

Q. What—oh, incidentally, did you, either during the course of the speech or at the end of it, again see the Reverend Duncan Gray?

A. Yes, this delayed it a little, you might say, during the early part of the speech.

[fol. 690] I can't just remember where but somebody started clambering up on the monument and grabbing hold of my leg, as I remember.

And the Reverend is a very tiny, little feller, very, very small. And he was sort of clawing his way up. And the students were booing him and I stopped and I didn't know what was going on and I looked down and made some remark, "I believe your Reverend wants to speak."

I may have even said, "He has a right to speak, too, if he wants to speak. But I am talking now."

Q. And did you then repeat the statement that his action, or something about a Presbyterian—strike the Presbyterian—Episcopalian—

A. I didn't remember this. It's come up in testimony. I may have said it again at the time. I remembered saying it once before when he met me out there. I may have said it.

But it was very obvious that the students were pretty mad about the situation and any word I might have said that was wrong, somebody was going to hurt him because there was a student crossed in front of me, ready to take him on, and quick. And it was—Mr. Gray was in a little rough situation and I was—

Q. What happened then at that point?

A. Well, the Sheriff, or somebody—and I recognized [fol. 691] a Sheriff or looked like a law enforcement agency, reached up there with, or somebody else reached up and put him on the first ledge and somebody else took him from there and led him off.

Q. Have you since learned that it was this Sheriff Talmadge Witt that did that?

A. I have since learned that it was Sheriff Talmadge Witt.

Q. All right. Then tell the jury now, in your own words, and you may take your pointer and step back to the chart, tell the jury just exactly what you did, what you saw, what you said and what you heard from the time you made that speech on, for the next, we'll say, 30 or 40 minutes.

A. Well, the students had begun to boo and protest and I held their attention, got them back a little bit, trying to give them the word on Barnett.

But some of them had moved out, and the rumor was going around in the fringes, "He's not going to do anything."

But basically, I kept the group there with the statement—oh, I had said during the speech that, "You can protest," that, "You have a right to protest, but this is not the place for violence."

The—

[fol. 692] Q. Go on over to the circle there, put your specs on so you can see.

A. Well, I do need—no wonder I have been having trouble.

I am standing right on the edge of the monument, facing this way. This group was right in here. I stepped off the monument, I don't remember which, one of the—I have heard this way or this way (indicating).

But I walked right out in here. And the people, after a talk, want to talk to you.

So there immediately were students around me here and I stood here and definitely turned my face so I could see, look this direction, and watch this group of students.

So the boy, whoever he was, the boys that were talking to me, talking about what was going on, and Cuba, and so forth, I turned and stood right in this area and watched this crowd disperse.

Now the most of it, as the ones that had left, gone these directions, but the most of this crowd, group of 100 to 150, moved on down this direction (indicating).

Now they would go this way and come on back out here and I watched the students come on back through here and go back to what they had been doing up in this area.

I saw one or two groups go through here—a group, say, was four or five, six.

[fol. 693] Some of the group, you could obviously tell by them passing that they were just walking and talking and that they were headed on back up in this area.

Of course, some of them were back up here as they had been before, before I went on the monument, up here throwing rocks and getting tear gas continuously thrown out in this area.

There was hardly a time within 10 or 15 minutes that there wasn't a blast of tear gas, say five dispersed tear gas, that would come in about this area.

So I stood right in here and talked and watched the whole crowd disperse. I wanted to see it disperse. It did.

Some of them mozied along down here, some of them stopped and stood here.

Students went on back up here and went to rock throwing again. Others went out in this area and worked in this way to rock throwing.

I was talking to people in here and finally, after I—when I saw this whole thing had dispersed, go on back to what they were doing, moving off in every area and then there was just, oh, back again, the way it looked, when I came on, 50 or 60 standing around in different places in this whole—I turned around, talked to these boys a few minutes.

As one testified, we talked there 10 or 15 minutes and [fol. 694] about Cuba and the inter—the general situation in the world and what was going on and there were—I turned and walked from person to person or in generally up, on up to this area again (indicating).

Q. What was your gait as you walked?

A. Just slow walking, watching and looking and trying to see all the time.

[fol. 695] Q. All right, take your seat again.

A. This is taking at least fifteen or twenty minutes.

Q. On that walk did you get as far as the flagpole, or where, with respect to the flagpole? Just tell the Jury.

A. I got up within ten or fifteen steps of the flagpole and stopped and looked again, watched to see what I could see.

Q. Then did you go on past the flagpole?

A. Not at that time. I stood around there for a few minutes and moved a little bit to the left or to the right, and then the next ten or fifteen minutes, why, I moved up a little bit more to see if I couldn't see more clearly.

All the time you are trying to see. I am trying to see the Lyceum Building. I haven't seen it yet. I mean up to this time in my conversation.

Q. All right. Go ahead.

A. So, in the next—we have already covered, say, fifteen or twenty minutes after the speech. Now, this is going on for five hours, all evening. It didn't all happen as the radio runs it off, like when they speed up these radios and TV's so that everybody is dialing every direction at once. This is spread out over much time.

[fol. 696] Q. Did you finally then get up in the immediate vicinity of the flagpole?

A. I am up to about ten steps short of the flagpole.

Q. Ten steps is thirty yards. Not thirty feet, thirty yards.

A. Okay, then, I move up to fifteen or twenty feet from the flagpole. I am still trying to see something, you are still trying to see, you are looking right, you are looking left. You still can't see those buildings. The limbs of the trees, now, are about the height of your ceiling here, at the edge of the ceiling.

Q. Now, were there people in the area while this was going on?

A. Yeah, all over the area. No big group. No big racket. You would hear a holler and look over that way, or you would hear a student say something or you would hear a burst of tear gas, then you—or you would hear a racket, say like somebody was beating up some tin, or—basically it turned out to be automobiles.

Q. Did you lead anybody at that time?

A. No, I certainly did not.

Q. Did anybody in your immediate vicinity at that time throw any rocks, sticks, stones or missiles in the direction of the Marshals?

A. Nobody around me at all. There were—I was—there [fol. 697] was boys off forty or fifty steps. I could see people that were moving back and forth from the Marshals, or like they were trying to get up close to them.

Q. Did you at that time participate in any of such activities?

A. I did not.

Q. Did anybody at that time, or at any time after you made the speech on the monument come up and grab you by the arm and you march in front of a large number of people toward the Marshals?

A. I certainly did not. That never occurred.

Q. At any time while you were there that night did you see anything that approximated 1,000 people in one place at one time doing the same thing?

A. Never from the time I got on that campus until the time I left did I see anybody approximating 1,000 people, that I could even see at one time or that were together at one time. Nor was there even 500 together at any one time. Nor was there even 100 massed up together to do anything. No. There wasn't even twenty massed up to do anything. They were just scattered out in groups of fours and fives and you could see that they didn't even know what each other was doing. Not a single one had any connection with what another was doing.

When they talk about thousands on the campus, people [fol. 698] are talking about dormitories and where they have been fifteen minutes before.

Q. Wait just a minute. I am not talking about what people are talking about. What I want to do is get what you saw and what you did.

Now, after you were there in the vicinity of the flagpole this first time, after the speech, what did you do? Did you stay there the rest of the night or did you leave?

A. I didn't leave until about 1:00. Between 1:00 and 1:30, 1:00 to 1:30 or 2:00, or something. About 1:30.

Q. And did you stay all that period of time in the vicinity of the flagpole?

A. No, the whole—that is eight, nine—9:00 o'clock until 1:30, you have got about three or four and a half hours. You get tired and boring. I was staying most all of that period between, back in the area over here by the monument and to the left of the road.

Q. And how long at that time, after the speech, did you stay in the area of the flagpole? Ten or fifteen minutes, thirty or how long?

A. Well, what is the vicinity of the flagpole?

Q. I would say within fifty feet of the flagpole.

A. Oh, about ten—five to ten minutes. Ten minutes, say. [fol. 699] Q. Where did you go from there?

A. Back toward the monument, and toward the left.

Q. Did you again that evening go westward toward the flagpole and the Lyceum Building.

A. Yes, I walked up just a little to the left of the flagpole maybe an hour later and stood around in that area listening to some racket up on the left, which I couldn't see, and tear gas was being fired and it rolled out by me.

Q. Were you west of the flagpole at that time?

A. At one time I was about ten steps west of the flagpole, just watching and looking and trying to hear a bulldozer, once, and another time when a car was being beaten up. I couldn't see either one.

Q. All right. From the time you left the flagpole area and went back to the monument area what did you do in the area of the monument at that time?

A. I talked to students and people that were around and stood just by myself a lot of the time, just watching what was going on, and talked to Mr. Cecil Holland in this time.

