

"Early in the morning the engineers had arrived at Graham Lake, 15 miles from Oxford, and set up a house-keeping camp for the Marshals.

"At 2:00 p.m., amidst all sorts of rumors, the Marshals arrived at the Oxford University Airport. First, a DC-6 and then four two-engined planes had landed and all were filled with Marshals.

"Chief United States Marshal James McShane and his Assistant, Jack Cameron, descended from the four-motored plane and went to a telephone with Mr. McShane clutching a fistful of dimes.

"Soon seven Army trucks drove up. The Marshals, numbering about 70, lined up near the tracks in straggly military fashion. They stood and waited.

"A little later an Air Force jet swooped down and disgorged Mr. Katzenbach and other Justice Department [fol. 534] Officials.

"After more telephoning and conferring the officials and Marshals climbed into troop carriers and three sedans and took off from the airport.

"Midway to the highway they met a Mississippi Highway Patrol car carrying Col. T. B. Birdsong, State Safety Commissioner, and University Chancellor J. D. Williams. Another conference followed and then the caravan moved off. [fol. 535] By this time hundreds had gathered at the airport and lined the road leading into town. Much to everyone's surprise the caravan turned abruptly into one of the University gates without opposition from the State Police guard. Within a few minutes the empty troop carriers came out another gate and went back to the airport. The Marshals quickly surrounded the Administration Building and three hours later Mr. Meredith was brought to Oxford. He landed in a small plane at the airport accompanied by John Dohr of the Justice Department and a Marshal, and was taken without incident through a gathering throng along the road to the University.

The reporters, not allowed in, watched from the entrance several blocks away. They could hear yells and jeers occa-

sionally and got frequent reports from students who came and went.

As dusk came the mood of the crowd within the University grounds and outside began to change.

At the airport Mr. McShane was asked by a young woman in toreador pants for his autograph for her son. A few hours later a mob, first of students and then students and outsiders, was crying for his blood.

About dark reporters suddenly were allowed within the grounds. Television cameraman Gordon Yoder, of Dallas, and his wife, a native of Jackson, Mississippi, were the first [fol. 536] to reach the University circle. Mr. Yoder left his car to take pictures and was set up. As State Police stood by went back to his car where both he and his wife, who was driving, came under attack. Headlights were kicked out, windows smashed and eventually the rioters began rolling the car to overturn it with Mr. and Mrs. Yoder inside. The State Police took them out and away as the mob wrecked the car. Mr. Yoder also lost a camera. At the entrance to the Administration Building a Shreveport television man was manhandled, and an Atlanta, Georgia, reporter was struck by the cry, "Damn Yankee, go home."

Three troop carriers, one with a Negro driver, was the target of some of the rioters. Flaming torches were hurled at the canvas tops of the truck and the Army men were kept busy putting out the fires.

It soon became evident that Attorney General Robert F. Kennedy and the President had sent too little force to cope with the situation and it was too late, for the moment, to get in support and forces.

Edwin O. Guthman, the Justice Department public relations officer who had come to Oxford came out and said in ten minutes he would meet with reporters at a nearby motel for a briefing on what had happened. The briefing still has not been held and the reporters contact with Mr. Guthman inside the Administration Building had been by [fol. 537] telephone.

The students and others kept pushing in on the Marshals standing shoulder to shoulder around the building. There were cries, "tear gas" and the Marshals donned their masks and took out their containers and readied their tear gas guns. Then the order would come, "Hold gas" and a little later, "Secure gas."

All of a sudden the explosion came. The order came and this time a cascade of canisters and tear gas bombs fell amidst the advancing students. A squad of State Police and newsmen were caught in the fumes. Mr. Guthman explained later that Chief Marshal McShane gave the order after a piece of iron pipe had been hurled at a Marshal and left a big dent in his helmet liner.

Inside the building Col. Birdsong was asking the Justice Department official if they wanted the State Police to remain. He was told they did. A Mississippi official recommended that Military troops be called out and at 8:30 p. m. central standard time the order for troops went out. Then the State Police, angered because they were caught in the first tear gas barrage and resenting, it seemed, the presence of the Marshals, began withdrawing. Orders came up to them to keep back from the fighting lines. Conditions rapidly worsened without the presence of the State Police. The attacks on the Marshals grew bolder and more and [fol. 538] more people, including women and girls, were pouring into the fighting area. There were advances and threats, depending upon the volume of tear gas."

Now, Mr. Holland, does that article which I have read concerning the incidents on the campus reflect the report that you made to your paper?

A. In most particulars, yes.

Q. I believe you have stated, and this is repetition, but I wanted to ask it again, if I may, that that report was made without conference or consultation with any AP newsman, is that correct?

A. Yes, sir, that is correct.

Q. You had not—do you know a reporter for the AP by the name of Van Savell?

A. No, sir.

Q. Had you ever met him?

A. No, sir.

Q. Had you talked to him prior to the time you wrote that story?

A. If I did, it was just among a group of reporters without knowing.

Q. Did you read or see any AP news report prior to the time you called that story in to your paper?

A. No, sir.

Mr. Gooch: That is all.

[fol. 539]            Redirect examination.

By Mr. Watts:

Q. Mr. Holland, you have talked to AP personnel, including Mr. Leon Pearl of New York, the chief counsel for the Associated Press, haven't you?

A. Since that time?

Q. Yes, sir.

A. Yes, sir, since that time.

Q. When and where was that conversation held?

A. With Mr. Pearl?

Q. Yes.

A. It was in Washington, D. C.

Q. Is Mr. Pearl in the room?

Yes, sir, the gentleman standing there, is that the man?

A. Yes, sir.

Q. Roughly when was that conversation held?

A. I just have to guess now.

Q. Well, this year, last year?

A. I think it was last year, I believe.

Q. Now, if I understand, Mr. Holland, this long article that counsel has read has the by-line, "By Cecil Holland, Star Staff Writer". That is yourself.

A. Yes.

Q. Now, you answered his question that some of these [fol. 540] statements in the article were reported by you to your company or to your paper; is that right?

A. I didn't quite understand.

Q. You answered, as I understood it, Mr. Gooch's question to you that some of the statements he had read were reported to you by your paper?

A. Yes, sir.

Q. And do I take it, then, some of them were not?

A. Some of the statements in that story were not mine.

Q. Were not your story?

A. Were not mine.

Q. Now, let me ask you particularly about this statement. "Mr. Walker, the man who led the troops ordered by President Eisenhower into Little Rock in 1957 in another desegregation crisis, led 1,000 college students in one charge that fell back 100 yards from the Marshals. Mr. Walker jumped on a campus Confederate monument and yelled, 'If you can't win, go home. Don't stay at the University; let's not quit, we can win.'"

Is that your language?

A. No, sir.

Q. Did you report anything even approximating that to your paper?

A. No, sir.

[fol. 541] Q. Did you see General Walker at any time on the Confederate statue?

A. No, sir.

Q. Did you see him or ever talk to anyone specifically who did see him, that purported to state that Walker led a charge against the U. S. Marshals?

A. No, sir.

Q. Now, then, do you know what an AP news release is?

A. Yes, sir.

Q. Or a wire service release?

A. Yes, sir.

Q. Directing your attention now to the Plaintiff's Exhibit 3-M and we have, as I understand it, if Your Honor please, a stipulation that all of these exhibits—I will ask the reporter to give us the number, one through, as I remember, 9-G are original wire service reports by the Associated Press. Do we not have that stipulation, Mr. Gooch?

Mr. Gooch: The stipulation was there would not have to be any proof of authenticity but we could still make objections to admissibility.

Mr. Watts: Yes, sir, I understand, but it is admitted, is it not, that these documents I hold in my hand are official wire service reports from the United Press—I mean the [fol. 542] Associated Press, I am sorry, and might I inquire did these come from the New Orleans office or the Fort Worth office?

Mr. Gooch: New Orleans office. That is what you asked for.

By Mr. Watts:

Q. Now, Mr. Holland, you are an experienced newsman, are you?

A. Yes, sir.

Q. Are you experienced in the make-up of news articles and reports?

A. Yes, sir.

Q. Do you know what a teletype wire service release is?

A. Yes.

Q. Directing your attention to the Plaintiff's Exhibit 3-M, and particularly this language right here, starting with, "Walker then said . . ." do you see that language?

A. Yes, sir.

Q. I will read you this statement that is attributed to your by-line in this Defendant's Exhibit 2.

"Mr. Walker, jumped on a 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.'"

Now, will you please read that wire service release [fol. 543] there?

A. "Walker then stood on the Confederate monument not far from the Administration Building and addressed his followers 'If you can't win, go home,' he declared. 'Don't stay at the University. But let's not quit; we can win.'"

Q. Now, I will ask you for your expert opinion as a newsman connected with this paper, having read that news release and having read this article under your by-line, will you tell the Court and Jury, please, sir, what was the source of that language Mr. Gooch read to the Jury?

Mr. Gooch: To which we object, being a conclusion on the part of this witness.

Mr. Watts: Let me ask a preliminary—

(Conference at the Bench between the Court and attorney for the Plaintiff.)

By Mr. Watts:

Q. Now, Mr. Holland—

The Court: I will sustain the objection.

By Mr. Watts:

Q. Now, Mr. Holland, did the Washington Star have any other reporter on the Ole Miss campus that night?

A. No, sir.

Q. Directing your attention to another article here in Mr. Gooch's—rather, the Defendant's Exhibit 2, which is an article here by Relman Morin, Associated Press staff writer.

[fol. 544] Directing your attention to that article which has a headline as you see there, I will ask you if the New York—as you were, if the Washington Evening Star had the Associated Press wire service?

A. Yes, sir.

Q. Did they have at that time any other wire services?

A. Not unless possibly something like a newspaper syndicate, sir, but—

Q. I mean, did they have the United Press?

A. They did not.

Q. And directing your attention further to a statement on page 1 of this Defendant's Exhibit 2, "The rioting in Oxford came after former Major General Edwin Walker had appeared in the square clad in a dark suit and wearing a ten gallon hat, the Associated Press reported."

Is that your language?

A. No. I mean, it is rather obvious I—

Q. Is that same language under your by-line?

A. Yes.

Q. Have you previously related to this Jury a complete and ultimate detail everything you saw on the Ole Miss campus that you could remember on the night of this incident?

A. No, sir, I haven't. I have just sketched generally [fol. 545] what I—

Q. Have you outlined generally, as best you could?

A. Yes, sir, as best I could from my present recollection after this period of time.

Q. And have you outlined as best you recollect everything you knew about General Walker?

A. Yes, sir, I think so.

Q. And as to any statement in here about General Walker that you have heard Mr. Gooch read, did you report those to your paper; yes or no?

A. None of those statements I reported.

Q. Now, Mr. Holland, what is the mechanical or technical newspaper procedure that would result in these quotations that you have read and that you have heard, in this particular quotation I just read to you a moment ago which says, "The rioting in Oxford came after former Major General Edwin Walker appeared in the square clad in a dark blue suit and wearing a ten gallon hat, the Associated Press reported."



My question is: What is the mechanical newspaper procedure that would cause an article like that to appear in an article that has the by-line "By Cecil Holland, Star Staff Writer"?

A. Well,—while I was writing the general story and quite often in a case like this I may not have all the in-[fol. 546] formation and other information will be included in the story from the Associated Press. It is done quite frequently.

Q. Now, then, turn, please, sir, to the next page, which is the Plaintiff's Exhibit 4-D and I will ask you to follow this language to which I place my finger and let's compare that language in the Associated Press news release with this language in this Defendant's Exhibit 2 that is presented under your so-called by-line.

"Mr. Walker jumped on the 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!'"

Now, will you read that Associated Press news release, please?

A. "Walker then stood on the Confederate monument not far from the Administration Building and addressed his followers: 'If you can't win go home,' he declared. 'Don't stay at the University, but let's not quit; we can win.'"

Q. I will ask you to compare that statement that Mr. Gooch read out of your by-line article with that verbatim quotation from the Associated Press news release, and tell me what, if anything, there may be in the way of difference in those two statements.

A. Well, the first paragraph is somewhat different. One [fol. 547] says—my story says he jumped on the campus Confederate memorial and yelled, and the other says Walker then stood on the Confederate monument not far from the Administration Building and addressed his followers.

Q. All right, sir.

A. The quoted part seems to be identical.

Q. In your final conclusion, did that quoted part in this article come from this?

A. I have no recollection of writing it.

Mr. Watts: If the Court please, we move the Court to strike, and admonish the Jury not to consider this statement in this Defendant's Exhibit 2 which is presented to the Jury since it is shown that this part of the article was not written by this witness.

The Court: Overruled.

[fol. 548] By Mr. Watts:

Q. One other thing. Mr. Holland, did you have any, have a conference with your personnel back in your office concerning this alleged statement that Walker had led a charge?

A. Yes, sir.

Q. Would you relate that, please, to the jury.

Mr. Gooch: I object, if the Court please, to what may have occurred in the confines of his building or with his staff.

The Court: That would be hearsay.

Mr. Watts: All right, I think that myself. . . .

By Mr. Watts:

Q. Mr. Holland, when you conferred with Mr. Leon Pearl, the gentleman whom you identified there, did you give him this copy of the newspapers?

A. No, sir.

Q. Did he already have it when he talked to you?

A. I don't recall whether he got it or not. He was going to the paper to get some.

Q. I see. And did he ask you what in that article was your language and what wasn't, or do you remember?

A. I don't remember that.

Mr. Watts: I see. That's all.

Mr. Gooch: No further questions.

The Court: I am going to release this witness, if you don't need him.

[fol. 549] Mr. Watts: Yes, sir, we would appreciate his being released.

The Court: All right, you are excused, Mr. Holland.

Mr. Watts: Thank you, Mr. Holland.

Mr. Gooch: Thank you, Mr. Holland.

Mr. Watts: Might I check out with this witness about his . . .

The Court: Surely.

(Sotto voce conference.)

Mr. Watts: I might suggest to the Court that this deposition was, also, taken at Oxford, Mississippi, on March the 12th, 1964. Mr. Gooch and myself being present.

Mr. Gooch: This is Mr. Watt's deposition.

Mr. Watts: Sir, it was my deposition, yes, sir.

---

ROBERT CARRINGTON, testified by deposition as follows:

Direct examination.

By Mr. Watts:

Q. What is your name, please?

A. Robert Carrington.

Q. Your residence both on the campus and at home?

A. Byhalia, Mississippi, and Lester Dormitory.

Q. What town in Mississippi?

A. Byhalia.

[fol. 550] Q. Who are your parents?

A. Mr. and Mrs. R. E. Carrington, Jr.

Q. You are a student at Ole Miss?

A. Yes, sir.

Q. What school?

A. Business.

Q. What class?

A. Junior.

Q. Were you on the campus the night of September 30th, 1962, when the disturbance occurred?

A. Yes, sir.

Q. What time did you arrive on the campus?

A. I was here all day.

Q. Did you arrive out in the area called the Oval that night?

A. Yes, sir.

Q. Were you there when tear gas was first fired?

A. Yes.

Q. How long had you been there?

A. I had been there since about 4:00 or 5:00 o'clock.

Q. From just before they fired the tear gas and until I stop you, give us a narrative account of what you saw and what occurred.

A. I didn't understand that. Would you repeat the question.

[fol. 551] Mr. Watts: The question was repeated.

A. That afternoon I saw them when the Marshals came in the campus. I saw them when they were down by the park, the roadside park, I saw them coming in then and I went on up to the Lyceum and I saw them getting off the trucks and surrounding the Lyceum and I stayed there all afternoon until everything occurred. I saw everything.

Q. Did you see the tear gas when it was first fired?

A. Yes, sir.

Q. Describe to us what happened.

A. Well, I was standing behind the crowd and some boys hollered out, "Gas," and I started running back towards the "Y" and they, the students, were all running around just crazy like. They didn't know what was coming off. I saw Marshals start running out towards the crowds and that is when I took off. I left.

Q. Did you come back?

A. Yes, sir, I ran back towards the "Y", I ran behind Fulton Chapel but I came back in a little while.

Q. Were you out in this so-called grove area there pretty much all during that time?

A. No, sir.

Q. Where were you?

A. I was over close to the Fine Arts Center and around the "Y".

[fol. 552] Q. That is north and northeast of the grove?

A. Yes.

Q. Were you where you could see what was happening out in the grove?

A. Yes, sir, I could see the Marshals running out there and some of the students throwing things at the Marshals, throwing bricks and things.

