

worry about quick kicks, they haven't anyone who can do it.'"

Q. Let's go back a moment, where you were reading: "... Wally Butts proceeded to give detailed information pertaining to the University of Georgia's offense and defense..." Did he give you any of the detailed information which he said he heard Wally Butts giving to Coach Bryant?

A. No, he said that he would have to have his notes to refresh his memory.

Q. So that you used that language just based upon what he said in his affidavit, without knowing exactly what information he was talking about?

A. That, and such things as he also told him that Woodward committed himself fast on pass defense, and he said that he would have to get the notes to refresh his memory on it.

Q. Now, we have in that same sentence the language: "... to be used in the Alabama-Georgia game the following week." What is the source of the information there? Did he tell you that they said this was what was going to be used in the game or how did he indicate to you—

A. He said they were talking about the game coming up which was in eight days, as he said in here, pertaining to the University of Georgia's offense and defense to be used in the Georgia-Alabama game the following week.

Q. Did he tell you that was his language or that is what they said was going to be used in the game, or did he tell you anything about what it was?

A. This was his language.

[fol. 525] Q. All you have is what is in this affidavit?

A. Yes.

Q. Do you have anything in your notes indicating that there was anything said between the two coaches about what was to be done or what was to be used in the upcoming game?

A. No.

Mr. Schroder: I don't know what that means.

By Mr. Schroder :

Q. The next language in the affidavit is: "At regular intervals Bear Bryant would ask Wally Butts certain questions pertaining to defensive and offensive maneuvers." Did Burnett tell you what he meant when he used the language "regular intervals"?

A. He just said that Bryant would ask him a question and he said that he was struck by the tone in which Butts answered these questions, that he seemed to be answering them reluctantly, to him—

Q. That is not my question, Mr. Graham. Did Burnett tell you what he was basing the use of the word "regular" on or did you just take it from his affidavit?

A. I took it from his affidavit.

Q. Did Burnett tell you what any of the questions, certain questions that Bryant asked Butts, pertaining to defensive and offensive maneuvers, were?

A. No. Except for instance about quick kicks.

Q. Other than what is set forth in this affidavit there was no discussion as to the substance of the conversation?

A. No, just that he was—couldn't remember anything definite about it, he said, without his notes. He could re-[fol. 526] call some of the names, but—

Q. Now, returning to the article in the magazine, about half way down the first column, there is a paragraph which reads: "Butts outlined Georgia's offensive plays for Bryant and told him how Georgia planned to defend against Alabama's attack."

Mr. Schroder: That being a quotation from the article.

By Mr. Schroder :

Q. Did Burnett furnish you with any details as to what offensive plays were discussed?

A. No. He just said that there was talk about this in which Butts mentioned specific things, but which he could not recall.

Q. So that—

A. What they were, numbers of plays or—

Q. So that when you wrote your articles, you just took it from the affidavit?

A. Yes, and from my questioning of him.

Q. Sir?

A. From the affidavit and from my questioning of Burnett.

Q. Read to me from your notes, please, sir, what you used when you wrote the language which I have just quoted.

A. He said that—he said—I asked him if there were any specific things that he could try to remember, and he said they discussed certain formations which he could not recall the details of, which Georgia would use inside the ten-yard line.

Q. And you don't know or he didn't tell you what he meant by that language?

A. No.

[fol. 527] Q. Skipping a sentence in that same paragraph, you have written:

“Occasionally Bryant asked Butts about specific offensive or defensive maneuvers. . . .” Did Burnett tell you what he meant when he was conveying that information to you?

A. Well, it was—for instance, certain things like quick kicks, which was one thing that stuck in his mind, that Bryant was trying to find out at certain times would they use a quick kick, could they be expected to look out for a quick kick in certain instances, and Butts said: “Don't worry about them, they haven't got anyone that can do it.”

Q. What do you have in your notes pertaining to that sentence that I have just read?

A. I just have—I asked him about that and he didn't elaborate. There was nothing more for me to add, so I just said, “No quick kickers,” and referred back to the affidavit.

* * * * *

PAUL WILLIAM BRYANT called as a witness by the Plaintiff, after having first been duly sworn, testified as follows:

Direct examination.

By Mr. Schroder:

Q. State your full name, please, sir.

A. Paul William Bryant.

Q. What is your occupation, Mr. Bryant?

A. Football coach, Director of Athletics, University of Alabama.

[fol. 528] Q. How long have you been in the coaching profession?

A. Well, since I graduated from college, since 1936.

Q. Where, briefly, have you coached other than at the University of Alabama?

A. I was assistant coach at Vanderbilt University.

Q. Speak up so they can hear you.

A. I was assistant coach at Vanderbilt University. I was coach at the University of Maryland, the University of Kentucky, Texas A & M, and now at Alabama.

Q. At the last four places or institutions that you related, were you the head coach at Maryland, the head coach at Kentucky, the head coach at Texas A & M, and at Alabama?

A. Yes, sir.

Q. How long have you been the head coach at the University of Alabama?

A. We are starting my sixth year, sir.

Q. Mr. Bryant, the Saturday Evening Post published an article in its March 23rd, 1963 issue entitled "The Story of a College Football Fix", you are, of course, familiar with that article.

A. Yes, sir.

Q. In that article it is reported that on September the 13th, 1962, Coach Wallace Butts, athletic director at the time of the University of Georgia, initiated a telephone call to you in which it is stated in the article certain informa-

tion relating to the University of Georgia football formations, football plays, and defenses which they proposed to use in the forthcoming game between his school and your school were transmitted by him to you. You are familiar with that general statement as to what is in that article? [fol. 529] A. Yes, sir.

Q. Do you have any recollection, and if you do have a recollection of that telephone call, of the substance of what was said and as I said, if you do, would you please relate it to the Court and Jury?

A. Sir, I don't know whether he made the call or not; I don't remember. According to the records of the telephone company which I have seen, of course, the call was made.

Q. Do you have any recollection as to what was said in that conversation?

A. Specifically; no, sir.

Q. Do you—let me put it this way. Have you had other telephone conversations with Coach Wallace Butts?

A. Yes, sir.

Q. Have you had numerous conversations with him?

A. Yes, sir.

Q. With reference to other coaches, not only in the Southeastern Conference, but in other areas of the country have you had conversations over the telephone with those people?

A. Yes, sir.

Q. It is also related or set forth in the article that on Sunday, September 16, 1962, you and Coach Wallace Butts had another telephone conversation, which, I believe the Post states, was initiated by you. You are familiar with that general statement as it appears in the Post?

A. I am familiar with it, but I do not remember whether or not I made the call, but according to the telephone company's records, again, the call was made.

Q. All right, sir. Coach Bryant, will you please state to [fol. 530] the Court and Jury whether in any conversation you had with Coach Butts at any time he conveyed to you any information—

Mr. Cody: Your Honor, I—

The Court: What is your objection, Mr. Cody?

Mr. Cody: Mr. Schroder is an expert on leading questions, and I want to object.

The Court: I think both of you have been.

Mr. Cody: I have no objection to him asking the witness to relate the substance of any telephone conversation he has overheard with Coach Butts, but I don't—I want to object to leading questions.

The Court: I don't know that question was leading. Read the question back, Mr. Reporter.

(Whereupon the question was read aloud by the Reporter.)

The Court: I don't know what the question—will you finish the question.

[fol. 531] By Mr. Schroder:

Q. —relating to the plays, formations, or defenses to be used by Georgia, the University of Georgia—

Mr. Cody: Before you answer—

The Court: Don't answer, Coach Bryant.

Mr. Cody: I want to renew my objection.

The Court: Let him finish the question. Have you finished it, Mr. Schroder?

Mr. Schroder: No, sir; I haven't.

By Mr. Schroder:

Q. —so far do you understand what I have asked you up to now?

A. I would like to have it again, please, sir.

Mr. Schroder: I don't know that I can restate it exactly.

(Whereupon the question was read aloud by the Reporter.)

By Mr. Schroder:

Q. —in a forthcoming game with the University of Alabama?

[fol. 532] Mr. Schroder: Don't answer it; there is an objection.

The Court: All right, sir, Mr. Cody. Did you object to it?

Mr. Cody: As leading; yes.

The Court: I overrule the objection.

By Mr. Schroder:

Q. You understand the question now, sir?

A. Yes, sir.

Q. What is your answer?

A. Absolutely not, and I had had, I wouldn't have taken it, because he is for Georgia and I am for Alabama.

Q. What do you mean by—I don't understand the meaning of your answer. I understand you said absolutely not, but I didn't get the next thing you said.

A. Well, if he would give me something on the University of Georgia, well, then, the first thing I would think they weren't going to use it, because he is for Georgia and I am trying to beat them; I am for Alabama.

Q. All right, sir. It has been testified here by witnesses that in the telephone conversation of September the 13th, 1962, a record of which was supposed to have been made by one George Burnett, a discussion of certain formations to be used by the University of Georgia was had. In order that you might know what it is that I am addressing myself to, I will attempt to demonstrate it by use of this blackboard [fol. 533] or greenboard. Can you make anything out of, first of all, the formation on the other half of the board? If you can't see it, I will move it closer to you.

A. That is what we refer to as a slot formation.

Q. All right. Can you make anything out of the formation on the lower part of the board?

A. That is also a slot formation with a weak side end spread out.

Q. I want to direct a few questions to the formations on the upper half of the board described you as a slot formation. I want to ask you, Coach Bryant, is that what is known in the trade—when I say “the trade” I mean the college football trade—as a normal slot formation?

A. Yes, sir. The terminology differs in different places, but I think most anyone would refer to that as a normal slot formation.

Q. And when you use the word “normal” in describing that slot formation, that would include the split end being out three yards from the tackle?

A. Normally three yards from the tackle to open up the running lane.

Q. In the University of Georgia spring football game in 1962, which of course, is open to the public as all spring games are, did the University of Alabama send any scouts to Athens, along with other universities that Georgia was going to play, to scout, to see what the University of Georgia had?

A. We certainly did.

Q. Did the University of Georgia similarly send its scouts to Birmingham—to Tuscaloosa at the University of Alabama spring game?

A. Yes, sir.

Q. In 1962?

A. Yes, sir; I saw a couple of them myself.

[fol. 534] Q. The individuals that do the scouting for the various universities return from the game that they are scouting and prepare what is known as what?

A. A scouting report.

Q. Are you familiar with the scouting report prepared for the University of Alabama covering the spring game of the University of Georgia in the spring of 1962?

A. Sir, I am not entirely familiar with it now because that was our opening game, and I have studied many since then, but I am somewhat familiar with it.

Q. Was the formation on the upper half of the board which you have described as a normal slot used by the University of Georgia in its spring game of 1962?

A. According to our report; yes, sir; a hundred and nine times.

Q. Sir?

A. According to our report, a hundred and nine times.

The Marshal: Let's have order, please.

By Mr. Schroder:

Q. I will return to a discussion of that for a moment, but let me drop to the formation at the bottom of the board which, as you described it, is a slot, a normal slot right with the left end out fifteen yards. Did the University of Georgia employ that formation in its spring game of 1962?

A. Sir, I don't believe so. I could be wrong; I don't believe so, but they had used that formation, I think, the year before a few times.

[fol. 535] Q. Now, let's move forward to the fall of 1962. Football practice cannot begin before September 1st?

A. Yes, sir.

Q. The University of Alabama, I assume, did begin its fall practice on September 1, 1962, as did the other universities in the Southeastern Conference?

A. Yes, sir.

Q. What is the function of you, as head coach, and that of the assistant coaches during that period of September—from September 1st until the first game which was September the 22nd with reference to making plans, coaching, training, or whatever terminology should be used?