Q. Now, he was the news reporter that was here yesterday, was he?

A. Yes, he was.

Q. About how long did you talk to him?

[fol. 700] A. Oh, about fifteen or twenty minutes, then I think I saw him once again for two or three minutes, or saw him in passing as he went one direction and I stayed where I was.

Q. At any time for the rest of the night after you had been on the monument, did you participate in any activities of the crowd which involved throwing things at the Marshals?

A. I certainly did not.

Q. Did you see boys going back and forth past the area where they were carrying bricks, rocks and other things?

A. I saw—

Q. Yes or no?

A. Yes.

Q. Okay. Did you, during that period of time, see a wheelbarrow, a boy pushing a wheelbarrow with anything, rocks or bricks in it?

A. No, I never saw a wheelbarrow.

Q. All right. Now, then, just tell the Jury from this time on—by this time I mean after this second trip you made toward the area of the flagpole, tell the Jury what happened, and what you saw?

A. This is probably around 10:00 o'clock.

Q. Right.

[fol. 701] A. Up around the flagpole you can—I saw people throwing rocks and the gas coming out, but I—probably the most significant incident was I was still back at the monument, or in that area. May I use the map?

Q. Sure.

A. There was a tree here, a fir tree. These are all big pines up about ceiling high and there was a fir tree standing in here, right along here on this side of the road (indicating map) and I spent a lot of time under that. There was a block here, say, right by this light, where I stood and talked to some students during the evening with my foot on a block of concrete. It was a permanent block. I don't know whether it was a curb, but about that high (indicating) and, but at this particular time, we will say around

10:00 o'clock, between 10:00 and 10:30, something like that, I heard and was standing either here or here—I spent my time right in this area mostly, and I heard a student—there seemed to be something, yelling or something about a truce, and somebody went by and I said, “What are the students trying to do?” And, “What are they going to do?” And, “What do I hear?” And he said, “A group of students are going forward to try to have a truce.”

And I didn't go directly, but I moved on up into this area to see if I could hear more. You never could be sure [fol. 702] of any of the word you were getting was exactly right, and when I got up here I noticed a group of, say, twenty or thirty students in this area, a little more congested than normal, and it looked like they were being quieter and yelling back and forth to the Marshals.

And I still wasn't sure what this was all about. I couldn't tell what they were saying, but the tone of events was sort of changing, with respect to the students and the Marshals right in this area.

Then I noticed that there were three or four students walking up forward of the group, and they were right up in this area, and then the thing finalized with three or four students—three or four Marshals coming out right here, and beginning to talk to these three students. And I could, by this time, I walked on up into this area, and this group of about fifteen, say, had moved on up here. I was way back behind them, maybe fifty or sixty steps, watching this, and I saw three—about two or three or four of them talking to the Marshals up here in sort of a loud tone. But I still couldn't hear what they were saying.

About ten or twelve students moved up here. So, I easily walked right on up behind this group to see what I could hear, and there was at least twenty steps distance from this three to this group, and I sort of stuck my head in behind [fol. 703] those lines of students standing here, and listened to this truce conversation that was going on about—I couldn't tell what they were saying, but it was an argument, and it became pretty—looked like it was a stand-off

and nobody was getting anywhere, and somebody in this group hollered, "Well, you can't do anything with those people," and I didn't say anything. I finally saw that that was about the end of it and I just walked off and left them all up there and walked back in this area here (indicating).

Q. Would you know if there was a flower bed up there somewhere?

A. I believe there was a little tiny flower bed right around this flagpole, but you don't see that much at night. You do recognize it when you cross one of these walks. These are not curbed walks, but this walk is, as I remember, it was just a flat laid brick walk that sort of runs easily into the grass.

Q. All right. Take your seat.

Now, you say there was a bulldozer incident that occurred sometime that night?

A. Well, first, there was a fire truck incident, then there was a bulldozer incident.

Q. Did you participate in that?

A. I certainly did not; neither one.

[fol. 704] Q. What was the fire truck incident?

A. Well, I heard a vehicle coming up from some direction. I never could identify where, but I was back left of the monument standing twenty or thirty yards from the monument and I heard the noise, like a vehicle coming on the campus.

And it—some students,—I said, "What is that?" And he said, "Well, I think somebody has gotten that fire truck."

I said, "Where on earth would they get a fire truck?"

Well, there was some conversation about they would go to town and take it away from the fire department or something—they. And I stood and watched, and this noise finally stopped just short of the flagpole, evidently from the way it was coming, and there was no more vehicle noise any more. I couldn't see where this vehicle come from, I couldn't see the vehicle.

Q. Did you go over in that direction?

A. After the thing stopped and they said there was a fire truck parked over there, why I went over to take a look, and it was short—it was east of the flagpole and just a little to the right of the walk, facing sort of toward Lyceum.

Q. All right, sir. Now, what about the bulldozer inci-
[fol. 705] dent?

A. The bulldozer was later, as I remember the sequence. The bulldozer—there was a noise coming up from the left, way down south of the Lyceum Building. Sounded like the direction of travel—it sounded like two or three hundred—at night, maybe closer, but it sounded like a couple of hundred yards away at least, from the Lyceum.

And I asked a student, I said, “What is that, sounds like a tank coming.” And he said, “Oh, that is that old bulldozer down there on the—grading or something they were doing down there, they have gotten that old thing to running.”

And I heard the racket, the noise, the movement of the engine coming closer and closer, and I could hear it sounded like it was up on the left side or south side of the Lyceum Building. I am still back over in this area, over by the fir tree that I designated, right in that area. You still can’t see vehicles. You can’t see vehicles in front of the Lyceum Building, too dark. You are looking under a dark bunch of trees. And I looked up toward it to see if I could see in. I moved up to about, oh, about a little bit south of the flagpole, wandered on up there, hoping that I could see it, on that walk, along about up to that walk, just south of the flagpole.

[fol. 706] Q. Were you ever—

A. About twenty steps from the flagpole. Huh?

Q. Were you able to see the bulldozer?

A. I never saw the bulldozer, no. I didn’t. And then I—a student came by and I said, “What are they doing?” He finally, during the course of the conversation he said, “They are trying to—they are going to put a sandbag on the accelerator, they are going to head it toward the Lyceum Building.”

Q. And did you have anything to do with that?

A. Certainly did not. And it didn't get anywhere. The—it wouldn't get anywhere. It took one bounce at the curb, or something, and died. You heard it just go dead.

Q. From there on did you have anything to do with the activities of the students toward the Marshals?

A. I never have had anything to do with the activities of the students toward the Marshals. The answer is no, I didn't.

Q. You say you left about 2:00 o'clock?

A. 1:30 or 2:00.

Q. Where did you go?

A. We went—we walked, just walked off the campus. Nobody knew we were going, or anything. Just tired. I am tired. We went on down to the car where I said it was [fol. 707] parked, got the car and headed back toward the Mansell Motel.

Q. All right. Go ahead and tell us what you did the rest of that night. Skip any irrelevant details you can.

A. We stopped on the way, I would say about half way, I don't know the distances, but it was out of town, and I believe it is beyond—at least half way to the Mansell House.

We stopped at the side of the road. There was a group of people on the right. There was sort of an, old garage, and a commercial building or two sitting out there by themselves, and then there were ten or fifteen Highway Patrol cars sitting on the left of the road in a bunch.

We parked on the right. I talked to three or four people there, including one student who was out of his—run out of his dormitory and didn't have any place to stay. They were hunting places to stay. And one of them said, "You can still hear them." This was an hour later. He said, "You can still hear them shooting on the campus." And we listened to it. And I am not sure I could hear it, but they kept saying, "Don't you hear that?"

And I had talked there for about an hour to a group of people on the right, three to four to five, going and coming, [fol. 708] and then I would move over and talk to the Highway Patrol who had gotten out of their cars and were stand-

ing around talking. I went over and talked to them for ten or fifteen minutes.

Q. Did you see anybody you knew?

A. Well, not right at that time, no, we had been there anywhere from forty-five minutes to an hour or an hour and fifteen minutes. From then on then I called somebody to come down and join us from the other direction, from the Mansell Motel where we were. And they come on down there and joined us, and take us on back to the Mansell.

Q. That is—did you call somebody to come get you?

A. Sir?

Q. Did you call somebody to come get you?

A. Right.

Q. Whose car were you in at that time?

A. Well, up to this time I had been in Louis Leman's car.

Q. Did he go somewhere else then?

A. No.

Q. What was the occasion of your calling somebody to come get you?

A. Well, we knew—we picked up that somebody was [fol. 709] following us as we came out of Oxford. In other words, we had already gotten into Oxford and we turned on this highway, I believe it is 6. And we had—either Louis or I said, "There is a car tailing us, right behind us."