Q. Did you ever hear that General Walker had come on the campus?

A. Yes, sir, I heard he was there.

Q. Between the time of the first tear gas being fired and the time you heard that Walker was on the campus, was there anything approximating an organized charge of a large number of people with a leader in front of them—

Mr. Gooch: Object to that as calling for an opinion and conclusion.

The Court: Overruled.

Mr. Gooch: Note our exception.

A. No, sir.

Mr. Watts: I think the next is just argument of Counsel there and a similar question. Now the second question on Page 7.

Q. After you heard Walker was on the campus, tell what did occur out here in the Oval in the proximity of the Marshals?

[fol. 553] A. I never did see because I was at that time a good distance from the grove. I just heard scattered reports of people just telling me that people were just running up and hitting the Marshals and everything and I never did see it. I never actually was in the heat of it. I have asthma and I couldn't take that tear gas.

Q. How far were you from where this happened?

A. I was around the Mississippian Office.

Q. Where is that? You are looking now at Exhibit 1, which is a plat of the campus area and this circle in the middle is the grove and here is the YMCA.

Mr. Watts: I think the jury knows where the YMCA is, so. . . .

A. The Mississippian office is right here.

Q. That is the Journalism Building?

A. Yes, sir. I was right in this area right in here.

Mr. Watts: In order to identify that, perhaps I should point it out on the chart. Journalism (pointing).

Q. Where were you when you heard that Walker was on the campus?

A. I was at the Mississippian Office.

Q. Did you stay at the Mississippian Office all the time after that?

A. No, sir, I stayed at the Mississippian Office until about 12:00 o'clock, and then I went to the Fraternity House.

[fol. 554] Mr. Watts: I believe that's all.

Cross examination.

By Mr. Gooch:

Q. You never did see Walker, did you?

A. No, sir, I never did see him.

Q. Were there lots of bricks and stones lying around the Lyceum Building?

A. Yes, sir, the next morning.

Q. Okay.

Mr. Gooch: That's all.

Mr. Watts: Turn over to Page 3, the deposition of Duncan McFarlane.

DUNCAN McFARLANE, testified by deposition as follows:

Direct examination.

By Mr. Watts:

Q. What is your name, please?

A. Duncan McFarlane.

Q. Your residence both on the campus and at home?

A. Yes, sir.

Q. What is it, where do you live?

A. On the campus on Odom Dormitory, B-10.

Q. And your home address?

A. Natchez, Mississippi.

Q. What street?

[fol. 555] A. 1803 Wheeler Drive.

Q. And your parents?

A. A. D. McFarlane.

Q. Were you a student at Ole Miss in September of 1962?

A. Yes, sir.

Q. What school?

A. In the school of business and commerce.

Q. What class?

A. I was a Sophomore.

Q. Were you present the night the disturbance took place on September 30, 1962?

A. Yes, sir.

Q. Outline to us in narrative form what you saw and what occurred.

A. I arrived on the campus about 8:00 o'clock, maybe a quarter until, and there was tear gas being fired at that time.

I was in the grove from about 8:00 until approximately 1:00, maybe 2:00 o'clock, and the students were throwing bricks and bottles at the Marshals and they were shooting tear gas back.

There would be little groups of maybe three or four people that would charge up there and throw theirs and

retreat and then they would fire tear gas and then another little group would go up there and throw theirs.

Then they burned a couple of cars and there was some shooting going on but I couldn't find out where it was coming from, but there were guns being fired at the time. This just went on a pretty good while, all night, in fact, until I left about 1:00.

Q. Did you hear that General Walker was on the campus?

A. Yes, sir, I did.

Q. Did you actually see him and get around him?

A. He was pointed out to me from a distance but I did not hear him talk.

Q. Did you ever at any time after you heard that Walker was on the campus, observe an organized charge of a large number of people toward the Marshals all at one time?

Mr. Andress: Did such an incident occur?

Mr. Gooch: I think you read the question.

Mr. Watts: Yes, that's the rest of my question.

Q. Did such an incident occur?

A. No, sir.

Q. Did anything occur other than what you have outlined in the general narrative that you have told us involving a large number of people in the crowd?

A. No, sir.

Q. Were you in the grove all during the period of time from the time you heard that Walker was on the campus [fol. 557] for, we'll say, an hour after that?

A. Yes, sir, I was.

Q. If an organized charge of as many as 500 or one thousand people had occurred, would you have seen it?

A. Yes, sir.

Q. Could you give us roughly the distance from the Confederate statue to the Lyceum Building?

A. I would say roughly it was a little over 100 yards.



Q. Were you ever during the period that you heard Walker had come on the campus for an hour thereafter out of the so-called grove area?

A. No, sir.

Q. Outline to us during this period of time just what you saw and what occurred.

A. Well, when I heard he was there, somebody said he was there, a group of people down at this statue where he was, it was where he was I guess because a bunch of people went down there, and I was back up front near the flagpole, that is where I stayed most of the time around the flagpole.

Q. Right at that point, when you heard he was there and a group of people went down toward the monument, did all of the people that were up in the grove go down there or just part of them?

A. No, I would say part of them went down there because there was still a good number of people around the flagpole.

[fol. 558] Q. What activity was taking place up near the flagpole and in that area while this other group went down to the monument?

A. These little groups were still throwing.

Q. Was there anything organized about the operation?

A. No, sir.

Q. Was there any change in the activities that occurred up next to the Marshal's after he made his speech at the monument that you have outlined?

Mr. Gooch: I object to that as calling for an opinion and conclusion.

The Court: It's good. Sustained.

Mr. Watts: All right, sir.

Q. Between the time you first heard that Walker was on the campus and the time that you saw the people going down there to the monument, was there any organized charge against the Marshals?

A. No, sir.

Mr. Gooch: Where is that coming from?

Mr. Watts: Bottom of Page 6, top of Page 7.

Mr. Gooch: Oh, I see.

Q. Describe for us just what happened in terms of this activity in the grove area between the time you heard Walker was on the campus and when you saw all the people going down to the monument.

[fol. 559] A. Well, part of the people left and went back down there and others stayed at the front and continued throwing bricks and the Marshals continued to shoot tear gas back and the people would just run up and throw and fall back to the flagpole or further back and then after the tear gas would clear out of the way, they would go back up again and throw.

Q. Assuming hypothetically that when Walker arrived on the campus,—

Mr. Watts: Let me look at that. That might be . . . .

Q. Assuming hypothetically that when Walker arrived on the campus, two leaders of the mob met him, one waving a big Confederate flag, that the two men took him by the arms, positioned themselves in front of 1,000 people and marched on the Marshals, were you in a position to where you would have seen that, had it happened?

Mr. Gooch: We object to that as calling for an opinion and conclusion of the witness.

The Court: Sustained, Counsel. We are not going into hypothets, Counsel.

Mr. Watts: All right, sir. The rest of that, I believe, still refers to that one question, so that will be all at this time.

Cross examination.

By Mr. Gooch:

Q. You never did see General Walker, did you?

[fol. 560] A. Yes, sir, he was pointed out from a distance. He was with three or four people and people were around him and he was pointed out to me.

Q. Did you consider him a public figure?

A. Yes, sir.

Q. There was a considerable number of rocks, stones, and bottles, and so forth, thrown at the Marshals?

A. Yes, sir.

Q. You say little groups or groups would go up and throw their missiles and then retreat when they would fire gas?

A. Yes, sir.

Q. Did that go on all the time or continuously?

A. Yes, sir, it did.

Q. Did you throw any of those rocks, bricks and bottles?

A. Yes, sir.

Q. Okay.

Mr. Gooch: Well, to get continuity:

Q. How many was in your group when you threw them?

A. Two or three.

Q. Just two or three of you; there was never more than two or three that would go up at any one time?

A. Possibly four or five, maybe six.

Q. Not over six?

A. No, sir.

[fol. 561] Q. Would ever go at one time?

A. No, sir.

Q. You said groups of two, three, four or maybe six would run up and give—throw their missiles or whatever they had in their hands at the Marshals and then come back?

A. Yes, sir.

Q. Where would they come back to, the main crowd?

A. Right past the flagpole, yes, sir.

Q. Now where was the main crowd that was watching all of this?

A. There was about 20 or 30 people behind the flagpole.

Q. You mean east of the flagpole?

A. Well, just a straight line parallel to the Lyceum Building behind the flagpole, they were grouped around there.

Q. How many were in that group?

A. 300, 400 or 500 students.

Q. And the group that would go up and throw their missiles would come out of that group, run up and throw their missiles and then come back to that group?

A. Yes, sir.

Q. Then some more of that group would go up and throw their missiles and come back, is that the way they did it?

A. Yes, sir.

[fol. 562] Q. But they were almost a solid line north and south just about where the flagpole was, is that right?

A. Not a solid line. They were just mingling around.

Q. About 400 or 500 people were in that group?

A. Yes, sir.

Q. And from that group came these missile throwers, is that right?

A. Yes, sir.

Q. Where were you getting those rocks and stones and bricks?

A. I heard that the bricks were coming from the new Science Building they were building back behind the statue back down there.

Q. Where did you get yours?

A. Off the ground, the people were bringing them up in a wheelbarrow and, I think, they were just dumping them around the flagpole.

Q. That is right in where all this group was standing?

A. Guess—by the flagpole, most of the people were back behind the flagpole.

Q. When you reached to get your missiles, where would you get them?

A. Off the ground, those that had been thrown and those that had been left around the flagpole.

Q. That had been dumped right in this group of several [fol. 563] hundred that were gathered around the flagpole, is that right?

A. No, they were dumped up in front of them.

Q. They came up in front of the group that was standing, and those that wished to would come out of that group, pick up their bricks and rocks and go throw them, be fired at and retreat back to get some bricks, is that the way it went?

A. Yes, sir.

Mr. Gooch: That's all.

Mr. Watts: Robert Lee Watkins is next.

[fol. 564] Mr. Watts: All right, on page 3, by Mr. Watts.

\* \* \*

Q. State your name, please.

A. Robert Lee Watkins.

Q. Your address at school and home?

A. Labuve 83, University of Mississippi, and 1110 North Spring Street, Waynesboro, Mississippi.

Q. In what school are you enrolled?

A. Business school.

Q. What class?

A. I am a junior.

Q. Were you a student in September of 1962?

A. Yes, I was.

Q. Were you present on the campus the night of September 30, 1962, when the incident of that date occurred?

A. Yes, I was.

Q. What time did you arrive on the campus that evening?

A. Approximately 4:00 o'clock or 4:30.

Q. Where did you go?

A. First I went back to my room and unpacked my clothes. I had been home for the week-end, then I went back up to the Lyceum Building where there was a large crowd gathered.

Q. Orienting you for the purpose of this deposition, [fol. 565] we have Plaintiff's Exhibit No. 1, which is a scaled plan of the University and shows the Confederate monument on the east end of an installation called the Circle, it shows the Lyceum Building on the west end, and shows the YMCA up here on the northeast, and as you

give your answers, if you can, remember the compass directions and it will help us to follow them later.

Now, when you first arrived in the area of the Circle where did you go?

A. I first went to the north end of the Lyceum Building, between the Lyceum Building and the Math Building, which is Peabody.

Q. What did you see?

A. At the time there were a lot of Marshals gathered around the Lyceum and lined around the Lyceum Building and a lot of students were gathered there.

Q. In your own words, give us a narrative account of what you saw, heard, and what occurred?

A. You mean at this time?

Q. From that time, and just carry it right on through.

A. That afternoon it started out and it was just, I don't know, it must have been 200 students there, and as time went on more students gathered there and things got rough, and a little later on some of the Marshals fired [fol. 566] the tear gas and everybody ran back then, ran back in the Grove, a lot of students did. They just spread out and a lot of people started throwing bricks and bottles and things at the Marshals and more tear gas was fired. This kept on going and went right until, I guess, I don't know what time in the morning. During this time we were up in the Grove but I was there most of the time. I only left a couple of times and went back over to the dorm and came back and all during the time I saw these students throwing things.

Q. Just tell us what the activity was that was directed by the students against the Marshals. Son, do you know what a charge is?

A. Yes, sir. Just during the course of the riots there were just students, I don't guess I ever saw any organized, I know I never saw any organized charge during the course of the riot. There would just be several students, maybe three or four at a time, that would charge in and throw

bricks at the Marshals and they would go back and they would shoot tear gas and it would clear up and then some more of the students would come in but there was nothing organized that I saw. If anything had been organized, I don't think the Marshals would have stood too much of a chance of defeating us on the University at that time.

\* \* \*

[fol. 567] Mr. Gooch: To which we object to the last part of the answer as an opinion and conclusion of the witness.

The Court: Sustained.

\* \* \*

Q. Did you hear or learn that General Walker was on the campus at any time?

A. Yes, sir, I heard a little later on, it was later on, not that afternoon but that night, I heard that he was there.

Q. What did you do when you heard he was there?

A. I was standing up close to the statue as you come off University Avenue when you first come to the Circle there that circles by the Lyceum Building, and the boy that was standing with me, we were standing over between the statue and the YMCA Building and they said that General Walker was there at the statue. We walked over there and I think he was standing there talking to some of the students or something, some of them were talking to him, and somebody told him to get up and give us a speech. He stepped up beside the statue, I don't think he stepped upon it, he stepped up right beside the statue and maybe up on the side of it or something and just talked to the students.

Q. Now, prior to the time he stepped on the statue and started to make a speech, were you in a position where [fol. 568] you could see what was occurring out there in the Circle area?

A. Yes, sir.

Q. Prior to the time he stepped upon the statue, was there any charge against the Marshals that involved a large number of people?

\* \* \*

Mr. Gooch: To which we object as leading, suggestive, and calling for a conclusion and an opinion of the witness.  
The Court: Sustained.

\* \* \*

Q. Now, then, exactly where, with respect to the monument, was Walker when you first got over there?

A. When I first got there, he was standing down beside the statue, if I remember right, he was standing down kind of on the east side of it and I was standing on that side, I guess it would be the north side of the statue instead of the east.

Q. What attracted your attention to the fact that he was there?

A. Somebody told me that that was General Walker. I didn't know him.

Q. How far from the statue on the north side were you?  
[fol. 569] A. I guess at the time they said General Walker was up there by the statue, I guess I must have been about, to the best of my knowledge, about twenty or thirty yards away.

Q. In which direction from the statue?

A. In the north direction of the statue toward the YMCA Building.

Q. Now, looking at the chart, can you see that the YMCA is north of the statue and slightly to the west?

A. Yes, sir.

Q. From that position could you see what was going on in the Circle?

A. Yes, I could.

Q. How long had you been in that area there that you have outlined just now?

A. I don't know, I had been in the Grove there inside the Circle, I had been in and out of there the whole time,



all the afternoon and a part of the night. And I was standing there, I guess, for five minutes.

Q. From the time the first tear gas was fired until you heard that Walker was coming on the campus, had you ever left the area so far that you could not see what was happening in the Circle?

A. No, sir.

Q. And up to that time had there been any charge at [fol. 570] all?

A. No, sir.

\* \* \*

Mr. Gooch: I object to that as an opinion and conclusion.

The Court: Sustained.

Mr. Gooch: And ask that the Jury be instructed not to consider it.

The Court: The Jury is instructed not to consider the last question and answer.

\* \* \*

Q. Tell us what you saw and what occurred when you went over to see Walker?

A. I walked up there and I noticed he stepped up, I believe he stepped up on the side of the statue, and he was talking to the students and only two things stuck in my mind that he said in the course of his speech. I think he said at one time that this was not the correct route to Cuba, I remember that statement. He said there should be no violence used out here, that the students shouldn't use violence, that this was not the proper course to end this riot, and to better our relations here on this campus and everything. I thought he was more or less trying—

\* \* \*

Mr. Gooch: I object to that, if the Court please, as a [fol. 571] conclusion.

The Court: You are talking about the balance of the answer?

Mr. Gooch: Yes, sir.

Mr. Watts: I wish Your Honor would look at the last sentence. Is that admissible?

The Court: Yes, sir.

\* \* \*

A. . . . I walked off, I got a little mad with him.

Q. Was there any general reaction then of the crowd at any time during this speech as to whether they were pleased or displeased with what he was saying?

\* \* \*

Mr. Gooch: I object to that as calling for an opinion and conclusion of the witness.

The Court: I think I will permit that.

Mr. Gooch: All right.

\* \* \*

A. It seemed to me that most of the students were displeased. That was the general opinion that I got. I know several of the students standing around, a lot of them around me, began walking off from him.

Q. Did he at any time during this speech encourage or suggest to the students that they take violent action of any kind against the Marshals?

\* \* \*

[fol. 572] Mr. Gooch: I object to that, leading and suggestive.

The Court: Overruled.

