

Q. How many times have you been a witness?

A. Oh, in JP Court, six or eight times, something like that.

Q. How old a man are you, Mr. Witt?

A. Forty-three.

Mr. Gooch: How old?

A. Forty-three.

By Mr. Address:

Q. Mr. Witt, this Defendant's Exhibit 1, what lawyer prepared that for your signature?

A. Fred Smith.

Q. Fred Smith is what, one of the lawyers in Mississippi for the Associated Press?

A. He is a lawyer. When I gave it to him I didn't even know what it was all about.

Q. Is he one of the lawyers for the Associated Press over in Mississippi?

A. He is the man that cross-examined me at Oxford, too.  
[fol. 376] Q. Now did you ever write this out in long-hand?

A. No, sir. I have a copy just like that.

Q. But you didn't write this out in longhand and then have him type it up?

A. No, sir.

Q. How long did you talk to Mr. Smith before he fixed this thing up for you?

A. He come out to the courthouse at Pontotoc one Sunday afternoon. We talked there two or three hours.

Q. Did he make any notes?

A. At that time he did, yes, sir.

Q. And then he is the one that fixed this up?

A. Oh, he typed that up in his office on Monday. He wrote it in shorthand Saturday afternoon.

Q. Is this his language or yours?

A. Yes.

Q. Is it his language or yours?

A. Well, he asked the questions.

Q. Uh-huh. Now, of course, this isn't sworn to, is it?

A. No, sir.

Q. Had you ever had your deposition taken before it was taken in this case?

A. No, sir.

Q. That is the first experience you had with a deposition?

[fol. 377] A. Yes, sir.

Q. Now when Mr. Smith came up there and talked to you about giving this statement did he tell you he intended to use that in evidence?

A. I don't recall nothing about him saying nothing about what he wanted it for. Maybe he did. In fact, I wasn't too interested in that thing at that time; didn't know anything about it.

Q. Let's see. Is Mr. Smith in the courtroom this afternoon?

Mr. Gooch: No.

Q. Was any other lawyer there with him?

A. Probably his nephew, I believe, was in one of the outer offices when he was there.

Q. Now did you have a lawyer when he was questioning you?

A. No, sir, I didn't need one.

Q. Did you have a lawyer when he presented this statement to you for your signature?

A. No, sir.

Q. Did you submit it to your lawyer before you signed it?

A. No, sir.

Q. Now did you know when this deposition of yours was being taken that it was being taken under an agreement [fol. 378] that nobody would make objections to any kind of questions that were being asked at that time, except as to form, that the objections were reserved until the time of trial?

A. Wait a minute. Start over one more time.

Q. Now at the time your deposition was being taken did you know that all of the objections that either side had to the questions were going to be reserved to the time of trial and therefore, there wouldn't be any objections to any questions being asked you?

A. The idea of that—that was all my part.

Q. Let's see. They waived the signature on these depositions, didn't they? You didn't actually sign the depositions?

A. I didn't sign none of those, no, sir.

Q. How long after—did you ever see this deposition after it was taken?

A. Seems like I looked at it when the boys was with me the other night. I looked at it for a few minutes.

Q. You didn't check it over to refresh your mind to see if it was exactly what you had in mind?

A. You—no, sir.

Q. Now at the time your deposition was taken, you were asked, were you not, what area would encircle that group of 1,000 people and at that time you did draw a circle, a perimeter there, after saying it was, oh, on back in the [fol. 379] surrounding area?

A. Yes, sir.

Mr. Gooch: If the Court please, I object to this part of the examination. He either made the statement or he didn't. He testified before when I asked him about it that it was true.

The Court: I believe he is asking him now whether he drew on the exhibit.

Mr. Address: Yes, sir.

A. Yes, sir, I drew one. Somebody gave me a map and I drew a circle where I estimated the thousand people to be.

Q. We don't want to mark this map up, but how about you coming over here with the ruler and standing here where we can all see it, and kind of circle the area where you say that one thousand people were.

A. This (indicating) is University?

Q. This is University Avenue.

A. It was over—

Q. —wait a minute. Here is University Avenue, University circle, here is the monument, here is the flagpole, here is the Lyceum and here is the YMCA, here is this new Science Hall (indicating).

What is the area you had in mind, as best you can remember, that you drew a circle on that smaller map that [fol. 380] you had at that time, that had the 1,000 people?

A. It was completely around this whole thing. There were people in cars all up and down this street here.

Q. Now when you said, “completely around this whole thing,” you made a circle with the pointer that went all the way around the Lyceum Building on the far west, and covered the complete circle and came back kind of out onto University Avenue, didn’t you?

A. Yes, sir.

Q. Is that what you meant?

A. That is what I mean. Of course behind were people and a lot of times you wouldn’t see what was going on, but up here, way around in here (indicating).

[fol. 381] Q. When you say, “up here,” you are talking about—

A. Behind the building.

Q. —Peabody Hall and the Fine Arts Center and the approach to the Fulton Chapel?

A. You could see out these streets but behind the Lyceum Building, you couldn’t see.

Q. All right. Were some of these thousand people that you are talking about that were surging around the campus, were they up there by Peabody, by Peabody and by the Fine Arts Center and—

A. Yes, sir.

Q. —and were some of them down here as you mark here, down by Carrier Hall?

A. They was all around there.

Q. Would you say all around the open spaces, around the University circle?

A. Everywhere they could get, they was there.

Q. And down how far on University Avenue?

A. Oh, down here—see, the street angles off right here.

Q. Uh-huh.

A. They was down right to here (indicating).

Q. They were down here at what's marked the Old Post Office Building, right?

A. Yes.

[fol. 382] Q. That's that first street off of University Avenue?

A. That's right.

Q. East of the circle?

A. That's right.

Q. So that—let's see, from the library place back here on the far west behind the Lyceum, down to this street off of University Boulevard, on this scale it shows to be about 1200 feet, doesn't it?

A. I would guess that's about right.

Q. And across—have I got this pointer now in the area that covers the across?

A. Yes, these buildings, and these streets, see, goes out like this. You could see people back in this area here (indicating).

Q. So that if we draw a line north and south through the flagpole, in that circular area, have I got the distance marked right here?

A. Yes, sir.

Q. All right, sir. And that shows over here as being 800 feet, doesn't it?

A. That's right.

Q. So you are talking about a sort of an oval area that's 1200 feet long and 800 feet wide?

A. That's right.

[fol. 383] Q. That is where the thousand people that we are talking about were located in?

A. Yes, sir.

Q. Now, Sheriff, were you leading this crowd in any of the—

A. No, sir.

Q. —activities there?

A. No, sir, I was not.

Q. During these activities, was General Walker doing anything different than you were doing?

A. No, sir.

Mr. Gooch: We object to that as a conclusion on the part of this witness and draws a comparison between two people.

The Court: Yes, sustained.

By Mr. Address:

Q. So far as these acts of violence that you were talking about, Molotov cocktails, throwing things at the Marshals, and so on, will you state whether or not General Walker did any of those things?

A. No, sir, he did not.

Mr. Address: That's all.

Mr. Gooch: Stand aside.

The Court: We will excuse this witness if you don't need him any more.

Mr. Watts: Yes, sir.

[fol. 384] Mr. Address: That will be all right.

The Court: You are excused.

Ladies and Gentlemen, we will recess until 9:00 o'clock the next morning. At that time, be in the jury room and we will call you out from there.

(Thereupon, at 5:00 o'clock, p.m., the hearing was adjourned until Wednesday, June 10, 1964, at 9:00 o'clock, a.m.)

[fol. 387]

#### PROCEEDINGS

(The following proceedings were had outside of the presence and hearing of the Jury.)

The Court: Ladies and Gentlemen, since we have a rather large audience I am going to adopt the practice of having

counsel and the audience remain in their seats at each recess until the Jury has left the Courtroom. I am going to further instruct the audience not to discuss the case either in the halls or the restrooms or anywhere else when a Juror may be present. You, of course, have a right to discuss the case among yourselves, but make very certain you do not discuss it in the presence of any Juror. That would be misconduct on your part.

All right, bring in the Jury.

(Jury in; the following proceedings were had within the presence and hearing of the Jury.)

The Court: Good morning, Ladies and Gentlemen. All right, Mr. Watts.

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ZEB JONES, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

[fol. 388]            Direct examination.

By Mr. Watts:

Q. Your name, please?

A. Zeb Jones.

Q. How do you spell that?

A. Z-e-b (spelling).

Q. Where do you live, Mr. Jones?

A. Jackson, Mississippi.

Q. What is your business?

A. I practice law there.

Q. For how long?

A. Well, about three months; just getting started.

Q. Are you a graduate of the Ole Miss Law School?

A. No, sir, the Jackson School of Law, Jackson.

Q. Did you go to Ole Miss at one time?

A. Yes, sir, I did.

Q. And when did you graduate from Ole Miss?

A. 1957.

Q. Were you on the campus the night of September 30, 1962?

A. Yes, I was.

Q. What was the occasion for your being on campus?

A. Two of my neighbors, they have students up at Ole Miss, and I drove them up there that night. I knew there would be some excitement also. I had two purposes in mind.

[fol. 389] Q. And whose car did you go up there in?

A. In mine.

Q. Who was with you?

A. Two students, Taylor Robertson and Ben Wells, and two older men friends and myself.

Q. Who were the older men friends?

A. Al Busby and Jack Robertson.

Q. What time did you leave Jackson?

A. About a quarter to five that afternoon, Sunday afternoon.

Q. What kind of a car were you driving?

A. '61 Ford.

Q. Yours?

A. Yes, sir.

Q. What time did you arrive on campus at Oxford?

A. About 9:30 that night.

Q. Will you tell the Jury, please, sir, in your own words from the time you arrived in the outskirts of Oxford what you saw and heard?

A. Well, we arrived there on the campus about 9:30. I parked my automobile—could I use the diagram to show where I parked my car?

Q. Sure, take the pointer there where you can identify places.

A. We came on the highway about here, along here, came [fol. 390] in along the campus. This is University Avenue right here, over toward the middle of the campus here, right along here, and I parked my automobile right along here, I believe, the first road in here. We got out of my



car and walked up toward this area here known as the Grove in here (indicating map).

Q. Now, have another look at that so-called Grove and see if it is the Grove or the Circle?

A. Well, the Circle.

Q. Now, do you see another item up there, another area that is designated Grove, back a little; back a little and above, toward you and up?

A. That's right. I am mistaken. I am mistaken.

Q. All right.

A. This was the Circle we went into and the silos (phonetic) more or less broke up as we got along here, a large crowd, and I just kind of drifted off in this area along in here sort of south.

Q. Identify further that installation at the east end of the Circle.

A. This is the monument right here, the Confederate monument. A lot of students were standing around this area, and they were throwing rocks and so forth, a lot of hollering and yelling.

Q. Were the students in that area throwing the rocks?  
[fol. 391] A. No, sir, they were a little bit closer up to this area. The Marshals—well, the Marshal—

Q. Get on over where you can see it.

A. This (indicating) is the Lyceum Building which is the Administration Building, and the Marshals were more or less lined up in this vicinity in front of the Lyceum Building, and the students would run up from this area here and throw rocks. Everybody was pretty well scattered out all over this whole area in here (indicating chart).

Q. Okay, you may take your seat. How long did you stay there?

A. Until around 1:30 or 2:00 the next morning.

Q. All right, go on and continue with your outline of events. Tell the Jury what you saw and what occurred?

A. The Marshals were shooting tear gas and, well, as we first arrived on the campus we heard a lot of shooting.

I thought it was firearms being shot. Later we learned it was tear gas. And there was a lot of tear gas in the area, just kind of hanging in the air, and it would burn your eyes and so forth, and students were just running around more or less in just disorganized confusion, and that was about it.

Q. Did you encounter General Walker while you were there?

A. I had been there, I guess, fifteen or twenty minutes [fol. 392] when I saw General Walker.

Q. Tell the Jury about it.

A. I was on more or less the south side of the Circle. I had been there fifteen or twenty minutes, possibly around a quarter to 10:00 that night, and somebody said, "There is General Walker over there," more or less by the statue. I walked over to General Walker and shook hands with him and he was just more or less standing there watching and observing the crowd and doing nothing, just standing there.

Q. How long did you observe him there—did you talk to him?

A. Yes, sir, I did, I introduced myself to him and he said he was very glad to meet me, and that was about the extent of it.

Q. How long did you stay in the immediate vicinity of General Walker?

A. I guess ten or fifteen minutes.

Q. Where did you go from there?

A. I believe I probably walked up toward the—north of the sidewalk, just walking back and forth in the Circle, back and forth from one side to the other.

Q. Did you see anything further from that time on of any significance?

A. Well, there was just a lot of kids. I saw several different college jackets of four or five junior colleges in [fol. 393] the area; a lot of boys running around throwing rocks, hollering, yelling, and just more or less a lot of confusion going on.

Mr. Watts: That is all.

Cross examination.

By Mr. Gooch:

Q. Mr. Jones, had you heard of General Walker before you got up there that night?

A. Yes, sir, I had.

Q. Did you consider him to be a public figure?

A. Yes, sir, he was more or less pretty well known.

Q. Had you heard some of his talks or speeches, or had you—

A. Yes, sir, I had. I heard him speak in Jackson about the—oh, about a year prior to that, I guess.

Q. You did consider him a public figure, did you not?

A. Yes, sir. I don't know what you mean by public figure. He was a well-known celebrity. More or less—

Mr. Gooch: Thank you, that is all.

Mr. Watts: That is all, Mr. Jones, thank you. Bring Mr. Leman in, please.

The Court: I will excuse this witness.

Mr. Watts: May this witness be excused?

The Court: Yes, sir.

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[fol. 394] LOUIS LEMAN, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

Q. Your name, please.

A. Louis Leman.

Q. I just heard one of my co-counsel say you are nervous, Mr. Leman. Are you?

A. Yes, sir.

Q. Where do you live?

A. Crosby, Texas.

Q. Have you ever been on the witness stand before?

A. No, sir, never have.

- Q. How old are you?
- A. Twenty-five.
- Q. Where were you raised?
- A. Crosby, Texas.
- Q. Where is Crosby, Texas?
- A. About thirty miles the other—east of Houston.
- Q. How long have you lived in that area?
- A. Well, sir, I lived there right after I was born until the War and then we lived at Houston—Houston after the War, and then moved back to Crosby, and lived there ever [fol. 395] since.
- [fol. 396] Q. Where were you during wartime?
- A. Boston—Milton, Massachusetts, near Boston.
- Q. What were you doing there?
- A. Father was in the Navy.
- Q. In the Navy?
- A. Yes, sir.
- Q. I thought he was in the Army?
- A. No, he was in the Navy.
- Q. Where did you go after you left Boston?
- A. Went to Houston, Texas.
- Q. And did you go to high school in Houston, Texas?
- A. Yes, sir, St. Thomas High School.
- Q. St. Thomas High School?
- A. That's correct, yes, sir.
- Q. Now where is St. Thomas High School in Houston?
- A. It's on the Memorial Drive on the west side of Houston.
- Q. Did you graduate from St. Thomas High School in Houston?
- A. Yes, sir.
- Q. When?
- A. In 1956.
- Q. Where did you go from high school? Did you go off to school?
- A. Went to the University of Texas.
- [fol. 397] Q. At Austin?
- A. Yes, sir.

- Q. In what year?
- A. In 1956, I started.
- Q. Did they play Oklahoma that year?
- A. Yes.
- Q. Strike that. Mr. Leman, did you—what course did you take?
- A. Mechanical Engineering.
- Q. Mechanical Engineering?
- A. Yes, sir.
- Q. Did you graduate?
- A. Yes, sir.
- Q. After how many years?
- A. Four and a half years.
- Q. With what course?
- A. Bachelor of Science Degree in Mechanical Engineering.
- Q. And did you then practice that profession?
- A. Yes, sir.
- Q. For whom did you work?
- A. Southwest Oil Field Products.
- Q. Where is the Southwest Oil Field Products located?
- A. The plant is in Houston, Texas.
- Q. How did you happen to go to work for Southwest Oil [fol. 398] Field Products?
- A. Well, I planned on it and my father was—it was his company and I had planned on going to work.
- Q. What was their general business?
- A. Manufacturing oil field equipment.
- Q. Where did they put you to work?
- A. Mississippi.
- Q. Did you live for a while in Mississippi?
- A. Yes, sir.
- Q. What place?
- A. Brookhaven, Mississippi.
- Q. Now where is Brookhaven?
- A. South of Jackson about 50 miles, I would say.
- Q. What size town is it?