So, we pulled off the road and he went on by. He pulled right over the hill and he stopped. We moved up on him and saw him again and were recognized and we went on ahead again and here he came again. So, it was obvious that he was following us or watching our car. We had known we were followed. We saw a man at the Mansell Tourist Court Sunday morning.

Q. Did you understand whether it was a newsman or some official?

A. Well, it must have been an official. Too new of a car for a news man. It was some designated person. Perfectly obvious.

Q. And go ahead and tell us what happened between then and the time you went back to the motel?

A. Well, I called friends who had come into the motel and said, "Come on down here and join us here, we are right down the road. You will see us, I will watch for you, come on down here and join us." And when they got there I hadn't seen them before since leaving Texas, say, and maybe some of them for weeks or months, and we kind of talked a few minutes, and then we got in their car and left Louis' [fol. 710] car and we got in their car which actually come—and the car they were driving, and went on back to the Mansell—Mansell Motel.

Q. Did Louis go with you too?

A. Yes.

Q. Where did you leave his car?

A. We left his car sitting there.

The Court: Let's stop at this point for a recess. Ladies and gentlemen, we will recess until a quarter until 11:00. Keep your seat in the audience until after the Jury files out.

(Short recess was had.)

[fol. 711] Q. Now I believe when we took a recess, you were telling the jury about going back to the motel after you changed cars?

A. Right, sir.

Q. And did you spend the rest of the night at the motel?

A. Yes, I did.

Q. Did anything of any significance happen at all?

A. Nothing of any significance.

Q. What time, roughly, did you get up the next morning?

A. That would have been Monday morning, October the 1st. We got up about, oh, about 9:00 o'clock, 8:30 or 9:00.

Q. Where did you go?

A. I went back to Oxford. To Oxford.

Q. Did you go to the University area again?

A. No, I did not.

Q. Where did you go in Oxford?

A. We drove to Oxford within a block of the courthouse square.

Q. Was there any rioting or anything of the kind going on there?

A. No, not at that time.

Q. Was there ever, that next morning, that you had any observation of?

[fol. 712] A. Yes, just before I left town, about 10 or 15 minutes before I left, there were some sporadic shooting and people running and soldiers trying to catch people.

Q. Did you participate in that in any manner?

A. Certainly did not.

Q. Were there military personnel around the town of Oxford when you went down there?

A. Yes, there were.

Q. Did you eat there that day?

A. Yes, I ate what we could get of a breakfast there.

Q. Roughly what time with respect to being early, middle of the morning, or late?

A. Oh, it would have been around, I guess, somewhere around 10:00 o'clock, or 9:30 or 10:00.

Q. Where did you go then from there?

A. We—I left in the car with Louis Leman driving and several other people, for Jackson, Mississippi.

Q. And what happened?

A. We were stopped going out of Oxford, about two miles, at a roadblock, military roadblock.

Q. And what occurred at that point?

A. At the outskirts of Oxford where we were stopped, Lieutenant on a radio and eight or ten soldiers around blocking the roads and checking people going out of town, we were stopped and told we couldn't go any further, to park [fol. 713] on the side of the road.

Q. All right, sir. Continue.

A. And wait.

Q. Continue.

A. We sat in the car and talked to the Lieutenant, who was on a communication system out of his radio jeep to his Commanding Officer, and I heard some of the discussion back and forth.

They couldn't make up their minds about anything or what to do, anything except reporting that I was there, I'm sure.

And that—I told them and they saw—he stopped us across the road from him and he said, “You just as well wait,” and we got—I got in the car and sat 15 or 20 minutes and talked to him a few minutes and sat in the car with two ladies that I knew and three men that were in the car. There were about five.

Q. Is that the same car you had left in or was it a different one?

A. That's the same car that I had been in all the time, Leman's car.

We were headed back to Oxford and this was out about, I would say, about two miles from the center of town, on the outskirts of Oxford.

Q. Were all these people with you when you left? Who [fol. 714] was in the car when you left Oxford?

A. These same people, all of them, got in the car after we had some coffee at the drugstore.

Q. All right. And were you taken into custody there at the roadblock?

A. Yes, I was.

Q. By whom?

A. The military.

Q. And what, where were you taken?

A. I was told to get in a jeep. I said I would follow in our car and he said, “No, you would get in the jeep,” and we were driven back—I said, “All right, my car will follow.”

And I got in the jeep and they drove us back to the Administration Building, the Lyceum, on the campus.

Q. And where were you taken from the Administration Building and by whom?

A. I was taken from the Administration Building to the Federal Building in Oxford, the Post Office Building, right on the courthouse square.

I was taken there by Marshals out of the Lyceum Building.

Q. All right. And what occurred when you got to the courthouse?

A. When I got to the courthouse, why, after standing [fol. 715] around, they didn't seem to know what to do, why, they said, "Come on upstairs," and we were under guard. There were four guards on me from the Lyceum Building. They had held me in custody in the Lyceum for over an hour.

Q. Who is "we"?

You said, "We were under guard."

A. Well, a friend of mine that got out of the car with me, got in the jeep with me and stayed in the Lyceum Building with me. And then he went on to—he got in the car with the Marshals when we drove, when they forced, put us in the car and never released us, kept us under guard, in the Lyceum, and he—he and I, because he got out of the car with me and then we—at the Federal Building, why, the two of us, they said, "Come on upstairs."

We were under guard. And two or three big Marshals, or four. And went upstairs.

Q. Were you taken before a United States Commissioner?

A. Yes, I was.

Q. Were you told that you were being charged with some type of a Federal crime?

A. Yes, while we were up there, after 10 or 15 minutes, why, they finally, somebody came in the door. I think it was a Marshal. And gave me an arrest order, charge.

Q. Was that a warrant for your arrest?

A. Yes, it was.

[fol. 716] Q. And were you able to learn with what you had been charged?

A. Yes, I learned what I had been charged with.

I was charged for assaulting Marshals, for assault, for conspiracy, for insurrection against the Gov—the United States, for seditious conspiracy.

Q. And did this U. S. Commissioner, to refresh your recollection, one Omar D. Craig, did he take any action in your case?

A. Well, after this, and we had been served with the charge or the complaint, why, 10—I don't know what was, they were going to do.

We were sitting in a room under guard and they said—all of a sudden somebody came in and said, "Come this way." And we walked across the hall and they opened their door and there was a whole courtroom set up with 30 or 40 people in it.

Q. And what, right quick, happened in that courtroom?

A. Omar Craig was at the head of the court. I learned his name later. And in that courtroom they said that I was being brought to decide, to determine the amount of the bond.

And I asked them, I said, if—"This has nothing to do with, based on what I have been charged with of moving this out of the State of Mississippi," and then his answer [fol. 717] was no, it wasn't, it didn't have anything to do with it.

And I said to him again specifically, I said, "Is this hearing just for establishing the amount of bond?"

And he said, "Yes, it is," which, of course, is false; that is not true.

Q. Was anything said about a lawyer?

A. Yes, he said, "You have a right to get counsel."

I said, "I can't get counsel here. My counsel would be outside of the state."

And he said, "You—" when he said it, he said, "I'll give you an hour, hour and a half to get counsel."

I said, "I can't get counsel here."

He said, "Well, if you—" Well, he said, "You can either—" the inference was, you can use our counsel.

Well, I didn't want their counsel.

And, "An hour and a half," I said, "I can't get counsel outside of the state."

Q. Did you waive—

A. And I said again—this was probably the time I repeated, this is what I said, “Is this only for the purpose of deciding the amount of the bond?”

And he said, “That is all it’s for.”

Q. Did you waive your right to a counsel at that hearing?

A. I did not. The conversation ended like that.

[fol. 718] Q. Were you given the right to have a preliminary hearing?

A. I certainly was not.

Q. Did you waive your right to a preliminary hearing?

A. I did not.

Q. And what happened to you then?

A. I said, “Can I have a minute to go out and talk?” Yes. And he said, “Yes,” and so we went out in the other room and I took my friend, I said—

Q. Don’t tell what you said out in the other room.

A. Okay. And we came on back in and either I repeated some questions or asked him what effect this would have on—if this had anything to do—oh, I also said, “I am going to be free after this is over to go and come as I please?”

And he said, “Yes, that is right, under bond.”

Q. And did you make preliminary arrangements to make your bond?

A. I said, “All right, I waive the hearing,” when it came to that point.

Q. And at that point then you did waive the preliminary hearing?

A. On the bond.

Q. I see.

A. Right, on making a bond.

Q. All right, sir.

[fol. 719] A. But my previous question was a hearing about anything else they did.