\* \* \*

A. No, sir, he didn't. He didn't suggest it at any time, as a matter of fact, it seemed to me and a lot of the other students that he was trying to put down the riot. He said that violence shouldn't be used out here.

Q. Where did you go, you said you walked off, to what area did you go then?

A. I just walked off toward the YMCA Building and stood over there beside the street.

Q. Were you in a position where you could still see Walker and see what the crowd was doing?

A. Yes, sir, I was, I guess, fifty yards off from him or so and I was standing in the Grove, in the edge of the Grove beside the street across from the YMCA Building.

Q. By the Grove, you mean the Circle, where it says the Circle on this plat?

A. Yes, sir, inside the Circle.

Q. What happened after the speech that Walker was making at the monument?

A. Nothing.

[fol. 573] Q. That is after you went back toward the YMCA and from that position, what did you see happening?

A. Just the same thing that had been doing—been going on all the time, the crowd just broke up it seemed to me and people just went on doing what they had been before. While he was speaking a lot of people were still running around throwing bricks and everything, everybody didn't come in to hear him speak. A lot of people didn't know it, I don't guess I would have known he was up there speaking if someone hadn't told me.

Q. While he was speaking, were there still people down here in contact with the Marshals or in the general area where the Marshals were?

A. Yes, sir.

Q. Did you see Walker again after the speech on the monument?

A. No, sir, I don't think I did.

Q. After the speech on the monument, were you in a position where you could and would have observed had there been an organized large scale charge of as many as five hundred or one thousand people?

\* \* \*

Mr. Gooch: To which we object, leading and suggestive.

The Court: I don't think I will permit that, counsel.

[fol. 574] Mr. Watts: All right.

The Court: At this point.

Mr. Watts: That is all.

Mr. Gooch: Go to page 19, please, Mr. Andress, the last question.

\* \* \*

Q. Did you see Rev. Duncan Gray or anybody else trying to talk to General Walker during the time that he was about to make his speech or was making his speech?

A. No, sir, I did not.

Q. Did you hear General Walker telling the students that Col. Birdsong was the one who had sold them out?

A. No, sir, I didn't hear that.

Q. Did he make any statement to that effect?

A. No, sir, I don't think he did. Not while I was there, he didn't.

Q. How long was General Walker's speech?

A. I don't have any idea how long he spoke. I was there, I guess, five or ten minutes, something like that.

Q. Were you there when he finished his speech?

A. No, sir, I was not.

Q. You had walked away?

A. Yes, sir.

Q. You don't know what happened to General Walker [fol. 575] after he finished his speech?

A. No, sir.

\* \* \*

Mr. Gooch: Go to page 22, the last question.

\* \* \*

Q. Did you hear General Walker allude to the fact that he was ashamed to be an Episcopalian?

A. No, sir, I didn't hear that.

Q. Did you participate in any of the missile throwing?

A. Yes, sir, I did, some of it.

Q. Could you see the Marshals at the time you were throwing at them?

A. Sometimes I could and sometimes I couldn't. The tear gas was so thick sometimes.

Q. Did you throw any before you heard General Walker make his talk?

A. Yes, sir.

Q. Did you throw any afterwards?

A. Yes, sir, I did.

\* \* \*

Mr. Gooch: I believe that is all.

Mr. Watts: The deposition of Mr. McRae, page 3.

\* \* \*

[fol. 576] Q. State your name, please.

A. Alpheus McRae.

Q. Your address, residence at home and school?

A. I live in Laurel, Mississippi, and I go to school here at the University.

Q. Who are your parents?

A. Mr. and Mrs. A. H. McRae, Sr.

Q. What school are you in?

A. Law school.

Q. What class?

A. Fourth semester.

Q. Were you a student at Ole Miss in September of 1962?

A. Yes, sir, I was.

Q. Were you present the night of the incident that occurred on the campus on September 30, 1962?

A. Yes, sir, I was.

Q. Will you outline to us, please, sir, where you were, what you saw, and what occurred and what you heard?

A. Yes, sir.

Q. From after the time the first tear gas was fired by the Marshals.

A. I was in front of the Peabody Building at the time the first tear gas bomb was shot. We were listening to President Kennedy on the radio, a girl had a small portable [fol. 577] radio and when the first tear gas bomb shot, we all turned around and saw it, and the next thing we knew two hit around where we were standing and we all left from where we were and ran in back—let's see, what is this?

Q. To get oriented, I will point out here this chart, Plaintiff's Exhibit No. 1, which shows the circle with the monument on the east, the Lyceum on the west, the Peabody Building.

A. We ran right back here behind the Fine Arts Center and then we heard a few more tear gas bombs being shot and we came around the Fine Arts Center over by the YMCA over here and went back out to the flagpole and there I met a girl from my hometown who was overcome pretty bad with tear gas and she asked me would I take her back to her sorority house which was down here on Sorority Row and by the time I got back everything was back—around where things were going on, everything was pretty much in a mess and people were just milling around and I met up with a bunch of my friends right around Rick Dormitory which is down from the Circle. We stood around there trying to see what was going on and then we left from there and went across the Grove here to University Avenue because some of the Marshals at that time were coming down this street here that the dormitory is on and we watched from down there and later on that evening we went up here to one of the professor's house who lives over [fol. 578] the railroad track, or he used to live there, to get a drink of water because we couldn't get back to our dormitory, we would have to go right through where all the rioting was going on and so we just tried to stay out of the way of as much of it as we could.

Q. Did you learn that evening that General Walker was on the campus?

A. The first time that I knew General Walker was on the campus was when we came back up University Avenue and saw a big crowd in front of the statue. When we got there I said, "Who is that talking?" I had never seen General Walker and I just knew of him. I had heard of him. Someone said, "It is General Walker." I decided I would go up there and see what he had to say. I was not there at the beginning of his speech but I assumed he had

only been speaking for a few minutes. I was there through the rest of his speech.

Q. Tell us the best you can remember what you heard?

A. When I got up there, he was talking about that we had been betrayed, he never would mention the man's name but he said or inferred that it was the head of the Highway Patrol that had betrayed us and had let the Marshals on the campus. I didn't know what kind of stand he was taking because I had known he was at Little Rock during that situation and I said, "Is he with the Government or [fol. 579] what?" I asked why he was there and so they said, "No, he is just here." Then I heard him say that we had a right to protest but that we did not have any right to violence and if any blood was shed, let it be on the hands of the Federal Government and not our hands, and then at that time there were a lot of students that were here—were in front of there, students and people, I don't know who, that booed him.

Q. Did you hear it?

A. Yes, sir.

Q. All right, go ahead.

A. This has been a good while ago.

Q. Yes, just do the best you can.

A. I can't really remember the rest of what he said that night. It was just along those same lines, and then he got down from the little statue there.

Q. Just before he got down did you know a little minister here, Rev. Duncan Gray?

A. Yes, sir, I know him.

Q. Did you see him there?

A. Yes, sir, he was standing on the left of the statue.

Q. To the left, would that be the north toward the YMCA?

A. Yes, sir.

[fol. 580] Q. Did he get upon the statue?

A. Yes, sir, I saw him try—I don't remember whether he actually got on the statue or not. I remember him trying to get up there and I remember somebody pulling on him and

then they lobbed one of those tear gas bombs and they lobbed it real high.

When Walker got down, I turned around and walked back and we were standing over there by an automobile and that thing lobbed right about as far as from me to you from where we were standing so we decided we had better get out of there so we went on back down to the bridge again.

Q. Were you close enough to the monument at the time you saw the minister there to tell or hear, or overhear, any conversation between him and Walker?

A. No, I would be telling a story if I said I did. I didn't hear anything.

Q. Just keep it absolutely accurate as to what you saw and what you heard and nothing else.

What occurred then after the talk on the monument that you saw?

A. I saw General Walker get down as I said, when he got through with his talk, and from his talk I thought he was telling us to calm down, now, that is the impression I got. So, I just turned around, I figured the whole thing was [fol. 581] over and so I got down and turned around and as I said, walked back to the car where I saw three or four people that I knew and I don't know where he went or what he did after that.

Q. Did you see which direction he got down from?

A. You mean he got down from the statue?

Q. Yes.

A. There was another guy with him and the last time I saw him he was standing with the other man that came with him.

Q. About how long was that after his speech that you saw him standing there?

A. A minute or two at the most.

Q. And that is the last time you saw him?

A. Yes, sir.

\* \* \*

Mr. Watts: That is all.

Mr. Gooch: That is all.



[fol. 582] HAROLD JAMES SCHNEIDER, testified by deposition as follows:

Direct examination.

By Mr. Watts:

Q. What is your name, please?

A. Harold James Schneider.

Mr. Gooch: Wait a minute. May we identify this as being another deposition Mr. Watts took in Mississippi?

Mr. Watts: Okay. That is accurate.

Q. What is your residence on the campus and at home?

A. 1341 Leavell A 35, on campus and I live at Laurel, Mississippi.

Q. What is your school?

A. Law.

Q. What class?

A. Second.

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

A. Yes, sir.

Q. When the incident occurred?

A. Yes, sir.

Q. Were you in the area of the circle?

A. Yes, sir.

Q. Were you there when tear gas was fired the first time [fol. 583] by the Marshals?

A. I was over by the Fine Arts Center.

Q. Is that north of the circle, I am pointing now to Plaintiff's Exhibit No. 1, which is a plat of the University?

A. The Fine Arts is north of the circle.

Mr. Watts: I oriented you again. I will skip that question.

Q. What did you see and what happened then?

A. I ran down by Fulton Chapel and over towards Ricks Dormitory, right in here, and stayed there for a little

while. Then I came over and walked down through the grove by this Geology Building, the old building that looks like a tower, and then somebody said General Walker was talking up at this Confederate monument and I went on up there.

Q. What did you see?

A. He had already started talking and I stayed a little while and they shot some tear gas and I ran down University Avenue.

Q. Did you hear any of his speech?

A. Yes, sir, a little bit.

Q. Would you outline to us what you heard him say?

A. All I can remember is, he said something about a peaceful demonstration, that is all I can remember.

Q. Could you tell what the reaction of the crowd was to his speech?

[fol. 584] A. No, sir.

Mr. Watts: The next question I think is probably leading. That's all. Turn then over to the next witness on Page 3, a similar deposition, Henry Edwards.

---

HENRY EDWARDS, testified by deposition as follows:

Direct examination.

By Mr. Watts:

Q. What is your name, please?

A. Henry Edwards.

Q. Your address at school and at home?

A. Yes, sir. My address is Box 394, Richton, Mississippi.

Q. Who are your parents?

A. Mrs. Henry Edwards.

Q. What dorm are you in at school?

A. Leavell, 824.

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

A. Yes, I was.

Q. Were you in the area of the circle at the time tear gas was fired first?

A. Yes, I was.

Q. I wish you would tell us what you saw or heard and what happened.

A. You want me to start just before the firing of the [fol. 585] tear gas?

Q. Right.

A. I was standing on the front lines near the front of the Lyceum Building on the curb there and there was a large number of people there and it was just about dark and I can't tell you what caused it or anything and anyway the first tear gas was fired, into the group standing there, it was about 6:30 or quarter to 7:00, I don't know what time it was, whatever time it gets dark, and tear gas was fired into the group there and the group scattered way back into the grove there.

Everybody was scared out of their wits and of course the firing sounded like a large gun going off when it was first fired.

The people moved back and they kept firing tear gas then to scatter everybody out and the group moved way back to Hume Hall and the people began gathering bricks, stones and things up there, people gathered these and started throwing at the Marshals and the Marshals kept firing and the people kept throwing.

Q. All right. Tell us just exactly what your observation of the activities of the crowd was.

A. At what time?

Q. Go on and in natural sequence tell us.

A. There was no organized activity of any kind that I [fol. 586] saw any time during the night. People were just running back at random and gathering stones and anything they could find, rocks and bottles, where people would drop them on the ground, and of course if they could find a rock or a bottle or something, they would gather it up and go up into range of the Marshals and throw it and they kept

firing tear gas. It was just the same thing, it was a mad confusion.

Q. Did you ever see General Walker on the campus?

A. Yes, sir, I did.

Q. When and where?

A. I saw him near the monument and I would say the time was around quarter of 8:00.

Q. What was he doing?

A. At the time I was about 50 yards from there and I heard someone say, "There is General Walker or here is General Walker," so I moved down towards the monument there.

I got down there and it was a large group, I wouldn't say a large group, but a group of people around him and they were talking and carrying on and everybody was saying, "Lead us, lead us, here is our leader, here is our leader," and "speech, speech, here is our leader, here is our leader," and I stood around for a few moments there and people were still saying, "Here is our leader," and "speech, speech," and things like that.

He acted like he didn't want to give a speech because he [fol. 587] was talking about something else and he got up on the monument and he made his speech.

Q. Do you remember what he said?

A. No, I don't remember very much of it. He made some comment about Cuba. He said, "This is the long way to Cuba," or, "This is the wrong way to Cuba," I don't know which one it was, and the minister started getting up on the monument and I saw an arm and a shoulder reach up and pull him down.

Q. Did you hear any conversation between him and General Walker?

A. Yes, sir, when the minister was getting up on the monument, Walker asked him what was his faith and he said he was an Episcopalian and Walker said, "Well, he was, too, and that made him ashamed of his faith," or that he would denounce knowing him or something or other. He said that the people had a right to protest. He didn't

say what to say to protest or anything, he just said they had a right to protest.

Q. Do you remember anything else he said?

A. No, that is about all I can remember.

Q. Did you observe what he did after the speech?

A. Yes, I did.

Q. Tell us about it.

A. He dismounted from the monument there and in get-[fol. 588] ting back to the sidewalk there a group of people, not rushed him, but gathered around him real close and I couldn't get in that group, it was real tight, and they were talking to him and shaking his hand and things of this nature. I didn't get right up to him, I don't know what was said then. I guess this group around continued talking to him 10, 15 minutes, something of that nature.

Q. There was this conversation with respect to the monument?

A. It was on the side of the monument, I believe it was on the south side of the monument.

Q. Now this chart you are looking at—

Mr. Watts: And we oriented the chart.

Q. When he first got down there, where was he?

A. I believe he was on either the east or the northeast part of the statue there because I was standing on the east to get the advantage of the wind that was blowing in that direction that kept the tear gas off.

He would be on the east or the northeast part of the monument and he dismounted from that same side there and I believe he moved around to the south side of the monument and this tight knit group of people were still around there and they were talking and he was talking.

These people talked to him 10, 15 or 20 minutes, something like that.

[fol. 589] After that the group started moving, not in a hurry, no urgency, by this time the people had had some time to cool off and they had been in a terrible pitch before and they had had some time to cool off and there was no

urgency and no fast walking about the group as there had been before.

They moved up the sidewalk and then as they approached the flagpole, they swerved to the left and pushed on and there is a flower bed on the edge of the grove here. They stopped short of the edge of the grove and in the edge of the flower bed.

I remember the green flowers there were growing and blooming at that time. There was no activity of the group, there was no missile hurling and some guy on the front was waving a white flag of truce.

The Marshals recognized that this was something different from what had been happening and they stopped firing. There was no missile hurling on the front of the Lyceum Building and there was no tear gas firing. I can't say about the other side as to what was going on there but on the front there was no tear gas firing and no missile throwing at that time.

Q. Did you observe what Walker did?

A. As we walked up there sometimes he would talk and sometimes not, it was just a slow casual walk up there. He walked up there and stopped and a student, I assume it was [fol. 590] a student, came from behind the Marshals line and stopped in the middle of the street there and he said he had been inside and he had seen this Marshal that was cut on the throat and dying and he asked if a Senior would step forward and represent the group and nobody stepped forward and he said, "Will even a Freshman or a Sophomore step forward and represent the group?"

Some guy stepped forward, I don't know who it was, I don't have any idea, this guy stepped forward and this student pleaded with him to represent the group and to tell them all to quit rioting, that he had seen this Marshal inside that he was dying and what a sight it was with the blood and everything.

This student in the street pleaded to them and the general answer was, "No."

Q. The general answer was, "No," I don't hear too well?

A. Yes, the general answer was, "No," there was no expressed, "No, we won't give up," or anything but the people were just disappointed to see this person.

Q. Where was Walker during this time?

A. He was standing, not exactly on the front, but in the front. You can't say the front because sometimes there were people in front of him and sometimes he would be on the front.

[fol. 591] There was a front line there but you can't say he was leading it. I might have been leading it or anyone else that was on the front there might have been leading it because sometimes he would be ahead and sometimes we would be ahead.