A. Oh, 10, fifteen thousand. Maybe a little more, a little less.

Q. Did you make friends and acquaintances in Texas—as you were in Mississippi?

A. Yes, sir, sure did.

Q. Mr. Leman, do you know General Walker?

A. Yes, sir, I do.

Q. What is the occasion of your becoming acquainted with General Walker? He's much older than you are.

A. Well, sir, when he was running for Governor, I found out that, from my father, that his mother, that lady right [fol. 399] there (indicating), and my grandmother were raised together in San Antonio. They went to school together and stayed in the—well, in the same classroom together.

And I was interested in meeting him and so on my vacation, I met him in Baytown, and met him, introduced myself.

Q. Is Baytown close to Houston?

A. It's close to Crosby, sir, about 15 miles, I would say.

Q. You say that was during the political campaign?

A. Yes, sir, that's when he was running for Governor, that's correct.

Q. And tell us about your meeting General Walker.

A. Well, sir, I met him and found out basically that he felt the same way politically that I did, that something was wrong with the country, that—

Q. Just in general, you had a common interest?

A. That's correct.

Q. And did you then become fairly well acquainted with him during the course of that political campaign?

A. Yes, sir, I did.

Q. And did you help him and work for him in the campaign?

A. Yes, sir, I did.

Q. Did you see General Walker any more from the end of that campaign—well, strike that question. Glad I didn't ask [fol. 400] it.

Did you see him any more from the end of that campaign until the Mississippi incident?

A. Yes, sir, as I remember, right after the campaign, he was down in Houston; he came out to dinner, I remember that, yes, sir.

Q. How soon after the campaign?

A. Within a week, I would say, sir.

Q. He came out to dinner with your folks, was it?

A. Yes, sir.

Q. Did you see him any more from that time on, until the Mississippi incident?

A. I don't recall, sir, having seen him.

Q. And where were you working in the latter part of September, 1962?

A. In Mississippi and Louisiana, both. My job—I worked in both places.

Q. What kind of work were you doing?

A. Field engineer, Southwest Oil Field Products.

Q. Were you in the vicinity of Oxford or Jackson or any of those places in the latter part of September, 1962?

A. Yes, sir, I was.

Q. Where were you?

A. At what—well, I was in Oxford.

Q. You were in Oxford?

[fol. 401] A. Yes.

Q. Was your work in Oxford?

A. No, sir, it was not.

Q. What was the occasion, Mr. Leman, of your going to Oxford?

A. Well, sir, it was just like General Walker said, that—

Mr. Gooch: Wait a minute.

Mr. Watts: Well, that's right, skip what General Walker said.

The Court: Why did you go?

By Mr. Watts:

Q. Just tell us what your concept was.

A. Well, sir, I didn't think that the Federal Government had a right to send troops into Mississippi, should

send troops into Mississippi. And I didn't think you could believe what you read in the newspapers and I wanted to see what was going on for myself, and that's why I was there.

Q. And did you go to Oxford?

A. Yes, sir, I did.

Q. And what did you do when you got there?

A. I didn't do anything.

Q. Did you see anybody that you had previously known?

A. No, sir, I did not.

Q. And from that time on—this was on what day of the week, would you remember?

[fol. 402] A. Yes, sir, I got there, I believe, a Thursday night.

Q. That was a Thursday night. From Thursday night, on, until, we'll say, Sunday, the following Sunday noon, just tell the jury, in your own words, what you did and what you saw and what you heard and what happened.

A. From Thursday night and—until Sunday noon, is that the question?

Q. Yes.

A. Well, Thursday night I got in Oxford and I stopped at a filling station several blocks from the campus and talked to some students at the filling station about where would a place be to stay and they said the town, the reporters, the motels were full and it would be rather difficult to find a place in Oxford and suggested I go to Water Valley.

And so I went to Water Valley and spent the night in Water Valley, which is about 19 miles from Oxford.

The next morning I came back to Oxford and had breakfast, and so forth, and I had talked to several students. This would be Friday. Let me see, Friday noon I talked to General Walker.

Q. Talked to General Walker?

A. Yes, sir, I did.

Q. What was the occasion of your talking to General Walker?



A. Well, sir, he had been—I knew he was interested in [fol. 403] the Mississippi situation. I read in the papers where he was interested in what was going on in Mississippi. And I called him up and I told him that the students were behind Barnett, they supported him; that the student newspaper did not; more or less the student leadership was more or less opposed to Barnett; whereas, the students were, did support Barnett and they felt he was doing what was right for Mississippi.

And then I may have—I probably talked to one or two more students.

And then I left and went back to Water Valley and spent the night.

Q. Now, let's see, this was Friday night?

A. Yes, sir.

Q. All right, go ahead.

A. And then the next morning—well, that night I called back, General Walker had told me that he might come to Jackson, that he had an invitation to come to Jackson, and I was interested in hearing Barnett speak and, also, in seeing General Walker and finding out about what was happening in Mississippi.

And when I had first talked to him during the day, he said he might come to Jackson but he was going to come over there and go back. So I called him that night to see if he actually was coming and he said yes, he was, he was [fol. 404] going to Dr. Ney Williams' home in Jackson.

And so I drove down to Jackson and met him there.

Q. Now let's see, when did you get to Jackson?

A. About 2:00 o'clock Saturday afternoon, about 2:00 o'clock.

Q. Let's see, Saturday would have been the 29th, wouldn't it?

A. Yes, sir.

Q. Where did you meet him in Jackson?

A. At the home of Dr. Ney Williams.

Q. I don't guess you know roughly where that is in Jackson, do you?

A. Yes, sir, it's not too far from the football stadium, I believe going north, or like you were going through town, I believe.

Q. Go ahead and tell the jury what happened, what you did.

The Witness: Sir, Your Honor, could I get a glass of water?

The Court: Yes. Mr. Addington, look in the conference room and get a glass, please.

The Witness: Thank you. Well, from Dr. Ney—from Dr. Ney Williams' house—I met General Walker there, of course. And we went to a press conference, I accompanied him, went with him. We went in my car to a press conference.

[fol. 405] And there was a discussion whether or not we were going to go to the, hear Barnett speak at the football stadium and we decided not to but we went on to a press conference and—

By Mr. Watts:

Q. Where was that press conference?

A. I believe it was the Sun & Sand Motel in Jackson, Mississippi, second floor. It was on the second—press conference on the second floor, some room, particular—

Q. Would you have any recollection what press personnel were there?

A. I remember one name, Peter Kyss, K-y-s-s, I believe, but I'm not—

Q. Did you know what outfit he was with?

A. As I recall, it's the New York Times. There were a lot of others. There was about 20 or 30 reporters there.

Thank you, sir, very much.

(Handed water.)

Q. And without bothering the jury with too many details, just tell them generally what occurred at the press conference?

A. Well, they—he, General Walker, read a statement before the news, before the news or TV camera and then—well, a lot of reporters had questions and they would ask him, did he—one reporter, this Mr. Kyss, is the reason I remember his name is, he kept asking him, was there going [fol. 406] to be any violence in Mississippi, did he—and I distinctly remember what General Walker said—

Mr. Gooch: Just a moment.

Mr. Watts: Don't say what General Walker said. That would be hearsay.

The Court: That would be hearsay.

The Witness: Yes, sir. Excuse me.

They asked him about—

By Mr. Watts:

Q. Don't tell what the reporters said or anything but just—well, I guess that pretty much shuts you off from the news conference.

There was a news conference held?

A. Yes, and we left.

Q. All right, sir, where did you go?

A. We went back to Dr. Ney Williams' home.

Q. How long did you stay there?

A. I would say about 30 minutes, sir.

Q. Where did you go?

A. Then we decided to drive up to Oxford.

Q. Where did you go at Oxford?

A. Went to the Mansell Motel.

Q. Now was this Saturday evening or night?

A. This was Saturday night. Arrived at about midnight, as I recall, sir. It was about midnight.

Q. Did you get in the Mansell Motel?

[fol. 407] A. Yes, sir, we did.

Q. Tell us about what you did when you got there.

A. I registered both of us and we went in and went to bed.

Q. You say you registered you both?

A. That's correct.

Q. Now there has been some question that has arisen about how you registered. How did you register?

A. I registered my name and I registered the name of John Waters for General Walker.

Q. Why did you register General Walker under the name of John Waters?

Mr. Gooch: Object to what he had in mind when he registered him under an assumed name. It's immaterial.

The Court: Overruled. Go ahead and tell him why.

A. Because, due to the reporters, sir. There was reporters trying to get ahold of him all the time and he could not sleep at night. We just thinking it would be a lot better if the reporters were not calling and bothering him all night long.

Q. And were you able to get a night's sleep?

A. Yes, sir, we sure were.

Q. And what happened the next day?

A. Well, we got up and ate breakfast and went downtown to the courthouse, talked to the Sheriff, Sheriff Joe Ford.

[fol. 408] Q. Joe Ford. Now could you kind of describe Oxford? Is it laid out on a square kind of like Texas towns?

A. Well, there is a courthouse and streets circled around the courthouse and then there is north and south and east and west streets leading off there basically, and the campus is generally east of town and maybe slightly south of the courthouse, but it's—

Q. About what time did you get to the courthouse?

A. Got to the courthouse about, I would—about 11:00 o'clock, sir, I think—10:00 or 11:00.

Q. What happened then?

A. Well, General Walker talked to Sheriff Joe Ford.

Q. Without saying and going into hearsay and things somebody else said, just tell the jury generally what was the nature of this conference.

A. Well, the nature of the conversation was that the troops had moved in north of Lake Sardis the night before and that—I can't say what Walker said or anything like that?

Q. No, they would object to you saying what Walker said.

A. Well, where we resided, were staying, and—

Q. That is, you told the Sheriff where you were staying?

A. The Sheriff, right, and offered to be of any help.

[fol. 409] That was the nature of the conversation.

Q. And where did you and General Walker go from there?

A. We went, let me see, I believe we drove through the campus to look at it, we sure did, drove—

Q. About what time of day was this?

A. About 11:00.

Q. Now to get to the campus, and I'll lead you a little here to shorten the thing, you go south from the courthouse square and then turn west to the campus, do you not?

A. Yes.

Q. And after you turned west, you get on that University Boulevard that you can see on the map?

A. Yes, sir. I don't see University Boulevard. Yes, sir, I see it now.

Q. Have you had a chance to look at that map?

A. No, sir.

Q. Walk over there and look at it. Take that pointer with you and let's get you oriented. See the pointer behind you?

Now always—have you ever had any military training?

A. No, sir, I have not.

Q. Always the top of a map is north?

A. Yes, sir.

[fol. 410] Q. Now start there on the east side, which would be your right, and move along Military—or University Avenue or Boulevard, whatever it is.

What is that installation you just ran on to there?

A. University of Mississippi.

Q. All right. What's the circular pattern there?

A. You mean the Circle?

Q. Yes, sir. That is the Circle?

A. That's correct.

Q. What's on the east end of it?

A. The east end of it, there is a monument there. This is the east, yes, sir. And there are buildings around it, of course.

Q. All right. Take your seat again. Now on this occasion, about noon, how far westward toward the University did you get?

A. About noon? We drove through the campus and on out of it.

Q. Did you make the circle?

A. Yes, we did.

Q. What did you observe?

A. Very quiet, peaceful campus, very nice.

Q. Did you see anyone at all out roaming around?

A. There were very few students on the campus at that [fol. 411] time.

Q. All right. Then where did you go?

A. Then we went—I believe we went and filled up with gas and then we went back to the motel, back to the Mansell Motel.

Q. How long did you stay there?

A. Around an hour, half an hour, something like that.

[fol. 412] Q. How long did you stay there?

A. Around an hour, half an hour or something.

Q. Then where did you go?

A. We went to lunch.

Q. How long did all that—where did you go from lunch?

A. From lunch we went—well, from lunch we went back to the motel again.

Q. And then where did you go from the motel?

A. To a news conference at the—at another motel.

Q. Now, when had that news conference been set up?

A. For about 4:45, and we arrived a little late.

Q. With whom and when were the arrangements first made for that news conference?

A. They were made at lunch with Reporters in the restaurant.

Q. Now, from the time you and General Walker got to Oxford, Mississippi, on Saturday night until the time of this news conference, did either of you see anyone that you knew?

A. I didn't. Let me see. I don't believe General Walker saw anybody he knew.

Q. All right, sir. Tell the Jury, without being able to say what was said, tell them what happened at the news conference.

[fol. 413] A. The rumor was going around that the Marshals were on the campus. That was one thing that happened there.

Q. All right.

A. And, well, a statement was given and questions asked and answers given and that concluded the news conference.

Q. Where did you and General Walker go from there?

A. We went—we went to the campus.

Q. Who was driving?

A. I was driving.

Q. Did General Walker ever do any of the driving?

A. No, sir, he did not.

Q. Where did you go on the campus?

A. We didn't go on the campus.

Q. Was this daylight or dark?

A. Daylight.

Q. How far toward the campus did you go?

A. We went to the edge—could I?

Q. Sure, go ahead and point it out.

A. Is this the railroad track (indicating chart)?

Q. That is the railroad track.

A. We went to right here, we went to this parking lot and turned around and left (indicating chart).

Q. Now, you mentioned that news conference. Who asked for it?

A. The reporters asked for it.

[fol. 414] Q. General Walker didn't volunteer it?

A. No, sir, he was—he was rather reluctant to have a press conference at all, but there were about six or seven reporters that insisted very strongly that he at least give them some kind of a conference, so finally he agreed to have a news conference.

Q. How close did you say you got to the University entrance?

A. To the railroad track.

Q. Why did you stop there?

A. Because the State Police were admitting students only; rather, the Highway Patrol, the Mississippi Highway Patrol.

Q. Where did you go from there?

A. From there we went back to the motel. Well, we went by the Courthouse. It was closed and we went back to the motel.

Q. All right, now, take it on from there and tell us what you did and what occurred.

A. Well, we called sometime or another—I called my brother and told him where I was and we called Jackson and we called back down to the Courthouse and this time the Sheriff was there and we went to—we went back to the Courthouse. And I remember we talked to Clyde Watts. We—you called, in fact, Clyde.

[fol. 415] Q. From Oklahoma City?

A. I believe that is correct. I answered the 'phone.

Q. All right. And—

A. And I went—then we went back down to the Courthouse. We reached the Sheriff on the 'phone and then we went down to the Courthouse.

Q. What did you see at the Courthouse?

A. Sir?

Q. What did you see at the Courthouse, or what happened at the Courthouse?

A. Well, at this time a lot of Sheriffs and Deputies were there and the word had gone around that Meredith was on



the campus and the Marshals were on the campus. Everybody—nobody knew what happened, why it happened, or anything and the Sheriff was pretty sad and—anyway, a representative of the Governor arrived and said—

Mr. Gooch: We object—

Mr. Watts: Don't say what the Governor's representative said. You did find out there was a Governor's representative at the Courthouse?

A. Yes, sir, that is correct. He arrived and left. He wasn't there when we got there but he was there about the time we left, but he was leaving too.

Q. Go ahead and tell the Jury what happened.

A. Well, we left the Courthouse and went to dinner at [fol. 416] the restaurant in downtown Oxford.

Q. About what time did you get there?

A. We got there a little before 8:00. A little before 8:00 p. m.

Q. Okay, go ahead.

A. And, well, we listened—can we say that—we listened to the President's speech.

Q. Don't say what he said.

A. We listened to the President's speech then had dinner. That is what happened.

Q. All right. Go ahead and tell us what else happened.

A. And then we left—we left the cafe and went to the campus, the Ole Miss campus.

Q. How did you happen to go to the campus?

A. Well, after the—after the speech, well, whenever we were leaving, in fact, we were told—can I say what we were told.

Q. You can say what occurred like that.

A. We were told that there had been a disturbance on the campus. The disturbance had broken out on the campus and—

Q. Well, prior to the time you were told that, where were you going?

A. Prior to the time?

[fol. 417] Q. Prior to the time you heard there was a disturbance on the campus.

A. Well, I don't know that we had made up our mind. Probably back to the motel. Every time we got a chance we went back to the motel, but I don't know of any definite plans. We didn't have any plans to go anywhere at all. We were just there.

Q. Go ahead.

A. And we went to the campus and parked the car and went into the campus.

Q. I think you can step down and show—take the ruler and show the Jury where you parked.

A. We parked down in this parking lot right here (indicating).

Q. Is that what direction from the railroad overpass?

A. That would be south. South of the railroad overpass. South and to the east.

Q. Now, what did you do after you parked your car?

A. We walked right up here, walked right across this side of the overpass, and right up the sidewalk, right up the sidewalk all the way to the lights, the area of the lightpole.

Q. Did you notice some barricade out in the street?

A. Barricades?

Q. Or did you pay any attention?

[fol. 418] A. No, sir, but it was dark. I could have missed them.