Q. I see. And did you, were you taken then— Strike that. Where were you taken?

A. I was taken back into the room where we had been, just a vacant room with tables and chairs and, let’s—we

sat there 10 or 15 minutes and then finally somebody came in and said, "Come on down."

And they took us downstairs to the Post Office Building. This is the building facing the courthouse.

Q. Right.

A. Yeah, the center of the square. It's the Post Office Building in Oxford. We were taken downstairs into a little room on the side of the hall, little tiny room.

And there was a desk there and a phone and a Marshal, or whoever he was, my guard was sitting right in front of me.

Q. And where were you taken from that room?

A. From that room, that was the—I was taken out of the building and on an airplane to Springfield.

Q. Were you given or served with any type of a court order to take you to Springfield?

A. I was not.

Q. Did you know where you were going?

A. They refused to say whether they were taking me to— [fol. 720] where they were taking me—where I was going or give me any telephones to call or let anybody know where I was going.

Q. And what happened to you then?

A. I—oh, when they got me at the bottom—away from the phone and away from the desk and my friend with me, they got me to the bottom of the courthouse, the Federal Building, going out the back door, they turned around and started searching me and taking—searching me and telling my friend he could go no further.

Q. How were you taken to Springfield?

A. We were driven from there to the airport, four men in the car. They got lost going to the airport. Finally got there.

I was gotten out of the car, walked over to a plane that was all ready to go and got on this Ranger plane, it looked like, and marched on the plane.

They wouldn't tell me where I was going, they wouldn't tell me where, where I could phone anybody or where anybody could catch me.

I was put on this airplane and it was ready to go and I heard some of the crew say something about Springfield as I got on the plane. I didn't say anything.

Got on the plane. And engines started and off we went and I looked at the clock, I think about 5:00 o'clock, took off.

[fol. 721] Q. Did you find out where Springfield was, which Springfield?

A. Well, on the plane the only thing I said to anybody on the plane, I said, "Now I heard the word 'Springfield,' is that Springfield, Illinois? Where is this plane going?"

He said, "No, that's Springfield, Missouri."

Q. And did you get to Springfield, Missouri?

A. We landed then at Springfield, Missouri, about an hour and a half later and were met there.

Q. Where were you taken?

A. Somebody met us and we were taken to the Springfield Prison, medical—called a prison medical center, U.S. Prison, Medical Center.

Q. And were you advised what type of an institution that was?

Mr. Gooch: Now, if the Court please—

The Witness: I asked the man in the car—

Mr. Watts: Wait just a minute.

Mr. Gooch: I object to that as a conclusion. It's wholly irrelevant and immaterial to any issue in this case, as to what happened—

The Court: Overruled, Counsel.

Mr. Gooch: Note the exception.

By Mr. Watts:

Q. Were you advised, yes, or no, what type of institution that was?

[fol. 722] A. Not until I got in the car. I said, "Where are we headed?" When I got in this automobile. It was obvious, the man that was driving was, seemed to be—

Q. I don't care about the driver.

A. And I asked and he said, "You are going to the Springfield Medical Center."

I said, "I object. I don't want to go there." And, "I'm not going there under free will."

He said, "You are going there, that's our orders," and he took me there.

Q. Did you later find out what type of institution that was?

A. I certainly found out immediately what type it was. There was a sign on the road going in saying what it was.

Q. What was it?

A. U.S. Prison, Medical Center.

Q. What, did it have anything to do with mental patients?

A. It's basically for mental patients, criminal, mentally insane.

Q. Were you incarcerated in that institution?

A. I certainly was, in a six-by-eight cell.

Q. For how long?

A. For six days.

Q. Then where did you go after you got out, where did [fol. 723] you go?

A. I went to—I went back to Dallas.

Q. And when you got back to Dallas, did there come to your attention a news report or a couple of news reports that were printed in the Fort Worth Star Telegram under the byline of the Associated Press?

A. Yes, they did.

Q. And are those the reports that you heard me read to the jury when this trial first started?

A. Yes, I have heard those reports read to the jury.

Q. Will you tell the jury please, sir, just what effect it had upon you when these Fort Worth Star Telegram reports of the Associated Press came to your attention?

A. Well, it's very humiliating and degrading and, of course, very hurtful, hurt your sense of feeling and it's depressing and just unbelievable that these sort of reports could be going out clear all over this part of the country where I have so many friends and all over the west part of the state, in this Fort Worth Area, and even into the Dallas Area, saying that you had been leading charges on a campus of students and then that you are six days in a cell for insane people as a criminal.

Mr. Gooch: Just a minute.

Mr. Watts: Just a minute, skip the insane.

Mr. Gooch: I move the answer be stricken. That is not [fol. 724] in this case.

The Court: Sustained. The jury is instructed not to consider it.

By Mr. Watts:

Q. Now I am talking strictly about these articles in the Fort Worth Star Telegram, about your leading this charge.

A. Oh, I see. Well, that I am leading a charge and that this is putting out the word, it would make anybody naturally look like they were crazy, people and your friends and everybody all over the country would think you were crazy that read the press saying that.

Mr. Gooch: We object.

Mr. Watts: Don't say what they thought, that's right.

The Court: Sustained. The jury is instructed not to consider it.

The Witness: Well, this is my feelings—

Mr. Watts: Let him—

The Court: Just a minute.

The Witness: I'm sorry, Your Honor.

The Court: The jury is instructed not to consider any part of the answer relating to what someone else may have thought about the reports.

By Mr. Watts:

Q. Well, what I am trying to get is, what you thought in your own mind when you read this article that you, as [fol. 725] a former Major General of the United States Army, had led a charge of students.

A. Well, I felt humiliated, after being in the service for 30 years, and you got millions of friends in the service and then you, as a Major General, I was humiliated and degraded throughout the entire military service as well as—

Mr. Gooch: We object, as to where he was degraded.

Mr. Watts: What you thought.

The Witness: Let's stick to the Fort Worth and Dallas and friends in Texas—

Mr. Watts: Wait just a minute. He wants to object.

Mr. Gooch: I move the answer be stricken from the record.

The Court: It's stricken.

Mr. Watts: That's right.

The Court: The jury is instructed not to consider it.

By Mr. Watts:

Q. Now what I am asking you is what you thought in your own mind when you read this article in the Fort Worth Star Telegram. You have covered it fairly well but finish the rest of it now as to what impression it had on you personally.

A. Impression of humiliation.

Q. How long had you, as an individual, been reading [fol. 726] this newspaper?

A. I read this newspaper all—off and on all the time when I have been in Texas, from time to time.

Q. All your life?

A. Right.

Q. And what was the position with which you, as an individual, had held the Fort Worth Star Telegram all of your life?

Mr. Gooch: I object to that as wholly irrelevant and immaterial to any issue in this case.

The Court: Overruled.

Mr. Gooch: Note our exception.

By Mr. Watts:

Q. Go ahead and tell the Court and jury.

A. Well, it's one of the major press papers in the State of Texas and certainly it has a high circulation among farm and ranch people all over the South, southwest part of Texas, and you find it everywhere in ranch people and where my many friends are and where I am known and where I know people, and just humiliation to think about it and I was—I thought about it night and day for a long time. It's just a—

Q. Did it affect your sleep any?

A. Well, sir, certainly, you end up nights thinking about what you can do to bring—to recover.

[fol. 727] Q. Did you have any way to explain or to counteract this publicity?

A. No, no way. You just know it's gone out and that's what everybody's thinking, they have every right—

Mr. Gooch: We object to what everybody is thinking.

Mr. Watts: Don't tell that.

The Witness: All right.

The Court: Sustained.

By Mr. Watts:

Q. Just tell what you thought, not what the others were thinking.

Mr. Gooch: Move the Court to instruct the jury not to consider it.

The Court: The jury is instructed not to consider the last part of the witness' answer relating to what anyone else may have thought when they read the article.

By Mr. Watts:

Q. In other words, just tell what you thought they thought—

Mr. Gooch: They thought?

The Witness: What I thought they thought?

Mr. Watts: Strike that.

By Mr. Watts:

Q. I am trying to find out what you thought up between these two ears (indicating). I don't care about anybody else.

A. Well, I thought I was well humiliated, well degraded, [fol. 728] well deceitful and false information.

Q. Did you consider that prior to that time you had any type of reputation in the area where you were born and raised, so far as being a peaceable, law-abiding citizen was concerned?

A. Well, I certainly did. I—

Q. Had you ever been at any time charged with a crime before?

A. No, I hadn't.

Q. Now speaking of crimes, what finally happened to you, so far as these charges of crime were concerned?

A. These charges were all placed against me on October the 1st, and the Government found, or the—the charges were all dropped, the court found—

Q. You don't know what the court found.

A. Well, the charges were dropped, and insufficient evidence, there wasn't any proof of it.

Mr. Gooch: Just a minute.

