; they were using their third and fourth stringers, weren't they?

A. I think they were in the last quarter; yes, sir.

Q. How many passes—Mr. Cody asked you how many passes they completed. How many passes did Mickey Babb drop that night?

A. I don't recall.

Q. Quite a few, wasn't it?

A. I don't recall.

Q. Do you know of any he dropped?

A. Yes, sir. I know of one or two he dropped definitely.

Q. Without bringing the blown-up portion of the article back here, Mr. Cody was asking you about some remarks made by Georgia players, Georgia personnel coming off of [fol. 383] the field. I want to refer you, please, sir, to the Saturday Evening Post article which reads—and I am reading from Page 81, column 3—

Mr. Cody: Are you quoting him now?

Mr. Schroder: Quoting him? I am quoting—

Mr. Cody: If he is not quoting Coach Griffith, I object to it.

Mr. Schroder: I am quoting the Saturday Evening Post article.

The Court: All right, sir; go ahead.

By Mr. Schroder:

Q. Quoting, “‘The Alabama players taunted us,’ end Mickey Babb told him. ‘You can’t run eighty-eight pop, (a key Georgia play) on us,’ they’d yell. They knew just what we were going to run, and just what we called it.’” What is that play “eighty-eight pop”?

A. We don’t have an “eighty-eight pop”. We have the “thirty-three” and “thirty-two pop”.

Q. You mean you don’t have an “eighty-eight pop” in Georgia’s offensive plans?

A. No, sir.

Q. Well, then, there couldn’t be a key Georgia play such as that as the Post refers to it?

A. We don’t have the “eighty-eight pop.”

Q. That is what I say; it couldn’t be a key Georgia play [fol. 384] as the Post calls it?

A. That’s correct.

Q. No play for Georgia, is it?

A. No, sir.

* * * * *

JOHN GRIFFITH having resumed the stand, testified further as follows :

Recross examination (continued).

By Mr. Schroder :

Q. One question, Coach Griffith. You know Bob Edwards?

A. Yes, sir.

Q. Bob Edwards first called you about this matter saying that Burnett had furnished it to him; is that right?

A. Yes, sir.

Q. Now, the first time that Bob Edwards called you was before Christmas in 1962?

A. As I recall; yes, sir.

The Clerk: Plaintiff's Exhibit No. 28 for identification is a copy of a letter dated October 22, 1962 to Coach Johnny Griffith from Wally Butts.

(Whereupon above document was marked for identification only as Plaintiff's Exhibit No. 28.)

[fol. 385] The Clerk: Plaintiff's Exhibit No. 29 for identification is a copy of a letter dated February 26, 1963 to Coach Johnny Griffith from Wally Butts.

(Whereupon above document was marked for identification only as Plaintiff's Exhibit No. 29.)

By Mr. Schroder :

Q. Mr. Griffith, I hand you Plaintiff's Exhibits 28 and 29, and ask you did you receive the originals of those letters?

A. Yes, sir.

Mr. Schroder: That's all, Your Honor.

The Court: Any further questions?

Mr. Cody: I'd like to ask him a couple of questions, Your Honor.

The Court: All right, sir.

Redirect examination.

By Mr. Cody:

Q. Coach Griffith, this information, after examining the notes made by Mr. Burnett, in your opinion could that information affect the result of this Georgia-Alabama game? [fol. 386] A. Yes, sir.

Q. If you had been the Alabama coach and had received that type of information—

Mr. Schroder: If the Court please, we are going into all this all over again. I am going to have to go through all this.

The Court: Let's see what the question is.

Mr. Cody: I haven't asked him this before.

By Mr. Cody:

Q. Would it have been helpful to you in the preparation of your defense against Georgia had you been the Alabama coach?

A. Yes, sir.

Mr. Cody: That's all.

Mr. Schroder: All right, sir.

Recross examination.

By Mr. Schroder:

Q. Coach Griffith, referring back to the so-called Burnett notes which we reviewed in court here yesterday—

A. Yes, sir.

Q. —I believe you testified that a good number of those notes were inaccurate and didn't even apply to anything [fol. 387] that the University of Georgia had; is that correct?