Q. All right. Go ahead then and tell the Jury what occurred?

A. Well, we were—we stayed in this area, I would say, for around ten or fifteen minutes. It was a short period of time.

Q. Now, what did you see when you got up to that area?

A. Well, there was, I would say, one hundred to a hundred and fifty—maybe one hundred to two hundred people in this area right here (indicating), about a couple of hundred people standing there and talking. Everybody was just talking. I believe I can say this. One of the things they wanted to know—

Mr. Watts: Now, at this point, come up here, Mr. Gooch.  
(Conference at the Bench not taken.)

By Mr. Watts:

Q. Now, from this point on, Mr. Leman, the Court will allow you to tell not only what you saw but what people said, so everything you can think of that you heard somebody say, and at this point I want to suggest to you that you just turn back your memory to this evening and endeavor to relive it and tell the Jury just exactly what happened.

[fol. 419] A. Just tell them—

Q. Tell them everything that happened.

A. The entire—

Q. Tell them what you heard, what you saw.

A. The—all the time we were on the campus?

Q. Right. I may stop you and ask a question as we go along.

A. Okay.

Q. But just go ahead.

A. Well, one of the main questions, of course, we had in our mind was “How did the riot start, what happened that started it?” And a lot of students answered that question, and there wasn’t any doubt in my mind at all how the riot started, after talking to the people. They said that the—is that all right?

Q. Yes, sir.

A. They said that they were lined up, the State Police were inbetween the students and the Marshals, I mean—yeah, between the students and the Marshals, and at the time they were pushing the students back further away from the Marshals and the Marshals opened fire with tear gas, and this is how they said the riot started.

Then, there was a lot of students that said, “Walker, we want a speech, we want a speech,” and, you know, wanted him to make a speech, you know, and I told Walker the [fol. 420] students wanted him to make a speech and he

told me, "Louis, I don't have anything to say to them. I don't have anything to say to these students," is what he said.

And, as I remember, there was a Deputy Sheriff and he was a heavy-set fellow with a badge on. He met us, rather he introduced himself to us at that time when we arrived there, and stood around with us, and we talked to a few people and then we walked—after fifteen or twenty minutes we walked further away.

When we first arrived there there was a lot of tear gas that had been fired, a lot of Marshals, what looked to me was somebody was coming out, shooting tear gas. I would say coming out in this area and shooting it way back in this area (indicating chart), and the crowd—it was sort of the feeling to me, it seemed like, anyway, you know, that they were trying to get after us or something.

But anyway, we walked on—it died down peaceful for a while and we walked on up in here to look, and right around in here, and I would say probably we spent about fifteen minutes in this area in here (indicating chart).

During this time I remember seeing the State Police cars—excuse me, the Highway Patrol, Mississippi Highway Patrol cars start coming out from this area, and they stopped, the students would stop them.

By the way, the students were scattered all over the [fol. 421] campus. There were no large groups. The only large groups I saw of any size would be a hundred and fifty or two hundred right in this area here (indicating), and there was a group somewhere back in here, I guess, and I guess there were people standing around in area here (indicating), and a smaller group, maybe one hundred or something. But there was no—the rest of the students were just scattered out.

You would just see people everywhere, generally speaking, and, oh yeah, the Highway Patrol was leaving and they would stop and the students would ask them why they were leaving. I guess they asked them that, I didn't hear them ask them that. But anyway, they stopped them, and

then they would go on. A whole line of them just left, and about the time they left we walked back to here.

And a lot of words was going around that Barnett had betrayed, betrayed the students and that the Highway Patrol was leaving, "They are leaving us to the Marshals," and everything, and I remember Walker—of course, people were still asking Walker for a speech, and it looked to me like—I guess they—it looked to me like they thought he was about the only one left there with them, but General Walker told me that—he said, "These students think Barnett sold them out," and at that time he walked up and stepped up on the monument and addressed the students. [fol. 422] And he told them, as—I distinctly remember what he said. He said—the first thing he said, he said, "There is no need for violence. Violence is not the answer." He said, "You do have a right to protest." He said, "The troops—the troops—there is no need for the Military in Mississippi," that they should have been watching Cuba. He mentioned the Mississippi Air Force and said, "Cuba is that way." And, oh, yes, he said, "According to the Governor's representative Barnett, Barnett hadn't . . .", he said, "Stand by your Governor, he has not sold you out." That was one of the main things he was making.

He said, "According to the Governor's representative . . .", not according to him, but according to the representative of the Governor, ". . . if anyone sold them out it would be the head of the Highway Patrol in Mississippi." But he said Barnett had not sold them out.

And then he stepped down from there and walked away from the students. I don't remember which direction, but not very far away from that monument and stood around talking for several—for a period, and finally we walked on up to the front, I would say in the area of the flagpole, and maybe we walked right around—well, right around the flagpole and back in this area. We stayed right around in here (indicating) for a while, and the tear gas was getting pretty hard in your eyes, and everything, so we walked on [fol. 423] back into here, and we spent the whole entire

rest of the evening back in this area right in here, right in here and right in here (indicating), and the only other time we went up toward the front that I recall at all was when they had a peace conference. One of the students was arranging for a truce, and one was showing a white flag and we walked, we did at that time, walk back up to the front and got probably the closest to the Marshals we ever got. We were behind some students, and we just watched the peace conference. They stood and talked a while and argued and harangued, and tried to make a deal, I guess. I couldn't hear what they were saying. There was only about four or five Marshals stepped out from the Marshals, and a lot of vehicles were parked around here facing the students. I guess trucks and jeeps and so forth.

And then after—we walked on back and finally there was no more peace conference either.

And, let me see, we just spent the night talking to people back there, discussing the situation, and people would ask General Walker his views on what happened there, and the situation.

And then about—I remember the fire truck and the bulldozer incident. This was all after the peace conference, by the way. There was no more—and then we finally left the campus. Got tired and left about 1:30, I would say, [fol. 424] 1:30 a. m., and walked back down here and got in the car and drove to the motel.

We stopped here and talked to the State Police, or State Highway Patrol, and then we went on back to the hotel.

Does that cover it?

Q. That covers it, I believe, Mr. Leman. Have you done your best to cover everything you can think of?

A. I can't recall anything. I mean, there has certainly, I know, been a lot of talk about charges, absolutely—

Mr. Gooch: Well—

Mr. Watts: That is all right. Just—you didn't study any pre-law, did you?

A. No, sir, I did not.

Mr. Watts: I believe that is all.

Cross examination.

By Mr. Gooch:

Q. Mr. Leman, without belaboring the matter as to the details, I take it that you were quite a supporter of General Walker during the time he campaigned for Governor of Texas in 1962?

A. Yes, sir, that is correct.

Q. I believe you said that you thought that his views paralleled—or your views paralleled his, I believe you [fol. 425] said?

A. Well, I certainly agreed with him, that the national situation was poor.

Q. Now, you went down to Oxford, or up to Oxford from Brookhaven on Thursday before the Sunday incident at Oxford?

A. That is correct, yes, sir.

Q. And you went down, I assume, to find out the situation on the campus, the temper of the students and whether or not the students were reacting either toward Governor Barnett, or to the will of the Court, is that right?

A. To find out—first of all, to see what the situation was, and to find out whether the students were for Barnett or against Barnett.

The papers were saying they were against him.

Q. Now, Barnett—now, we are talking about Governor Barnett, the Governor at that time?

A. Yes, sir.

Q. Governor Barnett at that time was still defying the orders of the Federal Court on the admission of Meredith, was he not?

A. Sir, I am not in a position to say whether or not he was defying the Court's orders.

Q. Well, let's see if you know anything about the Court [fol. 426] orders. Did you follow the Meredith case to any degree while you lived there in Mississippi?

A. I did read the papers, yes, sir.

Q. Did you know that Meredith had been ordered by the Federal Court to be admitted as a student at the University of Mississippi?

A. Yes, sir, I believe by the New Orleans Court.

Q. I believe you stated on direct examination you didn't believe in the Court having that right?

A. No, sir.

Mr. Watts: If the Court please, I object to that. No such statement was made. I challenged the record.

The Court: Sustained.

Mr. Watts: That is not fair cross examination. Excuse me.

Mr. Gooch: Just a minute.

Mr. Watts: All right, I will withdraw that last statement.

By Mr. Gooch:

Q. Well, you did say something to the effect that you didn't believe in the use of Federal troops?

A. Yes, sir, that is correct. That is correct.

Q. Then, did you know at that time how a Court order could be enforced?

[fol. 427] A. Well, sir, do you want my views?

Q. Yes, be glad to have your views.

[fol. 428] Q. Yes, sir, I would be glad to have your view.

A. Well, I'm sure with Federal Marshals. A court order should be enforced according to the Constitution with Federal Marshals, according to my understanding of the Constitution.

Q. Just to skip ahead a bit, at the time you got there, the Federal Marshals were the only ones there attempting to enforce the court order, weren't they?

A. No, sir, that's not true.



Q. Who was there when you first got on the campus?

A. Fifteen miles from Oxford, there were 160 something soldiers, Mr. Gooch.

Q. I'm talking about on the campus.

A. Well, that's correct, there were only Marshals.

Q. The only persons on the campus at the time you got there to enforce the court order were the Marshals, were they not?

A. As far as I knew. I couldn't answer that definitely.

Q. All right. All right. You didn't see any troops there then?

A. No, sir, I did not.

Q. All right. Now, did you know that Governor Barnett had blocked the way personally, at least one time, and Governor, Lt. Governor Paul Johnson had blocked the path of Meredith's entrance to the University prior to September the 30th, 1962?

[fol. 429] A. I did not know this firsthand. I knew it from the newspapers, reading the newspapers.

Q. At least you had heard that that happened?

A. Yes, sir.

Q. You knew Governor Barnett was opposing the entrance of Meredith into the University of Mississippi, did you not?

A. Well, sir, I knew that he was opposing action by the Government, Federal Government. I did not know whether he was opposing the actual entry—yes, sir, I would say that, he was opposing the entry of Meredith. I don't know what reason he was opposing it for.

Q. It's immaterial. I'm trying to find out if you knew that Governor Barnett was opposing the entry of Meredith into Ole Miss?

A. Yes, sir, I sure did.

Q. All right.

A. Yes, sir.

Q. You have previously testified, I believe, that you knew that the Federal Courts at that time had ordered Meredith entered into the University of Mississippi?

A. Yes, sir.

Q. All right. Now you got into Oxford on Thursday. Counting back, that would be, Sunday the 30th; the 29th, the 28th—I guess about the 26th or 27th?

A. No, sir, I think Thursday would be—let's see. Sunday [fol. 430] was the 30th. Saturday would be the 30th—29th.

Q. 29th?

A. I mean 29th. Friday, the 28th. I got in there Thursday night of the 27th.

Q. 27th?

A. Right.

Q. Now at that time had you heard from General Walker as to his position relative to the Mississippi matter?

A. No, sir, I had not except the newspaper account. That would be all I heard.

Q. Had you heard a newspaper account or a TV or radio account to the effect that General Walker had made a speech in Dallas to the effect that, "Bring your flag, your tent and your skillet"?

A. I read that in the newspaper.

Q. "Ten thousand strong from every state in the Union," or words to that effect?

A. I read that in the newspaper, yes, sir.

Q. "Now or never"?

A. That may have been included in one of the statements.

Q. Did you hear that he said, "We have talked and listened. It's now time to move," or words of that import?

A. Well, sir, the main thing I understood about what General Walker said, that he was supporting the position of [fol. 431] Ross Barnett.

Q. Supporting the position of Governor Ross Barnett?

A. Right, and against the use of troops. Against the use of troops. He was objecting to the use of troops.

Q. All right. At that time you knew that Governor Ross Barnett was opposing the entry of Meredith into Ole Miss; you have testified to that, haven't you?

A. Yes, sir, I did.

Q. All right. Now the first communication that you had with General Walker after you got to Oxford was when?

A. Was Thursday around—no, I got there Thursday night. It would be Friday, Friday around noon. Friday after—around noon I called him.

Q. Do you know from what place you called General Walker?

A. Yes, sir, I do. It was from a phone in the Mansion House Cafe, I believe it was, a small cafe in downtown Oxford.

Q. The Mansion House Cafe? That's on the—that would be south from the courthouse?

A. Yes, sir.

Q. And on, I guess, the west side of the street, is that correct?

A. Yes, sir, that's correct.

Q. It was called the Mansion House Cafe?

A. I don't—I couldn't say definitely, sir.

[fol. 432] Q. Do you remember making the call on a credit card?

A. Yes, sir.

Q. And do you remember the conversation you had with General Walker?

A. Yes, I do. I sure do.

Q. In that conversation did you tell General Walker that what he needed down there was leadership?

A. I told him—no, sir, I did not. I told General Walker that the student leaders were opposed to Barnett; the newspaper editor was against him.

I told him that the students themselves were actually for Ross Barnett's position. This was very evident. This was very evident on the cam—

Q. Let me ask you this specific question: Did you say to General Walker in that conversation, "General, all we need is leadership"?

A. Absolutely not. I did not say that, Mr. Gooch.

Q. Did you say to General Walker, "How soon can you get here?"

A. No, sir, I did not.

Q. Did you ask General Walker whether he was coming or not?

A. Yes, I may have asked him if he was coming to Mississippi. He didn't—he told me—well, you don't want to know that.

[fol. 433] Q. Sir?

A. Well, he told me that he didn't even know whether he was coming to Ox—I asked him—no, I didn't ask. No, I didn't ask him anything about whether he was coming. He said that he might be coming.

Q. Did you repeat during that conversation a statement to this effect, while you were talking to General Walker: "You say you have a plane standing by." Was that mentioned?

A. Yes, sir, because I—the conversation was that he brought it up that he was invited to Jackson, Mississippi, but he did not know definitely whether he was coming and that to call him later and find out if I was going to meet him in Jackson.

Q. Now this would be on the 28th?

A. This would be on—was Friday. Friday, around noon.

Q. I believe that would be the 28th?

A. That's right.

Q. I am not trying to mix this up because I have confusion running backwards myself.

A. Yes, sir.

Q. Or maybe it's the twenty—

A. It's the 28th.

Mr. Watts: 28th.

By Mr. Gooch:

Q. The 28th. Did you hear him say something to the [fol. 434] effect that, "You say you have a plane standing by"?

Did he say anything in the conversation about having a plane standing by?

A. I don't remember that he did but he could have because he did come over there to Jackson by airplane, so he may have said that.

Q. Do you remember mentioning in the conversation of General Walker a man by the name of Lamar Wilkerson of Walnut Grove, Mississippi, telephone numbers 8881 and 8483?

A. I don't remember who he is or I don't remember mentioning his name. I could have but I don't—don't recall it at all. In fact, the conversation was about, as I have said in the previous testimony.

Q. All right, now, we will skip over and not go into repetition as to other matters but you say you called him again that night, I believe?

A. Yes, sir, around midnight from Water Valley.

Q. And I believe at that time—or did he tell you at that time whether or not he was coming?

A. At midnight, he said he was coming, yes, sir, he did.

Q. Did he tell you how he was coming?

A. Well, I think he did but, sir, I couldn't say definitely. [fol. 435] Q. All right. Did he tell you he was coming in a private plane?

A. I would say he probably did tell me that, yes, sir.

Q. Did he tell you what time to meet him?

A. No, sir, he just—I'm sure we mentioned a general time that he would be in there around noon or afternoon or something.

Q. And you drove, I assume, then, down from Water Valley to Jackson?

A. That's correct. Sure did, Saturday morning.

Q. Did you check out of the motel there?

A. Yes, I did.

Q. And you met him I believe you stated at Dr. Ney Williams' home?

A. Yes, sir.

Q. You didn't meet him at the airport then?

A. No, sir, I did not.

Q. All right. Now the news conference that was held at the Ole—no, at the, I believe, at the Sun & Sand, you said?

A. Yes, sir, that's right.

Q. That was held sometime on, was that Saturday afternoon?

A. 6:15 p.m., is about when it started.

Q. That would have been the 29th, I believe?

[fol. 436] A. Yes, sir.

Q. And will you tell us just generally what General Walker said at that press conference?

A. Yes, sir, I'll be glad to.

Q. Fine.

A. He repeated his stand in support of Mississippi. He was asked by a reporter whether he had any plans for violence. He said that, very clearly and distinctly—and he said it slowly; that's why I actually never have forgotten when he said, he said, "As far as I am in any way concerned and from what I see here in Mississippi, any violence and blood shed will be initiated by and on the hands of the Federal Government"; that's exactly what he said.

And Mr. Kyss, the New York Times reporter, was standing right in front of him when he said—a bunch of reporters were all around him.