Mr. Watts: No, you don't know anything about the evidence.

By Mr. Watts:

Q. You had been out up until the time these charges were dropped, you had been out on bond, hadn't you?

A. That's correct.

Q. Was your bond released?

[fol. 729] A. Yes, my bond was released. The charges were dropped.

Mr. Watts: I believe that's all.

Cross examination.

By Mr. Gooch:

Q. General Walker, I believe you have testified that you were born in Center Point and I believe that's in Kerr County, I guess?

A. Yes, sir.

Q. That is a rather stable, God-fearing, law-abiding community, is it not?

A. Yes, sir.

Q. You came up in the atmosphere that law and order must be obeyed, didn't you?

A. Yes, sir.

Q. You attended the schools there in Center Point and then the Shriner Institute, I believe you have stated?

A. Yes, sir.

Q. Shriner Institute is a military school, is it not?

A. I believe it had an organization in it and it's by choice.

Q. All right. And did you take the military training afforded in Shriner Institute?

A. No, I did not.

Q. Shriner Institute is a private school as distinguished [fol. 730] from a tax-paid school, is it not?

A. It may still be. I believe it was at that time.

Q. It's a very good school and you can get a good education there, can you not?

A. Yes, sir.

Q. You are taught law and order there, aren't you?

A. In all schools, yes.

Q. Then you went to New Mexico Military Institute?

A. Right, sir.

Q. Is that a military school?

A. Yes, sir.

Q. Did you have any choice there but to be in the military units?

A. No, it's a state school.

Q. And the courses there are based on, as well as academic education, based on military ideas and ideals, are they not?

A. Yes, sir.

Q. Then from New Mexico Military Institute, I believe you stated that you entered West Point, is that correct?

A. Yes, sir.

Q. You do not attend West Point as a matter of right, do you?

A. Will you restate that question?

Q. I say, you do not attend West Point as a matter of [fol. 731] right; I mean by that, General, that you must be appointed, based on qualifications, is that correct?

A. Yes, sir, but anybody has a chance to apply for those qualifications, anybody in the country.

Q. I realize that, but you can't enter West Point like you would enter the University or TCU or some place of that sort; you have to apply and it's competitive, isn't it?

A. There are some more requirements but you have requirements for every school.

Q. All right. But you have to receive an appointment from some Senator, or Congressman or the President, to get in West Point, do you not?

A. No, sir.

[fol. 732] Q. Well, I have been misinformed.

A. You have, Mr. Gooch, because you can get an appointment from other sources. You can take it competitive.

Q. What are the other sources?

A. Competitive examination.

Q. Doesn't the appointment still have to come from a Congressman, a Senator or the President of the United States, even after the competition?

A. The source of that appointment can come from other sources. As I understand, they can—they may come through those hands, but they are based purely on com-

petition, and they may come without the people seeing the person or knowing them.

Q. Did you go there on competition, or were you appointed?

A. I was appointed from Texas.

Q. All right. You took the four year course, I assume, at West Point?

A. Yes, sir.

Q. Is that a school that is designed, among other things, to teach leadership?

A. Not just for that purpose.

Q. No.

A. It teaches leadership.

Q. I said among other things, General.

[fol. 733] A. Yes, sir.

Q. You completed that course there at West Point within the four year allotted period of time, did you not?

A. Yes, sir.

Q. At the time of your graduation from West Point I believe you stated yesterday that you had an option to either go on with the Military career, or resign, is that correct?

Mr. Watts: If Your Honor please, that is—a—

A. No, sir, not exactly.

Mr. Watts: No such thing.

The Court: He is asking, and he answered.

A. It is changed from time to time. Whether it is two or four, I don't know what it is now. But they can keep you in the Service for a certain length of time.

By Mr. Gooch:

Q. That is my point.

A. That is the requirement, see.

Q. My next—

A. Then—but everybody knows that before they come in, so you see there is no decision to make when you come

out of there. Now, if a boy wants to get out, he can get out whenever his time is up, whatever that happens to be, two or four years. It is varied. Sometimes they are not too strict about it. On whether there is a country emergency, whether they don't need them, or they do.

[fol. 734] But, in general, everybody goes to West Point with the idea that that is a career for them, and then quite a few of them drop out after their time is up.

Q. My point was that after a certain length of time, which you say varies from time to time, you have your choice of either staying in for a Military career or resigning your commission, is that correct?

A. Generally, yes. Nobody presents this choice. You just go—you don't consider it. Yes, the answer is yes.

Q. You elected, then, of course, to make the Military your permanent career by staying in, did you not?

A. Yes, sir.

Q. All right. It is obvious I don't know too much about the rank and file above that of corporal, but as I understand, you come out with a Second Lieutenant's commission, is that correct?

A. Yes, sir.

Q. And I believe you stated, and I may be in error in this, that you got out in, did you say 1930?

A. '31, sir.

Q. 1931. And you rose rather rapidly through the ranks from Second Lieutenant to Major General; is that correct?

A. I rose along with my classmates.

[fol. 735] Q. Are the—strike that.

Is the procession from a Second Lieutenant to a Major General based entirely on seniority, or is it based on aptitude and training, and records?

A. Both.

Q. All right. Did you advance along with your classmates, or did you surpass some of them, or some of them surpass you?

A. Some of them surpassed me and I advanced along with some of them.

Q. Did you surpass any of your classmates?

A. Yes, sir.

Q. All right. Now, you spoke yesterday of after you graduated from West Point that you have opportunities, and I didn't know whether you said opportunities, obligations or commands, to continue your Military education. Which is it, General?

A. You have the requirement and opportunities both, in the Military Service.

Q. All right. That is the question I am asking you.

A. Both, sir.

Q. And I believe you stated you availed yourself of opportunities to do some work in the air division, Air Force?

[fol. 736] A. Right, sir.

Q. As a commando, or guerrilla warfare?

A. Right, sir.

Q. And perhaps artillery, or was artillery originally what you set out to be?

A. Artillery is basically right.

Q. All right. Now, in the training for this commando, or guerrilla warfare—by the way, what is guerrilla warfare, General?

A. It is warfare in smaller groups with less organization; a large organization getting special training to fight guerrilla warfare, like you have seen reported in Vietnam.

Q. It is sort of small group action that requires special training to rush in rather quickly, hit an objective and withdraw, being able to live off the land, something of that sort?

A. To have guerrilla training you must have all other training, and this is on top of the other training you have had, and that includes to fulfill any requirement of striking the enemy in any size numbers.

Q. All right. And that, as distinguished from drawing battle lines and digging trenches and digging in, shall we say, for a long seige, is that correct?

A. Basically right, yes.

[fol. 737] Q. All right. Now, when did you receive your commission as a Brigadier General?

A. I received it in 1953, on leave in Texas.

Q. 1953. Now, that was based, I believe you stated, on seniority, on leadership, on education, and perhaps I don't know, but maybe you can enlarge on, but at least are those factors considered in your advancement?

A. Yes, they would have to be, like they are in any profession.

Q. All right. You mentioned also in your direct examination that up to around, and I believe I am correct, I am not sure—sometime around '60 or '61 you were in command of the 24th Division in Germany; is that correct?

A. From '59 to '61.

Q. Yes, sir.

A. Right, sir.

Q. All right. I believe you also said with considerable pride that you thought the 24th Division was the best outfit you had seen?

A. Yes, sir.

Q. And you attributed that to your leadership, did you not?

A. Not entirely. I had some good men in it, and they made the organization.

Q. That's right. It takes all men to make the organization, is that right?

A. That's right, sir.

Q. The General is successful when he can get the cooperation of the subordinates, isn't he?

A. That certainly helps.

Q. It also permeates from his own staff down into the foot soldiers, shall we call them, the privates.

A. Even the corporals, Mr. Gooch.

Q. All right. You took a good deal of pride in the fact that you had been able to bring that 24th into what you considered a great organization, is that correct?

A. Yes, sir.

Q. Now, prior to the time you had the 24th in Germany you stated that you had an assignment in the State of Arkansas. Can you tell us when you received the assignment to the State of Arkansas?

A. Well, sir, I received it before I left Hawaii, and I had some leave in there on change of station and—say a month and a half or two months.

Q. Well, I was just trying to get at the timing that you were in charge of the Arkansas—and frankly I didn't get just the correct name of your title in Arkansas. Will you give me that, please, sir?

A. Arkansas Military District, parenthesis Reserve, I believe, parenthesis closed, and then the title changed during that period of time because we were doing—[fol. 739] reorganizing the Reserve all over the United States, and it had something in it with regard to Corps 8—no, I have forgotten it. Maybe General Watts will remember. I think part of Oklahoma was in it. 8th Corps Reserve?