A. Yes, sir.

Q. The only two things that you saw in those notes that, in your opinion, as you testified, might have affected or might be of any benefit to an opposing coach—

A. Yes, sir.

Q. —were the two formations we spent some time discussing yesterday?

A. Yes, sir.

Q. Correct?

A. Yes, sir.

Q. Those two formations were the two formations that were also used by Alabama in its offense, weren't they?

A. Yes, sir.

Q. In the Vanderbilt game, which was the following game played by the University of Georgia in Nashville, Georgia used those same two formations, didn't it?

A. I am not positive; I think so.

Q. You think so?

A. Yes, sir.

Q. How did that game come out?

A. Georgia won 10 to nothing.

Q. Using the same formations that Vanderbilt had seen the week before when they were scouting Georgia in its game against Alabama?

A. I couldn't answer that positively; no, sir; I couldn't answer that.

Q. Well, do you remember varying your offense against Vanderbilt?

A. Well, I am sure that we did, because they used a different defense.

[fol. 388] Q. I mean, your formations?

A. I can't recall; no, sir.

Q. Those are really your two basic formations, aren't they?

A. Well, we used other formations during the season. Yes, sir.

Q. Yes, sir. Those are your two basic formations that you did use throughout the season, weren't they?

A. Yes, sir.

Q. Throughout the season '62?

A. Yes, sir.

Q. And as you said yesterday, you had been using those same two formations in 1961 also?

A. Yes, sir.

Mr. Schroder: Excuse me. That's all.

Examination.

By the Court:

Q. Coach Griffith, if I recall correctly you said you felt that two other games—information had been given on two other games; is that correct?

A. No, sir; I did not say that.

Q. I misunderstood you.

A. Yes, sir.

* * * * *

FRANK INMAN called as a witness on behalf of the Defendant, after having first been duly sworn, testified as follows:

[fol. 389] Direct examination.

By Mr. Cody:

Q. Your name is Coach Frank Inman?

A. Yes, sir.

Q. Where did you attend college, Coach?

A. Presbyterian College.

Q. Where is that?

A. Clinton, South Carolina.

Q. Did you play football there?

A. Yes, sir.

Q. What coaching experience have you had?

A. I got my Master's Degree at Duke in 1947, and in the spring—end of the year I went to Richmond Academy in Augusta as Assistant Coach, and stayed at the Richmond Academy until last year when I went to Georgia. In 1956 I became Head Coach.

Q. What part of the team do you coach now?

A. At the University?

Q. Yes.

A. I am the offensive backfield coach.

Q. What year was it you went to the University as a coach?

A. Last year; my first year was last year, the season of 1962.

Q. Were you an assistant coach then during the—at the time that Georgia played Alabama?

A. Yes, sir.

Q. Coach Inman, have you seen these notes that Mr. Burnett turned over to the Athletic Department, have you ever seen those notes?

A. No, sir; I have seen a copy of them.

Mr. Cody: Let me see those notes.

[fol. 390] By Mr. Cody:

Q. Hold these notes a minute. I want to ask you a few questions about them. Did you attend all the staff meetings of coaches during the spring training of 1962?

A. No, sir; I did not. I was not employed until July 1, '62.

Q. Then did your work begin on or about September 1st in the coaching of the players of 1962?

A. My first practice session was September the 1st.

Q. Will you state to the Court whether or not you helped train the team with respect to a formation that you coaches refer to as a slot formation?

A. Yes, sir.

Q. Did you train—help train the team with respect to a formation known as the pro-set?

A. Yes, sir.

Q. What is that pro-set, Coach Inman?

A. Pro-set is a set at Georgia where we use a slot on one side with an end and halfback and on the opposite side the off end is split; with the Alabama game, about fifteen yards.

Q. How many basic formations are there in football, just approximately?

A. That would be difficult to answer. There are a large number. I could name a few and you can count them.

Q. Suppose you name a few.

A. Well, there is the pro-set we use, which I suppose other people do too. We use the wing, the wing back without any end split; sometimes we use a wing back with an off end split which we call a flex. It is also a normal T-back, full house backfield. There are many variations of spread [fol. 391] formation such as the one that Tech used this past year against us.

Q. Was that a pro-set?

A. We called it a spread.

Q. I see. Go ahead.

A. And then you can take any one of those sets that I have mentioned and just by changing the spacing of the line men or the position that the back lines up, whether he is in a close position, three yards, or in the middle position, three to five yards, or out eight or more yards, and I think that would change the formation completely.

Q. When you refer to a slot formation, are there different variations in there, so far as the distance in the spread is concerned?