Q. Incidentally, was that press conference televised?

A. The first portion—a prepared statement of the press conference was taken on TV camera. I don't know whether they actually televised it or not.

Q. Let's find out now what he said during the time he was being televised. Is that when he said something about violence?

A. No, sir, I don't—no, he just read a prepared statement.

[fol. 437] Q. What did he say in the prepared statement?

A. I don't remember very well. It was just a general statement about supporting Barnett, as far as I—he might have said he was here in Mississippi—

Q. Did he say he was standing shoulder to shoulder with Governor Barnett?

A. It's possible he did. I don't remember the statement.

Q. Now this was held at the Sun & Sand Motel, I believe you said, on the second floor?

A. Yes, sir, that's right.

Q. Was General Walker standing before some microphones and a TV camera at the time he made that talk?

A. Yes, sir, let me see—I don't know—yes, sir, he sure was.

Q. Do you know whether or not the entire conference was televised?

A. I know that it wasn't.

Q. You know that it was not?

A. Yes, sir.

Q. And you say you remember a question being asked General Walker about violence?

A. Yes, sir, I do.

Q. And what was General Walker's answer?

A. "As far as I am in any way concerned and from what [fol. 438] I see here in Mississippi, any violence and blood shed will be initiated by, and on the hands of, the Federal Government."

Q. All right. Now you are positive that that statement was made at the Sun & Sands Motel?

A. I'm positive, absolutely positive.

Q. All right. Did General Walker answer all of the questions that were put to him at the Sun & Sands Motel there in Jackson on the night of the 29th?

A. No, I don't—I don't—I don't know if he answered all of them. Lots of reporters talked at the same time sometimes. But I think he answered most of the questions.

Q. Now after he had finished his interview, what did he do?

A. We went back to Dr. Ney Williams' house.

Q. Now I am talking about there in front of the microphones, did he walk off of a platform or walk away from—

A. No, we—this TV camera and everything was in one—was in one room. And we talked—after reading the prepared statement on TV, he walked over into the hallway and that's where the questions, all the questions and answers were held, off the TV, in the hallway.

Q. Were there any questions asked him prior to the time he walked away from the TV camera?

A. The reporters obviously, to be right frank, Mr. [fol. 439] Gooch, the reporters all wanted to ask him some questions while they had the TV camera on him and everything and they all asked him at the same time. This was actually a bunch of people asking questions and with camera on him, see, and he did not answer any questions before the TV camera.

Q. All right. It was after he left the camera, before he answered any questions?

A. That's correct, Mr. Gooch. That's correct.

Q. All right. Now immediately after the interview there at the Sun & Sand Motel, I believe you stated that you started to Oxford, is that correct?

A. No, we went back to Dr. Ney Williams' house.

Q. And I guess repacked your clothes or—

A. Well, we just—

Q. Or were the clothes already packed?

A. Yes, that's correct.

Q. Then when you left Dr. Williams' house to go to the interview, you were ready then to go on to Oxford as soon as the interview was over?

A. Yes, sir.

Q. All right.

A. Well, we decided to go when we got back to Dr. Ney Williams' house.

Q. Then you took off for Oxford about what time?

A. About 7:00 p.m.—let's see, maybe a little later than [fol. 440] that.

Q. Well, I believe it's about 150 or '60 miles from Jackson to Oxford, it is not?

A. Yes, sir, that's correct.



Q. Had you made previous reservations at the motel, Mansell Motel?

A. We made reservations, or somebody made them for us; I don't know who made them.

[fol. 441] Q. Where?

A. Be at Dr. Ney Williams' house.

Q. Is that after the press interview or before?

A. I think it was after.

Q. All right.

A. But I don't remember exactly.

Q. Then you got down to Oxford and you detailed pretty well what you did there. You did visit the campus a couple of times, or maybe three before the night of the riot, is that correct?

A. Once. Well, we went to the campus one time, and did not enter the campus, and another time on the morning, the Sunday morning, we just drove through it, and on through it. Never had seen it before.

Q. Had you seen it before?

A. Yes, sir, I had seen it before.

Q. Had General Walker seen it before?

A. No, sir.

Q. All right. Now, I believe you stated—going on down a little bit further, without repeating—that you went to dinner at the—somewhere. I don't believe you said. Was it the Mansion House Cafe?

A. What time was this?

Q. For dinner on September 30th?

A. Yes, sir, that was at the Mansion House Cafe.

[fol. 442] Q. And do you know how many people were there?

A. I would say twenty or twenty-five, probably, were in there.

Q. Was there anybody eating dinner with you and General Walker?

A. I don't think so, sir. No, sir, I don't remember anybody at the table.

Q. Just the two of you at the table?

A. Yes, sir.

Q. And I hope I quote you correctly, that you said you got there about a quarter to 8:00?

A. Yes, sir, about.

Q. And I believe I quote you right when you say you both listened to President Kennedy's speech?

A. Yes, sir, General Walker listened to it and I listened to it too.

Q. There in the Mansion House Cafe when you were having dinner?

A. Yes.

Q. Do you recall any remark General Walker may have made after having listened to President Kennedy's speech that night?

A. No, sir, I don't remember any.

Q. Do you remember generally what President Kennedy's speech was about?

[fol. 443] A. Well, his speech generally was not no violence, peace and law, as I recall. That was the general text of his statement.

Q. He talked about constitutional authority?

A. Yes, sir, and defiance. Yes, sir, let's see.

Q. And defiance of Court orders, didn't he?

A. Yes, sir. I don't distinctly recall what he said about defiance of Court orders.

Q. Well, I will ask you this specific question.

Do you remember that when the President's speech was over General Walker made the remark relative to the President's speech, "nauseating, nauseating"?

A. No, sir, I don't remember that remark.

Q. Would you say it didn't happen?

A. Well, it possibly did, I—it was in the cafe, I was with General Walker and I do not remember the remark at all.

Q. Then after the President's speech you and General Walker went to the campus, or tried to get to the campus?

A. Yes, sir.

Q. Now you detailed how you parked at some distance away from the entrance to the campus?

A. Yes, sir.

Q. Did General Walker remain there with you in the [fol. 444] car, or did he get out and leave you to park, and start on toward the campus?

A. I think we parked the car and we both got out at the same time, but I might have parked it. But I don't—I don't know. Well, sir, the way I remember it, we parked the car and both got out. He might have got out a little before me and I parked the car, but he wasn't ever—he stayed right there.

Q. He stayed right there?

A. Yes, sir, right.

Q. You are positive that he didn't walk on ahead?

A. Well, he was ahead of me.

Q. For a considerable number of yards, prior to the time you got the car parked?

A. Well, sir, I know that he was ahead of me when he crossed the railroad track, so he must have been ahead of me before we crossed the railroad track.

Q. Did he at any time, as you approached the campus, or that evening, turn and wave to you?

A. Yes, sir, he told me to come on across.

Q. Did he call you by name, or did he just wave at you to come on?

A. He didn't call me by name; I was right behind him. I was in line right behind him on the trestle.

Q. Did he wave come on?

[fol. 445] A. He said (demonstrating) like that, that's right.

Q. As he got near the entrance to the campus, did you notice any groups or clusters of people over on the north side of University Avenue that might have hailed General Walker, or said something to him?

A. I don't—I didn't notice any people on the north side, no, sir.

Q. Did you notice him there at about the time he got to the campus, that he again gave the sign, "Come on," (demonstrating)?

A. The only time I saw him give that sign was along at the bridge.

Q. Was a lot of people on University Avenue that night?

A. Yes, sir, it was pretty thin—the lights—they were scattered out, but it was a pretty long walk. There was more on the sidewalk, I guess, walking with us. There would be three or four people right in there immediately walking with us.

Q. Was the people—excuse me.

A. And there might have been people on the other side, I don't recall.

Q. Were people strung out pretty well all up and down?

A. I would say that would be a good description.

[fol. 446] Q. Would you estimate the time you and General Walker got to the campus that night?

A. I would say it was around 8:45. 8:45 p. m.

Q. You have detailed that as you approached the area of the monument, you estimate, I believe, and correct me if I am mistaken, that there were a hundred and fifty to two hundred people in that area.

A. Yes, sir, that is—now, that is the area surrounding the light and the monument and that area.

Q. I am talking about as distinguished from up near the Lyceum Building or the YMCA. Now, I understood you to say that in the area of the monument?

A. That is correct. That—

Q. You figure there were about a hundred and fifty to two hundred people?

A. That is correct.

Q. Did the crowd hail General Walker as he came up on the campus that night?

A. Several individuals recognized General Walker and met him and he would introduce himself, and some people were saying, "There's General Walker," but as far as any massive hail, there was none at all.

Q. Several individuals would say, "Here's General Walker?"

A. Yes, sir.

[fol. 447] Q. Did they say anything about, "Here is our leader."

A. Some people might have said that. I don't remember that.

Q. My question—

A. Maybe they did. A lot of them wanted him to lead them, that is for sure.

Q. They did try to get him to lead them?

A. Oh, yeah.

Q. Now, was any question asked him about where his volunteers were, or anything of that sort?

A. That question might have been asked.

Q. Do you know what his answer was, or if he made any answer?

A. No, I don't remember. I couldn't answer that because I don't remember the question or the answer.

Q. All right. Now, as he got there to this hundred and fifty or two hundred people in the area of the monument, you have stated that a number, or some of the crowd, or whoever it was, spoke to him and said, "Here is General Walker, here is our leader," or something to that effect.

Am I quoting you fairly accurately?

A. Well, yes, sir, and several of them walked up to him and introduced him. And some of them asked him how to drive the Marshals out, stuff like that, and he said—well, any way he said, "You don't."

[fol. 448] Q. All right. Now, you have also said that you stood around there ten or fifteen minutes and they were trying to get him to speak?

A. Yes, sir, that is correct.

Q. Then I believe you said, and I believe you took the pointer and traced a route from a point near the monument north to the sidewalk, up to about even with the flagpole, that you say you and General Walker walked?

A. I would say it was about along the—

Q. All I am recollecting now—go ahead. All I am recollecting now is about.

A. About in this area here (indicating).

Q. Tried to get your picture. I don't want to misquote you at all, just trying to bring it out here.

A. All right.

Q. Traced the route you and General Walker took after you had been greeted by these persons down at the monument?

A. Well, sir, it would be hard—I couldn't—it would be hard to exactly trace the route.

Q. I understand.

A. We didn't go very far up, and we just—we might have come back down this way some.

Q. Well, now, how far did you go?

Mr. Watts: Wait just a minute, let him finish.

[fol. 449] Mr. Gooch: Just a minute, Mr. Watts, this is cross examination.

Mr. Watts: The witness can finish his answer.

The Court: I know that, Mr. Watts. You may finish your answer, Mr. Leman.

A. This (indicating) is the area of the route we took, generally speaking. It might be wrong a few feet, but not very far.

Q. All right. You have indicated a route from the monument to a point near the flagpole, have you not?

A. Yes, sir, that is correct. That is true.

Q. I am saying you got to the flagpole, but the way you marked it with the marker, you got nearly up to the flagpole?

A. That is correct.

Q. Do you know whether you went past the flagpole?

A. No, I don't. We didn't at this time. We sure didn't.

Q. All right. Now, at that time was there just you and the General walking along there, or were there others there too?

A. A Deputy Sheriff was with us and there might have been one or two others, or three. There was no—just three or four of us, and—just three or four in other words.

[fol. 450] Q. Incidentally, you mentioned this Deputy Sheriff. Do you recall General Walker asking the Deputy Sheriff to deputize him?

A. No, sir, I don't recall him asking him that.

Q. You were there right with General Walker at the time you met the Deputy Sheriff?

A. Well, sir, the way it was, I would usually be a few feet away, and I heard some of the things he said and a lot of things I didn't hear, because I might have been talking to somebody myself.

I was with General Walker, but I didn't try to stand right by him and hear everything that was said.

Q. Now, at the time you walked on the campus, you and the Deputy Sheriff and General Walker and perhaps one or two others were walking westward down toward the Marshals. You were walking westward towards the Marshals weren't you?

A. We walked westward, that is correct, yes, sir, toward the Marshals.

Q. All right. Now, at that time what was going on around the Lyceum Building?

A. Well, you couldn't actually see. It really is hard to say. It was very hard to see. There was a lot of commotion going on up there, and I am assuming, like—well, there was, in fact, there would be a few students around, [fol. 451] or figures. You would see figures scattered all over. There were figures scattered all over the campus, but only the groups were right here and right here (indicating) and I guess right here (indicating).

Q. Did you see anything—

Mr. Watts: If the Court please, the witness can't answer if he gets almost through and then Mr. Gooch interrupts.

The Court: Mr. Watts, sometimes it is hard to determine whether he has finished the answer.

Mr. Watts: If he would just wait half a second, or even a second.

The Court: Had you finished Mr. Leman?

Mr. Gooch: I shall not interrupt you again. I would like for you to tell me all of it.

A. That is all right.

Q. At the time you and General Walker and the Deputy Sheriff and one or two others got up near the vicinity of the flagpole did you see any evidence of stones and sticks and bottles and missiles being hurled at the Marshals?

A. I am sure I saw people. Well, from where? I wouldn't say I saw them. What I have to do, sir, is try to remember whether I saw it then or later on. I did during the night see people throwing stuff, but you could not—you couldn't—not around us, there wasn't anybody [fol. 452] throwing. I know that for a fact.

Q. Could you see the Lyceum Building?

A. No, sir, you could see tear gas and all, coming out, and you could see lights and you knew it was there, but I don't guess you could see it.

Q. Could you see the lights from the Lyceum Building?

A. Not on the building.

Q. Did you ever see the Marshals?

A. Yes, sir, I did.

Q. Were they visible from where you were standing?

A. No, sir, they were not, unless they ran out. Now, I seen them during the night, I saw Marshals come out from there, and—at least I couldn't swear they were Marshals, but they were chasing students, and they would come out.

Q. Did you see any students hauling any brickbats from the new construction down there around Hume Hall?

A. Yes, sir, sometime during the night I saw students carrying bricks; I did.

Q. You don't know at what time?

A. No, sir, I don't. I couldn't say.

Q. Was it about—

A. I couldn't say the time. Excuse me.



Q. Was it about the time you and General Walker got [fol. 453] on the campus?

A. I don't remember seeing any students hauling bricks then. I just remember people there.

Q. Go ahead and take your seat. Now, after you and the General and the Deputy and these several others, as you have named, went up near the flagpole, on the way back did you see an encounter between General Walker and a minister?

A. Yes, sir, I sure did.

Q. I am sure you didn't mean to leave that out?

A. No.

Q. I just bring that to you. Now, did the minister implore General Walker in words, tones or sentences to help stop the rioting?

A. Yes, sir, he told General Walker, "You can stop the rioting." And General Walker said, "I have nothing to do with the students, I have no control over the students," was the words. "I have no control over the students."

Q. Did he say something to this effect, or perhaps verbatim, "I didn't come here to stop it. I wouldn't stop it if I could," or, "I couldn't stop it if I could."

A. He said—he may—well, I gave you what he said. I don't remember him saying he could or would or wouldn't. I remember distinctly he told the minister, "I have no control over the students." He told the minister that. He [fol. 454] was very polite.

Q. The minister had told him words to the effect, "General, they will listen to you, you can stop them"?

A. That is correct.

Q. And General Walker, according to you, said, "I have no control over them"?

A. That is correct.

Q. Now, after you had taken the stroll up toward the flagpole and returned again to the monument you say the students again urged him to make a speech, is that correct?

A. Yes, sir.

Q. How many students would you say were down there around the monument at the time this urging for the speech occurred?

A. I would say there were two hundred and fifty people in the crowd at the time he was speaking. I—sir, there was no way I could say for sure.

Q. Mr. Leman, I realize fully everything you say is an estimate. Nobody was counting them, nobody was trying to count them.

A. Right.

Q. I assume there was a considerable state of turmoil?

A. That's right.

[fol. 455] Q. I assume further it was impossible to remember everything that was said or done that night. Do you agree with that?

A. Yes, sir.

Q. But be that as it may, it was a group consisting of some two hundred or two hundred and fifty or less or more, and General Walker did agree to make a speech?

A. Yes, sir, he turned and told me that the students “. . . think Barnett sold them out.” And he got up there and talked with the students.

Q. Well, now, give us the best you can—I realize it is repetition—what General Walker said in his speech to the students that night?

A. He said—he said, “There is no need for violence. Violence is not the answer.”

Q. All right.

A. He said, “The troops—what you are doing here, in effect, we should be worried about Cuba.” He said, “Barnett didn't sell them out.” He said Barnett was a good Governor and . . . that—he urged support for Barnett.