A. Well, to begin with, sir, we plan early more for conditioning, physical conditioning, and as the game approaches, well, then, we begin going over—well, before that, we go over plans that we use from year to year; in other words, our basic defenses, our basic offenses that we think we do fairly well with, and then as the game approaches we go into our game plans.

Q. When you use the word "game plans", do you mean to include that both your offensive and defensive formations?

A. Yes, sir.

Q. Would you please relate to the Court and Jury, Coach Bryant, what you trained and coached your boys with respect to defensive formation to be expecting when they played the University of Georgia on September 22, 1962?

A. You want me—well, actually—

The Court: Does he want to go down to the board?

[fol. 536] The Witness: That is all right, Your Honor.

Mr. Schroder: Maybe you'd better use the board.

By Mr. Schroder:

Q. Go ahead and talk if you want to.

A. Basically speaking we felt like the University of Georgia had Tennessee tendencies and the University of Alabama, because they had coaches from the University of Tennessee and from the University of Alabama which over the years have played defense very well. Bob Ford was one of our coaches that went over with them the year before.

Q. We over with who?

A. Georgia. And we haven't played defensive too poorly. We felt like they would have some of our tendencies, so, basically speaking—I will put the football there in the center—basically speaking—and this is the important thing, we thought, defensively that they would be in a three-deep. Certain things you can do with a three-deep. Certain things you can't do.

Q. When you say "three-deep", please make it in layman's language.

A. Three-deep would be, you have two halfbacks and a safety man back here to cover the deep part of a field.

Q. All right, sir.

A. In other words, you win or lose first from passes, and if you have three-deep men back here, they play the deep part of the field. Now, the differences in that—do we have an eraser, sir?—is some teams, we did for years—

[fol. 537] Q. Before you knock that down; is that Georgia's defense or Alabama's?

A. I said, basically speaking, I thought they would have the Tennessee and Alabama tendencies because of the Tennessee success with it, and because we have had fairly good success, and Bob Ford is over there, plus the fact we saw them in spring practice with the three-deep. The difference—

The Court: Why the Tennessee tendencies? Was there a Georgia coach from Tennessee?

The Witness: I think they have at least one from there, and we have Tennessee tendencies because over the years they beat us so many times, we tried to join them, but here is the difference. Here is a three-deep and here is a four-deep. These men vary. But, basically, we thought that they would certainly be a three-deep. Does that answer your question, sir?

By Mr. Schroder:

Q. That is a defensive formation—

A. Yes, sir.

Q.—that you have described?

A. Yes, sir.

Q. Would you please describe now for the Court and Jury what offensive formations you trained your boys to expect at the Georgia—during the Georgia-Alabama game?

A. Well, first of all, sir, having been in the—as we call it—we call it the slots; first of all, they were in this slot a hundred and nine times in the spring game. We have to assume that they are going to be in that in our game. [fol. 538] However, since we used the same thing some, we don't feel like—we didn't feel like that we would have to work as much against that if it was something they didn't use. Next to this particular offense, this thing that we thought, based on their personnel, particularly the big fine—I should say great end, Babb, I expected fully—fully expected them to be in a wide slot, a wide slot like this

with the end way out. The reason for putting him way out, of course, is to get him off the line of scrimmage where you can't hold him up.

First of all, let's go back here. If he is in here, and here is a linebacker and here is a halfback, and here is a safety, you can mix it up and cover him or attempt to cover him with different people. One time you can try him on it; the next time you can try him on it; and occasionally you can put him on it, but when you put him way out like that, then the halfback has to move out, and not only can't he get off the—

Q. When you say "the halfback," you mean the Alabama halfback?

A. The defensive halfback has to move out with with him, and you—you can no longer mix it up with three different men covering, which makes it more difficult. All you can do then—all I think you can do, you can double cover him occasionally with this man out like that. Now, then, when you put him out here, it certainly weakens your running strength in here. It has not weakened anything over here, because that man can take one-step motion and be there and have your normal defense. So, you have weakened your running attack here.

So, in addition to that, I fully expected them to take this man here and move him over here, giving him strength over here with this one man still out, way out here, [fol. 539] fifteen yards or so, and of course, that is an unbalanced line. You haven't weakened yourself too much to the weak side, but you have—you have at least a yard or a yard and a half less distance to go to get there. You have strengthened yourself to the strong side running tremendously. So, with this unbalanced thing which you drop an end off out here and double cover him a lot, it is much more difficult to drop the end off because you have running strength in here, and I fully expected them to do that.

I fully expected them to move him from side to side because there was a great deal of difference on our own half-

back defense plus the field position. An important thing is field position. We expected occasionally for him to be out from regular formation, but you can see when you put him out there on regular formation, that you have taken away a lot of your strength right in here, and we use the same formation, and I use—we take away a lot of our strength right in there. Does that answer your question, sir?

Q. Yes, sir.

A. If it doesn't, let's go over it again.

Q. Let me—let me go to the greenboard here for a minute, now, while we have it here. Without regard to what the name is up here, do different teams use different names for set formations?

A. Different terminology; yes, sir.

Q. Well, we have been using Georgia's terminology when we were referring to this particular formation, and it seems they call it a pro-set, that is a normal slot with the other—the other side end out fifteen yards?

A. Well, we call it—I think it is simpler to call it slot, [fol. 540] because they know what they are saying when they say slot, and in this case, left end out.

Q. Fifteen yards?

A. Eight, fifteen; we put him out seven sometimes.

Q. Did the University of Georgia employ that formation in its game against the University of Alabama on September 22, 1962?

A. Unfortunately they did; we didn't expect that much of them.

Q. What sort of a defense did you have planned by the use of that formation setup?

A. Well, sir, first of all—

Q. Just erase that out.

A. Yes, sir. First of all, we thought that to beat Georgia the first thing we had to do was stop Rexler—

Q. Rakestraw?

A. —Rakestraw, the great quarterback, and we would rather have him passing than running. In other words, he

does both very well, but we thought we would prefer him to throw than run with the ball. Although in the latter part of the season, the year before after he got over his injuries, he did both very well. So, what we decided to do, something we didn't do very often—let's put the three-deep back here—we decided to play a five-man line, a five-three, or what amounts to a five-three. We usually play a rover, a wide tackle six, a wide tackle—I will show that. We, normally speaking, play defense like this, and put an extra man to the formation.

Q. To strengthen the formation?

A. To strengthen the formation, or to the field position. In other words, if that was on the hashmark—

Q. Tell us what a hashmark is?

A. A hashmark is the mark there where they put the [fol. 541] ball down. Sixty-seven per cent—normally speaking, sixty-seven percent of your football is played on one of the two hashmarkings. You are only in the middle thirty-three per cent of the time, normally speaking.

Q. That is with reference to side-to-side?

A. Yes, sir.

Q. All right.

A. We either put it to the formation of the extra man or if it is along the side of the field we put the extra man or double-wobble, meaning by double-wobble—let's take the halfback, move a little wider out, move this safety over a little bit more, and this man here plays a little deeper because he has an extra man up there to take care of that area. But we were afraid on that defense that their fine quarterback would hurt us coming out there on the option, either way, running or passing. We decided—wait a minute; before I leave that, if we don't play that defense we will play what we call our north category, and move the guards. In other words, with our ends there, our tackles here, our linebackers here and have the guards either move like that or play balanced, and that becomes a stack, you can see where one is stacked behind the other, but it is a balanced defense because we have as many men on one

side as we do on the other. But there, again, in certain situations we don't want to bring our ends in there hard to contain their quarterback to make him throw the ball, because we don't know we can cover the flat, but we want to contain him.

So, for that game and for every game, for that matter, we have a new defense every week. It may vary. May not be much change, but the other defenses play year in and year out, but for this particular game, in an effort to [fol. 542] contain him quickly, we wanted to put out two men here, depending on the split, and see how fast they could get back here to contain Rakestraw and make him have to throw instead of run with the football. Now, then, in doing that, then we had to put—we put our tackles here in different places. But let's put them right here, and we will put a guard behind a guard expecting them to read and slant to stop the trap. Now—

Q. Everytime you say something like "reading" and "trap"—

A. What I mean by "reading," gentlemen, is you are sitting and watching this man; if he blocks down to that man, common sense would tell you that the play is probably coming in here, and he can go there. If he blocks out here, common sense will tell you the play is coming in here, and he will go here. If he sets for a pass, common sense will tell you it is a pass, and you start back. If he pulls in that direction, common sense will tell you the play is over in that direction, and you go in that direction. If he pulls in this direction, common sense will tell you the play is over here, and you will run through or come in this direction. They are there to try to stop the trap, to mix it up, and still pursue the play.

Now, then, over here we will take our fullback and either pull him up on the line or put him behind here. That was our plan, or put him behind there to where he would be in the pass defense over on this side. On the other side, on the other side most of the time we were going to cover the flat with the halfback, and we had a great fullback player

named Jordan, and we wanted to put Leroy right there because this side of the formation hasn't changed, and with one-step motion, that becomes a strong side. We wanted [fol. 543] Mr. Jordan there, because there he can get to both sides of the field, and he could make every tackle. That was our 'Bama defense at the Georgia game, the opening game.

Q. All right, sir. Was Alabama in the defense which you have just described when the University of Georgia first went into its normal slot with the weak side end out fifteen yards, being the one described on the board?

A. As I recall it, sir, we were in that 'Bama defense.

Q. That is the defense you have just described?

A. In the first of the game, five or six times and we were hurt on it. That doesn't speak very highly for me putting it in there, but we were hurt on it, I think four times, and we should have been hurt on it the other times. I wasn't against this; it wasn't a sound defense.

Q. Is that—

A. Against this it would be a sound defense, but not this. What they ran in the spring, it was a sound defense, but this—this it was not.

Q. Will you explain why it was not?

A. I certainly will, sir. All right, we put Jordan over here where the action is going to be. Lo and behold, they take the big, old, tall end and move him way out here, and we have got to put somebody out there with him, so that takes Jordan out there, and we move this man in a little, stunt this one over here, and they were smart enough to take our best football player and take him out of the park to where he couldn't do anything but play pass defense and get all mixed up, and we were counting on him being in here where he could get the folks.

[fol. 544] Q. The University of Alabama defense setup, then, was not adjusted for the formation which you—which is drawn on the second—on the lower part of that?

A. That was supposed to have been our basic defense, sir. If we know we are going to get a lot of this, we expect

this occasionally, but if we know we are going to get a lot of this we are going to play what we call split, which comes in what we call a north category that I showed you a while ago where we have the same number of people on each side, and where we can drop an end out there to take away the very short passes, keep the pressure off the halfback.

Q. Therefore, if you were expecting what is described there as the pro formation, you would have prepared your defenses differently than you did as you have described here?

A. Only the 'Bama defense; the rest of them were fine.

Q. Yes, sir.

A. Yes, sir.

Q. And when they did go into the so-called—what Georgia calls the pro-set, that had the effect of Leroy Jordan, who is your best linebacker, I assume—

A. He was our best football player, sir.

Q. Yes, sir. That took him out of the play?

A. Yes, sir.

Q. As a result of which, I believe you said, the University of Georgia did successfully employ that on at least four—they only ran it five times, I think the testimony yesterday showed, and they did succeed with that formation four out of the five times that they used it?

[fol. 545] A. I don't know whether it was three or four, sir, but we should have been hurt every time we were in it.

Q. Was something done to take care of the situation or to adjust your defenses later on in the game?

A. Well, we are not stark idiots. We will not do the same thing. I don't remember how soon. I know at the half we went over it, and we didn't play it any the second half. Jordan was calling the defenses, and knowing Leroy, I doubt if I told him to change, but knowing him, when they start taking him way out yonder, he will change and get back in here where he belongs, whether I told him to or not. and I think any good, smart football player would.