A. There is a lot of—a large amount of discussion, I think, about the width of a slot, and at Georgia we have used different ones since I have been there. We started with a three-yards, and at other times we had it wider than that.

Q. Is the difference in that width of the slot important in football?

A. Yes, sir.

Q. Would it be important to an opposing team to know the width of that slot?

Mr. Schroder: If the Court please, he is leading the witness.

Mr. Cody: I think he has a right to express an opinion about it, Your Honor.

The Court: He said you were leading the witness.
 [fol. 392] Mr. Cody: Yes, sir.
 The Court: And I agree with him.

By Mr. Cody:

Q. What is your opinion, Coach Inman, as to whether or not the width of a slot is important?

A. I think it is important to determine where the defensive people are going to be placed, whether or not they would put more than one defensive man in the position in the area between the slot, whether or not they would declare the strength of the defense like a monster man or rover line-backer toward that direction. We think it makes a lot of difference in how you set your defense. Of course, there are a lot of things involved, the field position, and so on. But generally the formation is a basic thing that you determine your defense from, one of the basic things.

Q. Look on those notes, Coach Inman, and turn to Page 5. Do you see anything on that page that indicates a Georgia formation?

A. Is this the one that says "Slot or Wide Slot"? Am I looking at the right page?

Q. On Page 5. Your pages are not numbered, but in the order in the order in which they appear, I think—

Mr. Schroder: Mr. Cody, I think you are referring to the second note on Page 5.

By Mr. Cody:

Q. The second note on Page 5.
 [fol. 393] A. "Slot to right, ends normal (three yards)"?

Q. Yes.

A. That is the question, please?

Q. Is that a formation, a Georgia formation?

A. In our slot right formation we did set the end three yards, and put the on side halfback in that area, a yard behind the yard of scrimmage.

Q. Turn to the last page, Coach Inman. The first item on that page you see where it says "Slot right, left end out fifteen yards"?

A. Yes, sir.

Q. Was that a Georgia formation?

A. That is what we call our pro-set, which is the slot right with a split end on the off side, and we tried to put him out wide, fifteen yards.

Q. Did you help train the Georgia team to use that formation for the 1962 season?

A. Yes, sir. I was the assistant offensive backfield coach, and I worked primarily with the halfbacks. I helped Charlie, and I worked particularly, I would say, in this formation where the backs lined up.

Q. How many formations—back up there just a minute. The Alabama game for the season of 1962 was the first game of the season; is that right?

A. Yes, sir.

Q. Did you have a good many sophomores on your team?

A. Yes, sir.

Q. How many formations did you help train that team to use in the Alabama game?

A. We had two basic formations, but, of course, we worked them both ways, and I guess you would call that four formations; we had a slot right and slot left and a pro right and a pro left.

[fol. 394] Q. Did you use those formations during the game?

A. Yes, sir.

The Court: Did you use any other formations except those two formations during the game, those basic formations?

The Witness: During the Alabama game?

The Court: Yes, sir.

The Witness: No, sir. To my recollection we used that. Of course, we used a punt formation. As I recall we ran one time from a punt formation, which I don't think—but that is the formation, so we ran those two.

By Mr. Cody:

Q. Coach Inman, do you have any opinion as to whether or not this information could have been helpful to Alabama? Do you have an opinion about it?

A. These notes?

Q. Well, I mean—yes, the notes?

A. I think that any information in football from a reliable source would be valuable to any coach, and the value of it, I think, would—I assume would be, at least in my case, would be determined by whom—where it came from. If an expert told me—

Mr. Schroder: Wait a minute; whoa, whoa.

[fol. 395] The Court: Just a minute. That is hearsay. You can go back and ask him the question, what some expert told him would be hearsay.

Mr. Cody: Let's don't get into some comment an expert told you.

By Mr. Cody:

Q. I am asking you as an expert whether or not, in your opinion, this information contained on those notes or any information on those notes could have been helpful to Alabama?

A. Yes, sir; I think it could.

Q. If you had been the Alabama coach would it have helped you prepare your defense against Georgia?

A. Well, I would have to say what I said before. You say if I had been?

Q. Yes.

A. Any information I got in football would have—I'd have to decide on how valuable it was, depending on where I got it from. If one of my coaches gave me this information, I would take it without any question, and that is what I meant by—when I said “expert”. I should have said “coach”, a qualified coach. Does that answer your question?