Q. He urged support for Barnett?

A. That is correct.

Q. Did he say who did sell them out?

A. He said that if anyone sold them out, according to the Governor's representative, which he had heard at the

[fol. 456] Courthouse, that it was the head of the Highway Patrol.

Q. Did he mention the word Birdsong?

A. Yes, sir, he did.

Q. Did he lean over and ask somebody who the head of the Highway Patrol was?

A. Yes, sir, he asked me.

Q. Was that after he had said "Barnett sold you out," and—

A. No—

Mr. Watts: Just a minute. I object to that. He did not say "Barnett sold you out." That is what the news report said. I object to that statement purporting to have been this witness' testimony. The witness testified he said, "Barnett did not sell you out." Mr. Gooch is asking the question "Barnett sold you out".

Mr. Gooch: Could I ask the question?

Mr. Watts: No, sir. I have no objection to you asking the question, but I object to you not staying in the record.

Mr. Gooch: Now, Mr. Watts—

Mr. Watts: Yes, sir.

The Court: Just ask the question.

By Mr. Gooch:

Q. Isn't it a fact General Walker first said, "Your Governor has sold you out," to which the crowd hollered, "No, no, no." And that he leaned over to you and you said it [fol. 457] was not Barnett, it was Birdsong, and he straightened back up and he said, "Your Governor did not sell you out. . ."

A. No, Mr. Gooch, that isn't the way it happened.

Q. Wait until I finish.

A. Excuse me.

Q. "Your Governor did not sell you out, it was Birdsong."

A. That is not the way it happened, again.

[fol. 458] Q. All right. All right. I again say to you that I have the right to ask these questions.

A. Yes, sir, I realize that.

Q. Well, now I hope you will show me the same courtesy I am trying to show you. Wait until I finish my question.

A. Excuse me, yes, sir.

Q. Did he say words to this effect: "Keep up the protest"?

A. No, sir, I don't remember him saying anything about keeping up anything.

Q. Did he say, "You have every right to protest"?

A. He said, "You have a right to protest," he did say that, I remember it.

Q. But you say he did not say, "Keep up the protest"?

Mr. Watts: If Your Honor please, I object to that as repetition.

The Court: Overruled.

A. No, sir, he did not say "Keep up the protest."

By the Gooch:

Q. Did you hear him make a statement to the effect: "They," referring to the Marshals, "may run out of tear gas"?

A. Are you talking about in this speech?

Q. Yes, sir.

A. No, sir, I don't—don't at all.

Q. Did you hear him say—

[fol. 459] A. He didn't say that, sir, no, he did not.

Q. All right, did you hear him say during this speech, "Thousands are on their way"?

A. No, sir. No, sir, I—

Q. Did he say it?

A. No, sir, he didn't, Mr. Gooch. If he did, I definitely do not remember him, anything about that. I was pretty close to his speech.

Q. Did he say to those students who were around listening to his speech, "I want to compliment you on what you are doing here tonight"?

A. No, sir, I don't remember that either.

Q. Now you mentioned Reverend Duncan Gray on cross examination as an incident that occurred when he was walking back from the monument, or from the flag—the vicinity of the flagpole.

Did any other incident occur involving the Reverend Duncan Gray during General Walker's speech?

A. Yes, sir, it did.

Q. Tell us about that.

A. He, Walker, was talking to the students. I think he had just started, hadn't been talking very long. And Reverend Gray started walking up to—well, just pushing his way up to Walker, speaking. I don't remember what he was saying but he was speaking.

[fol. 460] And Walker said, General Walker said, "Your minister wants to speak," or something like that.

And then somebody pulled the minister away from the, away from the group and then I saw the minister and this fellow just move on back, away from the crowd. And Walker continued his speech.

Q. Is that all that occurred?

A. Regarding the minister, is that—

Q. Yes, sir.

A. Yes, sir, that's all I remember.

Q. Did you ever hear General Walker say, "Here is an Episcopal minister that makes me ashamed I am an Episcopalian"?

A. Yes, sir, I heard something about him—I did hear him say—the minister had just said something. I don't remember what he said. And it was something about bringing in the church.

And I don't recall whether this was the earlier point or during the speech. It may have been both—no, it couldn't have been both.

But I do remember the minister using the, bringing religion into it, into this Oxford thing.

He somehow said that religion or—well, he brought up the subject of religion and Walker did say that, "I am

ashamed of being an Episcopalian,” or “you make me ashamed—” or something like that, I don’t know.

[fol. 461] The question was said, it surely was.

Q. Now after General Walker had finished his speech, what did General Walker do?

A. Moved away from the group that was standing around there and talked to some people for a period, for a while.

Q. How long a period?

A. Oh, I would estimate 10 or 15 minutes.

Q. Then what did you do?

A. Then we decided to get, go up and look and see what was going on up front and we walked up towards the west, walked west.

Q. How far west did you walk?

A. I would say up to right up in here about (indicating).

Q. Now you have indicated on this second westward trek a point, I believe, about half-way between the flagpole and the edge of the street in front of the Lyceum Building?

A. I indicate a point about right in here, sir, about right in here (indicating).

Q. All right.

A. I would say about 30 feet or so the other side of the flagpole.

Q. About 30 feet past the flagpole and west of the flagpole?

A. That’s correct.

Q. Sir? Had you finished?

[fol. 462] A. That’s correct, yes, sir.

Q. Now at that time who was with you and General Walker?

A. There was two or three other individuals who I do not know who they were or remember them, and myself.

Q. Was the Deputy Sheriff there?

A. No, sir, not this time, he was not there.

Q. Were any of the—

A. At least I don’t remember him at all.

Q. I’m sorry.

A. Excuse me.

Q. Now at the time you went up there past the flagpole, just you and the General and one or two or three individuals, did anybody have any sticks or stones in their hands?

A. Nobody with us did at all, sir.

Q. Was there anybody following along behind you and General Walker and the two or three that you didn't know?

A. There were people all over the campus. We were not in any large group at all. There was nobody behind us—maybe you could walk back 50 feet and there might be some people but we just walked, three or four of us walked up to the front and walked on back.

Q. And nobody of a large crowd of 15 or 20 or 500 or what-not weren't following you?

A. No, sir, Mr. Gooch, they surely weren't.

[fol. 463] Q. Now I believe you said that the General made one other trek up to the—

A. Yes, sir, we walked up the front during the peace conference.

Q. Well, now who led the peace conference or was there a leader?

A. Well, there was one student I saw, saw him standing with some kind of, waving something, I don't remember what it was, some kind of flag, and so if you want to call him the leader, maybe he was the leader.

Q. I don't know whether he was or not. I was just asking if somebody led them.

A. Well, sir, I don't know that there was any leader at all but a bunch of the students were hollering, "Peace, peace," or something, or "peace conference," and they advanced up after, as the Marshals quit firing and everything and everybody quit, anybody—everybody stopped throwing and there was a group of students up front. I would say a hundred or something like that, gathered around during the peace conference.

Q. Where was General Walker at the time of the peace conference?

A. Standing behind the students.

Q. Just with his arms folded, I assume—

A. Just standing there.

[fol. 464] Q. —was the pose. And was the Deputy Sheriff with him at that time?

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

Q. Was anybody with him but you?

A. There was two or three other people. We were talking to—all through the evening, sir, we would talk to different people, so I'm sure there was somebody with him.

Q. Did you hear any of the peace conference talk?

A. No, sir, I couldn't hear it.

Q. You couldn't hear a thing that went on?

A. No, sir, you could tell they were talking. I could hear the voices but I couldn't tell what they were saying at all.

Q. And after you had participated, or after you had gone up there—I won't say "participated,"—had—after you had gone up there, you came back down near the monument and remained there the rest of the evening?

A. That's correct, we—after that, sir, we came back and we remained the rest of the evening in this area and in here (indicating), this area in here the rest of the evening—four hours, in fact.

Q. So you stayed there on that campus that night, you and General Walker, from around 8:45 until about 1:30 or 2:00, I believe you said—

A. That is correct. That's correct.

[fol. 465] Q. —and just stood there milling around on the campus?

A. That's correct. That is absolutely correct.

Q. Now you do recall that at the interview in Jackson before you proceeded to Oxford, that General Walker at that time was urging those who were listening to him to stand behind Governor Barnett?

Mr. Watts: Excuse me. Object to it as purely repetition.

The Court: Overruled.



Q. Go ahead.

A. Well, sir, the points that stand out in my mind that Walker was urging were, one, they opposed the use of troops in this situation and that this—and, also, support for the position taken by Barnett, of legal and Constitutional resistance to the situation, to the forced integration at Ole Miss.

Q. All right. Again I ask—it is repetition, but I want an answer—

A. Yes, sir?

Q. —that he did make his position clear at Jackson before he went to Oxford, that he wanted his hearers as well as himself to support Governor Barnett, is that correct?

A. He said he supported and urged people to support Ross Barnett.

[fol. 466] Mr. Gooch: That's all. Thank you.

The Witness: Support the position of Barnett.

Mr. Gooch: That's all.

The Court: Any redirect?

Mr. Watts: Very short.

Redirect examination.

By Mr. Watts:

Q. Mr. Leman, during the course of that entire evening, what was the longest period that General Walker was ever out of your sight?

A. About a minute, and I knew where he was then.

Mr. Watts: I believe that's all.

Recross examination.

By Mr. Gooch:

Q. At any time—wait just a moment. One more question: At any time that you were going in a westerly direction from the monument toward the Lyceum Building, was there

any, ever any tear gas fired at the group, however small, of which you were in?

A. Sir, there was tear gas anywhere in that area, firing everywhere. I saw them rolling down on the ground, I saw them—in fact is, they were firing all the way back to the crowd. At times they were firing all the way back to the crowd back by the monument, coming down there. People would have to move to get out of the way.

[fol. 467] Q. Was that happening at the time you and General Walker got on the campus?

A. Yes, sir, sure was.

Mr. Gooch: That's all. Thank you.

The Court: I'm going to excuse this witness.

Mr. Watts: Just a minute. Let me ask just one more question. It's always bad luck to. . . .

Further redirect examination.

By Mr. Watts:

Q. Mr. Leman, did you during the course of that evening and the entire evening, was General Walker ever out in front of a crowd with no one between him and the Marshals?

A. No, he never was. He never was.

Q. Did he ever, or, so I won't be in a position of leading you, tell us what his gait was as he walked around that area?

A. A very slow walk.

Q. Did he ever get out of that slow walk?

A. No, sir, he did not.

Mr. Watts: That's all.

The Court: I'm going to excuse this witness.

Mr. Watts: Yes, sir, I would like to have him excused.

The Court: You are excused. We will recess until a quarter of 11:00. Keep your seats, please, in the audience until [fol. 468] after the jury has left the courtroom, and be back in your seats at a quarter of 11:00.

(15-minute recess.)

Mr. Watts: Call Mr. Holland, please.

If Your Honor please, at this time we would like to present a deposition. This is the deposition of a witness, Joe Ford, taken in Oxford, Mississippi, March 12, 1964, by agreement of the parties, and the deposition was attended by Mr. Gooch and myself.

With the Court's permission, Mr. Andress will read the answers and I shall read the questions.

I assume it is understood that the witness was sworn?

I notice I didn't ask him.

The Court: Yes.

---

JOE FORD, testified by deposition as follows:

By Mr. Watts:

Q. What is your name?

A. Joe Ford.

Q. What is your business?

A. At the present time I am an automobile and tractor dealer.

Q. Mr. Ford, have you been Sheriff of Lafayette County?

A. Yes, sir.

[fol. 469] Q. Were you the County Sheriff on September 29th through October 2nd, 1962?

A. Yes, sir.

Q. Did the disturbance incident to one James Meredith at the University of Mississippi occur while you were Sheriff?

A. Yes, sir.

\* \* \* \* \*

Q. Now Mr. Ford you were Sheriff between that period of time?

A. Yes, sir.

Q. And did an incident occur at the University of Mississippi between that period?

A. Yes, sir.

Q. Did you have occasion between these dates to become acquainted with former Major General Edwin A. Walker?

A. Yes, sir.

Q. Where did you first see him?

A. In the Sheriff's Office.

Q. Would you outline into the record, please, sir, the nature and extent of that conversation and acquaintance?

A. It was on a Sunday morning, I am not positive, but it was somewhere between 7:00 and 8:00 o'clock, General Walker came into the Sheriff's Office. He introduced himself. I don't recall the young man who accompanied him, but I asked him his business in Oxford with reference to [fol. 470] several phone calls that had come into the Sheriff's Office in connection with General Walker—

Mr. Gooch: Now if the Court please, we object to the rest of the testimony, as to what General Walker may have said.

The Court: The rest of that sentence?

Mr. Gooch: Yes, sir.

The Court: Sustained as hearsay.

A. —I referred him to the telephone calls that had come to me, some of them made statements to the effect that they had been asked to come to Oxford. I questioned General Walker with reference to whether—his plans in Oxford—

Mr. Gooch: To which we object.

Mr. Watts: Just a minute.

Mr. Gooch: Which we object to the rest of the answer.

The Court: Sustained.

A. —I informed him since he was here as an observer—

Mr. Gooch: I object to that, if the Court please, as to what he may have told General Walker. It's hearsay so far as this defendant is concerned.

The Court: Sustained.

Mr. Andress: This is the witness himself, Your Honor, testifying as to what he said.

The Court: Let me read the rest of the answer. Let's [fol. 471] see. I will overrule it and permit that.

Mr. Gooch: Note our exception.

A. I informed him since he was here as an observer that I had no excuse to ask him to leave but that we wanted no one here that would cause any disturbance or any feeling of emotion that would call disturbance. He assured me that his activities here were of his own personal interest and simply as an observer.

Q. Did you see him again after that incident on Sunday morning of September 30th?

A. I did.

Q. Would you outline that meeting for us, please, sir?

A. That was approximately 8:00 o'clock on the same date, Sunday night, in the courtroom in the Lafayette County Courthouse.

All county officers who were here in connection with the University situation were asked to meet in the courtroom. General Walker was present at that meeting. He did not address the members of that meeting. He was present, however, and was on the courtyard lawn after the meeting. I didn't make any personal contact with him.

Q. Did someone address the meeting of the county officers in the courthouse?

A. Yes, Judge Moore from Jackson.

Q. Would you remember in substance what he told the [fol. 472] group?

Mr. Gooch: To which we object. It would be hearsay.  
The Court: Sustained.

Q. Had there been a substantial group of local sheriffs and law enforcement officers assembled in Oxford?

A. I don't know the exact number but at one time or another during the course of those few days I was informed that practically every sheriff in Mississippi was here.

Q. Were there a substantial number of these peace officers assembled within the courthouse that night?

A. They were, I don't know the exact number, there was a good many of them.

Q. Was that the last you saw of Walker then?

A. Yes, sir.

Q. Did you see him again at any time while he was in or around Oxford?

A. No, sir, I did not.

Mr. Watts: I believe that's all.

Mr. Gooch: No cross.

Mr. Watts: All right.

Turn now over to the next deposition here, David Channell.

---

DAVID CHANNELL, testified by deposition as follows:

[fol. 473] Direct examination.

By Mr. Watts:

Q. What is your name, please?

A. David Channell.

Q. Your residence both on campus and at home?

A. Odom B. Dorm on campus, and 740 McDowell Road, Jackson, Mississippi, at home.

[fol. 474] Q. Who are your parents?

A. Mr. and Mrs. C. E. Channell.

Q. Your age?

A. I am twenty.

Q. Are you a student in Mississippi University?

A. Yes, sir.

Q. What school and what class?

A. I am in the School of Commerce and I am a junior.

Q. Were you at school in September of 1962?

A. I was.

Q. Did any unusual incidents happen on the campus that night?

A. Yes, sir, there was a very unusual incident, one which we were not accustomed to. We had what you might say was a riot.

Q. In what area did that take place?

A. It took place in front of the Lyceum Building, the place commonly referred to as the Grove.

Q. Were you present during the course of that incident?

A. Yes, sir, I was.

Q. When did you first come on the campus that night and realize there was something unusual taking place?

A. We were coming back from the football game in [fol. 475] Jackson that week-end and on the way back we had a little car trouble and I didn't get back until about 8:00 o'clock. We knew that there was something wrong because we were listening to reports on the radio.

Q. What was the general nature of those reports?

A. They said there was a Negro admitted to the University of Mississippi, that he was on the school grounds. They said that tear gas had been fired and there was a riot going on.

Q. When you arrived on the campus where did you go?

A. I walked straight up to the Grove here just to see what was going on.

\* \* \*

Mr. Watts: We marked there Exhibit 1, if Your Honor please, a plat almost identical to the one on the Board, except much smaller. Will it be permissible if I step over by the plat and point out, Mr. Gooch, the same locations on this plat?

The Court: Yes, sir, if they are the same.