Q. You may return to the stand. In preparing your teams for the fall session, do coaches during the summer

exchange films with other coaches of the games that their respective teams have played during the summer?

A. Oh, normally speaking, yes, sir.

Q. Is that—does that sort of an arrangement exist between the University of Georgia and Alabama?

A. Yes, sir; and other schools. We have already exchanged with them, I think for this year.

Q. And the purpose of that—will you describe the purpose of that, please, sir?

A. Well, the purpose of that is to chart what they do, field position, number one; down yardage, number two, but to find out what they do what as best you can or when they have done what and who does it.

Q. And since all universities, or universities do do that, there is nothing wrong with that, with universities swapping films with each other?

A. Oh, no; everyone does it. The Conference approves it, N. C. A. A.; everybody approves it.

[fol. 546] Q. And the film, for example, that you exchanged with the University of Georgia during the summer of 1962, you were then given an opportunity to review every game they played during the year 1961?

A. Sir, I don't remember whether—how many we exchanged with them, and I personally don't review them all, but our staff does, and our players will before the game.

Q. And that is with the idea of learning as much as you can about each other? They are doing the same thing with Alabama films, are they not?

A. You can bet your life they are.

Q. And that is the—the idea of that is to learn as much as each coach can about the other team with reference to its formations, its plays, its defenses, and its personnel?

A. And personnel; yes, sir.

Q. In the last—let's see; the Georgia-Alabama game was played in September, 1962, September the 22nd—

The Court: Just a moment. The defense counsel, in fairness, wants the blackboard moved back. The Marshal can move it back.

Mr. Schroder: Sure.

The Court: If you are going to use that any further, you can keep it.

Mr. Schroder: No, sir. I will assure you it was not intentional.

[fol. 547] By Mr. Schroder:

Q. In the week of the game, which was played on September 22, 1962, or—I don't remember whether Friday was on the 13th, or Thursday; well, September the 13th, regardless of whether it was Thursday or Friday, from September the 13th until September the 22nd, what, if any, significant changes did you make in the Alabama defensive plan for the University of Georgia?

A. I don't think we would ever make any significant changes, sir. I think you set your basic stuff down normally speaking as you are drawing near the game. If you will—I say "if" and I am always apologizing to the team for saying "if"—I say if they should do this we will do that, or if they do that—probably do it on the day of the game, right on up, because based on something they could do, something that they ought to be doing, based on their personnel, and something you saw somebody do ten years before, you get—you want them to be sound; you want them to feel like they are prepared for any and everything, so, we will say, if they do this, we will do that.

Q. Yes, sir.

A. And as I say, I always apologize about all those "ifs."

Q. The purpose of that is, I believe you said, to get your boys' confidence, or if anything new is thrown against them they will be prepared?

A. Yes, sir.

The Court: I believe you are leading him, Mr. Schroder.
[fol. 548] Mr. Schroder: I didn't mean to, Your Honor. I thought he had already testified to it.

By Mr. Schroder :

Q. What is the purpose of that?

A. Well, the purpose is when they go on that field, I want them to feel like—I don't care if it rains, sleets, or snows, if they come out in nine spreads, whatever they do, we are prepared; it is a challenge to them, between me and that fellow I am playing on the other side.

Mr. Schroder: Let me see the notes, please.

By Mr. Schroder :

Q. I believe you testified a moment ago with reference to the recorded—when I say “recorded,” that is a bad word—with respect to the telephone calls that the records of the company showed were made on September 13 and September 16, you had no indication of what might have been said?

A. I don't have any recollection that they were made, but if they were made, I do not have any recollection what was said.

Q. You were, at that time, head of the athletic department at Alabama, as Coach Butts was at Georgia?

A. Yes, sir.

Q. Tell us what there is that could be discussed by—or what ought to be and what is discussed between athletic directors before their two teams meet?

A. If we talked, if we did, some things that we could have talked about or should have talked about—

[fol. 549] Mr. Cody: Your Honor, I want to object to that.

The Court: Yes, sir; I think that is highly speculative. I will let him do this, Mr. Schroder. I will let him testify what athletic directors of that nature—

Mr. Schroder: Subjects they would discuss.

The Court: —if he calls to other athletic directors, and the usual procedure.

Mr. Schroder: Yes, sir.

The Court: But as to the contingencies, and “we could have talked,” I think that is too speculative.

Mr. Schroder: I withdraw it.

The Court: All right.

By Mr. Schroder:

Q. You had been athletic director of the University of Alabama for how many years?

A. Beginning the sixth year, sir.

Q. Were you also athletic director of the other universities you mentioned?

A. I was at Texas A & M, and I was not at the University of Kentucky and University of Maryland.

[fol. 550] Q. You have been athletic director for how many years now?

A. I guess nine.

Q. When a school is preparing to meet another school in a football game, what is the custom among athletic directors with regard to what arrangements have to be made, and do they talk about matters such as that?

A. Sir, I don't know what the customs are, because I am a football coach too, so, certainly, the arrangement has to be made with the athletic directors and approved for everything, approved by them. Being a football coach, too, I don't believe I could give you an intelligent answer on what a director of athletics would do on it.

Q. Did you have matters personally between yourself and Coach Butts—you spoke of many conversations that you did have with him during 1962, both before September 22 and after September 22; did you all have matters of a personal nature that you discussed.

A. I don't think we did. I think we had many matters that we discussed at one time or another pertaining to our football program and the football game or games, and one financial matter, I think, we had in common that I have discussed with him quite a few times.

Q. Was that an investment in some company?

A. Yes, sir.

The Court: You mean you all had a common investment?

The Witness: Yes, sir.

[fol. 551] By Mr. Schroder:

Q. Coach Bryant, I am going to hand you what has been identified as Defendant's Exhibit 12, and for your information that has been identified and authenticated by the witness George Burnett as representing notes he made during—

A. I have got to borrow some specs here, sir; I left my specs on the plane.

Mr. Cody: I will lend him mine.

The Witness: These are curious too.

The Marshal: Let's have order.

The Witness: I will try these.

Mr. Schroder: Can you read with those all right?

The Witness: Yes, sir; I think so.

By Mr. Schroder:

Q. Starting with Page 1, Coach Bryant, there is a notation at the top which reads "Bear - Bryant. Wally - Butts," is there anything unusual about that entry, if it relates to what you and Butts were supposed to have been talking about over the telephone with each other?

[fol. 552] A. The only thing that I can say there, sir, is as long as I have known Coach Butts he has never called me "Bear," if he is supposed to be talking to me, never.

Q. How does he address you?

A. He calls me "Paul." If he is speaking somewhere, like in Cullman the week before our game, he will refer to me as "Bear" because hoping the people will know I am the Alabama coach, I guess, and make his stories funnier, but he has never called me "Bear," ever.

Q. Let's pass on now to the next note or the only other note on that Page 1, which reads, "Reismueller, greatest in history"; does that mean anything to you, and if it does, will you tell us what it is?

A. Well, Rissmiller we thought was a terrific prospect, and we tried to recruit him, but they beat us for him. I have heard Coach Butts at banquets—maybe not at banquets, but on press talks with me or talking with a group comparing personnel there then with personnel he had, but I don't ever recall him comparing Rissmiller with some of his great tackles in the past when we were talking, but I think he is a terrific football player and sorry we had to play against him.

Q. I believe you said you were familiar with his capabilities?

A. Very familiar with them; yes, sir; we tried to get him.

Q. Turning to Page 2, the first line there, "Rakestraw to right"; then it has a line drawn under that.

Mr. Schroder: I am unable to know, Your Honor, whether that is one entry or whether it is connected with the entry below it.

[fol. 553] By Mr. Schroder:

Q. So, Mr. Witness, will you take them separately, see there in the first line reading "Rakestraw to right," and tell us what, if anything, that would mean to you, and then take the next entry below that by itself and tell us what, if anything, that entry would mean to you, and then take them both together and tell us.

A. "Rakestraw to right" wouldn't mean anything to anyone, I don't think. "Optional left pass", to me that would mean it is going to be a run or a pass.

Q. That is what "optional" means?

A. Yes, sir.

Q. You have got the option of running or passing?

A. Running or passing; yes, sir. "If can block corner man keeps running", I think that is right. If my little boy didn't do that, I would want to spank him. You block them, you keep running. If you don't block them, you would throw the ball; I guess that is what it means.

Q. All right, sir. The next entry reads, "well disciplined ball club, added two coaches"; what, if any, comment would you like to make about that—maybe—does that mean anything to you in general or in particular?

A. Well, no, sir; not really. But if that was said, I would think I would be the one saying it about our ball club, and we had a couple of new coaches.

Q. Did you consider your team to be a well disciplined ball club?

A. Yes, sir; self disciplined.

Q. Turning to Page 3, Coach Bryant, the first note at the top of that page reads, and I quote, "on side guard pulls on sweep"; what, if anything, does that entry mean to you as related to either your team or the University of Georgia's team?

[fol. 554] A. Well, to me that would mean that the on side guard pulls on the sweep. We pull our on side guard on the sweep—we don't pull him; we have a signal where he swaps assignment with the next man, but I don't think—I could be wrong; you can see if I am—they didn't pull the on side guard. Missouri does it, and they do it well. They are the only team I know of that does a real fine job of pulling the on side guard.

Q. Will you please step down and use part of this board where I can preserve the other, because some other witness may want to use it, or if you erase it, put it back just like it is, and please indicate or describe to the Jury what you mean by an exchange or a swing or a switch.

A. First place, sir, gentlemen, the on side is the side where you are going, where the ball winds up. The guard pulling and leading the play around here; that in our terminology that would be pulling. But we have these two men on our sweep; they are responsible for 1, 2 wherever they are lined up. Let's say we have got a stack like that, a defensive man there, and one there. The on side, the man in front is 1; the second man is 2. Well, this man's assignment is 1, and he is way outside, and it is a very

difficult block; it is an impossible block. So then we will say a signal—actually our signal is “green”.

Q. What is it? “Green”?

A. “Green.”

Q. Who says that?

A. This man would be the one who makes the call, because he is the one that has got the impossible block. He would say “green”, and this tackle would swing here, he would swing or pull right around there and block him. He would go on to that point there and try to block who wound up as number 2.

[fol. 555] Q. Is that—from what you have drawn there on the board, would it be correct to say that is an area blocking?

A. That is what we call it; yes, sir; area blocking. You go to an area, and the number that is there when you get to that area, that is the man you block.

Q. The tackle would take the guard because the opposing defender is on the outside, and he can’t block?

A. The area outside the guard; yes, sir.

Q. So the tackle takes him when this man says “green”?

A. Yes, sir.

Q. The tackle blocks him and the guard then takes over the tackle who was supposed to block right in this area here, whoever it happens to be?

A. Whoever winds up down there when he gets there.

Q. That is known as a “swing block” or an “exchange block”?

A. Exchange block. We call it a “slot block” or an “exchange block” where they are swapping assignments.

Q. The next entry is described or reads as follows: “don’t overshift”. Now, Coach Bryant, what, if anything, does that mean to you, relating the question to the University of Georgia and/or the University of Georgia football team?

A. Well, both of us use—we overshift a lot, and so do they.

Q. When you say “overshift,” would you describe that to the Jury what it means?

A. Yes, sir; it was something that I had up here earlier about putting a rover to one side or the other. There are different ways of doing it. We move the rover over. Let's say, now, this time that we are in a balanced defense, and we have a man here and a man here and a man here, and [fol. 556] one here, and one here, and one here, with three deep, and a linebacker back here; that, of course, is a balanced defense. To us that is a north category. Any balanced defense, regardless of where they are lined up, where it is the same number of people on each side, it is a north category. A while ago when I took a man and put him on the other side, or vice-versa, to us, that is east and west, actually, and it is a rover defense; to overshift, you move these people in or out. This man will move in here pretty tight; this man will move over here; this man here would move there, and you would have your end there, with your linebacker there, and you would wind up with the same thing we referred to as an "overshift" or "rover defense."