Mr. Watts: 19th.

A. 19th Corps Reserve.

Mr. Gooch: You mind letting the witness testify?

Mr. Watts: Excuse me.

By Mr. Gooch:

Q. My question originally was: Do you remember when you assumed command of the Arkansas unit?

A. I went there within two or three days of the first of September, as I remember it.

Q. I was trying to get it as related to the time of the Little Rock incident.

A. Yes, sir.

Q. Which you have testified about.

A. Right, sir.

Q. And would you say about how many days you were in charge of the Little Rock contingent before the Little Rock incident occurred?

A. About twenty-five or thirty days.

Q. At the time you went to Little Rock I assume you knew nothing about an incident that might occur later on?

[fol. 740] A. No, sir, I didn't.

Q. I believe you also testified, coming down chronologically, that you resigned your commission as a Major General in 1961?

A. Yes, sir, I did.

Q. At that time I believe you also stated, and contradict me if I am wrong, that you had an option of retirement or resignation; is that correct?

A. Well, they wanted me to retire but I didn't want to, so I resigned.

Q. I assume the answer to my question is "yes", you could either take a retirement or you could resign, is that correct?

A. Yes.

Q. All right. Now, had you taken retirement, I believe you testified that your emoluments, pay and fringe benefits and so forth would have amounted to around \$15,000.00 a year?

A. Something in that area, right, sir.

Q. And by your resignation you forgave or forfeited any right to that retirement benefit; is that correct?

A. Right, sir.

Q. Then you returned to the State of Texas, you stated. Now, you stated yesterday, without giving a reason, that [fol. 741] you had reasons for retiring—I mean for resigning from the Army rather than retiring. Did you make those reasons known at the time you resigned rather than retired?

A. Not all of them, no, sir.

Q. Well, did you make some of them known?

A. Yes, sir.

Q. What were your reasons, or some of your reasons, if you don't care to give them all, as to why you resigned rather than retired?

A. Well, the difference between retiring and resigning is the pay, and you are in subsidy of the Government, the

taxpayers money, when you retire, and I felt that I wanted to be able to speak, if I wanted to speak, or if I decided to say anything, I wanted to be able to free to say just what I wanted, and without any strings attached, and I didn't feel that it would be fair to everybody and say everything you want when you want, so I wanted to resign.

Q. You wanted full freedom to express your opinion on any subject that you cared to; is that a fair statement?

A. I wanted the freedom as I have stated, Mr. Gooch.

Q. You wanted the guarantees of the Constitution of the United States of freedom of speech, did you not?

[fol. 742] A. I just changed, Mr. Gooch, from the title of General to the title of Mister, and I expected the things to happen that happen when you do that.

Q. You expected what?

A. I expected the rights and so forth to change as it would from getting out of the uniform of a General to getting into civilian life. I wanted the title Mister, not General. That is the way I am now. I have no right to be called by the title of General. People can call me whatever they want to, but I don't sign my name General, and I don't intend to, and I don't have any right to. I am a Mister.

Q. Do you object to my calling you General?

A. I can't object to it, no, sir.

Q. The rank of Major General is a respected rank, is it not?

A. A General in the Army is a very respected rank, yes, sir, and certainly some of the other ranks ought to be more respected.

Q. And the rank of a Major General is respected in all climates among all people, is it not, sir?

A. Yes, sir.

Q. It is rather a sacred trust, isn't it?

A. So is corporal.

Q. Well, I believe a Major General is just a wee bit [fol. 743] higher than corporal, if I am not mistaken; is that correct?

A. Yes, sir, you are right.

Q. All right. Now, upon your resignation from the Army I believe you stated you went back to your home for a short period of time and then moved to Dallas. At the time of your resignation, did you receive a considerable amount of publicity concerning your resignation and the events leading up thereto?

A. Yes, sir, there was quite a bit of information in print about it.

Q. Did you then decide upon a political career, speaking career, or what, General?

A. I decided to speak and talk to people and—

Q. Did you expect to receive some kind of emolument from the speaking you engaged in?

A. Well, I assume I did. I had to have some way to live.

Q. Was that the way you chose to live, by your speaking engagements?

A. Partially.

Q. I don't intend to pry into your financial affairs, unless you want to reveal them, but \$15,000.00 a year is a good deal of money, isn't it, General?

A. Quite a bit.

[fol. 744] Q. You felt you could manage on your speaking engagements as well, I assume, as you could have on your retirement pay?

A. Basically, at that time, Mr. Gooch, I just considered I could always get a job. I wanted to be Mister and get a job.

Q. Did you apply for a job?

A. Well, I talked to people about jobs.

Q. Did you ever take a job?

A. Well, a fringe one, you might say, or semi-one.

Q. What was that job?

A. Well, as you asked me about later, did anybody ever pay me for anything, I will say, "Yes, they did."

So, not much of a job, but fringe things. I have done things that people have paid me for.

Q. What was the first job you had after your resignation?

A. Well, the first job you might say, first started with my Dallas speech in December, I believe December or January, '61 or '62. December if it was '61, or January if it was '62.

Q. It must have been '61, because you made a lot of speeches before September, 1962, didn't you, General?

A. Quite a few, yes, sir.

Q. Where did you make your maiden speech? Do you [fol. 745] recall?

A. Made my major speech?

Q. Your maiden, first speech you made after you got out of the Army.

A. My first speech was made in Dallas, as I recall, to about 6,000 people, with a committee from all over the State of Texas, to include, I believe, Gov. Coke Stevenson as Chairman; ex-Gov. Coke Stevenson.

Q. Did you receive pay for making that speech?

A. There was no plan before the speech to pay me. I believe after it was over they had a little money left over that they gave me.

Q. From then on down to the present, have you engaged rather extensively in speech making all over the country?

A. I have been making speeches across the country, yes, sir.

Q. Is there a constant demand on you and your time for speaking engagements, General?

A. Yes, sir, off and on and continuously, yes, sir.

Q. Has that continued right on down to the present time?

A. Well, there have been changes when it went up, the requirement, and when it went down through this period.

Q. You mean it has fluctuated?

[fol. 746] A. It fluctuates.

Q. Did it fluctuate before the Oxford incident, or have you been more in demand since the Oxford incident than you were before?

A. I certainly wouldn't say that following the Oxford incident it went up. Certainly it didn't.

- Q. Well, did it go down?
- A. Well, it wasn't going up, it wasn't staying where it was. Yes, sir.
- Q. All right. How many times did you have speaking engagements prior to the Oxford incident? Do you have any records of that?
- A. No, I don't have any records.
- Q. Do you have any record of how many you have made since the Oxford incident?
- A. No, sir, not in—not laid out anywhere.
- Q. All right. You testified a moment ago you did gain—have some employment shortly after or sometime after your resignation? Where was that employment? You said the Dallas speech in December, I believe you said, of 1961; that would have been about a month after you got out of the Service?
- [fol. 747] A. No, sir, I didn't say I had a job, had a job or anything. I had a consultant card that I used and then I—
- Q. Who employed you?
- A. I was paid once or twice for contact work which—
- Q. By whom, please, sir?
- A. Mr. Arthur Leman.
- Q. Is that the father of the young man who testified here yesterday?
- A. Right, sir.
- Q. That was with the Southwest Oil Products, I believe he stated was his employer?
- A. Yes, sir, down in Houston.
- Q. You did some work for them?
- A. Contact work, yes, sir.
- Q. In the nature of what, please, sir?
- A. Oh, it's oil well equipment and oil field equipment and as I knew a lot of people and was going around the country, why, I could ask people if they couldn't use Southwest Oil Products.
- Q. General, didn't you testify on your deposition that it was to talk about Americanism?

A. Yes, I— That's part of the contact work with respect to their factory, and so forth. I was in their firm two or three times and talked around the men in the factory.

[fol. 748] Q. All right. Now you stated that your first major speech or maiden speech—it must be coincidental—was made along in September of 1961, or January of 1962, do you remember which it was?

A. May I refresh my memory off of—

Q. Yes, sir.

Mr. Watts: What would you like to have? The deposition? What would you have—

(Witness leaves witness chair and returns.)

A. Dallas, December the 12th, 1961.

By Mr. Gooch:

Q. It has been called to my attention by my associate counsel that I inadvertently said "September." I meant to say December, 1961 or January, 1962.

A. Yes, sir, I think, answering the question, was about the Dallas speech?

Q. Yes, sir.

A. It was in Dallas on December the 12th, 1961, sir.

Q. That was about a month and a half after you got out of the Army, is that correct?

A. Yes, sir.

Q. Now, General, are you a member of the John Birch Society?

A. Yes, sir, I am a home member.

Q. How long have you been a member of the John Birch Society?

[fol. 749] A. I joined the John Birch Society when I was in Little Rock: I think it was the spring of '58 or '59. '59, probably.