Q. Go ahead.

A. After this the crowd sort of generally consented, "No," that they weren't going to stop fighting now, the group started moving back, just moving back slowly and as the whole group got past the flagpole, moving back towards the monument, some of the group filtered out and went back and started hurling missiles again and the Marshals started firing and the people started throwing, it was the same thing over again.

Q. Was Walker with this group when it went back to throwing missiles?

A. No, he wasn't. He was in the group that continued on toward the monument, and upon the shooting of the tear gas it was getting thick in there again and I stayed with the group a short while but the tear gas was getting thick there so I moved over towards the biology and engineering building in that direction, to get this cool wind that was blowing from that direction and the last time I saw Walker, he was moving towards the monument and in the direction of the monument and the "Y" Building there, in that direction.

[fol. 592] Mr. Watts: That's all.

## Cross examination.

By Mr. Gooch :

Q. Now when you came down to the Lyceum, after you got to your dormitory, how many people would you estimate were around in front of the Lyceum?

A. In front?

Q. Yes, in front of the Lyceum?

A. I would say at least several hundred were in front of the Lyceum Building.

Q. Now was that before dark?

A. Right, before dark.

Q. And as the evening went on and the night came, the crowd did increase tremendously, didn't it?

A. Yes, I believe there was an increase in the crowd.

Q. What was the first evidence you saw of any actual disturbance any place other than people just standing out there in front?

A. Well, there were cigarette butts being flipped on top of the truck that was parked there and there were taunts and jeers and things, "Yankee go home," and things of that nature.

Q. And some profanity?

A. Yes, some. Quite a bit. Were—

Q. Were not pebbles being thrown?

[fol. 593] A. I didn't see any pebbles being thrown. There might have been.

Q. Now were you up near the front when the first tear gas was fired?

A. Yes, I was. I was standing on the front.

Q. What happened then?

A. The group just scattered; everybody was scared and they ran. A lot of them moved way back; some of them just scattered all over. After this first tear gas was shot, there were numerous other tear gas bombs shot off.

Q. The crowd got pretty mad, didn't it?

A. Yes, sir, it did.



Q. They were highly aroused, weren't they?

A. Yes, they were.

Q. And they began to arm themselves with bricks, sticks, stones and anything they could get ahold of?

A. Yes, sir.

Q. When they did that, what did they do with them, these sticks and stones and bricks that they had armed themselves with?

A. Well, they threw them at the Marshals who were lined up around the Lyceum Building.

Q. Describe how they threw them at the Marshals.

A. These people would just run up to within throwing range of the line of Marshals and throw them and run back [fol. 594] before the Marshals had a chance to hit them over the head with a billy stick or shoot them with a can of tear gas.

Q. You say General Walker made his speech about 8:00 o'clock?

A. That is right.

Q. Where did you say you were when you first heard that Walker was on campus?

A. I was in a south-southwest direction of the monument where the cool air was blowing in, the fresh air.

Q. Just what was it you heard about Walker?

A. I heard somebody say, "Here is General Walker, here is General Walker."

Q. People were excited about it, were they not?

A. Yes, they were.

Q. Had you heard any of his radio speeches or his television appearances?

A. I had heard something, I had not read it or heard it over the radio, some friend made some comment about Walker was supposed to bring some men or something of that nature.

Q. How many men did you hear he was supposed to bring?

A. I don't know.

Q. Did you hear the statement that he had 10,000 coming?

A. There was a large number.

[fol. 595] Q. A large number?

A. Yes, sir.

Q. What else did you hear Walker say?

A. I have already said that the people had a right to protest, he said that.

Q. Have you told us everything that you heard him say?

A. Yes, I believe so.

Q. You didn't hear him say about, "You've been sold out"?

A. Oh, yes, he did. Someone said, "Our Governor has sold us out, our Governor has sold us out," and he said, "No, your Governor didn't sell you out. It was Birdsong and the Highway Patrol Department."

Q. Immediately after he completed this speech, I believe you said he got down off the monument and started up the sidewalk towards the Lyceum Building?

A. No, sir.

Q. Towards the flagpole and the YMCA Building?

A. No, I said after he got down from the monument, then this tightly-knitted group of people got around him there and I didn't get up into the group to see what was going on and they stayed there for five, ten, fifteen or twenty minutes or something of that nature.

These people were talking to him and after that, after a period of time, the group started moving toward the Ly-  
[fol. 596] ceum Building up the sidewalk.

Q. And there was a group around him or with him, is that correct?

A. Well, he could have been with the group.

Q. Well, one or the other. He was with them or they were with him, is that right?

A. Correct.

Q. And they went up, they got almost to the flagpole and then he veered left, you say?

A. To the left.

Q. Then went past the flagpole on the left side, going to the Lyceum Building, that is your statement?

A. Yes, sir.

Q. Walked right on up and got to a flower bed just across the street from the Lyceum Building, is that right?

A. That is right.

Q. And that happened within five or ten minutes after he finished making his speech?

A. Something like that period of time there.

Q. What became of all this crowd that had been listening to him down there if they didn't go with him?

A. It was not a large crowd to begin with.

Q. How many?

A. I don't know.

Q. Did you say there was about 50 or 100 when you got [fol. 597] there and more probably came in?

A. No, I said 50 or 60 and I said more could have come and more could have left.

Q. Did that 50 or 60 go with him?

A. They weren't following him. He wasn't leading any group.

Q. I asked you if they went with him?

A. Yes, they were with him.

Q. Where were you at that time?

A. I was in this crowd.

Q. You were with the crowd. Did you have anything in your hand?

A. No, I didn't.

Q. Had you had anything in your hand down there that night?

A. I had rather not answer that.

Q. You won't say whether you had thrown bricks or rocks or sticks or stones or not?

A. No, I won't answer that.

Mr. Gooch: That's all.

Mr. Watts: Now I would like to go back and read some more of the cross examination he left out. It is rather short. Would you turn back to Page 20, please, sir. I think the last question Mr. Gooch read:

“Question: Did you hear the statement that he had [fol. 598] 10,000 coming?

Answer: There was a large number.

Question: A large number?

Answer: Yes, sir.”

Q. Were you expecting him to come and bring those men?

A. No, I wasn't.

Q. Why wasn't you if you had heard it?

A. Well, because I am not a follower of General Walker and I have nothing against the man and I never have had anything for him.

Q. You realized, of course, that he is a public figure?

A. To some people.

Q. And he is known through the press and over the radio and over the television, is he not?

A. Yes, he is.

Q. His is a familiar name in the public?

A. It was not so familiar at that time.

Q. It is now?

A. Yes, sir, very familiar now.

Q. When you heard he was down at the monument, you went down there?

A. Yes, I did.

Q. Was there quite a crowd down there?

A. There was a group of people there, yes.

Q. How many would you say?

[fol. 599] A. I don't know. I was on the front again because I tried to find out what was going on and I was on the front there.

There were 50 or 60, I would say, when I first went up there and some more might have come behind me and some more to my left, I don't know, because I was looking ahead to him, looking toward him.

Q. How close were you to General Walker?

A. At that time I must have been 15 feet from him, or 20 feet.

Q. Did you hear the beginning of his speech?

A. Yes, I did.

Q. How long did he speak?

A. That is hard to say. I would say 10 or 15 minutes.

Q. Just tell us what he said during that 10 or 15 minutes?

A. It has been quite a while, I can't remember exactly what he said. He did talk about Cuba, he said, "This is the long way to Cuba," or "This is the wrong way," the word I could not hear because there was some noise, people milling around and everything.

He said that people had a right to protest and then the minister tried to get up on the monument with him and he asked the minister what faith he was and the minister said he was an Episcopalian and he said, "Well, this makes [fol. 600] me ashamed to know you," or "ashamed of you," or, "I denounce you," or something of that nature.

Q. What had the minister done or said to make him ashamed that he was an Episcopalian?

A. I don't know.

Q. Did you hear the minister tell him, "General, you can stop this if you would," or "help us to stop this"?

A. No, I didn't hear that.

Q. Did you hear anything like that at all?

A. No, I didn't.

Q. Did you hear the minister tell him that these people would go home if he asked them to?

A. I could see that the minister was saying something to him. I couldn't tell what was said.

Q. You didn't understand anything that the minister said?

A. Not that I recall.

Q. Didn't you gather that the minister was trying to get General Walker to advise the students to quit their demonstrating and go home? Wasn't that your impression?

A. I don't know, you can't tell about ministers.

Q. And you are not much for ministers?

A. Some.

Q. But you do know that General Walker said, "Here is an Episcopalian minister that makes me ashamed to be an [fol. 601] Episcopalian"?

A. Something to that effect, yes.

Q. What happened to the minister then, when he said that?

A. I saw an arm and a shoulder reaching up above the crowd and pulled the minister down.

Q. In other words, when Walker said that somebody reached up and pulled the minister down?

A. I don't know whether they pulled him down when he said that or whether he was just pulled down, I don't remember when he said it.

Q. Do you know what became of the minister?

A. No, I don't.

Q. What else did you hear Walker say?

A. I have already said that the people have a right to protest, he said that.

Q. Did he say, "You have got a right to protest, keep it up"?

A. I didn't hear him say, "keep it up," there.

Q. You didn't hear him say that?

A. I heard him say we had a right to protest. He didn't say protest by any manner. He didn't suggest any manner of protesting.

Q. He just said you have got a right to protest in any manner, is that right?

[fol. 602] A. No.

Q. What did he say about "any manner"?

A. He said that he said these people had a right to protest but he did not advocate any manner of protesting, he didn't say, "Go out and hit them with a brick," or anything of that nature.

Q. Did you hear him say, "I compliment you on the protest you have made," or "I congratulate you on the protest that you are making here tonight"?

A. No, I don't remember that.

Q. Would you say he didn't say it or do you say that you just don't remember?

A. I would say I don't remember.

Q. If Walker, prior to making his speech, walked up to the flagpole or in the vicinity of the flagpole and stayed up there for some time and observed what was going on up towards the Lyceum, looking towards the Marshals, did you see that?

A. No, I didn't.

Q. Where were you during the five, ten or fifteen minutes before Walker started to make his speech?

A. I was in the south-southwest direction near the biology and engineering department over there in the fresh air.

Q. You didn't see Walker up around the flagpole before [fol. 603] he made his speech?

A. No, I didn't see him up there.

Q. Have you told us everything that you heard him say?

A. Yes, I believe so.

Mr. Watts: Now skipping the rest of that, it seems to be repetitious, over further in the cross examination, a question by Mr. Gooch, Page 26. Let's see, I think, didn't he read the last question on Page 25, "Towards the flagpole"? I believe he did, according to my notes here, and he quit after saying, "These people were talking to him and after that, after a period of time, the group started moving towards the Lyceum Building up the sidewalk."

Q. You say that was five or ten minutes after he got down off the monument?

A. Something like that.

Mr. Watts: Page 26, second question.

Q. Something like ten minutes that the group got around him, how big a group was that, would you say?

A. The group that was right around him was just a small number of people, ten or twelve.

Q. As he started towards the flagpole and the Lyceum, other people fell in behind, didn't they?

A. No, the group was not led by any one person, neither was it led by any one group of persons. It was just a [fol. 604] casual walk, there was no hurry, there was no

rock throwing at that time, the group just ambled up in this direction.

Q. That is what you said. Now the thing I am asking you is not what kind of walk it was but five or ten minutes after his speech, he started up the sidewalk that led to the flagpole and the Lyceum Building?

A. That is right.

Q. And there was a group around him or with him, is that correct?

A. Well, he could have been with the group.

Q. Well, one or the other. He was with them or they were with him, is that right?

A. Correct.

Q. As they went up, they got almost to the flagpole and then he veered left, you say?

A. To the left.

Mr. Watts: I think he read the rest of that. I believe that's all.

The Court: Ladies and Gentlemen, we will recess until five minutes of 4:00.

(15-minute recess.)

---

[fol. 605] EDWIN A. WALKER, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

Q. You can't smoke in here. Give us your name please.

A. Edwin A. Walker.

Q. Where do you live?

A. I live in Dallas at 4011 Turtle Creek Boulevard, Dallas, Texas.

Q. Where were you born and raised?

A. I was born in Kerr County at Center Point, Texas, about sixty miles west of San Antonio.



Q. What year?

A. In 1909.

Q. What was your schooling?

A. I went to grammar school in Center Point about three miles from the farm house and then I went on to high school there and at Schriner Institute at Kerrville about thirteen miles away, the County Seat. And then to New Mexico Military Institute, where I finished high school.

Q. Was that where you and I first became acquainted?  
[fol. 606] A. Yes, it was, I believe.

Q. Where did you go from there?

A. I went to the Academy, United States Military Academy at West Point.

Q. Did you graduate from the Academy?

A. Yes, sir, I finished there and was commissioned after completing the course, four years course at West Point, in 1931.

Q. Did you become a professional soldier?

A. Yes, when you are commissioned you have a certain requirement to do. Then you make a decision later and it is expected that you continue for the rest of your service.

Q. Did you attend various advanced service schools?

A. Yes, sir, I did, throughout my Military career. You continue going to school, Service schools in the Military Service.

Q. In what branch of the Service were you?

A. Well, my basic branch was Field Artillery. But I also went to the Air School and flew airplanes and then I also commanded an Infantry, as well. So it was—I got some of Air Force, Artillery, Infantry.

Q. Did you become a rated pilot?

A. No, I didn't.

Q. You were commissioned a Second Lieutenant, were [fol. 607] you?

A. Yes, sir.

Q. Did you—prior to World War II or shortly prior to World War II did you have any specialized training? That is, did you change your branch or your MOS in any way?

A. Yes, it was changed to the extent that specialized in guerrilla warfare, commando, airborne, and I even joined a unit that was ski trained, preparing for World War II in mountains; all these activities in mountain training, commando unit, they are referred to as commandoes often, rangers, or guerrilla warfare.

Q. In your early Army career, in the Lieutenant area, we will say, did you participate in any Army athletics in physical fitness programs?

A. Yes, sir, the Army in those days had quite a physical fitness program. They were rather strenuous and also, as a sideline I was continuously playing polo and training horses, riding until midnight.

Q. Did you and I have further acquaintance in those days?

A. Yes, sir, we did. We ran together a time or two on the polo field.

Q. And during the months immediately prior to World War II where were you stationed?

A. Well, they were moving us awful fast then, the [fol. 608] regular establishments, and I came back from Hawaii one month before Pearl Harbor, after two years had ended there, a two-year tour there. In those days it was foreign service because that wasn't a state. And I came back and was moved every four or five months, as we were moving, getting ready for World War II. I went to Augusta, Georgia, for three or four months, Camp Atterbury, Indiana. These were with different divisions, training and getting ready for War, and then Fort Clark, Texas, three different divisions.

Q. Where did you have your paratroop training?

A. At—I left the Fort Clark Division which—to go to Fort Ethan Allen, Vermont, a small station, and this unit was getting prepared to go overseas, a voluntary unit, for hazardous duty, and I joined it in 1943.

Q. Did you have combat experience during War time, World War II?

A. Yes, sir, I did.

Q. What was that?

A. In the Mediterranean and European Theatre. Also in the Asiatic Theatre.

Q. Were you the recipient of any decoration?

A. Yes, I was.

Q. Very briefly, just start at the top and give us two or three of them.

[fol. 609] A. Well, the Legion of Merit, the Bronze Star, the Silver Star, the Ulchi Medal from Korea, the Croix de Guerre, French, and the British Medal, and the Norwegian Order of St. Olaf.

Q. Did you have combat service in Korea?

A. Yes, I did.

Q. With what unit?

A. With the Division Artillery, commanding the Second—the Division Artillery of the Second Division, and the Infantry Regiment. I was a Division Artillery commander, and then an Infantry Regiment of the Third Division, the Cotton Balers, Seventh Infantry of New Orleans, the Cotton Balers. That goes back to the Revolution.

Q. When did you come back from Korea?

A. I came back from Korea in '53. I went over in '51.

Q. Was Korea in those days classified as a theatre of warfare?

A. Well, the overall out there was a theatre, with overall headquarters in Japan. And it was referred to as a police action.

Q. Who was your commanding general? I mean your commanding general in Japan?

A. A General Mark Clark was there most of the time.

[fol. 610] Q. And who was his superior? Under whom did you ultimately—who was above Gen. Clark?

A. General Clark was to the—to Washington, D. C., the Joint Chiefs of Staff.

Q. Was General Macarthur in the chain of command anywhere?

A. General Macarthur had just made a speech or two on the Pacific Coast on his return after his release and— one speech, I believe, out there.

Q. Well, to shorten it a little, did you serve under General Macarthur in Korea, or had he already been released?

A. No, the effects of the policy in what had come because after the release, because I went over there immediately thereafter.