Q. Thank you, sir.

A. Does that answer it?

Q. Yes, sir. Is it or was it your testimony that the University of Alabama does that and did do it in that game?

A. Oh, we have done it for years, sir, and I think we have done a lot of it. I didn't check the film on it. I think they did a lot of it against us.

Q. In the 1962 game?

A. Yes, sir.

Q. The next entry reads, "Woodward commits fast-safety man." Obviously that is referring to some one particular individual. Could you amplify as to what that means to you?

A. Well, to me—I thought he was a real fine defensive safety or defensive football player, and to me committing quickly, that would have to be forward. I don't believe anybody would commit quickly in the wrong direction. So, if they are on defense, there is a safety; that would have [fol. 557] to mean he comes up fast, to me.

Q. Do you know whether or not Woodward does do what you have just described there?

A. I actually don't. If he does, I ought to be "bored for the hollow," because we don't throw a pass in there. If he comes up fast, we should have been throwing in there, and we haven't.

Q. Next entry reading, "weak defense, anybody except Blackburn"; evidently—I mean, obviously the notes are referring again to a specific individual. Would you comment on that, if it means anything to you related to either team?

A. It doesn't mean anything to me. I was looking at our scouting report this morning, and, of course, they have corrected this. It will be strong this year, but in our scouting report they said the whole secondary was weak.

Q. That was the scouting report that your scouts had prepared?

A. Yes, sir.

Q. For the Alabama-Georgia game?

A. Yes, sir. The secondary was the weakness.

Q. Does the name "Blackburn" mean anything to you?

A. The only thing that I—the only thing that I remember about it, I think he was ineligible and got eligible before we played.

Q. Top of Page 5, "Baer slot right, right end, split right end out," and we are assuming, without knowing, that "Baer" means "Babb", but at any rate, uncorrected or corrected, does that entry mean anything to you when related to the Georgia or Alabama football team?

A. If I just saw that I would think it was me, because [fol. 558] of the Baer part, and secondly because of the formation that we had used last year, ninety per cent of the time, probably ninety-five per cent of the time.

Q. Does Alabama employ the split right—slot right, split right end out?

A. We employ the slot right, left end out, and we also employ the slot right left end over and out the other way,

not a great deal, but occasionally, and come out of the huddle quickly, hoping it might foul the defense up; they might be overshifting in the wrong direction, sir.

Q. Next entry reads, "long count, left half in motion"; what, if anything, Coach Bryant, does that mean to you when related to the University of Georgia and/or the University of Alabama football teams?

A. I don't recall whether Georgia ever did that much to us or not. I do recall that we played Georgia in Birmingham when Coach Butts was coaching, that we used it quite a bit, and hurt them with it quite a bit, and I do recall that by putting a wide man, and I have talked with Coach Butts about this because he has hurt—he has hurt everybody, but he has hurt the four-spoke defense, the type that Tech and Tulane, and a lot of them employ, putting a wide man out and long motion toward him, and throwing certain patterns off of that. When we hurt his team in Birmingham, it was more about the keeping; a boy kept it, and ran with it. That's right, we do that.

Q. All right. You don't know whether Georgia does it or not?

A. I believe year before last—I may be wrong—that with an unbalanced line, with the end wide, that they did it a couple of times. Now, either that, or I saw them do it in a film, but I can't be sure, sir.

[fol. 559] Q. Did Georgia use an unbalanced line against Alabama in 1961?

A. Yes, sir; they did, and I thought it was a real smart strategy.

Q. Did the University of Georgia use an unbalanced line against Alabama in 1962?

A. Sir, I really don't remember. I expected it, but I really don't remember whether they did or not.

Q. The next entry reads, "best since Trippi," with the name "Porterfield" under the line I just read; what, if anything does that mean to you, Coach Bryant, when related to the University of Georgia football team?

A. Sir, I don't know. I have heard Coach Butts bragging on Georgia's players, and they all get better after you quit coaching; mine will get better, too; but I never heard him compare anybody with Mr. Trippi. I don't know what that means.

Q. The top of Page 5, there is an entry reading, again, "Baer on a hook on goal line"; does that mean anything to you related to either your team or that of the University of Georgia?

A. Well, only thing, sir, when you get down that close, you either have to hook or go out of bounds or something. I mean, out of the end zone. The area is so small, you at least have to cut your patterns down, regardless of whether it is a hook or sideline cut or what, because particularly on a hook you are going to the end zone, and of course, you are out of bounds when you go over that, so I think that would apply to anybody's football.

Q. Next entry, "slot to right, ends normal, (3 yards)"; as you read that entry, would you try to diagram it on the board here, please, sir?

[fol. 560] A. Yes, sir. It don't—really—what did it say? Slot right, ends three yards; it really doesn't mean a great deal to me; both ends out three yards. I don't think they are out wide enough to change secondary defense. You have got to get a man out, way out, so we don't do it, and I don't—that doesn't mean a great deal to me. We do put them way out like this. We did against Oklahoma in the Orange Bowl to make it difficult to cover the whole field and making it difficult to put two men, which we call double covering, on two different people, but so far as ends three-yard slot, that doesn't mean anything to me.

Q. All right, sir. The last entry on Page 5, Coach Bryant, reads, "Right halfback on fly, left halfback, quarterback gives to left halfback, left guard pulling blocks on corner"; does that mean anything to you as related to either Alabama or Georgia's football teams?

A. "Right halfback on fly, left halfback, quarterback," don't make sense to me; I don't know what it is talking about.

Q. Top of the next page, "Wide slot till goal line"; that was read by me from the notes there. Now, does that or not mean anything to you when related to either Georgia or Alabama's football teams?

A. Well, normally everyone, we do, I am sure, I think everyone does, the nearer you get to the goal line the more you cut down your formation to help—

Q. What do you mean by "cut down"?

A. Pull them closer together in an effort to keep leaking people from coming through, people leaking through the seams and throwing you a loop. When you get down there you don't want people coming from the inside out and [fol. 561] throwing you a loop, and I assume that is what that means; I don't know, sir.

Q. Next entry reads, "can't quick kick"; does that mean anything to you when related to the University of Georgia's football team?

A. No, sir; it doesn't; to ours either. We quick kick, and Georgia—I don't think it quick kicked this year, but Georgia quick kicked us last year, I think; if they didn't they quick kicked—I remember seeing them quick kick.

Q. The next entry reads, "slot right, right half on fly, screen on him." Does that mean anything to you?

A. No, sir; I don't know what that means.

Q. Can you mentally reproduce the picture?

A. Well, if "fly" means the man is in motion—I don't know whether it means motion. There is your right slot. Let's see what it says; "slot right, right half on fly." I would assume that that means him in motion. "Screen to him," I would say that it means him screening out here, and offhand, I wouldn't think this is a very sound play.

Q. When you say "screen to him," that means—

A. Let the lineman come through and send these people to take the secondary people back and try to have an area in here, and these linemen, after blocking or coming out here, setting up a wall or some interference in front of this man, and he goes back a little deeper and drops the ball out here to him the flat, and he has some people in front of him

to run interference for him, and the men already downfield would come back and block people like that, and if it works, you get a long gainer out of it.

Q. Do you have—

A. Tech does that very well.

Q. Do you have any play where you screen to the fly man as—do you know what the fly man is?

[fol. 562] A. I assume that it is the man in motion, sir, but I don't know. We refer to it as something else.

Q. You don't use the terminology "fly"?

A. No, sir.

Q. All right, sir. The last entry on Page 6 reads, "29-0 series, Baer catches everything they throw"; does that mean anything to you, Coach Bryant?

A. No, sir.

Q. In regards to either your team or the University of Georgia?

A. No, sir; it doesn't.

Q. You do not have any series by that name?

A. We have a—we have a play 29, sir, but we don't throw off of it. It is a fullback option.

Q. Top of Page 7, "slot right left end out fifteen yards." Is that the formation that appears on the bottom half of this board here?

A. Yes, sir.

Q. And I believe you have already testified at some length about Georgia's employing that formation in its 1962 game?

A. Yes, sir; and it is our basic formation. This is the first year we have had it as our basic formation, because we had a great passer, Joe Namath.

Q. N-a-m-a-t-h?

A. -t-h. We had a great end in Richard Williamson, and that is our basic formation. We had big strong halfback over here, Wilson, who would block like an end, and great runner, "Cotton" Clark. We thought that was the only formation for us to use. That was the formation that we ran in over ninety per cent of the time.

Q. When Georgia employed it against you, is that the formation that you had Leroy Jordan out in the pasture, as you said?

[fol. 563] A. Yes, sir.

Q. All right, sir. The next and last entry, "drop end off, contain with tackle," having a "Georgia" and an arrow pointing to "drop," and having "Defense" written below it within parenthesis. Did that entry mean anything to you as related to either Georgia's or Alabama's football team?

A. Well, it does to us, sir, because we have been doing that for years. We drop the end off and try to contain with a tackle. I might say the last time we played Coach Butts' team in Athens, he also broke us of doing it because he hurt us badly, but that is what we wound up doing in this game.

Q. Do you know whether or not the University of Georgia uses that same defense?

A. They use it some; yes, sir; I don't recall how much.

Q. That's all the notes. Well, there is an entry, final entry; you might read that and say if that means anything to you?

A. Well, the "614" is one of our office numbers. That is the only thing that means to me.

* * * * *

PAUL WILLIAM BRYANT having resumed the stand, testified further as follows:

Direct examination (continued).

By Mr. Schroder:

Q. Coach Bryant, returning to the Saturday Evening Post article for a moment, it reads, Page 81, Column 1, that the telephone operator was overheard to say this to the [fol. 564] other party on the phone, "'Coach Bryant is out on the field, but he'll come to the phone. Do you want to hold, Coach Butts, or shall we call you back?'" This call,

although the Post article reads that it took place on Friday morning, September 14, I believe that the notes which you just had in your hand indicate the man listening in on the call recorded that it happened on Thursday morning, September 13. I want to direct two questions to you with respect to that quotation I just read from the article. The first one is, how close is the practice field at Tuscaloosa on the University campus to the telephone there, the nearest telephone in the office there?

A. To 641, sir?

Q. Yes, sir.

A. Well, it's three blocks, but since this came out, I have timed it, and knowing where the car was, walking out of my office and getting in the car and driving to the practice field and going through the gate and walking out to where I would be on the practice field and coming back, it takes thirteen minutes for me to do it, knowing where the car was and knowing I could get in the gate, and so forth.

Q. Does the date September 13, 1962, have any significance to you since the notes here that you have been looking at a moment ago indicate that the telephone call was intercepted at about 10:30 or 10:40 in the morning?

A. I don't know what you mean, sir.

Q. Was the University of Alabama practicing football on that day at that time?

A. No, sir; we were not. We had discontinued our two-day practice; we were not practicing that morning.

Q. Going further down Column 1 and reading again, this [fol. 565] quotation which is attributed to Burnett. "Butts also said that Rakestraw (Georgia quarterback Larry Rakestraw) tipped off what he was going to do by the way he held his feet. If one foot was behind the other, it meant he would drop back to pass. If they were together it meant he was setting himself to spin and hand off." Coach Bryant, to your knowledge, did Georgia quarterback Larry Rakestraw have the defect or deficiency described in that quotation which I described to you?

A. Not to my knowledge, sir.

Q. Would that have been of interest to an opposing coach or opposing players to know that a quarterback on the offensive team did have that tendency?