Mr. Watts: Yes, sir. Mr. Gooch has a copy of it, I am sure.

\* \* \*

(Continuing to read from deposition.)

Q. Now, David, directing your attention to Exhibit No. 1, which is a scaled plat of the University of Mississippi [fol. 476] area, is this the Grove in the center of the area?

A. Yes, sir, it is.

Q. Now, orienting it, the top is to the north, and the left is to the west. From which direction did you approach?

A. We came down University Avenue and we had to hitchhike since the car wouldn't run, so this boy let us off right here at the bridge. He had to get his car across the campus and he lived in the Phi Delta Theta House, and he let us off right here at the corner of University Avenue right across the bridge.

Q. Then where did you go?

A. We proceeded to go on up into the Grove.

Q. Was there a substantial crowd in the Grove?

A. Yes, sir, there was. There was a crowd all the way along University Avenue and the Grove.

Q. Could you give us anything like a rough estimate of the size of that crowd?

A. I couldn't tell you exactly. I imagine it would be around 3,000 people at least.

Q. Had tear gas been fired?

A. Yes, sir, it had.

Q. Did you mix on with the crowd?

A. Yes, sir, I walked on in and started to talking to some of the boys and asked them what had really happened, [fol. 477] and the story about it. All we could get was radio reports and some of the announcements were not too positive, but we did know that tear gas had been fired.

Q. How close did you get to the ring of Marshals that surrounded the Lyceum Building?

A. I couldn't get very close. I guess we just walked right up into here.

Q. By "here" you are pointing into this circle that is called the Grove?

A. Yes, sir, next to the flagpole.

Q. And in the center of the circle as appears on this Exhibit No. 1, there is a cross between two sidewalks?

A. Yes, sir.

Q. And there is a circle within that, and is that what you identify as the flagpole?

A. Yes, sir, that is the flagpole.



Q. I wish you would tell us what you saw when you got up in that area?

A. When I got up in that area there were small groups of students and they were charging the Marshals, throwing rocks, but they were all spread out. There was a group over here—

Q. By “here” you are pointing to the southwest?

A. Yes, sir. It was very sporadic. They would run up there and throw rocks and run back.

[fol. 478] Q. Did you stay there all during that time, the intervening time that followed that?

A. Yes, sir, I did. I just milled around and went over to the Y and talked to some people over there.

Q. I wish you would give us a narrative running account of everything you saw, or everything you heard, and what occurred?

A. As I said, I arrived at about 6:00 o'clock and I walked up into the Grove and started talking to some boys to see what had really happened. I guess I went over to the Y and talked to some boys over there. I met a boy from South Carolina that was up here and I talked to him. He told me a girl had been killed, so I walked on back down towards University Avenue.

Q. Was that eastward?

A. It was going this way. The Y is here.

Q. You are pointing—I will have to orient you here, David. The Confederate monument is on the east side of the Grove and the Lyceum Building is on the west end of the Grove. It will help us when we read this in Court if you can use points of the compass and directions.

A. All right. We walked eastward. I was standing around by the Confederate monument and I saw General Walker walking up. He was with a short man, it was a Deputy Sheriff or a Sheriff, I don't know which, and I as-  
[fol. 479] sumed he was from Texas. He came up and he was standing around and there was a whole bunch of people gathered around General Walker. He started talking.

\* \* \*

Mr. Gooch: Wait just a minute. We object to that next answer, if the Court please. A conclusion.

The Court: I will admit it.

Mr. Gooch: Not res gesta.

\* \* \*

A. Everybody got mad at him because he wanted to put the riot down. He said violence was no way to do this thing and so everybody got mad at him. Then these Episcopal ministers, I assume it was Duncan Gray and Wofford Smith, they climbed up on the monument, the Confederate statue, and they started implying that the people out here were very low class people. That upset a few people so they started to pull them down. They got them away right quick and it was the Deputy Sheriff who helped get them out of there that was with General Walker. Then General Walker told us, he said we ought to be concentrating our efforts in Cuba instead of against our own people. He continued to say there was no sense in having any violence, that constitutionally you could protest but not with violence.

Some students asked him to lead us and he said, "No." [fol. 480] He said, "I can't take part in a violent demonstration." He said that wouldn't be right. Later he walked on up into the Grove and I walked with him, I guess there was about five or six students that went with him. He walked up into the Grove and looked around, he and the Deputy Sheriff and the students. He then turned around and went back out. He walked out of the Grove and went back down to the Confederate monument, I think not exactly to the Confederate monument, he came down and stood across the street over here in front of the Biology Building and Hume Hall. It is on the east part of the campus. He stood there and this boy, I can remember this real well, this boy from Natchez, Mississippi, his name is James Dykes, he had been shot in the leg. At the present time, or then, he was attending Co-Lin Junior College in Wesson, Mississippi, and the only reason I know who the boy was was this boy who was with me was from Natchez

and he pointed him out to me and told me who he was. He came up and two boys had to carry him, one under each arm. He was carried up to ask General Walker if he could put him on a white stallion and lead us and General Walker at that time shook his head like that (indicating) and said, "No". He said that it wouldn't be right.

Q. Go ahead with your narrative of what occurred after you had this talk with this boy. Was this statement of [fol. 481] putting him on a white stallion, was that stated in jest?

A. At the present time emotion was running rather high and the boy couldn't walk, his leg had been shot and there was blood all over his pants leg. I imagine he was shot by birdshot, or maybe some form of shotgun. They took him on off and General Walker stood there and people kept talking to him and asking his views, his political views and so forth.

Q. Now, up to that time had he made any move at all toward the Lyceum Building, or toward the Marshals?

A. Yes, sir, he walked on into the Grove at the time that I walked with him and some more students did, he walked on into the Grove about halfway or three fourths in there and he just stood around looking and then he turned and we walked out. The only reason I went with him was just to talk to him because I had heard a lot about General Walker.

Q. Did he at any time get out of a normal ordinary walk?

A. No, sir, he never did. In fact, he was walking pretty slow, if you ask me, for his size.

Q. To identify him, did he have on a rather large white hat?

A. Yes, sir, he had on a large Stetson hat and I believe he had on a beige suit. I believe he had on a beige suit, [fol. 482] but I remember that white hat better than anything. He was with this short Sheriff or Deputy Sheriff who was accompanying him.

Q. Back at the time you first arrived on the campus, do you think sometime shortly after 8:00 o'clock, and between that time and the time you saw General Walker, were you out in the area of the Grove back and forth all the time?

A. Before I saw General Walker?

Q. Yes.

A. Yes, sir, I was.

Q. Were you in a position where if there had been a mass charge of as many as 1,000 people or even 500 against these Marshals that were led by three individuals out in front of them, were you in position to where you would have had to have seen it?

\* \* \*

Mr. Gooch: To which I object as a conclusion on the part of this witness.

The Court: Overruled.

\* \* \*

A. Yes, sir, I would have seen it.

Q. Did anything of that kind occur at all?

A. No, sir, it did not.

Q. First, did anything like that occur prior to Walker's [fol. 483] speech on the monument?

A. No, sir.

Q. And did it occur then after Walker's speech on the monument?

A. No, sir.

\* \* \*

Mr. Watts: I believe the rest of it is repetition. We will waive it. Cross examination?

Mr. Gooch: On page 13 of the deposition, question.

\* \* \*

Q. And you saw General Walker almost immediately after you got on the campus?

A. No, sir, I didn't. I would imagine it was about forty-five minutes to an hour later. I can't place time after that

because I had no radio and no way of knowing the time. I didn't have a watch.

\* \* \*

Mr. Gooch: On page 14, the first question on the page.

\* \* \*

Q. And you did see groups from that big crowd of people charge the Marshals or go up toward the Marshals and throw bricks and stones, or did you?

A. Well, there were not 3,000 people taking part in what was going on there. As I said, there was a large group of students lining University Avenue, students and towns- [fol. 484] people. In the Grove, itself, and around University Circle, I could not estimate that because it was dark but it wouldn't be anywhere near 3,000 people there.

Q. Well, give me your best estimate on that?

A. Well, I would say 1500 or 2,000.

Q. In the Grove itself, to be specific now?

A. To be specific exactly in the Grove there wouldn't be more than 500 or 600 people. You see, the streets were lined in front of the Y and all around the Engineering Building and the Chemistry Building.

Q. Did you see the Marshals fire any tear gas?

A. Yes, sir, I did.

Q. You say that some had been fired before you got there?

A. Yes, sir, it had.

\* \* \*

Mr. Gooch: Now, on page 18, at the one, two, third question.

\* \* \*

Q. After General Walker had something—had said something about a peaceful protest, according to you, where did he go then?

A. He stayed around and he carried on a conversation with some of the students and the townspeople who were there at the time.

[fol. 485] Q. Then where did he go?

A. He walked on up into the Grove. He and the Deputy Sheriff walked west toward the Lyceum.

Q. The Deputy Sheriff?

A. And some more students.

Q. Did anybody go with him?

A. Yes, sir, I for one went with him.

Q. About how many followed him?

A. I guess there were maybe five at the most, four or five.

Q. How far did you go?

A. He walked about half way or three quarters of the way up into the Grove.

Q. What did he do?

A. He just looked around and then he walked back out.

Q. Did he say anything else there?

A. No, sir, not a thing.

\* \* \*

Mr. Gooch: On page 23.

\* \* \*

Q. Did you ever hear anybody ask General Walker to attempt to stop the violence?

A. No, sir, no one asked him to stop the violence.

Q. Nobody asked him at all?

[fol. 486] A. Not a soul. The people there, I assume, were for what was going on and General Walker was the only one against it. He tried to tell the students that they would accomplish nothing.

\* \* \*

Mr. Gooch: Down at the bottom of the page.

\* \* \*

Q. Did you consider General Walker to be a public figure?

A. Yes, sir, I would.

Q. Would you say he was a national public figure?

A. Yes, sir, I would.

\* \* \*

Mr. Gooch: On page 26, one, two, three, four, the fifth question.

\* \* \*

Q. Then, General Walker, according to you, never at any time did he climb part of the way up on the Confederate statue to address the group?

A. If he did, I didn't notice it. I am sure he didn't.

Q. You are positive he did not?

A. No, sir.

Q. In connection with the talk that you heard Walker make?

[fol. 487] A. I am not positive that he didn't climb upon that statue, he could have and I didn't notice it.

Q. Well, you were there within seven feet of him?

A. Yes, sir, but at the time I couldn't notice if he climbed up there or not. He might have stepped up on the first step, but if he had mounted it real high, I would have noticed it.

\* \* \*

Mr. Gooch: On page 27.

\* \* \*

Q. Did you ever hear General Walker mention the name of Birdsong?

A. Birdsong?

Q. Yes.

A. No, sir.

Q. Would you say he did not say anything about Birdsong?

A. Who is Birdsong?

\* \* \*

Mr. Gooch: On page 28, the fourth question.

\* \* \*

Q. I believe you said earlier in your testimony that there was a riot situation on the campus?

A. That is the impression I got. They said that tear gas had been fired and the students were running around.

[fol. 488] Q. Did you observe a riot condition when you got there?

A. There was a lot of fighting going on.

Q. Were there any charges towards the Marshals by anybody?

A. Yes, sir, there were sporadic charges by little groups of people all over the campus, from behind the Lyceum and the sides.

\* \* \*

Mr. Gooch: The third question on page 29.

\* \* \*

Q. Did General Walker go up to where the fire truck was?

A. No, sir.

\* \* \*

Mr. Gooch: The last question on page 30.

\* \* \*

Q. Do you know what time General Walker left the campus?

A. No, sir, he was gone about 11:00 o'clock, I am sure, but I didn't know what time it was. As I said, I lost track of time.

\* \* \*

Mr. Gooch: On page 36, the third question from the [fol. 489] bottom.

\* \* \*

Q. Then after he made that talk where did he go?

A. After he made that talk?

Q. Yes.

A. Well, he went on up into the Grove about halfway to three quarters.

Q. To the flagpole?

A. Yes, sir, to the flagpole.

\* \* \*



Mr. Gooch: That is all I have to offer.

Mr. Watts: Turning to page 27 of Mr. Gooch's cross examination where the question was asked, "Would you say he did not say anything about Birdsong?" And the answer: "Who is Birdsong?" And continuing to read;

\* \* \*

Q. My information is he was the head of the Mississippi State Patrol?

A. I think he mentioned the Highway Patrol but I forgot the guy's name.

Q. What did he say about the Highway Patrol?

A. People at that time were saying that Governor Barnett had sold us out and General Walker said, "No, it wasn't, to the best of his knowledge, it was Birdsong or the [fol. 490] Chief of the Highway Patrol." I assume it was Birdsong.

Q. He said Birdsong sold them out, is that what he said?

A. I don't know how he put it, that the Governor of Mississippi is a good man and he would not turn against his people, and he said the Chief of the Highway Patrol was the one that let the Marshals on the campus. That is the way it went.

\* \* \*

Mr. Watts: Now, on page 36 he read the question: "To the flagpole?" And the Answer: "Yes, sir, to the flagpole," and continuing:

\* \* \*

Q. Then he came back?

A. Yes, sir.

Q. Then what did he say?

A. Then what did he say?

Q. Yes.

A. He just stood around and people were asking him questions and that is when Gray and them got up there.

\* \* \*

Mr. Watts: That is all.

Mr. Gooch: Nothing further.

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[fol. 491] CECIL HOLLAND, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

Q. Your name, please, sir?

A. My name is Cecil Holland.

Q. Your residence?

A. Bathesda—Chevy, Chase, Maryland.

Q. Your Business or profession?

A. Newspaper reporter.

Q. Tell the jury what paper you work for, Mr. Holland.

A. The Star, Washington, D.C.

Q. How long have you been in the newspaper business?

A. All my life.

Q. Would it be a personal question to ask you how long that's been?

A. It's been about 30 years. In business itself.

Q. What school, journalism school, were you a graduate from?

A. None.

Q. How did you get into the profession?

A. Well, I attended the University of Chattanooga and took a part-time job as a Sophomore there and—

Q. Stayed on in it?

[fol. 492] A. Stayed on in it ever since, except for Army service.

Q. What branch of the service were you in?

A. Army Air Force.

Q. And how long have you worked for the Washington Star?

A. Off and on since '38, 1938. I left twice and went back.

Q. Were you directed by your paper to proceed to Oxford, Mississippi, any time during the latter part of September, 1962?

A. Yes, sir.

Q. Did you go there?

A. Yes, sir.

Q. I wish you would just tell the jury, Mr. Holland, please, sir, in your own words, from the time you arrived at Oxford, what you saw, what you heard, what you did and what occurred?

A. Well, I arrived there late on a Friday evening. I had come, I had left Washington Friday afternoon and had an assignment before I got there and I rented a car in Memphis and drove down there.

And I got there late and could not get a place to stay in Oxford, so I drove down to Waterford and had a motel room there.

[fol. 493] Saturday I went back to Oxford. I worked there and finished my story and then went back to Waterford, where I spent the night.

And Sunday morning I got up fairly early and came up, had breakfast, and visited the campus, heard about some troops being brought in at a place I forget now somewhere about 15 miles out of town. We visited that place.

Later went back to the campus and couldn't get on and—because the State Patrol had thrown up barricades.

Later we went out to the airport and were there when the Marshals landed.

Eventually back to the motel and then back to the campus where we waited from 5:30 or 6:00 until we were admitted to the campus grounds at about 7:00.

We stayed there—we walked up toward the Lyceum Building, trying to find someone to talk with particularly from the Justice Department.

We stood out in front for quite a while. Mr. Guthman came out, he said he had one telephone call—

Mr. Gooch: We object to what Mr. Guthman said.

Mr. Watts: Don't say that.

By Mr. Watts:

Q. Who was Mr. Guthman?

A. He was a public relations man for the Justice Department.

Q. Where did he come out of?

[fol. 494] A. He came out of Lyceum Building and we asked him for a chance to talk with him.

Q. Well, now was this daylight or dark?

A. It was dark by that time.

Q. All right, go ahead and tell us what happened, what you saw.

A. Well, while waiting for Mr. Guthman to return, the Marshals had us move—there were a dozen or more reporters gathered out in front. The Marshals had us move around to the side.

Q. Excuse me. Were there any AP reporters among them, or did you know—

A. I don't know. Could possibly have been. I just don't know.

Q. All right, go ahead.

A. I knew some that I had worked with at other places and I know we were together part of the time but there was a milling back and forth and the crowd was—the group of reporters were changing all the time.

Q. You say there were eight or ten of those reporters?

A. Oh, at least that. I made no number of, count of them. We were—

Q. Now, Mr. Holland, so we will orient yourself and the jury, would you step down here just a minute?

North, east, west (pointing) the Confederate monument, [fol. 495] the Lyceum Building?