Q. Are you active in that organization?

A. Not too active.

Q. Do they provide speaking engagements?

A. I'm too busy.

Q. Do they—

A. Sir?

Q. You are too busy, did you say you are too busy to take part in that organization?

A. Yes, sir.

Q. All right. Is your time pretty well occupied, General?

A. Yes, sir, I think so. Maybe some of it is wasted but I stay pretty busy.

Q. Are you able to keep something going at all times, is that correct?

A. Oh, I am interested in what's going on all the time.

Q. Do you do a good deal of writing?

A. Yes, sir, but I am not good at it.

Q. Well, do you do it, that's the question I'm asking?

A. Oh, research and reading and writing.

Q. Do you sell it?

A. Yes, sir, after it's well-edited and read over and takes [fol. 750] a lot of time to get my writing into print because I am not—

Q. What is the name of your publication?

A. We go under the name, I and one other fellow, as "The American Eagle Publishing Company."

Q. And where is that located?

A. In Dallas.

Q. And how long has it been in existence?

A. Sometime in 1962, say the—I don't remember the exact date. June, July, August, somewhere in the center of 1962.

Q. Who is your associate?

A. Mr. Robert Surrey.

Q. Does it have a subscription list or do you sell it by the copy or do people subscribe to it or how do they pay for it?

A. We don't have any regular publication. Whenever I get something on a particular subject or that I think would interest people, why, I, we print it under the title of the

American Eagle Publishing Company and send it to friends or distribute it or we do have a subscription group that is set up just to get anything we print at any time.

We have got no regular—and they were told they have no regular time of publication.

Q. Do they pay a subscription fee for it per year?

[fol. 751] A. A group of people do.

Q. About how many subscribers do you have, General?

A. About 250 or 300 subscribers. Sir?

Q. Are those the subscribers?

A. Yes.

Q. How do the others purchase copies of the publication?

A. Well, there are friends in different areas and they see a copy with them. We often send out a mailing of two or three thousand to our friends.

Q. And do they pay for that when they receive it?

A. Not that I—some do, some don't.

Q. Well, now you mentioned in your deposition, "Friends of Walker."

Is that the same as the publication list of the American Eagle Publishing Company?

A. No, but they overlap. No, sir, but they overlap.

Q. What is the organization known as "Friends of Walker"?

A. Just a vague organization. They are groups in the country that call themselves "Friends of Walker". There are some in California, there are some in Arizona and there are some in Dallas and they are different places. They have—people step up and say, "We are friends of Walker," and that's all they say.

[fol. 752] Q. Do they make a contribution to you?

A. Some, as groups, and some as individuals. It's—there is no organization in particular to it.

They may have organized a little group locally and call themselves, "Friends of Walker".

Q. Are those groups still in existence?

A. Oh, I think so.

Q. Now in the spring of 1962, did you take a venture into politics?

A. Yes, sir.

Q. Did you announce for the office of Governor of the State of Texas?

A. Yes, sir.

Q. Do you know where you made your announcement?

A. I believe I made it in Austin, sir.

Q. Well, I was just wondering. Some of the reports, or one of your publications said you may have made it in Chicago. I wasn't sure about that.

A. I may have.

Q. Well, do you remember where you made it?

A. I have a Chicago speech here. February the 9th, 1962, and I believe I—I believe the sign-up date, if it's the same as it was this year, which I don't remember, is February the 3rd. Is that right?

Q. I think that's somewhere around near. I was just [fol. 753] trying to find out where it was that you made your first announcement?

A. I don't know, sir.

Q. But anyhow, you did subject yourself to the primaries for the year 1962?

A. Yes, sir.

Q. You made an extensive campaign, did you not, General?

A. Yes, sir, that's where I met Mr. Leman.

Q. You covered the state as best you could during the time from your announcement until election day, did you not?

A. Yes, sir, that was my objective.

Q. You received press reports concerning your ideologies and ideas during the Governor's campaign, did you not?

A. Yes, sir.

Q. And you were serious about running for the Governorship, weren't you, General?

A. Yes, sir.

Q. You weren't running for the governorship just for publicity, were you?

A. I was running to be Governor of the State of Texas, Mr. Gooch.

Q. Along with the duties of the Governor of the State of Texas is one of the leadership of the people of the State, is it not?

[fol. 754] A. Yes, sir.

Q. You wanted to be the leader of the people of Texas, or you wouldn't have announced for Governor, is that correct?

A. Wanted to be Governor of the State of Texas.

Q. All right. Now, after your race for Governor, which I believe, the primaries were in May of 1962, I believe they were, is that correct, General?

A. I don't know.

Q. Anyhow, after the race for Governor in May of 1962, you did engage in speaking engagements thereafter, did you not?

A. I was campaigning throughout the State of Texas.

Q. No, I mean after the election, did you still continue to make speeches?

A. Yes, sir.

Q. Did you usually receive press notices and coverages on the speeches you made?

A. Maybe so, maybe not, sir.

Q. Well, there has to be some publicity concerning a speech or a speaker before you can get an audience, doesn't there, General?

A. Yes, sir, but they can sure let you go into town and not say a word about it.

Q. I am getting down to the next question. You stated [fol. 755] that you had been able rather successfully to get press conferences because the press sought you out and on occasions you sought the press out; did you make that statement, somewhat to that effect?

A. Yes, sir, about a certain area and time, yeah, that's a good statement. Yes, sir, I'll stick by it.

Q. All right. You were able, were you not, at most any time you choice to get a group of reporters, when you would advise that the—advise them that you had a statement to make, is that not a fact?

A. What period are we talking about? During the campaign?

Q. During the campaign and after the campaign, down, we'll say, until September 30, 1962?

A. Mr. Gooch, it doesn't matter how many, whether you get a group of reporters or not. It's what they say after you've talked to them. You can talk your head off to a group of reporters for two hours. They question you and then they go out and print nothing and you are just wasting your time.

Or they print something that doesn't mean anything. I don't think it means any particular thing, my answer, I'm not trying to—but the point is, it's a question of what they say, it's not whether you get a group of physical people looking at you. They'll come and look at you any time and [fol. 756] you'll think, "Oh, boy, this is going to be great." And when you get through, there is nothing in print. Or they put it down when it doesn't say what you intended or it's drawn out of context.

Now right now, the whole thing is, the effort—nobody will say anything you say about foreign policy or Cuba or DM or—they won't even talk about it.

They won't even mention MacArthur, what I say about MacArthur. So what's the point about getting a bunch of people together? I'm not—this is off the—just so it's understood. It doesn't quite make it clear that when—just because you can call people together,—oh, they'll come together. I have had the most wonderful groups of people together, say, in Portland, and some of the biggest press conferences I ever saw.

When you get to looking for what happened, nothing.

Then you try to go into a town, many places, or you are going into a town for a speech, if they don't want to carry you, they won't. You would think they would that day. And

then sometimes else you may think, "Well, maybe they won't carry that," and maybe they will say something good about you or at least tell the public you are there.

Q. Anything else, General?

A. Oh, there are a lot of things, Mr. Gooch, but we can go on with your story.

[fol. 757] Q. Go right on, if you have got something else to say.

Mr. Watts: If Your Honor please, I don't think this is proper testimony.

The Court: Let's go on.

Mr. Gooch: He hasn't answered the question. I will re-ask the question. I asked him if he had any difficulty in getting press conferences. That was the question I asked to start with, Your Honor.

Mr. Address: I think he answered it, Judge. Said he could always get a group of people together.

The Court: You may answer it again.

The Witness: Your Honor?

The Court: You go ahead and answer the question.

The Witness: Will you repeat the question, sir?

By Mr. Gooch:

Q. Did you have any trouble from the time you started making your speeches—we will generalize now—from December of 1961 down to September 30th of 1962, getting news reporters, newspaper reporters to come to you when you wished to have a press conference?

A. Yes, I do.

Q. All right, tell me about it.

A. Many times when your most important subject comes up, situation of what's going on in this country or things that I would know about, the press doesn't want to hear about it. Not going to print, so there is no use them coming [fol. 758] to me.

Q. Have you been denied at any time a press conference when you had asked the press to come and receive a statement from you?

A. I don't have any right to make them come to me, sir.

Q. That wasn't what I asked you. Have you been denied—have they told you they weren't going to come and listen to you at any time?

A. I wouldn't be put in that position. I wouldn't give them that chance.

Q. Then I assume when you have called a press conference, you have received the press, is that correct?

A. When I called a press conference, I have received the press, the press has come, as I remember, except there have been times when the press didn't show up, as we thought it would, or I thought it would.