A. Well, sir, it might have been to some, but due to an experience I had once, it wouldn't have been to us.

Q. How is that?

A. We wouldn't have been interested at all.

Q. It is of no interest to know whether or not the quarterback is going to pass or run?

A. Well, if he knew that, but we knew that about a quarterback once, and we played him. We had gotten it out of a film, and we double checked it the week before, and I thought we were going to win the game, and the press and experts and so forth thought we were favored, and we played the quarterback, and were beaten thirty-four to seven or thirty-four to nothing, and I haven't been interested in what quarterbacks do anymore.

Q. What team was it?

A. It was L. S. U., that means Louisiana State University, L. S. U., when I was with Kentucky.

Q. There is one note among the others I reviewed with you before the recess this morning which one of my part-[fol. 566] ners did not get the full answer, and I am not sure I did either, so I will ask you once more about it. It is on Page 4, and it reads, "Baer slot right, split right end out." Now, my question about that particular entry is this: does it mean anything to you with reference to the University of Georgia football team?

A. It does to our team, sir.

Q. Does it mean anything to you with reference to the University of Georgia's football team?

A. No, sir. However, the year before, and we were anticipating it this year, but they didn't have the slot, as I recall it. They had the end tight with the back which would actually be a wide slot with unbalance, but the way that is written there it doesn't mean anything to me as to the Georgia team.

Q. But you say it does mean something to you insofar as your team is concerned?

A. Yes, sir; it does; because our basic formation is the one on the bottom there which is slot right, left end out, and occasionally we will come up, and, of course, with that, your strength, your running strength is over here to your right.

Q. To here?

A. Yes, sir. But your throwing strength, I mean you have the type passer we have, he is out on the left, and they may put their rover or anyone may put their rover over there.

Q. When you say "rover"—

A. Double defending—

Q. The defending—

A. Double cover.

Q. All right, sir.

A. You come out quickly with the end on the other side. [fol. 567] Q. With the end over here?

A. Yes, sir; and we do that occasionally. And we want to go quickly when we do, hoping that they will have the rover on the wrong side or make a defensive mistake.

Q. Returning to the article, again, there is reference made in the article to the fact that something was said in the conversation, the alleged conversation about—and I can't find it at the moment—but about a telephone—whether or not Coach Butts was going to be at home on Sunday, and that you were to call him back on Sunday. I believe I asked you about that a moment ago, and you said you had no independent recollection of it, and that you had learned only by looking at the telephone records that there was conversation on Sunday between somebody using a phone in Tuscaloosa and someone using a phone at Coach Butts' residence.

Mr. Cody: Well, now, I want to object to Mr. Schroder testifying, Your Honor.

Mr. Schroder: I am not trying to—

Mr. Cody: I don't mind it if you will take the stand.

The Court: Yes, sir; I think you can ask him—the proper method—I sustain the objection. I think the proper method would be, was there a phone call on that day, and what was the gist of the conversation, if you remember it.
[fol. 568] Mr. Schroder: All right, sir.

By Mr. Schroder:

Q. Was there a phone call on that day from you to Coach Butts that you recall?

A. Not that I recall, sir, but according to our record, our telephone record that we had, a call was made.

Q. All right, sir. Do you or not know the substance of it? Do you know what was said?

A. On that particular time?

Q. Yes, sir.

A. No, sir; I do not.

Q. Were any other calls made by you on that day?

A. According to my—our records, and this surprised me, because actually I thought I was in Birmingham doing a commercial for Coca-Cola, but according to the record from the telephone company I also talked with Coach Darrell Royal.

Q. Who?

A. Darrell Royal at the University of Texas shortly before the call was made to Coach Butts' number.

Q. Do you have any knowledge about what you talked to Coach Darrell Royal about?

A. It had to be football, but I don't know.

Q. How long did that one last?

A. I think according to our records thirty-seven minutes.

Q. During September, 1962, did you or not have occasions during which you discussed matters with Coach Wallace Butts?

A. Yes, sir; both personally and over the telephone.

[fol. 569] Q. Will you tell us what some of the matters were that you did discuss with him?

A. Well, some of the things that I know I discussed with him, I don't know when, sir, but first of all it would be schedules. I don't mean this is in any certain order of importance, but schedules, because we have discussed—been discussing over and over about the advisability of moving the game further up into the year, about playing over there, whether or not to play the game in Tuscaloosa or in Birmingham, for Georgia to buy some lights and get them up there where we can play at night and draw a lot of people.

I know that we are bound to have discussed tickets. We certainly should have, because I don't think they have the IBM machines that we have to keep up with the tickets. His ticket office could never tell us how many tickets they had sold or how many they had left, and consequently when we played the University of Georgia we had a sell-out. We have four or five thousand outside that can't get in, and later on they send us back several hundred, five hundred tickets that we could have sold a dozen times, and I should have been talking with him about that, whether I was or not.

You have always got problems—not problems, but you have got to discuss your band situation. They don't just walk up and march in. They have to have preparations made for it. As I recall it, maybe one or two high schools—I don't recall—but they were very fine, did a wonderful job. They represented Georgia last year. We could have been talking about that.

We could have been talking about what time they wanted to work out; I don't know.

[fol. 570] We could have been talking about this investment we are both interested in; I don't know.

Q. Do you know whether or not you were talking to him about the enforcement policies of certain rules?

A. I was leading that because—yes, sir; I don't know about that particular day, but I discussed it with him several times. He was in Buffalo at an informal meeting, and there were several—we were directed by—in writing from the Commissioner and from the NCAA, or the Coaches'

Association, about the way they were going to interpret or enforce the butting or the unnecessary butting or the late whistle the butt block, and I still don't know what they meant, but when Wally returned from the meeting in Buffalo, he called me, and I appreciated it very much. He didn't only say Alabama, but since we play defense pretty hard, I think he said, "I think this was directed at you and L.S.U. and maybe someone else," but said "it is something you should know, because the directors are coming out with it." I don't know whether it come out then or not. "But there is something you should know, because it would be a shame for you or any team to lose a good player like Leroy Jordan," just using Leroy Jordan as an example, "any time, early in the game, or something, just because you didn't know how they were going to interpret the rule." It wasn't a rule change; it was an interpretation. So I asked Wally, I said, "When I see you, let's get together, and I will talk about this."

I did on a couple of occasions, I have talked with him about it on the phone. I went to a meeting in Birmingham where he made a talk about it. Commissioner Moore presided. We all—we wound up then in confusion. We invited Mr. Gardner to our campus to observe our practice. [fol. 571] We wanted him to see what we really taught, not so much to interpret the rule, but we wanted him to see what we taught, because I don't want to go out there on Saturday with folks coming in blowing whistles and me not knowing what they were blowing them about and costing us a football game. Although Mr. Gardner helped us tremendously, I didn't know how they were going to interpret the rule until about the third game, because you play and you see how they are going to act, and I am sure I talked with him about that on numerous occasions.

I talked with him about football, football in general, because that is my business; that is my hobby; and I just talk to him in general about football. I know I have talked to him about our football. I know I have talked to him about his football, particularly his passing game, because

he is the greatest passing coach this area has ever known, and most of us, what little we know about passing, we learned it from him. I had talked this over with several about passes in particular, but we could never make it go. We scored a touchdown against the University of Tennessee this year, and I think it was responsible for this game, because we hadn't been scoring on it. And another one was on a pass that he has hurt everybody on, particularly Georgia Tech or a team using the Georgia Tech defense with a wide man, whether it is a back or end, and a long motion in running a deep circle, a deep side line, and I know I have talked to him about that, because those are two things we wanted to do.

I have talked to him, I am sure, a lot of times about football in general. You can't get two coaches together when they don't talk about that.

Q. Is there anything unusual about that?

[fol. 572] A. About them talking?

Q. Yes, sir.

A. I don't know. I think I have read where a whole lot of them say they do. I have talked a whole lot with different coaches. I used to talk a lot to Coach Dodd here at Georgia Tech. I used to talk a lot to Coach Woodruff down in Florida, and I probably shouldn't say this, but Coach Woodruff, is longer winded on the phone than Coach Butts is. You get him on there, and you are going to miss dinner.

Q. What was—let's see; the first game in 1962—what was the record of the University of Alabama in football in 1962?

A. We had a great bunch of youngsters that dedicated themselves, and they won them all.

Q. Well, did they receive any honor?

A. They received the National Champion, both news agencies, Associated Press and United Press, and the MacArthur Bowl Award for National Champions also.

Q. Coach Bryant, these notes that you and I have been discussing before the recess when we went over them one by one, would those notes, in your opinion as a football

coach, be of any assistance to a football coach preparing his team to meet a team in the near future when the information contained in those notes is alleged to have been transmitted by someone connected with the team that you were preparing your team to play?

A. Sir, there may have been a couple of things in there I would have rather known than not known, but those notes, as far as I am concerned, would not help me one iota. As a matter of fact, all it would do is get me confused. The kind of things I want to know weren't in the notes.

[fol. 573] Q. Well, as a head football coach preparing your team for a game, what sort of things would you be interested in?

A. May I go to the board?

Q. Yes, sir.

A. First of all, what you do in the way of offense or defense or preparation is not going to win; those players wearing those uniforms are going to win and what they have in there is going to win. The things I would like to know, I would like to know the game plan, and the kind of stuff we have been talking about is not the game plan. The first thing I would like to know, they are a field position football team. The field, the sidelines and hashmarks are not going to change, so the first thing I would like to know, both offensively and defensively, is what this team is going to do over here on the hash mark, because they will be on the hashmark sixty-seven per cent of the time and I thought that Georgia, when I learned their game plans, which was last week, did a real fine job, because they came out and put their formation into the hashmark knowing that we overshifted or put our rover to the long side of the field, for at worse they were going to get a balanced line defense, they weren't going to have to block the extra man over there. That was real important. I wanted to know what they were going to do there. If I had known they were going to do that, then I would line up in a balanced defense and disguise. On the snap of the ball I would have two extra guys getting over here where they are going.

Now, then, in the middle of the field out here, in game plans we'd like to know what their plans were. I learned last week that their plans out here was to take their formation and put it one way, knowing that we were going to [fol. 574] overshift and put an extra man over here. See, we have one more man over here than we have over there. Now, they have us over here. They take a one-step motion, and they are back and their strength is over there, and they hurt us. That is what I'd like to know.

Now, the next thing I'd like to know is, you have eleven to fourteen or fifteen first downs in the ball game. You are going to get the ball, normally speaking, from eleven to fourteen or fifteen times. If you get it any more than that, you are getting beat and they are kicking off to you. What I want to know, both offensively and defensively, I want to know what they are going to do on first down, because it is a guessing game on first down. After the first down somebody has an advantage, see, so the first down—now, in our football, and I will be quiet, I know I am talking too much—but in our football, here is a twenty yard line and here is a twenty yard line, and I don't care, you can check the pros, the Georgia Tech or Georgia or South Carolina or Notre Dame, I don't care, anybody; there will be five to seven plays in this area here between the 20's, five to seven plays that is going to determine the game. It may be one down to make two yards; it—offensively or defensively. It may be one down to make sixteen yards, either offensively or defensively. It is going to be five to seven plays that is going to decide the game. I want to know what they are going to do on those five to seven plays. When they get down in here on the goal line, I don't care what they do. They only got eleven, and we are going—we don't care what they do down there.

So, if you will tell us what they are going to do field position-wise, and what they are going to do on first down, [fol. 575] and what they are going to do on these big downs, five to seven of them, then we have a game plan, and if you can't win then, why, you are playing somebody

that is an awfully lot better than you are. Does that answer your question?

Q. Yes, sir; thank you. On the first page of the Saturday Evening Post article about you and Wallace Butts. I am going to read it to you, quote, "Not since the Chicago White Sox threw the 1919 World Series has there been a sports story as shocking as this one. This is the story of one fixed game of college football.