Q. I see. Now, then, after returning from Korea did you have Military Service in America, and particularly were you given any command in the Fourth Army area?

A. After my return from Korea I went directly to Fort Bragg, North Carolina, as assistant division commander of the Airborne—82nd Airborne Division.

Q. Then where?

A. Then I went back to Formosa, as advisor to the Commander in Chief of Chiang Kai-shek's Army. Then from there I came back to Hawaii and served for a year and a [fol. 611] half as Division Artillery Commander in the 25th Division that was stationed in Hawaii.

Then from there I came to the United States and was assigned to—this was, now, '57 and I was assigned to the District Command, command of the troops, the reserve district of the entire State of Arkansas, and there I was stationed in Little Rock.

Q. Was that the 19th Corps in those days, or do you have the correct designation?

A. Yes, it changed while I was there. We had to reorganize it. I was briefed on this reorganization out of Fourth Army Headquarters which is at home, went down, I was on leave at home and I went down to Fourth, to the headquarters and got briefed on the necessity of reorganizing this whole district structure.

Q. Where was your headquarters at that time?

A. My headquarters was right in the City of Little Rock.

Q. After the reorganization were you and I in further contact?

A. Were you and I in any further contact?

Q. Yes, after you reorganization at Little Rock?

A. Yes, I used to see you from time to time on Military activities with respect to going and going around through [fol. 612] the states, because we reorganized and extended the command from then just the Little Rock area to several states, to include a portion of—oh, I forget which, but there were several states involved, part of Louisiana, Oklahoma and Arkansas.

Q. Did any unusual incident of a semi or Military or semi-Military nature occur while you were Corps Commander at Little Rock?

A. Yes. There was the incident that the Military referred to as Operation Little Rock, and that came about a month, say a month or so—I got up there about the latter part of August and I think this came about about a month later in '57.

It was referred to as Operation Little Rock by the Military Service in the plans and this—there was no planning for it at the time. I went there strictly as District Commander to command the reserve, the Reserve District of Arkansas, and this was the integration requirement on Central High School that began around the 27th of September, or 28th, sometime within a few days of that area.

Q. What was your rank at that time?

A. I believe I was just promoted to Major General with my second star, as I went to this—to Little Rock, because when I came out of Hawaii it is a One Star job to Command [fol. 613] Division Artillery, so I am sure I must have gotten a promotion just about that time.

Q. And when you were first assigned that command did you have any regular troops under your command? That is, regular Army combat type troops?

A. No, in that command you only have the reserves of the state. These are the people in the state that are doing business all over the towns and communities and about their requirements in general, it is two hours at night a week of training at the Armory, and they are strictly busi-

nessmen, and everybody in the community that are in the reserves.

And they train two hours a week in the Armory and then they have two weeks training requirement in the summer, usually where the organization gets off and goes to a regular Army post and trains in the field, or whatever its requirement is, depending on what type unit it is.

Q. In connection with your Operation Little Rock, did you have any combat type troops transferred to your command?

A. Well, there was a few regulars, to go back on the other question. My headquarters was set up with about fifteen people that were on permanent duty keeping the headquarters running, fifteen or twenty, say, in our requirement. It took that to keep the staff organization up and [fol. 614] fulfill the requirements to the State people, the reserves.

Now, your question with regard to—

Q. At the time then of the operation at Little Rock were any combat type regular Army units attached to your command?

A. Yes, there were. There was an organization that came from Fort Campbell, Kentucky, part of the 101st Airborne Division.

Q. What was the strength of that unit?

A. Pardon? That unit was finally decided to be 1,000 people.

Q. How long did it remain under your command in Little Rock?

A. I would guess that was—I can't say definitely, but pretty close to the end of the school year. Maybe just after the school year—I believe—I believe certain portions we began to send back earlier than that. We would get 150 or 200 men back, and they were always very anxious to get out and get back, and they were always wanting to get back to their regular training. They didn't like what we were doing, and we were anxious to get them out, the regulars,

get them back to their normal job. And so we were getting them out just as much as we could.

It would have been somewhere between, say, April and [fol. 615] the end of the school year. I think there were still a few of the regulars there at graduation.

Q. Were you assigned a mission as commander of those troops?

A. Yes, I got the command by being the senior officer in the state. I was designated as commander when they knew that Federal forces were going to be used in Little Rock. I was designated as commander, then the senior member in the state, actually while the press kept saying I commanded the 101st Division in Fort Campbell, Kentucky, I didn't at all.

I took command of these troops, these troops came under my command as they flew across the state boundary into Arkansas and landed there at Little Rock in the outskirts of town at the—I believe they landed out there at the airport ten or twelve miles from town.

Q. Was this 101st Airborne Division the whole division or just a task force out of the division?

A. Well, in a form it is a task force, because you don't get just 1,000 men from any organization in the Army. It was sort of a made up task force, for what the requirements would be to fit the mission, that particular mission.

[fol. 616] Q. While you were performing this mission, was there any violence of any kind that occurred?

A. Well, there was one minor incident, I remember, one very minor incident.

Q. Was there anything that occurred in the nature of a riot or anything like that?

A. No, there was no rioting. There were some antagonism and some people standing and protesting. There was quite a protest at Little Rock, at Central High School, quite a protest.

And I think there could have been violence. In fact, in Washington, when I was—

Q. Just a second. Let's don't get to Washington. Might be here the rest of the day.

Continuing then with the aftermath of that incident, did you have any contact with the Department of the Army after that, after the incident had terminated?

A. You mean the entire military operation?

Q. In simple language and to shorten this, did you try to resign when that was over?

A. Oh, yes, I turned in my resignation before I left Little Rock.

Q. Was it accepted?

A. No, it was refused. It was—I was called in and they—  
[fol. 617] Q. Was your tour—excuse me?

A. They wanted me to explain why and I told them why—

Q. No, you don't know why—

A. —and they refused—

Q. I think you understand from the trial this far all you can testify is what went on in your own mind, not someone else's.

Did your tour of duty terminate at Little Rock?

A. Did my term—

Q. Did you terminate that tour of duty in Little Rock and transfer somewhere else?

A. Yes, in '59, I was ordered to, 1959, I was ordered to Germany to command the 24th Infantry Division.

Q. And did you assume that command?

A. I did.

Q. And without getting too much into detail, did you have, while you were on that assignment, did you have some incident or misunderstanding with anybody that resulted in national publicity?

A. In Germany?

Q. In Germany?

A. Yes, I did. After 17 months with the Division—

Q. Just very briefly, what was the general nature of that?

A. Well, I was attacked by the press, stirred it all up [fol. 618] over what was a paper in Europe. It's an English paper, incorporated in Maryland—



Mr. Watts: Just a moment. He wants to—

Mr. Gooch: If the Court please, I move that the answer, that he was attacked by the press, be stricken as not responsive; it's wholly irrelevant and immaterial to any issue in this case.

The Court: Sustained.

The Witness: Well, can I say I was attacked by a newspaper?

Mr. Watts: No, wait just a minute.

The Witness: Maybe I should have said a newspaper.

Mr. Watts: No, hold on just a minute. You listen to my question, Mr. Witness, and for once in your life, now, I have got command over you.

By Mr. Watts:

Q. So if you will, just try to understand my question and answer it very simply, why, I think we will get along pretty fast.

Did some adverse publicity that caused you to become involved in nation-wide newspapers appear in a newspaper, the Overseas Weekly?

A. Certainly did.

Mr. Gooch: If the Court please, we object to that. Irrelevant and immaterial to any issue.

The Court: What is the materiality, Mr. Watts?

[fol. 619] Mr. Watts: The materiality is, if Your Honor please, about this time there was a, the start of what expanded into a running feud between this witness and the press.

The Court: Yes, but how was the Associated Press involved in that?

Mr. Watts: They were, as would come out later, they gave him a pretty rough time.

The Court: Well, I'm not going to permit it until there is some proof.

Mr. Watts: All right, sir. We will have another look at it before I go back into that.

By Mr. Watts:

Q. Were you relieved of your command in Germany after a telephone call with some official in the Pentagon?

A. Yes, sir, I was. I was relieved and moved to the higher headquarters up at Heidelberg.

Q. And from there, where did you go?

A. I was in that headquarters about, from April to November, and was assigned in October to the top training in operations in supervisory job of the entire Army in the Pacific, in Hawaii, the Theatre Headquarters in Hawaii.

That assignment was—came in October.

Q. Now was that in the nature of a demotion or promotion?

[fol. 620] A. Well, that was a higher job than I had been in training and supervision of troops because it included all the Army troops in Laos, Vietnam, all the Southern Pacific Area.

Q. After you were relieved as Commanding General of the 24th Infantry Division, were charges of any kind instituted by anyone against you, investigation?

A. None at all.

Q. Were not. Was any investigation held by a military authority?

A. Yes, sir, it was what we call in the service a preliminary investigation but that it—it's an investigation which has to be repeated to even prefer charges.

Q. Was any punishment of any kind imposed upon you?

A. No, there wasn't.

Q. Did any—well, strike that. That may be a little off the target there.

Where did you go from Germany then?

A. From Germany I came back to the United States and had a couple of periods of three weeks' leave and I was due reassignment in the States.

I had had my full tour of duty with the Division, you might say, except for being relieved. I had served longer than the previous 20 commanders that had commanded it, with the Division, before I was relieved.

[fol. 621] And I came back to the States and went to Heidelberg, to the Central Army Headquarters there.

And then that lasted until about—I took a couple of leaves to the United States for three weeks and the second time, why, my orders were—everything was re-arranged so that I was—didn't go back.

Q. Was any action taken by any headquarters, either Department of the Army or European Headquarters, to initiate an investigation of your actions while commanding general of the 24th Division?

A. Oh, yes, that was initiated—I remember the date because it was—my relief was the same day in Germany, I—on April the 17th, that the Bay of Pigs failed.

Q. But in a different year?

A. The same year.

Q. Sir?

A. It was the same year, my relief, '61, April the 17th, was the day the Bay of Pigs failed and that's the same day I was relieved in Germany.

Q. Now then very briefly without getting into the details, what was the basic issue that was involved in this investigation of you that attracted national publicity?

Mr. Gooch: If the Court please, we object to that as being irrelevant and immaterial to any issue in this case.

[fol. 622] (Conference at the bench.)

Mr. Watts: All right, sir. I will be very brief.

By Mr. Watts:

Q. Very briefly now and without getting into any politics or philosophy or anything that might keep us here the rest of the week, you just tell the Court and jury very simply what that issue was for which this investigation was initiated.

A. Well, may I ask a question? Does that previous objection hold?

Q. Yes, that previous objection holds. You just tell the Court and jury—

A. Okay. We were involved over the training program of the 24th Infantry Division.

Q. And in simple language, what was the objection to your training program?

A. I considered that all soldiers should know who the enemy was and I thought the enemy was where it is and where everybody refers to it. I was teaching them all I could about that enemy and what I thought they should know about it.

In this type of warfare, why, everybody's got to know it down to the last soldier, even the Lieutenant, because in this type of warfare today, why, everybody may be on his own anywhere and every Lieutenant or every Sergeant may be responsible for the lives of 15 or 20 men, cut off, not seeing anybody for 10 or 15 days, he's got to make his [fol. 623] decisions about whether he would rather be a prisoner like they were in Korea and—I guess—nobody is supposed to be a prisoner, don't think I am advocating that.

But those decisions, when you are cut off 15-20 days under the most dire hardships, why, certainly people would have to make their own decisions.

Q. Now that's enough on that. I think you have covered it. Now let me ask you if that training program of yours was given a name within the Division?

A. Yes, it was referred to and got quite a bit of run across the press here, as the "Pro-blue program."

Q. Pro-blue program?

A. Right.

Q. Now what was the effect of that training program on the 24th Division under your command?

Mr. Gooch: If the Court please, I hate to object—

Mr. Watts: This is very short, if Your Honor please.

Mr. Gooch: I see no materiality about what effect anything had on the 24th Division.

The Court: I will permit it.

By Mr. Watts:

Q. All right, sir. Go ahead. You are permitted to tell what you observed, the effect of this training program to be on the training of this Division. Keep it short.

[fol. 624] A. I observed the best Division in the United States Army when I got through with them—and I wasn't half through.

Mr. Gooch: I renew my objection.

A. And it raised the morale, it gave the soldiers an objective, as it does young people, and it gave them a purpose for being overseas away from their families with great sacrifices.

Q. How did your church attendance program react?

A. Church went up—attendance went up about five-fold.

Q. What happened to delinquencies?

A. I worked, talked to the Chaplains once a week about—by the hour.

Q. What happened to the delinquencies after you initiated the program?

A. Delinquencies went down. The Division was holding the record in Germany for the delinquents. Had the least record of delinquency.

Q. I believe that's all. Now then were you punished in any way for this program that you had initiated and carried through in your Division?

A. No, but I think everybody—this is all on reflection. I was certainly not punished. There was no position to punish me for—

[fol. 625] Q. What action was taken by the Department of the Army or your Superior Headquarters?

To shorten it, did you receive—

A. After an investigation, 900 pages and 267 exhibits, where you sit down in a preliminary investigation and discuss all your psychology and what you think with an investigating officer, who's one promotion above you—

Q. Three-star General?

A. Yeah, three-star.

Q. General Brown?

A. Sir?

Q. General Brown, was it?

A. General Brown.

Q. All right. Did you receive any punishment? Yes or no?

A. No, I did not.

Q. What action did General Brown's investigation result in?

A. Cleared my training program. It had been cleared a month after it was written by the next higher command, the next—the star above me had cleared it within three weeks and told my boys it was the best program in Europe.

Q. And where did you go from there?

A. Well, where did I go from there?

Q. Yes, sir.

[fol. 626] A. Well, this investigation mostly took place in Europe and by this time—this was through the period I was at Heidelberg at the Army Command Headquarters and then I took some leave to the States and was in the United States for these leave periods and then the second leave, I didn't go back. It was all arranged.

And I was due to come home. I was awaiting orders all the time I was at this Army Command Post back to the States: My tour of duty over there was up.

Q. In short and simple language, did you resign?

A. Yes, I resigned.

Q. What's the difference, on the termination of a professional Army Officer's career, between a resignation and a retirement?

A. The difference is, when you retire, that you have available to you and it's—you get all your benefits and your retired pay and all your fringe benefits, like medical, hospital and post exchanges and so forth.

Q. Were you ever—

A. When you resign, why, you cut off all that. That is no more. You have no rights to any retired pay or any

fringe benefits, medical or post exchanges or anything.

Q. For your then rank, what were they, roughly, in amount?

A. About \$15,000 a year.

[fol. 627] Q. Have you drawn one dime from the Army since your resignation?

A. No, I haven't.

Q. Or from any Governmental source?

A. No, I haven't.

Q. Now since that period of time, have you engaged in activities that have resulted in your name becoming apparent to the American public in various newspapers, magazines and other news media?

A. Yes, several activities.

Q. Have you, since your experience in Germany, had any conflict with reporters connected with the Associated Press?

Mr. Gooch: If the Court please, I believe the issues in this case are limited to the Savell story.

Mr. Watts: I thought General—

Mr. Address: There is malice, Judge—

(Conference at the bench.)

The Court: Go ahead, Mr. Watts.

By Mr. Watts:

Q. After you resigned from the Army, where did you go?

A. I went to Center Point.

Q. Was that your family home?

A. That's right, where my father lives and my brother.

Q. Live on a ranch?

[fol. 628] A. What we call a small stock farm.

Q. How long did you stay there? Oh, roughly.

A. A month and a half or so until I moved to Dallas—month, maybe.

Q. Where did you go?

A. I moved to Dallas.

Q. And has that been your home since then?

A. Yes, sir, it has.

Q. Now did you have some type of a venture in politics?

A. Yeah. Yes, sir.

Q. You have held no public office?

A. No, sir.

Q. Now did you have an occasion in September of 1962, to go to the State of Mississippi?

A. Did I have a what?

Q. Did you have occasion in the latter part of September of 1962, to go to Mississippi?

A. I went to Mississippi in the latter part of 1962, right, in September.

Q. And prior to that time, had you been to Mississippi, for instance, making speeches or any—

A. Yes, I had been to Mississippi. I made a speech over in Mississippi either in December or January of sixty—well, it would have been December, '61, or January of '62. I can get the date but I don't know—I don't—it was six [fol. 629] or eight months before the September, '62, trip.

Q. Now did you learn from either the press or any other source that along in September, an incident involving the possible use of military force was building up in Mississippi?