A. Yeah.

Q. This area is known as “the circle”. Could you take this ruler and point out the position where you and this group of reporters were?

A. We were directly in front of the Lyceum Building right there (indicating).

Q. That would be east?

A. Yes, east.

Q. Yes, sir. All right, sir. Take your seat.

A. The Marshals would not let us go through and we were waiting for someone to talk to there because we didn't know what was going on.

Q. If it will help you, stay there at the chart.

A. Well, while we were standing there, the Marshals asked us to move over to the side.

Q. Yes, sir.

A. And we were moved over to this side of the building, which I believe would be the south, I believe so.

And I stayed right in that—some of the reporters went over there (indicating). Who they were, how many, I don't know, because we more or less dispersed then and it was dark and people were milling around and we moved over here and stayed there (indicating), at least for quite a while.

Q. Now for the benefit of the record, "here," would be [fol. 496] just south of the Lyceum?

A. Yes, it was right in this area here (indicating).

Q. Yes, sir.

A. I believe it led down to a gym or some building down this way, I don't know (indicating).

Q. All right, sir. Continue then with your account.

A. Well, we stayed there and I was—I was there when the—I had moved up to this corner as near in front of it as I could get on the outside of the Marshals and I was standing there when the—simply because I wanted to—didn't want to miss Mr. Guthman—when the first tear gas started.

Q. Describe that incident to us in as much reality as you can remember.

A. Well, I was standing back here at one point and when the order came for the Marshals to don their tear gas masks, and I moved back somewhat—

Q. Do you remember that order?

A. Just the call, "gas," is all I could distinguish. And it came from—it sort of seemed to me to be picked up and carried around the building, I don't know.

And I was there when that call came. And they took out the gas cannisters and then the call came, was for them to—I forget the, what the technical name was, but anyhow, they returned the cannisters to their pocket and [fol. 497] took off their masks.

And I moved back up here for the same reason that I said: I was trying to see when Mr. Guthman would come out. I stood there and was standing there (indicating), when the gas was actually fired.

Q. Tell us about it.

A. Well, there was just a sudden order and gas flew and I turned immediately and retreated down this way (indicating).

Q. Now where were the Highway Patrolmen when that order came?

A. Well, there was a large group at the scene—I had walked straight up and down this way (indicating) and there was some groups, some parts of them came this way and some had moved, as best I could tell, into this direction.

Q. Where were the students?

A. Well, into the trees where students had been. I couldn't see at that particular time and I moved up behind them simply to keep an eye on the entrance of the Lyceum Building.

Q. Now when gas was fired, was there only one round or was it a salvo-type of operation?

A. Oh, there was quite a bit of gas fired there. I don't know how many rounds or what it was.

The wind seemed to be blowing from this direction [fol. 498] (indicating), and it seemed to carry it right back towards us where we were.

Q. Yes, sir. What occurred then?

A. Well, there was sporadic firing from time to time. Sometimes heavy, sometimes not so heavy; sometimes we

would be driven away back down this way (indicating) to get out of the way of the gas.

Q. What happened to the highway patrolmen when the gas was fired?

A. Well, some of them, they withdrew, too, and some of those that had come down in front here came out with tears streaming from their eyes, just as—well, as anyone in the area that caught any of this gas. They did not have gas masks on when I saw them.

Q. And from that time on, Mr. Holland, what was the activity of the students or the Marshals, whoever they were, out in front of the Marshals?

A. Well, I couldn't say who all was out in front because it was somewhat dark and this tear gas, the clouds were—

A. Yes, sir.

Q. Going back and forth. More of the activity seemed to be on this side than over here (indicating), though at times there was some activity down this direction (indicating).

Q. What do you call "activity"?

[fol. 499] A. Well, there would be cries and shouts and then the Marshals would move out and throw some tear gas and then they would come back and there might be a little lull and then it would be resumed.

Q. Did you ever see a generalized movement or mass charge of a large number of students?

A. From where I was and with the tear gas that was there, I could not distinguish anything because I quickly got a lot of tear gas in my eyes.

Q. Yes, sir.

A. And I just—I had to go way back down here (indicating) and then I would come back and you would catch some more and then you would move back again because—and it was fairly dark on there and the lights, there was no general lights and I could not tell what was happening down in this area. I couldn't see any movements of people except small groups maybe that come up in this direction this way (indicating).

Q. And what would those small groups do?

A. Well, I could see people there and then I might see the Marshals move out. I couldn't see what they did because I kept back on this side (indicating).

Q. Did you see any rocks, bricks, bottles, missiles or anything of the kind in the air, flying around?

A. Well, I didn't only see them, you could hear things [fol. 500] hitting places and I don't know exactly what they were or what else because—

Q. Were there other newsmen around you?

A. At that time, no, because I had lost track of all of them. I had moved up and down and I don't know what happened to them, only by hearsay later as to what—

Q. Well, don't tell the hearsay. Go ahead and tell us what happened, just draw us a picture.

A. I stayed in this area back down in here for quite a while, must have been an hour or more (indicating).

Q. Yes, sir.

A. Just how long, I am unable to say because—and I consulted my notes the next day, I could not find just what the timing was in this because—

Q. As a reporter, did you keep notes of your activities?

A. I didn't attempt to at that time.

Q. I see. Go ahead.

A. I finally decided that I wanted to come around and get on this side (indicating) and I didn't think it was quite wise to move down this way, come from this area, I didn't, and being a civilian I didn't know what—I just couldn't tell what was going on, so I—

Q. Could you estimate the time from the period the first gas was fired until you decided to move and did move?

A. It was an hour or more. Could have been an hour [fol. 501] and a half but I'm inclined to think it was something a little less than an hour and a half, I—

Q. Yes, sir, but—what would you fix as the time when gas was fired?

A. Well, I know that pretty well because it was right—I kept that time because we were also interested in check-



ing it later because it was about the time the President was speaking. It might have been a minute—I don't believe there was more than a minute or two's difference in the time, and I think he was supposed to be speaking at 10:00 o'clock, Washington time. I mention that only because I kept my watch on Washington time.

Q. What would that have been local time?

A. 8:00 o'clock, I believe, at that time.

Q. And you think it was within a minute or so—

A. I think it was very close. I couldn't say definitely.

Q. All right, go ahead.

A. Well, eventually I decided that I wasn't, not accomplishing anything here. I wasn't—I was unable to get into the building.

Q. Yes, sir.

A. And I came back down this way and I think somewhere down here (indicating) is the gate, I'm not quite sure where it is. But I asked the highway patrolman there which was, how could I get out to the, I think it was, high-[fol. 502] way 6, I believe, that ran out to the airport.

Q. Yes, sir.

A. It went on that side of University (indicating). And he said, "It's down there," and about that time some man alone in a car came by and I asked him if he would give me a ride and he was kind enough to do so.

Q. Could you identify that individual?

A. I can't by name. He told me his name. He was an English instructor or some instructor. I won't even be sure it was an English instructor now.

Q. With the college?

A. With the college.

Q. Yes, sir. Go ahead.

A. Well, at any rate, he said he would like to see what was going on, on this side, so somehow he brought me in something around like this (indicating) and we came out somewhere in an area—I don't believe we were down this far. We could have been because we made a left turn and turned back up the, this driveway that goes—no, wait a minute. I have got it wrong.

Came back around in this way somewhere (indicating). I don't know where, quite how we came in because I was not familiar with the campus at that time.

Q. Yes, sir.

A. Then we drove to turn back up this way (indicating), [fol. 503] and just about the time we did that, there was a, quite a mass of students. I can't estimate the number but—

Q. Yes, sir.

A. —the car was surrounded and there must have been some activity up here that I don't know what it was.

[fol. 504] Q. Could you see that far from where you were?

A. You could see some activity going on but I couldn't tell what it was. Of course, the Marshals would move out that way with a very heavy barrage of tear gas.

Q. From the time you drove up there in that car could you see well enough toward the Lyceum to make out the form of specific Marshals?

A. I could see individuals and I assumed they were Marshals because of their helmets and jackets.

Q. That is you could see shapes and forms?

A. Shapes or forms, yes, sir, but there was quite a barrage of tear gas that came at that time, and this man who picked me up said, "I want to get out," and I said, "I do too," so he took me out and somehow, I think we came back down here (indicating). He brought me down University Avenue and let me out at the corner. I am not sure whether it is Main Street or not. I believe it is about one block further from the Ole Miss Hotel. I had left my car at the Ole Miss Hotel and I wanted to pick it up.

Q. All right. Very briefly, after you left the campus, just go ahead and tell us what else you saw?

A. Well, since I had no room in the motel myself, I—a friend of mine with the Baltimore paper had told me that I could use his room as my headquarters. He had a special 'phone set up in there and I went in there and talked [fol. 505] briefly with him for some time and then I started

back to the campus. I believe at that time he told me what news—what developments he had.

Q. Well, don't tell me that, you are not supposed to say what he told you.

A. Well, I am just saying he told me that, and then I told him I would go back to the campus. His was a morning paper so he had to keep much closer to the 'phone than I did. Mine was an afternoon paper. So, I had a lot more time.

So, I got my car, which had been parked down there, and started back and decided then I would stop at the Mansion Restaurant and get a cup of coffee.

Q. Where was this—was it the Mansion Restaurant or the Mansion House?

A. Mansion House, I—one or the other. I am not sure. It was about, I suppose, not more than a block from the intersection of University and Main Street, heading toward the square.

Q. To identify it, about how—about halfway between University and the Courthouse on the square?

A. Roughly that I would say.

Q. And on the west side of the street?

A. You have got me now on that. It was on the left as you head toward the Courthouse. I suppose that would [fol. 506] be the west side.

Q. Typical of an airman, but go ahead. How long did you stay there?

A. Well, I went in with the intention of getting a cup of coffee and it suddenly occurred to me I hadn't had anything to eat since breakfast. I asked the proprietor if I could get something and he said well he didn't know.

Q. Well, did you eat there?

A. He said, "I think all my help is gone." But he said, "If my help is not gone I will fix it for you myself."

Q. Where did you go after you ate?

A. I immediately went back to the campus.

Q. Tell the Jury what you saw?

A. Well, I got back there and just moved around in the Circle on the east front of the Lyceum building where most of the activity was taking place.

Q. What was that activity at that time?

A. Well, it varied. It was throwing of rocks, bricks, sortics toward the building.

Q. Was it any organized operation you could see?

A. There seemed to be some measure of organization; to what extent it was I can't say.

Q. Well, just describe to the Jury what groups would participate, and how many there would be, and what they [fol. 507] would do.

A. I can't give any estimate in numbers. It would just be a big crowd there. The main trouble with estimating number of how many were participating was the fact that there were so many onlookers there including some women.

Q. What were the onlookers doing?

A. They were just watching.

Q. How were they—what was their activity?

A. Well, a lot of them were standing on steps of building, just watching the activities going on. There were some bricks that were being thrown, there was some source of bricks that would be brought up there, and they would take them and break them on the curbstone. They seemed to have something of a supply system.

Q. Go ahead and tell us what else you saw?

A. Well, I moved around from time to time there, from one part of the campus to another. First, from the right side facing the Lyceum Building to the left side, as the activity would change and I talked to some—some of the students very briefly and very casually. I kept an eye out. I was trying also to find General Walker.

Q. Did you ever find him?

A. I did.

Q. Could you point to the Jury with the pointer where [fol. 508] you found him?

A. To orient myself.

Q. Get oriented. There is the Circle right in the middle.

A. I found him—

Q. First, put your finger, your pointer on the monument.

A. Here is the monument here, and I found him roughly in that area there.

Q. I see. All right.

A. He was standing under—in the shadow of a tree, as I recall.

Q. Was that generally as you pointed, generally south of the monument?

A. South, southeast.

Q. All right, go ahead. What was he doing?

A. He was standing with a young man that I met later and recognized as having been with him down at the Ole Miss Hotel.

Q. Had you attended a news conference or something at the Ole Miss Motel?

A. No, I was late getting there for that. I came in while it was going on, but by this time the Marshals had moved on to the campus and I did not stay for that.

Q. But you did see this lad with Walker at the motel?  
[fol. 509] A. Yes, sir, I did.

Q. Were you able to identify him later on?

A. When I met him, yes, sir.

Q. Did you actually meet him and shake hands with him?

A. Yes, sir.

Q. Now, what was Walker and this boy doing?

A. They were standing there.

Q. Tell the Jury what was going on, who was around them, what was being done and what was said.

A. Well, I had wanted to see General Walker. I had heard he was on the campus and I had, while watching trying to observe what else was going on, I had kept my eye open for him.

Q. Just go ahead and tell us without getting into hearsay.

A. I finally saw someone that I thought I recognized by the poor lighting that we had, which was General Walker. I had met him before so—

Q. Where had you met him before?

A. I had met him in Washington, D. C.

Q. Under what circumstances?

A. He was a witness in a Senate hearing there and I met him one night when I had arranged to try get an advance copy of his testimony.

Q. Was that along in April, 1962?

A. I can't remember the month. Must have been about that time.

Q. Could you recognize him from that previous brief acquaintance?

A. I thought I recognized him.

Q. All right, sir. Go ahead and tell us what happened.

A. I went up to him and asked him if he was General Walker, and then I introduced myself. He introduced me to this young man whose name I never—if I got it, I didn't recall it, and we talked at some length there.

Q. Did you stay right in that place, or did you move around?

A. We stayed there a little while. While we were there I think the General—some activity had occurred up on our left, which I think would be the south side of the Circle there.

Q. Would that be up toward the Lyceum?

A. Up toward the Lyceum. The General asked the young man to go up and see what it was, and I think while he was gone—I am not positive about this—that I suggested that we move. I wanted to move up closer to see if I could see what was happening.

[fol. 511] Q. What was the visibility from that point, Mr. Holland?

A. It was pretty difficult to see. It was pretty difficult to see because not only was the lighting very poor, but also there was often tear gas or something that was in the air, and it was hard to see.

Q. What was the weather conditions that night? Was it wet or dry?

A. I recall it was a pretty pleasant evening other than—

- Q. Do you know whether it was overcast or moonlight?
- A. I don't recall that.
- Q. All right, sir, go ahead.
- A. Well, we moved at my—I suggested we move, because I wanted to get up closer. We moved from about right there (indicating) to maybe right in here somewhere where this crosses here, coming down.
- Q. What did you observe from that position?
- A. You couldn't see too much more.
- Q. What was your gait as you moved up there?
- A. Pardon?
- Q. What was your gait as you moved up there? Did you walk or did you run?
- A. We just walked across the street.
- Q. How long did you and General Walker stay there?
- [fol. 512] A. Well, I talked to him there and while I was talking to him there there was quite a bit of activity that occurred over on this side of the Lyceum.
- Q. What was that activity?
- A. Well, it seemed to me, as I recall now, that they began throwing Molotov cocktails and things, and so I left General Walker and walked over to see what it was. I went by myself there.
- Q. Was that the first activity of that kind you had seen?
- A. I believe it was.
- Q. What did it look like, a bright flash?
- A. Oh, yes, sir, a bright flash when a bottle would burst.
- Q. Who went with you over there?
- A. I went alone.
- Q. All right, sir. What did you observe?
- A. I saw some of the activity going on, saw some of the bottles being hurled.
- Q. Did you see them making the missiles?
- A. Not at that time, but later.
- Q. Where was that activity?
- A. In the same area.
- Q. How were they making them?

A. Pouring gasoline into bottles, or some kind of con-  
[fol. 513] tainer, and throwing it.

Q. Then what happened?

A. I walked back to talk some more to General Walker,  
and I believe I talked with him then. I am—to be frank  
to say, I can't remember whether I left him once or twice.

Q. Uh-huh.

A. I think it was twice.

Q. Yes, sir.

A. And then I came back and we talked some more.

Q. Have you tried your very best to recollect in detail  
that incident?

A. I have, and I just can't recall whether it was one or  
two times I personally left.

Q. Yes, sir.

A. And always alone.

[fol. 514] Q. All right, go ahead.

A. I left and came back. And assuming I did leave again,  
I came back a second time, and a group, there was a group  
around him of three or four, as best I could tell. So I did  
not go up to him that time but went off to watch some-  
thing else, and that was the last time I saw him.

Q. You have been a newsman, you say, some 30 years?

A. Yes, sir.

Q. Did you see him any more that evening at all?

A. Not any more, on the campus. Not until the next day.

Mr. Watts: I believe that is all, Mr. Holland.

Cross examination.

By Mr. Gooch:

Q. Mr. Holland, did you say anything to General Walker  
about having led a charge?

A. I did.

Q. Did he affirm or deny it?

A. He didn't answer.



Q. Now as I get the testimony you got on the campus there before the gas was fired and you stayed there for a considerable length of time. I guess you were trying to observe everything that a newsman tried to observe?