"Before the University of Georgia played the University of Alabama, last September 22, Wally Butts, athletic director of Georgia, gave Paul (Bear) Bryant, head coach of Alabama, Georgia's plays, defensive patterns, all the significant secrets Georgia's football team possessed.

"The corrupt here were not professional ball players gone wrong as in the 1919 Black Sox scandal. The corrupt here were not disreputable gamblers, as in the scandals continually afflicting college basketball. The corrupt were two men—Butts and Bryant—employed to educate and guide young men.

"How prevalent is the fixing of college football games? How often do teachers sell out their pupils? We don't know yet. For now we can only be appalled."

Coach Bryant, I want to ask you this question. Did or not you and the Plaintiff in this case, Wallace Butts, throw, fix or rig the outcome of the Georgia-Alabama game as you have been charged with doing by the Saturday Evening Post?

A. Absolutely not, and if we did we ought to go to jail, and anybody that had anything to do with this ought to [fol. 576] go to jail, because we didn't. Taking their money is not good enough.

* * * * *

Cross examination.

By Mr. Cody:

Q. Coach Bryant, do you—you have got a very vivid memory of this football game of September 22, 1962, and

you have pretty well described that to the Jury. That game lasted sixty minutes, didn't it?

A. Yes, sir.

Q. As does every game?

A. Yes, sir.

Q. Has it occurred to you to check up on the length of this telephone conversation you had with Coach Butts on September the 16th?

A. It has.

Q. How long was it?

A. According to the record I got, sixty-seven minutes.

Q. And you don't remember anything about it?

A. I don't remember when or which one. Insofar as the football game, my vivid memory, I went over the notes up there this morning. Outside of that I hadn't even looked at them since the game or the movie.

Q. You put this call in to Coach Butts, didn't you?

A. I don't know.

Q. You don't remember whether you—

A. I don't know the call was placed.

Q. You don't know you made the call, and you don't remember anything that was said?

A. I remember plenty of things that were said sometime, [fol. 577] sir. I don't even know the call was made. I am not sure all these notes weren't made after the call was made.

Mr. Cody: I move to strike that, Your Honor; that is not in response to my question.

The Court: Well, let's get the session down to what the facts are.

By Mr. Cody:

Q. You say your extension number is 641 on the switch-board down there?

A. That is one of them; yes, sir.

Q. What's this investment you and Coach Butts made; what is that?

A. Continental Enterprises, sir.

Q. Who got you into that?

A. Nobody got me into it; I got myself into it. A friend of mine told me that he thought it was a good investment, and I got myself into it.

Q. And if you sold out today—you still have your investment; is that right?

A. Some; some; yes.

Q. And if you sold out today, what would your loss be?

A. Well, since I talked to you in Birmingham, sir, it's gone down a little. I would say that my loss would be half of about sixty thousand dollars. It would put me a little loser; I am a pretty good winner on it so far.

Q. When we were talking about it in Birmingham, you said it was sixty then, didn't you?

[fol. 578] A. I think I said it would be forty to fifty. It's gone down a little. It would be a little more than it was then.

The Court: I didn't—is that loss or gain?

The Witness: That is a loss.

The Court: A loss?

The Witness: Unfortunately.

By Mr. Cody:

Q. Who is the man that got you in that investment?

A. No one got me into it, sir; Mr. Sam Wilson.

Q. In Jacksonville?

A. Yes, sir. He is the friend that told me about it, told a lot of people in our profession about it. He didn't get me into it. I thought it was a good deal, and the first time I bought it I made for me a lot of money out of it. The next time I bought it it went down.

Q. Do you remember when I was in Birmingham taking your deposition?

A. Yes, sir.

Q. On May the 27th?

A. Yes, sir.

Q. Didn't you make this statement: "And as a matter of fact, one of them, the reason him telling me is a good company, and going to make money, one of the reasons I [fol. 579] invested in it was because of Wally." Who were you talking about then, Wally Butts?

A. If I said that I was talking about Wally Butts, and I must have said it if you have it there.

Q. Did he induce you to buy—

A. No, sir, but he was a close friend to these people that I think own control of the company.

Q. But you did say, when this deposition was taken, that you went into it on account of Wally?

A. I don't believe I said it, but if you have got it down there, maybe I said it.

Q. Well, you remember being sworn before you gave this deposition?

A. Yes, sir.

Q. And it was before a Court Reporter?

A. Yes, sir.

Q. And your counsel was present?

A. Oh, I remember that, but Wally didn't talk me into buying it.

Q. What's that?

A. Wally didn't talk me into buying it.

Q. I didn't ask you that.

A. I might have talked him into it as far as that goes.

Q. I am talking about what your testimony was on May the 27th.

A. Well, it's the same now.

Q. Now, Coach Bryant, let's get back just a minute to some of these possible subject matters that you might have discussed on the phone with Coach Butts. Did you know that he hadn't had anything to do with the football team in nearly three years?

A. Why, certainly I knew that. He was Director of Athletics.

[fol. 580] Q. But he had nothing to do with coaching; you knew that, didn't you?

A. Why, certainly I knew it.

Q. All right, sir. Now, why would you be talking to him about a change in the schedule?

A. He is the Director of Athletics; he makes the schedules.

Q. Well, Coach Bryant, we are talking about an upcoming game that was to take place on September the 22nd, and you—we are talking, too, about a telephone conversation on September the 16th, six days off. How could you change the schedule of that game?

A. I didn't say I talked to him about the schedule on that date. I said sometimes I talked to him about schedules, many times. I doubt very seriously if we talked about the schedule that day, other than we might have talked about how fortunate we had been to move it from Tuscaloosa to Birmingham, because it was originally scheduled for Tuscaloosa and we would have made thirty or forty thousand dollars more out of it to play in Birmingham.

Q. I know you—

The Court: The Athletic Association would have made thirty or forty thousand dollars?

The Witness: Yes, sir. I represent them.

By Mr. Cody:

Q. I notice you made a reference to Leroy Jordan when you were giving us this talk about what you might have discussed on the telephone on September the 16th. You say he was the best player on your team and you had [fol. 581] reference to the possibility of him being out of the game?

A. Sir, the first time that Wally called me after he returned from Buffalo is when Leroy Jordan was mentioned, the first time.

Q. And you remember the conversation?

A. Yes, sir; I sure do. You mention Leroy Jordan, and I will remember it pretty good.

Q. When did that take place?

The Marshal: Let's have order.

A. I didn't look that up. You can look it up. I think it was sometime late in July.

Q. Who is president of the University of Alabama?

A. Dr. Frank A. Rose.

Q. Do you remember talking to him about three hours one Sunday night?

A. I certainly do.

Q. Did you know that on that same morning he had had a conference in Birmingham with Dr. Aderhold, President of the University of Georgia?

A. I didn't know it, sir, until about the middle or after he got through with me.

Q. And this matter that we are discussing today was the same subject matter of that conversation?

A. Yes, sir.

Q. In his conversation with you?

A. Yes, sir. And later at other places with Dr. Rose.

Q. Are you familiar with this letter that Dr. Rose wrote to Dr. Aderhold?

A. I saw it.

Q. In which he quotes you?

[fol. 582] A. I saw it in the paper or someplace, mostly in the paper, I think.

Q. Didn't Dr. Rose show it to you?

A. No, sir.

Q. Are you familiar with the letter?

A. I saw it in the paper, I think, sir; I know I saw it in the paper.

Q. Do you remember what was in it?

A. I remember some of the things that were in it.

Q. Let me ask you if one or two of these statements are true.

A. Okay, sir.

Q. "I have spent a great deal of time investigating thoroughly the questions that were raised during our meeting in Birmingham and have talked with Coach Bryant on at least two occasions." Is that true?

A. Yes, sir.

Q. Passing on to the third paragraph, "Coach Butts had discussed with Coach Bryant and the two were together at some meeting where Coach Butts told Coach Bryant that the University of Georgia had plays that would severely penalize the Alabama team and not only would cause Leroy Jordan, an Alabama player, to be expelled from the game, but could severely injure one of the offensive players on the Georgia team"; is that right?

A. No, sir; it is not, and if you will get his letter that he wrote later, you will see that it is not.

Q. Let's pass on to the fourth paragraph, then. "Coach Bryant asked Coach Butts to let him know what the plays were, and on September 14 he called Coach Bryant and told him. There was a question about another one of the offensive plays of the Georgia team that could seriously penalize the Alabama team and bring on additional injury to a player. Coach Bryant asked Coach Butts to check on that play, which he did, and called back on September 16." Is that correct?

A. No, sir.

Q. As a matter of fact, you called him on September 16; that is your evidence, isn't it?

A. I don't know that I called him. According to the telephone records somebody called him, and I suppose—I probably did, but I don't know that, sir.

Q. Let's pass on to the next paragraph. "It was then that Coach Bryant changed his defenses and invited Mr. George Gardner, Head of the Officials of the Southeastern Conference, to come to Tuscaloosa and interpret for him the legalities of his defenses. This Mr. Gardner did the following week." Is that correct?

A. No, sir; it isn't. You get Dr. Rose's letter—you get Dr. Rose over here, and he will answer that pretty well for you.

Q. We will get to him later. Let's finish your part of it first, sir.

A. Okay, sir.

Q. Passing to the next paragraph. "Coach Bryant informs me that calling this to his attention may have favored

the University of Alabama football team, but that he doubts it seriously. He did say that it prevented him from using illegal plays after the new change of rules." Is that correct?

A. No, sir. We don't use illegal plays anyway. It might have saved us penalties or saved us losing Jordan.

Q. And how long has Dr. Rose been President of the University of Alabama?

A. Sir, I think six years.

[fol. 584] Q. Was he there when you came as coach?

A. Yes, sir.

Q. Do you know whether or not he ever taught English?

A. I don't know, sir.

Q. You know anything about—

A. I think he is capable of teaching anything.

Q. You know anything about his educational background?

A. No. I know he is one of the best educated men in the world but not on football terminology. I can beat him on football terminology.

A. I think that letter was hurriedly written by the President, going out of town, to another President, that he thought it was in confidence, and I think that he—he came out with another letter explaining the difference in plays and techniques, and that he didn't understand football terminology, and I think you get him up here on this stand he will straighten that out real quick like.

Q. Let me ask you this question, then, Coach Bryant. Doesn't it seem strange to you that in your three-hour conference with Dr. Rose that you then remembered the subject matter of this alleged telephone conversation, and yet you don't remember anything about it now?

A. I didn't remember anything about the telephone conversation then or now any more than I have said. The things that we could have talked about, I don't know even it was a telephone conversation. I told him the same thing that I am telling you now.

* * * * *

JIMMY SHARP called as a witness on behalf of the Plaintiff, after having first been duly sworn, testified as follows:

[fol. 585] Direct examination.

By Mr. Schroder:

Q. State your full name, please, sir.

A. Jimmy Sharp.

Q. Where do you live, Mr. Sharp.

A. Well, I am presently residing in Tuscaloosa at the University of Alabama. My home is in Montgomery, Alabama.

Q. Speak up so the gentlemen over here can also hear you, please sir. Where did you receive your college education, Mr. Sharp?

A. At the University of Alabama.

Q. Did you engage in athletics while there?

A. Yes; I did.

Q. Did you play football while there?

A. Yes.

Q. What position did you play on the football team?

A. I played guard.

Q. Were you on the first team?

A. Yes, sir.

Q. In last fall's game, 1962, between the University of Georgia and Alabama, did you play as first string guard for the University of Alabama?

A. Yes; I did.

Q. Mr. Sharp, in that football game, which was played in Birmingham, did or not the University of Georgia present a formation which came as a surprise to the University of Alabama?