A. Yes, sir, I did.

Q. And what parallel was there, if any, between what was developing there and what you had experienced in Little Rock?

A. Well, there was quite a parallel over the use of military forces, was building up. The question became whether there was going to be military forces used just as it was over in Little Rock, whether there was going to be military forces used. And I had set in on the military side of the decision, whether the military forces would be used in Little Rock in September of '57.

[fol. 630] Q. And at that time did you make any type of investigation or study of the Military—the impact upon military forces of this type of duty?



A. Oh, I would say yes, definitely. It wasn't a formal study, but with all the staff meetings and all the contact you had to have in the Military you certainly came out with a position with respect to the whole situation and what you had to understand, the whole constitutional process to be able to tell how any soldiers could operate or would operate.

Q. And did you develop any personal concept as a result of that experience toward the use of Federal troops within the borders of the states, for purposes of this kind?

A. I certainly developed a concept with respect to the use of Military forces in strictly civilian domains and under civilian problems, and what is the civilian traditional method of handling our processes.

Q. Did you have any contact or—strike that.

When did you consider the possibility of personally going to Mississippi? That is with respect to the end of September?

Was it the first, middle or last part of September, or was it the previous month.

A. I am back on the other question. I don't think we [fol. 631] completed it.

Q. That is all right. Let me worry about that.

A. Okay.

Q. You let me worry about that; you answer the question.

A. Say about the 25th or 26th of September of 1962 was the decision, when I made a decision that I would go to Mississippi, but only if Federal troops were used.

Q. And did you, pursuant to that decision, make any public utterance?

A. Yes, through that period I had made some public utterances.

Q. What was the first of these public statements you made? I don't mean the exact time, or just tell us where was it? Or to simplify it, was it in Shreveport or some—was it over the Party Line Station at Shreveport?

A. It could have been. I would have to refresh my memory. There was three or four or five I made a week, and it may have been over Party Line Station. I made one statement over Party Line Station from Shreveport, Louisiana; then from Dallas.

Q. You heard Mr. Gooch's opening statement, the statement that you had sought out the press and insisted on giving numerous statements to the press. Tell the Court [fol. 632] and Jury exactly what occurred?

A. Over the statements?

Q. Yes. Did you seek out the press or did the press seek you out, or both?

A. Sometimes you would find I would ask them if they would want a statement, as I had for months, and months and months, and sometimes they would come to me and ask for a statement, and sometimes neither, and sometimes they would complain, "You don't tell us you want to make a statement, how do we know it?" And sometimes—most of the times they don't print what I say anyway, so you don't know where you stand with the press.

Q. Did you have any personal acquaintances within Mississippi you talked with over the developing situation there?

A. Yes, I had some friends over in Jackson.

Q. Were they people with whom you had had contact during the previous speaking engagements?

A. Yes, sir, people that I had met and that I knew on different trips to Mississippi.

Q. Without getting into too much detail, just tell us what you did in preparation toward making up your mind whether you were going to go to Mississippi or not?

A. Well, all during this period there was much discussion about Mississippi, the sovereignty of the state, the [fol. 633] violation of the Constitution, the Governor's position, and so forth, and my interest extending from Little Rock, even went back further than that. My interest during that month if they—I recall hearing that month that Cuba was very, very hot and serious in the news.

And this was taking most of my interest through this period, this August-September period.

Q. Did you—

A. And we were working on all the information we could get on Cuba. It was obvious in September that there were missiles being placed in Cuba. And it is also obvious, by releases in the press and the headlines that Cuba was getting and the statements that were going back and forth and the reports on Castro, it becomes perfectly obvious, even by the statements of officials in Washington, that Cuba—that there were missiles in place, and supposition that there was, and there wasn't any doubt of it; and that Military forces, foreign forces were moving into Cuba.

Q. Now, did you talk to somebody in Mississippi?

A. At what time, please?

Q. Shortly before September the 30th? To simplify the thing so it won't take too much time, didn't you or not call Dr. Ney Williams, or did he call you?

A. Yes, sir.

[fol. 634] Q. That is what I am trying to get around to.

A. Yes, I called Dr. Ney Williams several times, probably. Every now and then I call him, maybe once a month, or I might get a couple of calls in a week, just like I call a lot of people.

I called Dr. Ney Williams sometimes three or four times a week, say around the first week of September.

Q. Were you in contact with him one or more times since then, between then and September 30th?

A. Yes, I called him. We were, I believe—say Friday, the 28th.

Q. And what—did you make arrangements of any kind?

A. Yes, we discussed what was going on. Now, we are getting down to the area of—close to the area, say, between the 25th and 30th, right?

Q. Yes, sir.

A. All right. In this area I may have talked to him a day or two before. I can't remember. But it wouldn't have made any difference because the whole conference was

about—getting information about what was going on in Mississippi with regard to the situation there, what is happening and what the people in Mississippi think, and what he knows about the Governor's situation and what has been said. And I think I even asked him to subscribe to a [fol. 635] paper, the Jackson Ledger, for me, and I—we made—say the Friday, then, we would have discussed over the telephone conversation, I probably got so interested in what was going on over there, and the statements that were beginning to look like there was definitely going to be used the Military forces, Federal forces, in some form.

Q. Did you approve of the use of Federal forces in some form in Mississippi?

A. Well, it wasn't my position to approve anything, but I was interested in the use of Military forces.

Q. That is what I am talking about. Did you approve or disapprove of the concept of using Federal Military forces in Mississippi?

A. Yes, based on what I think, I don't think the Military forces, and it is pretty hard on moral and they don't like this business in which they are not used for what they are for, and I think it takes more than we have done in this set up to establish the right of the Federal Government to march in with bayonets, either 1,000 or 20,000 troops, Little Rock or Oxford.

Q. Did you make arrangements with Dr. Williams that you might go to Jackson?

A. Yes, sir, in the conversation back and forth it was about what the situation was. I said, "I will probably come over," and hinted to him to find me a place to stay.

[fol. 636] "Probably come over," and talk firsthand with him about it.

Q. Did you go?

A. Of course, at that time I focused on the whole state of Mississippi. I went—

Q. Wait just a minute.

A. I say I went about—well, that would have been Friday we were talking about?

Q. Right.

A. So it would have been Saturday I went over there, on the 29th, to Jackson.

Q. At that time did you have a present intent to go to Oxford?

A. Certainly not.

Q. How did you go?

A. I flew to Jackson in a friend's 'plane.

Q. Would this have been on Saturday, September 29, 1962?

A. Yes, sir.

Q. All right. Take it from there on and just tell the Court and Jury what happened the rest of the day and that night.

A. The rest of the day and that night, I landed, I guess it is an hour and a half, I have forgotten the time I left Dallas, but a friend had an airplane.

[fol. 637] As I remember, he and I were in it, and we landed in Jackson about, say between 11:00 and 12:00 o'clock on Saturday. This the 29th of September.

And this friend, Dr. Ney Williams, met me at the airplane, and, as I remember, he was by himself with a car, and he took my friend, who owned the plane and myself to lunch.

We sat around the table and talked and I had discussed—he asked me if I wanted to go to the football game that night and I said yes, I would go to the football game with him. And he finally said, “Well, I will put you up, you can stay right here at the house.”

I said, “Well, I better stay somewhere else.” I didn't want to cause him any trouble. And he said, “No. I want you to stay here at the house.”

So the idea was, I would spend the night after the football—this was a 8:00 p. m. football game at night. Ole Miss was playing, I believe it was the University of Kentucky that night. And we went to lunch.

Q. Who was the friend that took you over there?

A. Joe Allred.

Q. All right. After lunch what did you do? Very briefly. You are not into the lawsuit yet.

A. Cafe for lunch, and he, knowing I was going to the football game, he had a couple of tickets, as I remember, [fol. 638] but they were not together, so we stopped at a place or two in town to get the tickets together. I didn't go in. He said he had to straighten out the tickets, and then we on down to a printing company which—where the man—the friend that had the airplane, either Mr. Williams wanted him to take something back to Dallas, I believe it was, or maybe—I didn't pay much attention to it, I didn't go into the printing company, but this pilot picked up something there, and we parted from him there and left him so he could—he was going on back to the airplane. And I went on with Dr. Ney Williams to his home.

Q. Did you meet Louis Leman there?

A. Well, Louis was either there, or I believe he was there, or just arriving, or something, right.

Q. Had you had some kind of previous 'phone call with Louis that brought him there?

A. Yes, he had called me from Mississippi and said that he was over there and we had discussed what the situation was and I said, "Well, if you want to talk to me . . ." I believe there were two telephone calls involved, and finally he found out definitely, I said, "If you want to see me you can come on down to see me at Jackson." He asked me when I was getting in and I probably didn't know the first call and later I did and I told him and he showed up at—said, yeah, he would come on down.

[fol. 639] Q. Now, then—

A. We met at Dr. Ney Williams' house.

Q. Did you spend the afternoon at the Williams' house?

A. Yes, we spent the afternoon.

Q. And what did you decide then, or what did you do?

A. Well, there were—Dr. Ney had his call coming in and out about the situation and we discussed the situation, what was going on with respect to Mississippi and the possibility of the use of Military forces, and how far they

had been committed, or if they had been committed, with respect to the decision to commit them, and what plans had been made for their commitment, and what they knew about it over there.

Q. Did you finally learn troops had been committed or would be?

A. Yes, during that afternoon why it became very obvious that Military forces had been committed.

Q. And what did you do then?

A. To a Military operation.

Q. Did you—

A. Toward Oxford.

Q. The question was: What did you do then?

A. I had some coffee.

Q. After you finished what did you do? I am not trying [fol. 640] to trap you. Did you and Louis Leman go to Oxford?

A. Well, I am not too sure.

Q. What time?

A. Yeah, but that is later. What did we do then? We had a press conference. People were calling about a press conference, and we went to some place called the Sun & Sands Hotel, or motel, I believe. That was about 6:00 o'clock. I gave—I made—I talked to Ney and his wife and we discussed telephone calls that were coming in to him and he got a call from Oxford from somebody, and there was a little excitement over a call that he was getting that somebody thought that Meredith was being moved in that afternoon, and he called a friend, I believe, in the radio station and asked him if he had heard anything. And this sort of thing, as we sat around in the parlor and I had moved my suitcase in to spend the night, and I would say about, say, somewhere between 4:00 and 5:00, that I wasn't going back; that there had been enough definite information on commitment of Military that there was going to be something definitely in the use of Military forces and we, in the meantime the press had called, and we gave them the final answer on the press conference at the Sun & Sands,

and we were supposed to be there at 6:00 and Ney went on with his wife to the football game, as I remember, and we told him I wasn't—I wasn't going, and I gave him his [fol. 641] ticket back.

Q. You say you were supposed to be over there at 6:00 o'clock?

A. Sir.

Q. You say you were supposed to be over there at 6:00 o'clock, over where?

A. At the Sun & Sands Motel for the press conference.

Q. Did you show up?

A. Yes, sir. A little late, I think, because the traffic was so heavy and we had to cross a lot of this football traffic.

Q. Did you have a prepared statement for the press conference?

A. As I remember I did have a prepared statement.

Q. You still have a copy of it?

A. Should be in some of the files.

Q. And did you give that statement to the press personnel there at the conference?

A. As I remember, I did, right.

Q. And how long did that conference last?

A. Well, there were sort of two parts to the conference and it didn't last—I would hope or guess or say—over fifteen or twenty minutes, I guess, at the most, getting in and out and away from it.

Q. What were the two parts?

[fol. 642] A. Well, the first, you went into a TV room and there were two, as I remember, legged cameras there, these three legged TV cameras. I think there was two but it was obvious it was a set-up in all this light, and the set-up is to question you and twist things around as much as you can.

I recognized this. That is why I usually prepare a statement. I prepared a statement and gave it to them. I don't remember, the man may have questioned me a time or two. I may have answered or I may have not, but I know I got mad at him because I didn't like his questions. They were



vicious. So I turned around and walked out right in his face, and walked out in the hall and there were six or eight others there.

The TV man was taking over, of course, and I walked out in the hall and got around the other people and let them ask their questions so the press could get a chance and not let the TV take advantage of the newspaper people and the local boys, right?

Q. I don't know. Did you call that press conference, or did the press call it?

A. Well, I actually don't know. I didn't—we talked about a press conference and I have got many friends in Jackson. When you go over to Jackson they always want to talk to me and I have got a lot of friends in the press over there [fol. 643] and Mr.—Dr. Ney talked to a press man. I can't tell you how that got arranged, whether it was on his instigation or out of the house we were in or whether it was that they heard I was there and asked him if I would hold a press conference, or not, it could work either way.

[fol. 644] Q. Where did you go after the press conference?

A. I went to—we went back to Dr. Ney Williams' house.

Q. How long?

A. Well, by this time we were getting through the press conference and had made early in the afternoon a commitment of troops and I had made statements that I would go to Mississippi if there was a commitment of troops.

Q. But the question was, how long did you stay at Williams' house after the press conference?

A. I went over—I went there, oh, I guess we were there half an hour or so getting a last message or whatever Dr. Ney had left for us and telling the maid goodbye and thanking her for the coffee and getting our bag back in the car and—

Q. Where did you go?

A. —getting in the car. We started then—

Q. Hold it just a minute.

The Court: Let's go ahead and recess. That seems to be a good stopping point.

Ladies and Gentlemen, we will recess until 9:00 o'clock, in the morning.

Keep your seat in the audience until after the jury passes out.

(Thereupon, at 4:55 o'clock, p.m., an adjournment was [fol. 645] taken until the following day, Thursday, June 11, 1964, at 9:00 o'clock.)

[fol. 648] Proceedings

EDWIN A. WALKER, having been previously sworn, testified further as follows:

Direct examination (Continued).

By Mr. Watts:

Q. Your name, please?

A. Edwin A. Walker.

Q. You were on the stand yesterday, weren't you?

A. Yes, I was.

Q. As I remember, we had just about reached the point where you had concluded your news conference and went on from Jackson to Oxford, Mississippi. How did you go?

A. I went in a car with a friend of mine, Louis Leman.

Q. Was he the only one who was with you?

A. Yes, sir.

Q. Did he drive?

A. Yes, sir.

Q. Where did you go?

A. Sir?

Q. Where did you go?

A. We left—we went to—drove up through the campus about, I would say somewhere along about midnight when [fol. 649] we first got into Oxford, and went on to the Mansell Tourist Court, which was about two miles west, or a little northwest of town, where we stayed.

Q. Did you check in?

A. Yes, sir.

Q. Did you check in there?

A. I didn't. Louis Leman checked in for me. I didn't get out of the car.

Q. General, do you have a little touch of artillery ears?

A. Quite a bit, right.

Q. Which is your best ear?

A. Left.

Q. All right. Who did you have register in?

A. Louis Leman got out of the car and went in and registered. I didn't go in.

Q. Did you understand that he was registering you under the name John Waters?

A. I didn't when he went in. When he came out he told me he had registered me under the name John Waters.

Q. What was the purpose of that?

A. Well, I know what his purpose was. I didn't say anything. I knew what his purpose was. He just has to answer all the telephones and just to keep him from being bothered by the press and calls coming in continuously.

[fol. 650] Q. What did you do the next day? First, did anything significant happen that night after you got in?

A. No, I don't remember anything significant. Nothing.

Q. Well, what happened the next day?

A. The next day we got up and went—it was Sunday morning, September 30th, and we drove down to the cafe to the right, further away from town. This cafe—this Mansell Tourist Court was way out about a mile and a half or two miles from town, out in a pretty lonely area.

Q. And did any newsmen show up that morning?

A. Yes, I remember—yes, three newsmen showed up at the door.

Q. At what door?

A. At the door of our apartment.

Q. About what time?

A. I don't remember the exact time. After we got—

Q. I don't ask for the exact time.

A. After we got back from breakfast, I will say.

Q. Relate what happened.

A. Louis went to the door and opened the door and they wanted to see me. I saw the discussion pro and con. He didn't seem to know whether to let them in or not, so I stuck my head out the door and told them I had nothing to say.

Q. Did you arrange to meet the newsmen later?

[fol. 651] A. Not at that time. At that time I had no idea of having a press conference. Later I did.

Q. Go ahead and tell us what happened. Did you go on to town after that?

A. We did some calling and—telephone calls. I was keeping my Dallas home notified about what was going on, and I had gotten word, I believe, the night before when we came in, probably made a call back to Dallas, and I had gotten word that someone had taken my car from my house in Dallas and gone off with it and nobody knew where it was, and they thought it had been stolen, and then in the morning we were discussing the car on the 'phone, and then there was a call, probably, to Jackson; talked to Ney Williams some time during the morning. And during that time there were calls that went out of that tourist court, trying to catch Sheriff Ford and see when he would be in. And there was a call with regard to the location of Judge Moore, I believe. I was trying to find him. I had heard he was in Oxford up from Jackson. Judge Russell Moore, whom I had heard represented Gov. Barnett—Gov. Barnett.