A. Correct, sir.

Q. Then you started walking away from the tear gas, [fol. 515] came back over on the east side of the campus, I suppose you milled around with the crowd there some?

A. Very much so.

Q. Did you fix, attempt to fix the time? You fixed the gas being discharged about 8:00. What time would you say you got back around to the—

A. I think it must have been about 11:00 or later when I got back because I know, having left there, I went down—I stopped and had dinner before I came back.

Q. Then you didn't get on the east side of the campus, you did come back on the north side?

A. I come back on the east side, but I didn't get out of the car. I drove by—he let me out at the corner. I walked down to get my car, spent some time talking with my newspaper associate friend, started back to the campus, stopped and got dinner. So it must have been 11:00 or later when I got back on the campus.

Q. Now the only conversation you had with General Walker, I believe you asked him—did you say to him, “I hear you led a charge?”

A. Or “I understand you led a charge.” I understand you led a charge.

Q. What was his reply?

A. There was no reply.

Q. You say you have known General Walker for some time?

[fol. 516] A. I had met General Walker a few months previously when he came to Washington to testify.

Q. Did you consider General Walker a public figure?

A. Yes, sir, I considered him a public figure.

Q. Did you consider him a national figure?

A. Yes, sir.

Q. Now I assume at the time that you were down there you went down there to write a story, did you not?

A. Yes, I did.

Q. And you did write a story?

A. Yes, I did.

Q. Did you carry that story under a byline?

A. Yes, sir, I did, or my office did. I have nothing to do with that.

Q. I mean—what does it mean when you have got your “by somebody,” does that mean they wrote the story?

A. It means they generally wrote the story. There might be some changes or additions but—

Q. In other words the story, if they say it is “By Cecil Holland,” the story is principally by Cecil Holland, but they might add a few things?

A. They might add something, yes.

Q. They don’t change the context, or do they?

A. Well, I don’t quite understand.

Q. I am trying to find out what it means when you have [fol. 517] got a byline in a newspaper.

A. Well, the context on a matter of this kind is mostly descriptive and things of that kind.

Q. Well, who would have given the description to the newspaper, if it was carried under your byline, before the story was written?

A. Basically what I gave them would be it.

Q. I hand you here, sir, what purports to be a photostatic copy of Evening Star, and over on the right-hand side under the headline, “Troops Fire Over Oxford Mob After Quelling Campus Riot, Meredith Registered, Two Die, Scores Hurt, Bulletin,” and then, “By Cecil Holland”.

Now did you write the story as appears in this paper?

A. I wrote a large—most of the story. Some inserts I did not write.

Q. Would you say for the most part the story that appears under your byline in the Evening Star on the date October 1st, 1962, was matters that you reported to your newspaper?

A. Yes.

Q. Now you were in no way connected with the Associated Press, were you?

A. I was working alone.

Q. You were an employee of the Evening Star?

[fol. 518] A. Yes.

Q. You had no connection whatsoever with the Associated Press? Personal?

A. You mean personal connection?

Q. Personal.

A. Personal, that's right.

Q. And this story that you have written here, was that written based on the Associated Press report, or what you saw and observed?

A. I saw no Associated Press report.

Q. Did you see any Associated Press report before you wrote this story?

A. No. You mean actual copy or something?

Q. Well, any newspaper reports or anything?

A. No, I was told about some.

Q. Did you use any Associated Press report in writing the story you wrote under your byline on October 1st?

A. Not personally, no.

Mr. Address: Judge, I can hardly see the witness with Mr. Gooch standing there. Perhaps it would be easier if he took his seat.

The Court: Well, Counsel, I permit Counsel to stand up here when they are asking witnesses about an exhibit. Go ahead, Mr. Gooch.

By Mr. Gooch:

Q. Do you identify this paper as being a photostatic [fol. 519] copy of the edition of the Evening Star of October 1, 1962?

A. I do.

Q. You identify the byline of Cecil Holland?

A. I do.

Q. Would you say that that story was written in the main by yourself on information you furnished the Star?

A. Information I furnished the Star, yes.

Q. And—

A. It was sent by telegraph. Let me—may I state—pardon me. I was thinking of an earlier edition. A lot of this was telephoned.

Q. Telephoned?

A. Yes, sir.

Q. All right, but at the time you wrote the story you had neither seen nor talked to the Associated Press reporter?

A. The only qualification I would say I might have spoken, said hello to one that, if I had seen him, that came from Washington. But not any discussion.

Q. Did you get any information on which you wrote this story from any Associated Press reporter?

A. No, sir.

Q. Did you see any news releases by Associated Press reporters before you wrote this story?

[fol. 520] A. No, sir.

Mr. Gooch: We would like to offer in evidence, if the Court please, this Defendant's Exhibit 2, I believe it would be and I would like permission to read it to the jury.

The Court: Have you seen it?

Mr. Watts: No, sir, I haven't seen it. Mind if I ask the witness a qualifying question?

The Court: Yes, sir.

Mr. Watts: I notice something in here about an incident that occurred on the Oxford square the next day. Did you see General Walker on that square?

A. I saw him off the square one time.

(Conference at the bench.)

Mr. Watts: Do I understand, Mr. Holland, you did not see Walker on the square?

A. If I may answer.

Mr. Watts: Sure.

A. I saw him when he came down to the Mansion House restaurant and tried to get in.

Mr. Watts: That was the following day?

A. Yes, sir, this is the following day. This new lead is based on what happened in the square that day.

Mr. Watts: The next day?

A. The next day.

[fol. 521] Mr. Watts: And how long did you see Walker at the Mansion House restaurant?

A. Well, he came up and tried to get in. The door was locked. He turned and left and that was the last I saw of him.

Mr. Watts: That is the extent of your contact with him the following day?

A. Yes, sir.

Mr. Watts: If the Court please, I object to any— Well do you have any comment in here about Walker being on this square that was not acquired from your seeing him on the square?

A. No, other than what I saw there.

Mr. Watts: And what you saw was at the Mansion House restaurant at least a block and a half from the square?

A. Yes, sir.

Mr. Watts: If Your Honor please, except where it has the comment about Walker being on the square, it obviously came from somewhere else.

[fol. 522] The Court: That may be a matter of cross examination. I will permit Mr. Gooch to go ahead and ask additional qualifying questions.

Mr. Watts: Excuse me. Might I finish looking at the article, please?

By Mr. Gooch:

Q. What I am specifically asking you now, Mr. Holland, and the things that are interesting to me in connection with this question, is not what happened on Monday morning, October the 1st. I am confining the matter now to the matters reported in this article as happening on the campus of Ole Miss between 8:00 o'clock, p.m., on September the 30th, 1962, and, say, 12:00 o'clock, midnight.

Now in connection with that, does this article that you have written for the Evening Star represent accurately your portrayal of the things that you saw and observed there on the campus of Ole Miss that night?

A. Well, sir, I haven't read the article. I don't know whether I have read it since I dictated it and if you would be specific and ask me points, because I—my office might well have inserted some material in the story.

Q. Might have. I just was wondering because it was under your byline.

A. Well, that is not unusual.

Mr. Address: Your Honor, the story under his byline is about what happened the following day. The story that's [fol. 523] in here about what happened on the campus is on the byline of one Tom Joyce and we ask that the Court look at that.

The Court: I'm going to wait until Mr. Gooch finishes attempting to qualify the witness.

Mr. Address: All right, sir.

Mr. Gooch: Where is Tom Joyce?

Mr. Watts: Down at the bottom where it's underlined in red.

Mr. Address: The story about what happened on the campus is the Tom Joyce story. This is the Oxford mob in the City of Oxford the following day.

Mr. Gooch: You haven't read this then, Brother?

Mr. Address: I read it pretty good.

Mr. Watts: I move to strike the family relationship.

Mr. Gooch: I want to offer in evidence the story that this gentleman wrote who says he wrote concerning the matters that happened on the campus at Oxford, Mississippi, between 8:00 p.m., and 12:00 midnight, on September 30th, 1962.

Mr. Watts: To which we have no objection to anything in there that occurred the night of September the 30th.

The Court: All right, I will admit that part of it.

[fol. 524] That's Defendant's Exhibit 2, Mr. Nuss.

Mr. Watts: If Your Honor please, on second thought, I will object to the article because that's not—something this man has written is proper for cross examination.

Now a newspaper article per se is hearsay and I think it is grossly improper to just—we all know how newspaper articles, the problems we have—and I think in cross examination of a witness, you can ask a man if he said certain things but laying a newspaper article before a jury with all the other things that are in there is grossly improper and I must object to it.

The Court: Overruled.

Mr. Watts: Yes, sir.

Mr. Gooch: Let me get down to now where we—I am reading now from the Defendant's Exhibit 2.

Mr. Address: Judge, we are going to object to his reading from it until it has actually been proven up and introduced.

The Court: It's been admitted, Counsel. I just got through admitting it.

Mr. Address: Oh, you did admit it?

The Court: You may proceed.

Mr. Gooch: I would like to finish this in one time.

[fol. 525] The Court: You don't think you will have time?

Mr. Gooch: No, sir, it's quite lengthy.

The Court: Ladies and Gentlemen, we will recess until 2:00 o'clock. Keep your seats in the courtroom, please, until after the jury retires.

(Defendant's Exhibit No. 2, was marked for identification.)

(Thereupon, at 11:53, a recess was taken until 2:00 o'clock, p.m., of the same day.)

[fol. 526]

Afternoon Session

(2:00 o'clock, p.m.)

The Court: All right, Mr. Gooch.

Mr. Gooch: I am waiting for the witness.

CECIL HOLLAND, resumed his testimony on cross examination as follows:

By Mr. Gooch:

Q. Mr. Holland, for continuity, I believe that just before the noon recess, I had asked you if you reported to your newspaper on October 1st, 1962, your version of the events that had occurred on the campus of Ole Miss between, we'll say, 8:00 o'clock, p.m., and 12:00 midnight of September the 30th, 1962?

A. Yes, sir.

Q. Did you understand that to be my question?

A. Yes, sir.

Mr. Gooch: And Your Honor had admitted into evidence this article.

The Court: Relating to that period of time.

Mr. Gooch: I will not read what happened on October the 1st. This is just, as I view it, on this witness' story relating to the events on the campus: "The campus rioting—" I am beginning here on Page 6, Mr. Watts.

Mr. Watts: All right, sir.

[fol. 527] (Sotto voce conference between Counsel.)



## EXCERPTS FROM DEFENDANT'S EXHIBIT 2

Mr. Gooch: "The campus rioting punctuated with gunfire from the rioters' ranks broke out last night as students and many outsiders vented their anger over the entrance of Mr. Meredith to the 114-year-old institution.

"The riot raged throughout the night as students and outsiders repeatedly attacked several hundred Marshals who had brought the Negro student to the campus late in the afternoon.

"Regular Army troops were ordered here from their staging area in Memphis, Tennessee, when the situation rapidly got out of hand under the cover of darkness.

"Mississippi's Lt. Governor, Paul B. Johnson, Jr., visited the campus at the height of the rioting and warned Justice Department Officials, who are here, to expect more violence and possibly bloodshed during the day.

"The Lt. Governor was said to have expressed fears that many from outside Oxford, outside of Oxford, were on the way here to join in battle against integrating the University.

"One of those killed in the campus rioting was a French newspaperman Paul Guihard, representing the London Daily Sketch and a French news agency. After one of the early student forays, he was found dead with a wound in [fol. 528] the back.

"A 23-year-old jukebox repairman, Ray Gunter, of Oxford, also, was fatally shot. He was taken from the University campus to Oxford Hospital, where he was pronounced dead on arrival.

"A United States Marshal, Graham Same, was critically wounded by a gunshot in the neck and was flown to the hospital at the Memphis Naval Air Station for emergency treatment.

"Another Marshal was wounded in the thigh by rifle fire.

"Newsmen Bill Crider of the Memphis staff of the Associated Press was wounded in the back by a burst of bird-shot. Several members of the Mississippi State Patrol also

were wounded. Mr. Crider's wounds were not serious. He was treated and soon returned to the campus."

I'm omitting a reference to the Friday incident.

Mr. Watts: Right.

Mr. Gooch: "United States Marshals attired in riot jackets and helmet liners earlier had turned back the attackers time after time in a battle they fought with tear gas and smoke bombs.

"The attackers used bricks, iron pipes and, as the night wore on, turned to Molotov cocktail bombs made from soda bottles filled with gasoline.

[fol. 529] "Cars and television trucks were smashed and one was burned as rioters turned on a newspaperman and television cameraman with a widely separated number of attacks.

"Mr. Walker, the man who led the troops ordered by President Eisenhower into Little Rock in 1957, in another desegregation crisis, led a thousand college youths in one charge that fell back a hundred yards from the Marshals. Mr. Walker jumped on the campus Confederate memorial and yelled, "If you can't win, go home, don't stay at the University. But let's not quit. We can win."

"The Marshals, while armed, used only their tear gas bombs and never fired on their attackers.

"A Justice Department spokesman inside the beleaguered building said one time they fired warning shots in the air and another time punctured a fire hose being used by the students. They were harassed and under danger from intermittent gunfire which came from a hidden sniper who potted away at the buildings.

"The plight of the Marshals was becoming increasingly serious, as the first military unit arrived on the campus. This was the Oxford contingent of the Mississippi National Guard which had been federalized by the President. Its commander, Capt. Murray Faulkner, a nephew of William [fol. 530] Faulkner, the author, who lived in Oxford, was among those injured. He was struck on the arm with a hurled brick.

“The students and the outsiders borrowed, as one said, a bulldozer and a fire engine and used these in an effort to run down the Marshals and get close enough to hurl bricks. The bricks and timber used to set barricades on the drives leading to the Administration Building were taken from a Science Building under construction close at hand.

“The Marshals, for the most part, stayed close around the building, except for forays to drive the attackers back. They captured 31 prisoners during the night’s rioting. Two of these were operating the bull dozer and the fire truck. The truck made two successful runs close to the Marshals before it was stopped amid a cloud of tear gas. The operator, a Justice spokesman said, was not a student.

“Most of the actions and the bitterest fighting took place in front of a tree-spotted park-like area called University Circle. It is adorned with a monument as a memorial to the Confederate dead of the Civil War.

“The whole area is strewn today with debris of the fighting. Empty tear gas cannisters, smashed and burned auto-[fol. 531] mobiles and television trucks, broken bricks, logs and slashed fire hoses.

“The rioters went wild when they learned that Mr. Meredith, who had been denied admission three previous times to the University, had been brought without incident on the campus.

“Obscenity filled the air. The rioters’ wrath was directed more at the Marshals than at the Negro student who had been housed under heavy guard in an apartment on the campus to await enrollment today.

“It came after Deputy Attorney General Nicholas deB. Katzenbach and other high Department of Justice Officials, who arrived here in an air force plane, conferred with the University Officials, including Chancellor J. D. Williams in the Main Administration Building. With a wild assortment of yells, screams and curses, the rioters moved on the Marshals surrounding the building. ‘You blank Negro lover,’ and, ‘Why don’t you bring Kennedy down here,’ were some of the cries that filled the air thick with flying brick bats.

“When word filtered into the ranks of the rioters that a Marshal had been shot and seriously wounded, a cheer went up. The rioting broke out in frightening fashion as darkness came.

“In a short while Mississippi State police, several hundred strong were withdrawn from the immediate fighting area and then moved off the campus.

“This left the Marshals and a small contingent of Army Engineers, sent here as a house-keeping unit for the Marshals, to hold off the repeated attacks.

“With State Police gone, the entrances to the University campus were left wide open and anyone who wished could walk down the darkened streets toward the Administration Building. The building was often bathed in drifting smoke from the bombs that had been set off.

“As unexpectedly as the State police roadblocks were called off, they were restored four hours and 45 minutes later just as the Regular Army forces began appearing on the campus.

“This blocked off the University grounds from groups of men who seemed to be heading there in increasing numbers.

“The night’s wild disorders came after an ominously quiet weekend here marked only by a few hijinks over Ole Miss’s football victory over Kentucky Saturday night at Jackson, the state capital.

“Tensions began building up when reports filtered through the town that some move could be expected soon to bring the Negro student here for registrations.

“Rumors flew thick and fast and the tension grew as [fol. 533] word came that President Kennedy had taken control of the Mississippi National Guard. Angry mutterings were heard then and later about this action.

“The State police, which had disappeared from Oxford late Friday, returned in force early Sunday. They sealed off the campus and would permit no one except students and those living on the campus. Newspapermen who had been given press quarters in the Administration Building were denied admittance.