A. Yes. We weren't prepared, we weren't expecting the formation that they came out with. It was what we refer to as a slot out.

Q. Would you diagram that one on the board here for me, please, sir?

[fol. 586] A. This end split way out. There is the basic line formation which we weren't expecting, and the defense we were in at the time, the reason we weren't expecting it, all our game plans—

Q. Would you please let the Jury hear what you say. Speak a little louder.

A. This was the formation that sort of—it confused us. It did confuse us. We hadn't anticipated it, and we couldn't make the necessary adjustments.

Q. Is that commonly known or would a description of that be slot right with the left end out fifteen yards?

A. Yes, sir.

Q. All right, sir. That formation was presented by the University of Georgia during the first quarter of the Alabama game?

A. Yes; I believe it was five times.

Q. In what respects did it confuse you as one of the members of the defensive team and the other members of the Alabama Defensive team?

A. Well, me, in particular, as far as my position, I wasn't the one that was greatly affected. It was affecting our linebackers and our secondary. The way this would have—if we had played the defense that we had worked for in the game, it would have taken our linebacker, Leroy Jordan, the strongest player on our team, and placed him way out in order to cover this.

Q. Is that what happened?

A. Yes, sir. Well, at first it was just mass confusion, because we hadn't worked in practice on the adjustment. That would be the normal adjustment, and we hadn't worked on it, and there was a lot of confusion, and they were wide open to the play.

Q. That play was successfully used by the University [fol. 587] of Georgia on at least four out of the five times it was used?

A. Four; yes, sir; three of them were successful and on the fourth the fellow just dropped the pass. He was wide open down the sideline.

Q. The other—are you familiar with the other formation that was employed by the University of Georgia to any particular length or extent of time during the game? Could you describe what that was?

A. I guess you are referring to the slot formation?

Q. Yes, sir. Could you diagram that for me right here, please, sir? That is what is referred to as the regular slot formation?

A. Yes, sir.

Q. What distance is there in the regular slot formation between the tackle and the end?

A. Well, the normal distance here is three yards. Of course, it varies a few inches or something like that.

Q. You may go back to the stand. Did or not the University of Georgia in the spring game of that year, 1962, give any indication that that was their basic formation that they did expect to use?

A. Yes, sir; they did. In fact, they ran it out of a total of a hundred nine plays—a hundred and thirteen plays in the game, and they ran it a hundred and nine, some form of this slot.

Q. From that formation approximately how many plays can be run?

A. Well, there are a variety of plays you can run from that. You can run your whole attack. This is designed for several reasons. The basic principals behind it—by placing the slot man over there, you are trying to create a line for a running game and also to compliment a spin-[fol. 588] out action which Georgia had come on strong with this Rakestraw, and he was a real fine passer. You can get receivers out fast into that flat or down, you can—your halfback in the slot can aid in blocking; he is closer to the line. He can get to him quicker. Your defense is spread out to create that lane. Also the defense is confused by him being so close to the line that the defensive personnel doesn't really know who is coming. He's got an extra man, where before he had a little time to look and check. Georgia had used this formation in '61. At this

time they had experienced quarterbacks. They had just lost the fine Tarkington and no experience, of course, and they had primarily in their spring game, in their formation—what I mean by that, the three backs in the backfield, with no slot or split. They would run this formation and other formations in '61 a number of times. Towards the end of the season they began to run this formation and other passing formations. In fact, they ran the slot out in '61 also. But this time I think they had different distances. I am not sure about that, but this was the cause of the upsurge of Rakestraw and his passing game and into the '62 season we had taken all of the films and all the spring games statistics and plays and what they had done, and we believed this to be what they would do, since Rakestraw was such a fine passer, and they had more speed in the backfield. We thought that this would be the fine play.

Q. You mean formation?

A. Or formation.

Q. Does Alabama use approximately the same formation in its offense? Does Alabama use this formation also?

A. Yes, sir; they do. Georgia's offense and ours are very similar in some ways.

[fol. 589] Q. During the last week of practice before the game on Saturday night in Birmingham, September 22, were there any changes in the basic defensive formations that you had been coached on before that week?

A. No, sir. No changes. We, of course, when we work on the defense, we work on, I guess, about every formation that the coaches can think of that has ever been run, including some that some of the coaches make up, to expect the unexpected, but we hadn't felt they'd throw that, and it shows in the film, and by the five plays—well, the four plays being open, there was some little confusion.

Q. You said you hadn't expected Georgia to throw that?

A. I mean, the slot out.

Q. The slot with the left end out, known at Georgia as pro-set?

A. Pro-set.

Q. Were you a member of the 1961 National Champion Football Team?

A. Yes; I was.

Mr. Schroder: Just one moment. May I check?

The Court: Yes, sir.

By Mr. Schroder:

Q. During the game in Birmingham between Georgia and—the University of Georgia and the University of Alabama, did you yourself or did you hear any of your brother players on Alabama's team call out any such thing as "you can't run '80-8 pop' on us"?

[fol. 590] A. No, sir; I don't think I have ever heard that. That was new to me when I read it. We do—we are taught to key different people in the backfield and especially the guards. Jimmy Wilson and myself—

Q. Speak up, please.

A. Jimmy Wilson and myself were coached by Coach James to look into the backfield, to pick up keys and study the game films that we had on their previous games, things they have done, and try to pick up certain keys. We would holler out; we had a code we'd holler out for this to alert the other guards, but that was the difference between me and Jimmy.

Q. Other members of the team also have trade names or words they would use in exchanging information?

A. Yes, sir. Sometimes playing teams that had a swing-back sitting out by itself, they'd go to run back to the other side away from him, you'd catch him leaning back. It is a normal tendency; you can't get a level stance and come back this way; it is a tendency, the lean-back. We had certain codes. I know one game we used "red" and "white", "red" if you are going right and "white" if you are going left. The reason we used code names, we felt if we called out, "Richard, he's coming right", or "Bill, he's coming left", we are going to tip them off that somebody on their team is being tipped off, and at the half time they can go to the sideline and correct this.

Q. Is it customary or not during a college football game for the two opposing teams to carry on a lot of chatter among themselves?

A. No, sir; it is not customary. Of course, you are not supposed to. There is always some words passed.

Q. I didn't—I mean, friendly chatter?

A. Well—

[fol. 591] The Marshal: Order, please.

By the Witness:

A. I was referring to that too. You play against these boys two or three years, you begin to know them real well, and you studied the game films, and you study everything they do, and you know them, you get a good block on somebody. You say, "how did you like that, So-And-So," or something like that. It's always a little something going on.

Q. Always something going on? Did you or not get to know the Georgia guard, Wally Williamson, during the three years he was at Georgia?

A. Yes, sir; I got to know him.

Q. Wally play in that game for Georgia in Birmingham?

A. Yes, sir.

Q. Do you know the difference between a switch block or an exchange block by a guard and a tackle and pulling a guard out to lead interference?

A. Well, yes; I think I know—your terminology is not the same as ours, but I think I know what you are talking about.

Q. It is not really mine. You tell me what a switch block means to you or an exchange block or swap block?

A. A switch block or exchange block to me, in our terminology, I think, would be what we call a green.

Q. Green?

A. We have code names. We call it the line of scrimmage; it is according to how the defense is lined up. We'd come to the line and recognize the defense. We will do a lot of recognition blocking, seeing the defense and blocking

as such, and we come to the line and "green" is the exchange block between the guard and tackle, when the play [fol. 592] was going wide or spin-out pass where the two men that the guard and tackle had to block had outside angles on them, meaning that both the guard and the tackle would have to really get after it, and it was a real difficult block. So, by alerting each other with "green" the tackle would come down and block the guard's man and the guard would pull out and loop back in, getting a little depth to take the other man, thereby be in a little better position in being able to block them, and we did this very effectively.

Q. That is, when the guard and the tackle swapped, switched, or exchanged blocking assignments, the guard then comes into the area where the tackle was supposed to block and protect that area; is that right?

A. Yes, sir.

* * * * *

CHARLES PELL, called as witness on behalf of the Plaintiff, after having first been duly sworn, testified as follows:

Direct examination.

By Mr. Schroder:

Q. Your name is Charles Pell?

A. Yes, sir.

Q. Where do you live, Mr. Pell?

A. Tuscaloosa, Alabama presently.

Q. Where did you receive your college education?

A. At the University of Alabama.

Q. Are you still studying there?

A. Well, I am in summer school; yes, sir.

[fol. 593] Q. Have you participated in athletics there at the University?

A. Yes, sir.

Q. Are you a member of the football team?

A. Well, I was until I—my eligibility ran out.

Q. Did you—were you a member of the 1962 Alabama football team?

A. Yes; I was.

Q. What position did you play on that team, Mr. Pell?

A. I was a tackle.

Q. A tackle?

A. Yes, sir.

Q. What do you weigh? What did you weigh on the night of the game?

A. 189.

Q. Do you know Mr. Jimmy Sharp?

A. Yes; I do, sir.

Q. Did he play on the same team?

A. Yes; he did.

Q. He played guard?

A. Yes, sir.

Q. What did he weigh?

A. He weighed about 182.

Q. Were you on the first team?

A. Yes, sir.

Q. Now, Mr. Pell, in preparing yourselves to play in a football game against any university, do you have given to you any information relating to the strength and weaknesses of your coming opponents?

A. Yes, sir; we do. We have a scouting report which is compiled for each opponent.

Q. Would you please describe for the Court and Jury what is meant by a scouting report?

A. Well, a scouting report is compiled by one of the [fol. 594] assistant coaches. Some of the coaches, they divide up the games, and their responsibility is to scout this team and to pinpoint their strong points, pinpoint their weak points, and then to put it down into a scouting report. Also to study old films, break the games down. For instance, if—all the plays they run on first down and ten yards to go, all the plays they run on second down and long yardage, so on and so forth. This will give the team a picture of their tendencies. They also have the defenses that the team has been known to run. These defenses are

not only the previous year's, but also the defenses that it is known the coaches believe in, also the offensive ideas of the coaches, and they compiled this from years before and compile downs so the players can understand it and study it and learn it and be better prepared for the game.

Q. Is that common practice in football?

A. Yes, sir; it is.

Q. Now, did Alabama have a scouting report such as you have described preparatory to its game against the University of Georgia in 1961?

A. Yes; we did.

Q. Would you tell the Court and Jury in essence what that was?

A. Well, the scouting report was compiled by Coach Charlie Bradshaw, presently at Kentucky. It was his job to find a scouting report, and actually it contains all that I described, and it has an introduction. It gives us an idea of what we have to do to win, and by studying what Georgia would do or has been doing or we think they might do, we have a better idea. We go in the game prepared mentally and physically. In 1961 we had an idea of how Georgia was football-wise, and I quote, "They will be bigger and [fol. 595] physically stronger than we are. The backfield will not be as fast as their starting backfield of last year but they do have some good backs with Jackson and Gutherie." And it also tells us what we had to do to win:

"We can beat Georgia if we give our very best 110 per cent effort." And it said also, "It will take our very best to win."

Q. Do you have a scouting report for the game of 1962?

A. Yes; I do. Also it contained all that I described before, plus "Georgia is going to have another fine football team. They will be bigger physically and stronger than last year." Their young backs, they have a lot more speed in their backfield, their quarterback string with Rakestraw had been improved since he had gained a year's experience, and he was a much more mature ball player, and their strength would again be in the line, and their weakness was in the defensive secondary.

Q. That scouting report or any scouting report is usually completed sometime in August?

A. Yes, sir. They usually have all their work down in August; yes, sir.

Q. And from the first day of practice on up until the first game the players are coached and trained in accordance with the information that is contained in the report?