Q. All right, sir. Where did you go then from the tourist court?

A. We went to—we went to Oxford and I can't remember the exact sequence, but at one time we were on the campus again, just driving through it in the daylight; we had driven [fol. 652] through it in the dark, just not stopping, didn't see anything but what you could see at night, on a very quiet campus, and everybody was away for the week-end,

and then I am bringing this up because I don't remember the exact time but I know we drove back through the campus just looking at it, a big beautiful campus. I had never seen it before.

Q. Did you go to the downtown area?

A. Yes, I went to Oxford and at that time—sometime during the morning stopped in and talked to Sheriff Ford.

Q. All right.

A. I believe—I believe I said before at one place that I stopped in that night when we came from Oxford, but I am not sure of the time. It seems to me it was this—I know, now, it was this morning.

Q. Do you remember just very generally what the visit was between yourself and Sheriff Ford?

Mr. Gooch: To which we object.

A. Yes.

The Court: Do not testify what Mr. Ford said. That would be hearsay.

[fol. 653] Mr. Watts: Do I understand he can say what he said before?

The Court: Yes.

By Mr. Watts:

Q. All right, sir, tell, relate to the jury, please, what you told Sheriff Ford.

A. I told Sheriff Ford that I had gotten in from Oxford and I let him know where I was staying and told him I was out at the Mansell Courts, and told him that I hadn't come up to Oxford for any violence, that I was very interested in what was going on, and to see for myself what was happening in Oxford and that I would be happy to assist him in any way I could, if he wanted, if there was anything he wanted, I would be happy to help, and that I would be at the Mansell Hotel.

Q. All right. Now then how long did that conference last?

A. Oh, I would say it last 15 or 20 minutes. He was interrupted a time or two by a telephone.

Q. And where did you go from there?

A. Now, this could have been the time we just drove back to the campus and around it and in, and it could have been before this.

But basically, there wasn't anything to do in particular except go have lunch.

Q. Well, it's relatively immaterial, but just carry this [fol. 654] sequence of events on from then.

A. We went to the Mansion House Cafe for lunch.

Q. Now, do you remember—to orient everybody's thinking, where was this cafe from the courthouse?

A. Well, the courthouse is—the whole City of Oxford, 5,236 people, something like that, is a typical—like many of our cities, where it's got a beautiful big old white, colonial courthouse in the center of the square and most of the town is just a block and a half, the key part of the city, the business area is just a block and a half off the courthouse square, with the four streets running center off of each end of the building, on each corner of the ends, and off the center street.

And a block and a half, I believe it's the west side, is the, down the street, in the first block, about two-thirds of the way down, is the Mansell—is the Mansion House Cafe, Mansion Cafe. It's just a normal, just a cafe, that's all.

Q. Now, I don't believe you are oriented. As a matter of fact, the Mansion House Cafe is a block and a half due south of the courthouse, down Main Street, towards University Avenue.

Does that straighten your orientation out?

A. A block and a half due—

Q. Due south of the courthouse. Now do you recollect [fol. 655] now the relative location of these areas?

Then you go from the courthouse to the Mansion House Cafe on the west side of the street, then on down to University Boulevard, where you would turn right and go to the campus.

Now am I straightened out on my directions?

A. I thought it was in the first block but you probably know.

Q. All right, sir. Now then that is where you ate lunch, is that right?

A. Yes.

Q. All right. Where did you go after lunch?

A. We went on back to the Mansion House—Mansell Court, Mansell Courts, motel.

Q. And then where did you go in the afternoon?

A. We went to a press conference.

Q. Where?

A. At the Ole Miss Motel, about a block and a half from the courthouse.

Q. Would you describe that press conference please, sir, to the jury.

A. How it was set up?

Q. Well, just give them a running account. They weren't there and you were. Just tell them what you saw and what happened.

[fol. 656] A. Well, the press conference was set up at the cafe by continuous requirements of the press all the time I was eating, at the cafe when we were eating lunch.

Q. All right, go ahead.

A. And I said if I held a press conference—I told them I wouldn't—many of them that came by, practically couldn't eat my lunch for people coming up and wanting a press conference and asking me question, and I wouldn't answer their questions.

And finally said, after I had been bothered about six times in the middle of the meal—which was all right, I finally realized that he—that it was a little bit . . . trying to be antagonistic with their questions and being on top of me continuously, and I finally said, "All right, if I hold a press conference, I know where you all are. You are at the Ole Miss." I had heard that.

"The Ole Miss Motel and if I have a press conference, I'll join you down there and let you know by calling in,

I'll call in and let you know at that place and let you know."

I think I said 2:00 o'clock, "I'll let you know," for a 4:30—4:00 or 4:30 press conference.

Some of them came on back and said, "I can't make that because my press has got to go to press sooner than that. I want some answers right now."

[fol. 657] And so it was sort of argumentative and I, sometimes as a fairness to the press, you tell one you are not going to talk and then you try—then the other one asks you to talk to them, it's not quite fair, if you said you are going to meet them, you ought to give everybody the same, equal break.

And so I got a little bit ugly about it. I said, "You heard—" I said, "I can't help what time everybody goes to press, print at a different time. You've got to wait, that's all."

And so this was set up for 4:30 at the Ole Miss.

Q. Motel?

A. Motel, in town, sir. And we were a little bit late getting there.

Q. Of this group that came by your table, were any of them Associated Press personnel or did you know?

A. I don't know. They were in-state and out-of-state, of Mississippi. I couldn't identify them.

Q. Yes, or no, did any of them identify themselves as AP personnel?

A. As far as I know, they didn't identify themselves as any particular one.

Q. The answer is "no"?

A. No.

Q. All right. And what happened then, after you had [fol. 658] this—after you had gone to lunch, did you go back to your motel?

A. We had been back to the motel. Now we are at a press conference.

Q. All right, go ahead and tell about the press conference.



A. After lunch, I had been back to the motel. We had finalized and made the call that we would have the press conference.

And then we went back to the, went to the press conference I have been discussing.

And we were about 30 minutes late getting to the press conference.

Q. All right.

A. Due to telephone calls, or something, that had delayed us. When we got there, one of the reporters said—I just walked out in the center of the court and it looked like they were going to hold the press conference right outside in the center of the court and it was no particular set-up or any arrangement or anything. There were just six or eight of them standing around.

And one of them said, “Your press conference has sort of been scooped.”

And I said, “What do you mean?”

And he said, “Well, they have gotten word that the [fol. 659] Marshals are on the campus.”

And so there were questions. We went on with what few were there, three or four or five.

And four or five people standing around, watching. And I made a statement and some questions were asked and that seemed to be enough and I would say—

Q. Let me ask you a question here.

Was that statement you made a written statement?

A. I had written out a statement before I got there and I used that statement as a lead-in, which I usually do.

Q. Do you have copies of the statements that you issued there and elsewhere?

A. I don't have them right here. I think they are in the files and records.

Q. Now you have, or have you not previously given to Mr. Gooch or to Mr. Cravens, his partner, during the course of taking your depositions these written statements?

A. Yes, sir, we have.

Q. And they are of record in court in your depositions?

A. Yes, the ones they have got have been handed to them from us.

Q. And was it one of those written statements that you read at this press conference?

A. Yes, it is.

Q. And then do I understand it, you were asked several [fol. 660] questions after that was over?

A. That's correct, yes.

Q. Now where did you go then after your press conference was over?

A. We went to the courthouse—no, we drove by the courthouse and drove back out to the campus and there was a policeman standing way down at the bridge and the railroad and he wasn't ever letting—he wasn't letting any cars come through.

And he stopped us and he said, "You can't go in."

And so we turned around and we on back to Oxford.

Q. And what happened then? Did you go to the courthouse?

A. We went to the courthouse.

Q. All right. What happened at the courthouse?

A. Well, I had talked to Sheriff Ford earlier in the afternoon and then we'd talked to him again sometime from the Mansell Motor Court and at the courthouse, went in the courthouse and there were, say, 15 or 20 people standing around downstairs and most, six or eight of them must have been Sheriffs. And I met them all.

Somebody introduced me around to the Sheriffs. I think it was Sheriff Ford. And there were people on telephones back in the corner.

And I asked—we talked to several of the Sheriffs and [fol. 661] they were trying to get a call through to Jackson at the time. They were—they wanted—

Mr. Gooch: I object to what the Sheriffs may have said.

Mr. Watts: No, don't—

The Court: Sustained.

By Mr. Watts:

Q. Just tell what happened and what you said and who you saw. Did you see any people—any representative there of the Governor?

A. Yes, after 10 or 15 minutes—

Mr. Gooch: We object. It would be a conclusion on the part of this witness.

Mr. Watts: It's common knowledge—

The Court: If he knows, I will permit him to testify.

By Mr. Watts:

Q. If you know, did you or did you not, yes or no, see a representative of the Governor there at the courthouse?

A. Yes, I did.

Q. All right.

Mr. Gooch: To which we object on the grounds that's a conclusion on the part of this witness.

The Court: Overruled.

Mr. Gooch: Exception.

By Mr. Watts:

Q. And after this conference at the courthouse, did you [fol. 662] go then back to the Mansell Court or did you go eat your dinner?

A. In the deposition, I believe I said I went back to—I went to eat dinner.

But actually we didn't. We went on back to the Mansell Court.

I had forgotten we went back there again.

Q. Well, that's all right, those immaterial things I am not concerned with.

You did go to the Mansion House Cafe then, which was about a block and a half south of the courthouse and ate?

A. Yes, went there for supper.

Q. All right. Relate to the jury what happened while you were in the Mansell—while you were in the Mansion House Cafe eating?

A. We got in the Mansion House Cafe, which is just a street cafe along the side of the street as we have identified. And I went in at about five or ten minutes to 8:00 on September the 30th, and sat down at a table and ordered our meal.

And somebody walked in the front door with a radio and it was announcing that Kennedy's, Mr.—the President's speech was coming on.

And the radio was sitting up near the front and he sat [fol. 663] it on a heater or something up there and we were sitting back about four or five tables back and I couldn't hear it. And when it started, I walked up there and there was two or three people standing there. It was up by the counter, check-out counter, at the door.

And I stood around and listened to President Kennedy's speech from the time it started until just about the last of it before—

In the meantime, why, it looked like our meal was coming and I went back and sat down and started eating dinner.

Q. All right, go ahead from there.

A. The speech was completed and, with Louis Leman, he was with me, the only one.

There were other people in the—

Q. Excuse me right there, General. At this point, don't worry too much about those details. We don't care about the other people.

Just hit the highlights and tell us what happened after that.

A. We were—we ate dinner, got up to pay the bill, were delayed at the counter talking to some people that came in, delayed by my request for a carton of cigarettes.

About that time somebody stepped up—we had finished dinner—somebody stepped up and said, "While—while I

was standing at the counter, "There is trouble going on, [fol. 664] on the campus," and I said, "Oh, is there?"

And he tried to get me into a conference and I wouldn't—

And I finished my business with paying the bill and getting cigarettes and went on out the door and got in the car with Louis.

And I said, "After we got in the car, I said, "That feller said there is some trouble. I don't know who he is. At the campus. Let's drive on out there."

Q. And did you?

A. Yes, we did.

Q. Where did you go?

A. We drove out Oxford (sic) and I guess a mile, mile and a half to the campus, whichever direction it is, you go out University Avenue.

He was driving. I didn't pay much attention to directions and the road, but it goes on out in a mile and a half of the campus and you got back to that same bridge and the policeman was stopping people there.

Q. Now, as you left the Mansion House Cafe, going south, you turned west onto University Boulevard. I wish you would pick up that ruler right there in front of you and go to the plat and show the jury approximately where you parked and where this roadblock or policeman was.

Do you see the pointer there on the desk?

[fol. 665] A. (Indicating) University Avenue coming out of Oxford would come right down this route and gotten to the railroad tracks, which there is a bridge over the railroad tracks, which is right there.

It's a big, wide street and right here there was a policeman standing in the center of the street, waving, stopping cars, not in contact with them but, with the cars, but you could see him up here.

So you stopped right in here and we turned right in here. I got out of the car right here, as we decided to park after the police stopped everybody.

There were also cars parked up here that had been parked up here evidently beforehand. You could see them

in the street, maybe three or four, on up this way—no, it's on up this way, further.

But we turned right here short of the railroad track and I got out of the car, walked across the bridge. You could hardly tell this is a bridge, it's so smooth over the street.

This is a big, deep gully and tracks down in here. Parked right here.

Louis, after the car turned, I got out and he parked the car in this area and I walked on across the bridge.

Q. Did you walk in the street or where?

[fol. 666] A. No, I walked right on the sidewalk, right here. There was a sidewalk going across.

Q. Would you trace the course then that you took from the railroad overpass onto the campus?

You can step out a little further, it's all right. Move the chart there so you can—kind of a tight fit for a big man.

Mr. Watts: Excuse me, if Your Honor please, may I back the chart up just a little, kind of tight fit for him?

[fol. 667] A. The question was where I went from there? I walked right on up the street here on the sidewalk, always on the sidewalk, and I went right on up the sidewalk to the campus, here to this area. A big lamp post here, and I stopped right in this area (indicating chart).

Q. All right. Tell the Jury just what occurred in that area?

A. When I got here there must have been, oh, anywhere from seventy to one hundred students around this whole area, say within one hundred yards, or seventy-five of this lamp post, and down in the street here. You are coming uphill, sort of, here, and this is the main light that is on the whole campus, actually, this evening.

It's the big overhanging street light, sort of hangs over and hangs over a third of the street here, and it is right on this corner.

And the campus, it is a dark night, it is very dark. They—I got up here and talked to students that were hanging around in this area. Nobody—there wasn't any mass welcome, or any mass knowledge that I was there and a lot of them don't even recognize me; a lot of them don't know who I am.

Pretty soon I would walk—I would walk into a group, or they would walk up to me and say, "You are Walker," and then you would hear them tell somebody else, but—  
[fol. 668] Q. How were you dressed?

A. I was dressed just about like I am now, with the hat on.

Q. Big white hat?

A. White hat, normal—

Q. Texas hat?

A. Texas hat.

Q. Okay, go ahead.

A. I stood around in this area talking to the students for ten or fifteen minutes. I even got, at this time, talking to students—the light extended, as you say, the light would show you people about in this area at the time. There was just this one light, and the basic other light through the evening that was even near, was way up here, a very small light (indicating).

Q. By "up here," you are pointing to what installation?

A. Well, it was—it was right along here. I am talking about the Lyceum Building. That was the Lyceum Building, or Administration Building. You could see one tiny little light, like a candle light, practically, from this distance. At night it looked a long way up there, longer—it looked a long way up there, and it appeared to be. Because distances at night look long and you—you can't see that distance. You [fol. 669] couldn't even see—you could vaguely, if you thought you knew what the outline of this building was, you might have—you might try to make it out. I couldn't even—couldn't have even drawn the outline of the building from any area in here. But, this is dark, it is overly dark in this area, because these are tremendous trees, great big pine

trees and they go up thirty or forty feet and they are all overlocked in the top. So, there is no seeing the sky or anything. You are under trees, it is very, very dark. So, you don't see the tops of buildings. You might see the tops of a skyline of a building in a light sky if you didn't have the trees, but you can't stand in here and see even the second story of this building.

Q. All right. Go ahead.

A. And that is true of this building (indicating). That night I couldn't see that building. I didn't even know this building was on the campus until the next day.

This is a dark area. You can—as people walk past the light maybe up in the distance you can catch his image or watch him go by.

Q. Now, then, excuse me just a minute. I think you have covered that adequately. As you arrived there, where you have your pointed, had you walked along the sidewalk or along the street?

A. I have walked all the way along the sidewalk, never [fol. 670] getting off the sidewalk.

Q. Where the Circle starts does the sidewalk on which you were walking enter into the street? Approximately in the area of the street line.

A. It either ends right here, it goes at least this far, or it turns to the left a little, I am not sure.

Q. At that point what did you do?

A. Well, for fifteen or twenty minutes I was discussing—asking questions about what was going on and saying “hello” to people that wanted to meet me and wanted to talk to me, and a lot of the people indicated they were interested in me for an autograph, or something like that.

Q. All right.

A. And I asked them about the situation, what was going on. I—

Q. Now, at that point, did this group have any leadership that you could identify?

A. No, there wasn't any leadership. They were just—they looked more like bystanders, enthusiastic and inter-



ested and, certainly interested in the activities there that night, but as far as leadership, they were just students moving around talking to each other in twos and threes.

Q. Speaking of activity, what was the activity on further to the West, up towards the Lyceum building?

[fol. 671] A. Well, when you got to this point (indicating) you began to smell tear gas. I no sooner got here than I recognized tear gas.

Q. Had you smelled tear gas before?

A. Oh, yes, plenty of time.

Q. Go ahead.

A. And, talking to people in this area, it began to make you weep, and you recognized that it was tear gas. Then within five or ten minutes you saw tear gas being fired from this direction out into here (indicating).

Q. Could you hear any reports?

A. Oh, yes, you can hear them go off. You can hear them two or three blocks, at least, at night. Maybe if it is a very still, quiet night, you might even hear them half a mile.

Q. How did the report of these weapons compare with the report of a GI Army rifle?

A. Well, a Army rifle is sharper, got more of a crack. I just—

Q. All right, sir. Go ahead.

A. Now, the students in the area, after you get up here, you see a few more. Nobody is standing for any particular time or reason, or just moving around talking to each other.

Q. Now, stop just a minute. You made a statement, "As [fol. 672] you get up here." Did you ever get up "here"?

A. No, I never got near this building. But I am trying to describe the—from what I can hear and tell, there were students going in and out of the YMCA.

Q. Now, excuse me.

A. Which I couldn't see and never got near.

Q. When you said, "As you get up here," do you mean you went up there?

A. No, I didn't mean I got up here, but as you get up here—I was describing the situation as I can, the situation around the campus there as I know it.

Q. Put the pointer back to where you were.

A. I was back in this area here (indicating).

Q. Did you see the individual who was here in Court a couple of days ago, this Sheriff Witt, the heavy-set Sheriff?

A. Yes, I saw Sheriff Witt. I met him right in here (indicating).

Q. Near the monument?

A. Right. That was within fifteen or twenty steps of the monument.

Q. All right. Tell us about that meeting.

A. Either I had said "hello" to him or he said "hello" to me, and I shook hands with him, and asked him, probably, what was going on, and we discussed what was going on on [fol. 673] the campus.

Q. Did you ask him in seriousness or in jest or in any other manner about deputizing you?

Mr. Gooch: If the Court please, the form is objected to.

Mr. Watts: I will withdraw it. What I want to cover here is what, if anything, was said about his deputizing you, if anything, or do you remember?

A. Well, there was a statement in jest, "Well, why don't you deputize me, Sheriff?" And, of course, I suspected he couldn't do it. I never heard of deputizing anybody out under a tree.

Q. All right, go ahead. Did the Sheriff then—did you have any association with him, or any contact with him from then on?

A. I probably talked to him a few minutes at different times. I saw him two or three times, either as I went past him or as he walked past me, or something.

Q. Did you consider him as one of your associates at that point, or—

A. Well, I considered him as one on the campus that would keep the students from getting hurt, and being in any violence.

Q. Go ahead and tell us what you saw, and what happened.

[fol. 674] A. The students—there was, as I came in that area, the students finally, as the word went around, in five or ten minutes, within this location, this local group I am talking about that you could see, the word went out, “Walker is on the campus,” and I did hear a remark, “We have got a leader now.”

The prevalent question, the ones that would come up and stand around and talk was wanting to know if I would speak to them, and I told them, “No,” I had nothing to say to them, and would continue to reverse the conversation to ask them about what had happened, and what was going on, and got the word that it had started at 8:00 o’clock when the tear gas was fired directly at the backs of the Marshals and into the students in mass, and I was trying to put the picture together, what had happened.

Students were saying that they were being shot at, and I was immediately told, or within five or ten minutes of being in this area, that two people had been killed. And they referred to a girl, a student that had been hit with a missile of some type and had been killed and carried off, and they referred to the killing of a Highway Patrol that had been taken off on a stretcher.

Q. Did you later learn some of those reports were inaccurate?

A. Yes, sir, I later learned that they were not so.

[fol. 675] Q. All right. Go ahead. From that point where did you go and what did you do?

A. There was other questions from the students, “Well, will the Government use Military force?” I sort of avoided it. It was obvious that the students were using Cuba, “Why not be in Cuba?” And, “Why take Military forces on the campus?” And the question was, “Will they?” And my answer, I didn’t know whether they would or wouldn’t.

It seemed pretty obvious to me, but I wasn’t saying anything because nobody knew what was going to happen.

It was obvious that the Marshals were already on the campus, and had been on, evidently, since about 4:00 or

4:30, according to what the students told me, and they wanted to know if I would speak to them.

Q. Oh, yes, incidentally, in that direction, did they ask some of you—did some of them ask you to lead a charge?

A. Not—that wasn't the prevalent question right then. They—

Q. Well, was you asked?

A. They were asking me if I would lead them, and would we get organized. It was obvious for a charge. "Are you going to be our leader?" And, "Will you lead us?" And— [fol. 676] Q. What was your answer to that question?

A. I ignored that question, and said, "No, you are not supposed to, you are not going to close with the Marshals, you are not going—there is not going to be any violence. You are not—it won't do you any good to approach the Marshals.

Q. All right. Go ahead. Where did you go from there, from the vicinity of the statue?

A. Just in this area right around here (indicating).

Q. Do you know where the flagpole is?

A. At that time I didn't know where the flagpole was. You couldn't see it. Later in the evening I found out where the flagpole was.

Q. You now know—you now know where the flagpole is, don't you?

A. Yes, sir, I do.

Q. How far toward the flagpole did you go in that period of time from the monument area?

A. Not past about this area (indicating). But most of the whole time was spent right around in here, because this is where the students were, in small groups, and this was permeated with tear gas, and tear gas was rolling out to about this line (indicating chart).

Q. For the sake of the record, where you said, "Not past this area," did you point to an area approximately half [fol. 677] way between the monument and the flagpole?

A. Half way between the monument and the flagpole, or a little bit over half way.

Q. All right. And did you in this period of time walk westward at least to that point? Yes or no?

A. During this period, yes.

Q. What was your gait?

A. Walking slowly.

Q. Was it—all right.

A. And with no particular course because people would be coming by, or I would stop to talk.

Q. And what did you do when you got to the furthest point westward?

A. I tried to see what was going on up in this area. You could see from back here, but it was so dark you had to go a little forward to see a little more, and I could see the tear gas coming in this area. And I could see people up in this area, students in groups of one, two or three, moving around. I would say there were thirty or forty that you could see at any one particular time. They were all doing something different. And wandering around, and one might throw something. I could see the motion of throwing.

Q. And—

A. And then there would be fire gas fired—tear gas [fol. 678] fired back in that area.

Q. Then how long did you stay at that particular point between the monument and the flagpole?

A. Between the monument and the flagpole? I was in this—I couldn't identify—

Q. I don't believe you heard the question, General.

A. About ten or fifteen minutes before—

Q. Before you turned around and went back?

A. Right.

Q. And tell us what happened as you started back, and after you started back?

A. Well, I was up here, to answer your question, about three to five minutes.

Q. All right. Thank you. Then, what happened after you left and started back?

A. I went on back and went to talking to people. And by this time there was a movement, I could hear automobiles coming over in this way (indicating).

Q. Did you ever become acquainted that evening with a preacher, Rev. Duncan Gray?

A. Oh, yes, I did.

Q. Did you know who he was at the time?

A. No, I had never seen him before, and didn't, no.

[fol. 679] Q. Did you see a preacher along about this time, or somebody you could identify as a preacher?

A. Yes, sir, right in here (indicating). He was wearing a black coat and a high collar.

Q. Did he approach you or did you approach him?

A. He approached me.

Q. And tell the Jury—you may take your seat now.

Tell the Jury as nearly as you can remember what the conversation was between this preacher and yourself, and tell what his actions and demeanor was.

A. Rev. Duncan Gray, later identified as Rev. Duncan Gray—I didn't know who he was. And he approached me in sort of an argumentative mood make demands that I do this and I do that and—

Q. That you do what? What did he ask you to do?

A. Well, during the—I don't remember, but it was perfectly obvious that he was very excited, and that he was very argumentative, and his approach was not quiet in any way, and I just turned and walked off.

Q. Well, what did he ask you to do?

A. Well, then, the next time I stopped he came up to me again, and this time he grabbed a hold of my sleeve and pulled on it, or my arm, and was argumentative again and either I walked off or moved over, or turned my back [fol. 680] and he moved around on the other side of me, and started in an excited mood, and sort of frenzied, demanding that I stop the students. And, "You can stop them," and, "You certainly cannot let them do this." And, "This is terrible."

Q. All right, sir. Go ahead and tell us what you told him, as nearly as you can remember?

A. I asked him whether, if he belonged on the campus, if he was attached to the campus, or had duties on the campus. It was my understanding that he said he did.

Q. All right. And what did you say?

A. I said, "Well, why don't you stop them?"

And he kept right on. It was just sort of in a manner that was not where you could converse with him quietly. And—

Q. What else did he say to you, or what else did you say to him, that you can remember?

A. I probably said—I did say, "Well, what denomination are you?" And he said, "I am a peace Episcopalian." And I said, "You make me ashamed to be an Episcopalian."

Q. And then what happened? Roughly in what area were you when this occurred, with respect to the monument?

A. About twenty steps west of the monument, there in the Circle.

Q. You started to tell us something about automobiles [fol. 681] and probably I interrupted you. You started to tell us something about automobiles. Will you go ahead and relate that incident to the Jury?

A. Automobiles started out, as you face the Lyceum, on this left road coming out. I think I pointed to it.

Q. Yes, you identified that.

A. I could hear them coming and I had no idea what they would be, what the automobiles would be coming out from the Lyceum area, and I asked a student or somebody standing around the area what was that. There was always people walking back and forth, west back to the east, and I said, "What is that, what is that?" And one of them said, "That is the Highway Patrol leaving."

Well, that didn't seem to make any sense in what was going on, so I stepped over to the curb and looked right down in the cars to identify them myself, and I was about twenty steps down the road from the monument. I stepped

right out on the curb and looked right down in the car to see if they were leaving.

Q. General, up to that time had you participated in any way in any activity of the crowd that was throwing things at the Marshals?

A. I hadn't participated in any way, none at all.

Q. Did you assume any command over this crowd?

Mr. Gooch: I object to that as a conclusion on the part [fol. 682] of the witness, if Your Honor please. He can tell what he did.

By Mr. Watts:

Q. Well, let's—

The Court: Mr. Gooch, I am going to permit this witness to answer that.

By Mr. Watts:

Q. Did you assume command of that crowd?

A. I certainly did not.

Q. Do you know what I am talking about when I say, "assume command"?

A. I certainly know what it means to assume command.

Q. And did you at any time prior to seeing these Highway Patrolmen leave position yourself in the vicinity of anyone that you knew had a rock or a missile?

A. None that I saw. I didn't position myself near anybody that had any rocks or any missiles.

Q. At this period of time what was the very closest point you were to anyone who you could identify as throwing something at the United States Marshals?

A. At least half way across that whole Circle, which would be over a hundred and fifty yards.

Q. Were you, or were you not, as you approached and arrived at that monument taken ahold of by men on each side, and taken by the elbows?



A. I certainly was not. At no time was anybody taken [fol. 683] ahold of me and I am sure there wasn't—there wasn't any reason to take ahold of me. I wasn't going anywhere.

[fol. 684] Q. When you arrived at the monument, was or was not a leader of the mob waving a big Confederate flag? (Indicating) Yes or no?

A. No, there was not.

Q. All right, sir. Now then as you returned from this position between the monument and the flagpole and saw the highway patrolmen in the cars, as you have outlined, did you hear any comments from the crowd concerning the highway patrolmen or the situation as it then existed?

A. Yes, I did. The word began to pass around through the students that, "Barnett has sold us out."

And there was a build-up of enth—of excitement over a rumor that Barnett was selling them out and that—just seemed to be more excitement over it and more—

Q. Up to that time, had you been requested to speak on the monument?

A. Yes, I had.

Q. Or anywhere in that area?

A. I had been continuously requested to speak.

Q. And up to that time, had you spoken?

A. No, I had not. I said definitely that I had nothing to say.

Q. After you heard this word going through the crowd that Barnett had sold them out, did you do anything?

A. Yes, finally another group said, came back by me [fol. 685] and said, "Well, General, please talk to us."

It wasn't all in the words, "Making a speech." They, a lot of them said, "Won't you talk to us? Won't you say something?"

Well, the group came back and another came by and said, "Please, talk to us."

And I said, "All right, I'll—I'll talk to you."

Q. Up to that time and including that time, were you and any group around you met with a heavy barrage of tear gas about 75 yards from the Lyceum steps?

Yes or no.

A. Certainly not, no.

Q. Now then after you had decided to talk to these people, tell the Court and jury what you did and what you said.

A. They said, "Come on," this group, "And stand up here."

Well, sort of spontaneously there had been a group of students, about 150 had moved around on the east side of the monument, were in that general area.

And as I moved around with one or two or three, somebody said, "Stand up here on the monument."

And the students began to gather around, sort of a spontaneous group of about not over 150 students, standing in the south—on the east side of the monument, in the [fol. 686] street.

I got up on the edge of the monument. It was only about—stepped up on the edge, which was about a foot or foot and a half high. I could just see over the crowd well, the group there, which was about 150 and sort of fringed out into other people standing other places and even way out of hearing distance.

Q. And did the monument have a base on it?

A. Well, that's what I have described, this base which was, you could stand up on, put you up about, I would guess, 15 or 18 inches higher than the street.

Q. Now I wish you would tell this jury—and I know it's been difficult to remember under those circumstances exactly what you said—tell them as nearly as you can remember or in substance what you said to this group of people.

A. I told them that this was not the place for violence, that nobody came to Mississippi—I definitely told them in these words, "That nobody came to Mississippi for violence, that no violence was intended."

And there was a boo and a mass boo when that statement was made, and yells, "He's not going to do anything. What's he here for?"

And it was just a mass psychological opposition through the crowd.

[fol. 687] And even some of them turned and started on off. And each time you would wait to watch and let it calm down again.

I said, "If there is any blood shed at Mississippi, at Oxford," or Mississippi, "it will be on the hands of the Federal Government."

I told them that truth and the seriousness, tragedy of this situation was in a sign that was on their own airport, which said, "Cuba, that way (indicating)."

I had decided only to talk because of this rising crescendo that Barnett had sold them out, which was getting them excited.

And I had just been to the Sheriff's office and the courthouse.

And so I wanted to tell them that, to quiet them down, that this wasn't true, that Barnett had not sold them out.

I remember very distinctly, I had thought of Birdsong's name and I couldn't think of anything but Birdwell and that seemed the natural thing, and I knew that was wrong, so I turned down and Louis Leman, who had been with me at the courthouse, was standing on my right, and as I wanted to tell them about, that Barnett had not sold them out, that a representative of the Governor, whose name I would not mention to the students—it was Judge Russell [fol. 688] Moore who had come up to the courthouse to talk to the Sheriffs, which I had lis—sat in on when I was at the courthouse.

And I didn't, wouldn't refer to his name. I only said, and I made it very clear twice, "That this is a representative of your Governor saying this. I am not saying this but I am telling you what I just heard at the courthouse this afternoon. And the representative of your Governor

was there and he said that his orders and his desires had not been carried out that afternoon with regard to what had hap—what had transpired on the campus, “That the head of the highway patrol had escorted, with others, of course, which the students knew, but the highway patrol had, head of the highway patrol had escorted Meredith on the campus.

And I couldn’t think of the—the students said, “Who?” And I didn’t think it made any difference to tell them. And I couldn’t think—I thought of Birdwell and I knew that was wrong and I turned down to Louis Leman and I said, “What was the fellow’s name,” sort of under my breath, and he said, “Birdsong,” and I said—I said, “The man, the Gov—the representative . . . was referring to Birdsong. He said that Birdsong had not carried out the decisions and the desires of the Governor.”

Q. Now General, at this point, and quoting from the [fol. 689] news report of the Associated Press, the language of the reporter, Van H. Savell, I will ask you specifically, did you or did you not make these statements to these people at that time:

“I heard Walker say that,” and here are the statements, “Governor Barnett had betrayed the people of Mississippi.”

Did you or did you not say that?

A. I did not say that.

Q. “But don’t let up now. You may lose this battle but you will have been heard.”

Did you say that?

A. I did not say that.

Q. Did you say, “This is a dangerous situation. You must be prepared for possible death. If you are not, go home now.”

Is that your language?

A. It certainly is not. I did not say that.

Q. About how long did this speech last?

A. About five, seven minutes. Five to seven.