A. Yes, sir. Also that and also during the spring practice of the previous spring we prepare for our first game and our next season game during the spring. That is the purpose of spring training.

Q. From September 1st until the game against Georgia on September 22, were there any significant changes made in the defenses that Alabama was preparing to use in that game?

[fol. 596] A. No, sir; there was not.

Q. What defense, primarily, did Alabama plan to employ against Georgia in the game of 1962?

A. Well, Coach Stallings, our defensive coach, had, after studying their spring game, which showed Georgia running the slot offense to a tune of 109 times out of 113, so Coach Stallings and the other coaches got together and devised a defense we called the "'Bama" defense. This is a regular 5-3 defense.

Q. Is that what you are referring to when you refer to the slot?

A. Yes, sir.

Q. And the defense that Alabama was preparing against that particular formation was you called the 'Bama defense?

A. Yes, sir; it is a version of the 5-3 defense, and we just turned it 'Bama.

Q. That is just a code name?

A. Yes, sir; just a code name.

Q. Would you describe that defense to us, please, or maybe you could do it better if you came here and did it with chalk on the board.

A. Well, first of all—first of all we would have the end playing a 9 technique.

Q. Playing a what?

A. A 9 technique, which is principally outside-in. He's got containment.

Q. What do you mean by "he's got containment"?

A. He has to keep everything from coming outside of him. Then, also we had a man in the 3-technique right here. Then, we had a man—3-technique is between the guard and tackle. This is so he can play both ways and probably draw two blocks from one person, I mean, two blocks by him, therefore, freeing the linebacker so he can be more effective. Also we had a man head-on the center, right on his nose. Then we had a man in the 4-technique over here. Then we had a man in a 7-technique, what we called—which is head-on this halfback, that is in the slot. Then we had another end and the 9-technique on this side with the same responsibility as this one. This tackle was head-on the tackle. What this defense was primarily supposed to do—also, we had our linebacker in here. Then our big weapon, Leroy Jordan here. And that is basically what the 'Bama defense is.

Q. Is there anything in the use of numerals? I heard you say 9, 3, 4, or something; does that mean anything?

A. It simplifies the learning of your defensive assignment. We have rules for defenses that—for instance, the 9-technique, we have a 1-technique, a 2, 3, 4, 5, 6, 7, 8, and 9, which stretch from here all the way out to here, either in the gaps or on their nose, and doing this it is simplified. Instead of going through the whole thing, you tell them, "Your job is the 3-technique", and they know what the 3-technique man is required to do. Therefore he can carry out his job more effectively and learn it a lot easier, because there is a lot of stuff to that.

Q. This offensive set that is shown here is known as the normal slot?

A. Yes, sir; it is called—it is a normal slot used with every team we played. They use the slot offense, and we use it ourselves.

Q. And I believe you testified that Georgia had used this a number of times in its spring game?

A. They had used it quite a few times in their spring game also in '61, the year of '61. This was one of their offensive formations. So, therefore, the slot formation is nothing new.

[fol. 598] Q. Your scout report man who prepares your scouting reports, does he give the team at the University of Alabama any idea as to what formations he believes Georgia will stress because of having seen it before or the cause of its personnel?

A. Yes, sir. The coach who scouts the opposing—I forgot to mention, when he is scouting the team he has a team permanently. When he is on the staff, very rarely do they change teams. You see, a coach—well, for instance, let's say Auburn. A coach scouting Auburn for five years, he knows their personnel as they develop freshmen, even from high school. Also he knows their coaches. He knows generally how they think, and he is required to express his opinion on what he thinks their strategy will be.

Q. All right, sir. Now, is the 'Bama defense, code name 'Bama—

A. Yes, sir.

Q. —set up primarily for the game that we are talking about?

A. Yes, sir.

Q. Now, in that game on September 22, 1962, did the University of Georgia go into any formation which made that an inadequate defense?

A. Yes, sir; they did.

Q. Will you show what that formation was down here, please, sir?

A. Yes, sir. Early in the first quarter we were going straight in to our 'Bama defense and playing it pretty well. Then they came out in the slot split with the end out here split on the side opposite of the formation, and, as you can see, with Leroy here, with all these men in here, there is where is where we want to play Leroy, that was the idea

of the defense. As you know, Leroy was a tremendous line-[fol. 599] backer, and the object is to keep Leroy in the thick of the battle where he is best, where he can be more effective. Now, we can't move our end out here to cover him, so what we have to do is take Leroy. We have to take Leroy from here and put him out here in the open for a pass defense in playing this particular area in here and the other is still the same. Now, as you can see, Leroy is out here, and where Leroy does his best work is in here, as has been proven, and this weakened our defense in here; it weakened it tremendously. In fact, they ran it only five times the first half, and four times that was successful. Well, they failed—they dropped a pass one time, so three times it was very successful. We could not defend this man and still have our strength in here where we needed it.

Q. Was something subsequently done to rectify the situation?

A. Yes, sir. The coaches in the press box, which is customary, they have scouts up there viewing, and on the telephone, they saw what was happening in this formation. We weren't prepared for this formation as to overshifting to compensate for the change in the formation. So, at the halftime—one of Coach Bryant's basic defenses is what we call the split defense or split six, and going back to directions, going back to just plain stuff, we could compensate and shift to their strength and get Leroy back in here where he can help us or/and be effective.

Q. During the—

A. Would you like for me to show the reason, the split defense, and how it would help us?

Q. Yes, sir.

A. Now, in the split defense we have what we call a rover. He is called in because when they come out of the [fol. 600] huddle, before they line up, he is in the middle; then he will go to either the wide side or the strong side or unbalanced line, whichever is happening at the time, whichever formation they are in, so we go into the split, and we have a man in the 3-technique, as I showed you

before. We have Leroy here. We have a guard in the 3-and have the other linebacker here. Also have a man there, 7 and 9, and over here, which is the tackle, and the rover drops off. Now, as you can see, we have a sound defense now with our strength where we need it in here. We have our personnel, Richard Williamson, the rover, very effective pass defender and outside man, and he was very capable of giving them trouble on that split end out there. Now, Leroy is in here where the thick of the battle is, and everything in here, that is where Leroy can really make hay, and the second half can prove that this was a great help to us, and also Georgia came out in the second half running this formation more effectively, which indicates that they realized they had only run it five times and could have hurt us four, did hurt us three times out of five, could have hurt us four. However, we had changed our defense to something to strengthen our part of it, so, consequently, that formation was weakened and we came out on top.

Q. Thank you, sir, go back to the stand. During the period from September 1st until the Georgia game on September 22, in planning its defenses, did the University of Alabama or not concentrate on any particular two formations?

A. No, sir; they did not.

Q. Any three particular formations?

A. No, sir; I couldn't say that either.

[fol. 601] Q. If the normal slot, as you indicated a moment ago, would have the end three yards out from the tackle—

A. Yes, sir.

Q. —if that end was, say, lined up four yards rather than three, or maybe as many as five yards instead of three, would that cause Alabama to make any basic change in its defense?

A. No, sir; we wouldn't have to make a basic change at all with our split defense, because our ends, defensive ends—I can say this with authority because left tackles were

defensive ends on defense, so he would—he has his rules, and you have your certain coaching points on the defensive techniques. Now, if the end moved out—would you like for me to show you on the board?

Q. Yes, sir.

A. Well, at three yards he would be here, and then the five yards he would be, say, here, with your slot man in here. As you can see on our split defense we have this man—actually, he would be in here with a three-yard split, but to illustrate it so you can see it, I will make it much larger. Now, instead of this guy playing in here on his outside eye, as he would on a 0-technique, he would simply play, maybe, on his inside eye, and consequently playing out through the man in order to do his job of containment and rushing the passer and making sure they did not get outside of him. So, you see, we could still stay in our basic split defense, be fundamentally sound with this man right here playing through his head and getting right there to keep him from coming around.

Q. Thank you, sir. Mr. Pell, for Alabama to know formations and plays which any team that it is going to play, such as the University of Georgia, in advance, what advantage [fol. 602] would that be to Alabama?

A. Well, I can think of no advantage it would be.

Q. What else do you need?

A. You'd need almost a thousand other things before you could use it.

Q. Describe what you are talking about?

A. Well, if a player—if a player would know his opponent's plays, what plays he would run, how he would run them, he does not know what situations he would run them in. For instance, would he run them on first and 10, first down and 10 yards to go for a first, or would he run it on the second down and 2 yards to go for a first? Would he run it on third, fourth; would he—would he run it backed up? Would he run it in the middle of the field? Would he run it on a sideline, one of the hashmarks? Would he run it down there at the score—would he run it on clutch plays?

There are so many things that determine what play should be run. It would take—take so much to drill a boy or a player into knowing what the other team was going to do.

Q. Is what you are saying that knowledge of the play is not important but knowledge of when it is going to be run?

A. That's right. As you know—well, no; I don't suppose anybody has a monopoly on a football play or a formation. Once they imagine up a new formation, there is nothing to keep another team from using the same formation, and in coaching clinics they go over football plays, successful football plays. You can even buy a book in the bookstore that has successful ball plays. So, knowing what the play is does no good. Knowing what the formation is does no good. You have to know how they run it and how effectively they run it and when and where and how.

[fol. 603] Q. Thank you, sir. What is the Alabama philosophy so far as coaching the players or training the players during the week of the game?

A. Well, Coach Bryant, he even said this yesterday at the clinic in a speech, and he firmly believes it, we would always work hard, fairly hard on Monday nights because of the boys having the—the players having labs in the afternoon. We would practice on Monday night pretty hard. Tuesday afternoon we'd practice pretty hard. Wednesday sometimes we'd practice fairly hard. When we say "hard" or "moderately hard"; well, "hard" would be full gear for two hours practice; "moderately" would be an hour and forty-five minutes practice with little full speed hitting, more dummy for perfection drills, getting quick and getting aggressive and going over your assignments. Then, on Thursdays most of the time you'd go out in sweats and go through your game plans, offensive plays, get them down, work on perfection drills again, go through our defense, and a short brisk drill of approximately an hour and thirty-five or forty minutes. And on Friday most of the time we'd have—if we are on the road, we usually get there on Friday, work out in the stadium, a light work out in sweats for approximately, maybe, forty-five minutes, get

loosened up, get used to the field, and then the game on Saturday.

Q. Now, you have played against Georgia for three years?

A. Yes, sir.

Q. In 1962 in Birmingham, speaking from the physical stand-point, how did the two teams compare?

A. Well, Georgia, in both '61 and '62, was both physically larger and stronger than we were in the line; there is no doubt about that. It came out in our scouting reports; we [fol. 604] knew it. The team as a whole in '62, they had fairly much more speed than we did.

Q. Well, the size of a player does not necessarily determine the ability, does it? I mean, not the ability, that is a bad word—that is an unfortunate word.

The Court: You say Georgia had more speed than you did in '62?

The Witness: Not—I say, as a team. Individually I would suppose I would have more speed. But 23—what we mean by speed is just out footracing, but where it counts is when you get real quick, your short movements. When there is not that much between you and an opposing ball player, if you are real quick it doesn't matter how much you play; you can pack a pretty good wallop in that little space, and we had to rely on quickness and desire.

By Mr. Schroder:

Q. Let me ask you this question, sir. In your opinion, can a football game be rigged or fixed without the players knowing about it?

A. No, sir; it could not.

Q. Could a football game be rigged or fixed without the players participating in the—

A. No, sir; it could not; no way.

Mr. Schroder: You may examine him.

Mr. Cody: You may be excused.

[fol. 605] The Court: What are you studying to be, a football coach?

The Witness: Well, I am studying—I am in the School of Commerce. I will be coaching next year.

The Court: All right, sir; thank you.

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