Q. Well, I'm just asking the question now, which I will repeat once more, at the times you have asked for a press conference, you have gotten a press conference, haven't you, General?

A. Basically, yes, Mr. Gooch. Right.

Q. All right. All right. Now in September or let's go back a little further, from the time that the primary was over in May of 1962, when you ran for Governor, and the 30th day of September, 1962, did you learn of the litigation [fol. 759] in the State of Mississippi concerning the entry of one Meredith into Ole Miss University?

A. In general, I learned about it, right.

Q. Did you consider at that time and during that period that the question of integration throughout the United States, and particularly the South, was a subject of national interest and perhaps national controversy?

A. Yes, sir.

Q. Did you keep up generally with the Court battle involving the entry of Meredith into Ole Miss?

A. Oh, not in detail from day to day. Just in general.

Q. Did you learn prior to September 30, 1962, that the Circuit Court of Appeals at New Orleans had made a final order directing that Meredith be entered as a student in the University of Mississippi?

A. I knew an order had been—a court order had been issued. I don't remember whether I knew it was the Cir-

cuit Court—that Meredith would be entered in Mississippi, yes, sir.

Q. Well, you knew that long prior to September 30, 1962, that the Courts had ordered the entry of Meredith into the University of Mississippi, did you not?

A. Yes, sir. Yes, sir.

Q. You were well aware of that prior to September 25th [fol. 760] or 26th or 27th, 28th, 29th or 30th of September, were you not?

A. Yes, sir, I was aware of it.

Q. You knew that the Courts had said that Meredith must be entered, did you not?

A. In effect, yes, sir.

Q. You knew that, or did you know that Governor Ross Barnett was opposing the entry of Meredith into the University of Mississippi?

A. Yes, he was, sir.

Q. Did you ever learn from any source that Governor Barnett ever changed his position in opposition to the entry of Meredith into the University of Mississippi?

A. Changed from opposing it to not opposing, or assisting it?

Q. That's right.

A. From opposing it to assisting it?

Q. Or being passive about it? Let me rephrase the question:—

A. No, sir, as far as I am concerned, he was opposing continuously the entry of Meredith.

Q. And that was right on down to the time that Meredith was actually on the campus, wasn't it, General?

A. As far as I know, he was.

Q. And, as a matter of fact, in your speech to the students [fol. 761] on the campus, you told them that Barnett was still standing fast against the entry of Meredith on the campus, didn't you?

A. As I remember, in my speech, it was, as I said it, that I told them that Barnett had not betrayed them and that Barnett, in effect, that Barnett is standing opposing, the same as he had been standing all the time, was my idea.

Q. You knew that Barnett was openly defying the judgment of the Federal Court which ordered the entry of Meredith into Ole Mississippi, didn't you?

A. I knew that he was opposing it.

Q. You knew prior to the time that you had any utterances relative to going to Mississippi that Governor Barnett had blocked the entry of Meredith into the Registrar's Office at Ole Miss, didn't you?

A. You—the question with respect to him personally?

Q. Yes, sir.

A. I knew he had been on the campus and that he had stood opposing and blocked the entrance of Meredith, yes, sir. I think that answers the question.

Q. It does. Prior to the time that you went to Mississippi, were you or not informed that Governor Barnett, as well as the Lt. Governor, had been held in civil contempt by the Circuit Court at New Orleans for forcibly blocking the entrance of Meredith into the University of Mississippi?

[fol. 762] A. I don't know that I had heard that, if you can refresh my time and the date of that, I might be able to say but I don't think I had heard it, but he may have.

Q. I think it was around the 25th of September.

A. Now this was contempt?

Q. Yes, sir.

A. That Barnett had—question, sir—

Q. As to whether or not Governor Barnett had been held in civil contempt by the Circuit Court of New Orleans for disobeying the orders of the Circuit Court?

A. Yes, sir, and there had been an appeal made and that Barnett, as representative of the state, had a requirement before the Supreme Court to go back into court and to be heard for himself and the State of Mississippi.

Q. All right.

A. And this was the position, as I understood it, about that time.

Q. But you did know that an Injunction had been issued out of the Circuit Court in New Orleans prohibiting Bar-

nett, Jackson (sic) and those knowing about the Injunction, for Barnett and Johnson and the School Board to cease and desist from preventing the entrance of Meredith into the University of Mississippi, did you not?

A. I understood that was a ruling in some court. I'm not sure that I knew that was the—which court it was. [fol. 763] But I knew that had been a ruling in some court and I—there was other activities on the other side that had gone about in the Courts, opposing that.

Q. All right. But you did know that there was a court order decreeing that Meredith be entered into the student body at Ole Miss as early as, we'll say, the 25th of September, 1962, did you not?

A. As early as—what date?

Q. September 25th of 1962?

A. Yes, sir.

Q. Now General, are you familiar with how the processes of the Federal Courts are carried out?

A. I wasn't too familiar at that time. I am becoming more familiar all the time.

Q. Well, you know that the United States Marshals serve the same function in Federal Courts as Sheriffs and Bailiffs and Deputy Sheriffs in State Courts?

A. I don't know that I considered it. That they have the same functions as the Sheriffs in a county?

Q. Yes, sir.

A. No, I wouldn't consider that they had the same functions as the county.

Q. No, I said insofar as enforcing the judgments of the court, did you have any knowledge—

A. Oh, you have a right to force the en-judgment (sic) [fol. 764] of a court by Marshals, right.

Q. That's the very question I asked you.

A. Right, sir, that's what I wanted to tell you. Sure, I know that.

Q. All right. And that the Marshals are charged with the duty of enforcing the judgments of the Federal Courts, are they not?

A. Yes, sir.

Q. And you knew—

A. I don't quite compare them to Sheriffs, though.

Q. Well, I was trying to draw an analogy. I don't know that I am slandering either one of them. I respect both offices.

A. So do I, Mr. Gooch.

Mr. Watts: I don't think that's a proper comment, if the Court please.

The Court: I don't think there was any harm by it, Counsel.

Mr. Watts: No, I don't think there is any harm.

The Court: Let's recess until 2:00 o'clock, Ladies and Gentlemen.

(Thereupon, at 11:57 a.m., a recess was taken until 2:00 o'clock, p.m., of the same day.)

[fol. 765]

Afternoon Session

2:00 P. M.

Cross examination (continued).

By Mr. Gooch:

Q. General Walker, just before the noon recess we were discussing the various Court orders in connection with Meredith's entrance into the University of Mississippi, and you have testified concerning your knowledge of those. That was the substance of our interrogation and answers before the noon recess, was it not?

A. That I had general knowledge of them, yes, sir.

Mr. Gooch: We now offer in evidence, if the Court please, a certified copy of the Order vacating stay, recalling mandate, and issuing new mandate forthwith in the United States Court of Appeals for the Fifth Circuit, No. 19475, James H. Meredith, on behalf of himself and others simi-

larly situated, Appellant, versus Charles Dickson Fair, President of the Board of Trustees of the State Institutions of Higher Learning, et al., Appellees.

Mr. Watts: No objection.

The Court: That is Defendant's Exhibit 3?

Mr. Gooch: Yes, sir.

The Court: It is admitted.

[fol. 766] Mr. Gooch: At this time we would like to read a portion of it—it is all in, but I will read the injunction. This is an opinion by the Fifth Circuit Court of Appeals in New Orleans, dated the 27th day of July, 1962.

EXCERPTS FROM DEFENDANT'S EXHIBIT 3

“The case is reversed and remanded with directions to the District Court forthwith to grant all relief prayed for by the Plaintiff and to issue forthwith a permanent injunction against each and all of the Defendants-Appellees, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all persons having knowledge of the decree, enjoining and compelling each and all of them to admit the Plaintiff-Appellant, James H. Meredith, to the University of Mississippi under his application heretofore filed, which are declared by us to be continuing applications. Such injunction shall in terms prevent and prohibit said Defendants-Appellees, or any of the classes of persons referred to from excluding the Plaintiff-Appellant from admission to continued attendance at the University of Mississippi. Pending such time as the District Court has issued and enforced the orders herein required and until such time as there have been full and actual compliance in good faith with [fol. 767] each and all of said orders by the actual admission of Plaintiff-Appellant to, and the continued attendance thereafter at the University of Mississippi, this Court herewith issues its own preliminary injunction enjoining and compelling each and all of said parties to admit Plaintiff-Appellant to, and allow his continual attendance at the University of Mississippi, further prohibiting and preventing

said parties, or any other of them, from excluding said Plaintiff-Appellant from attendance to and continued attendance thereafter on the same basis as other students at the University of Mississippi.”

(Said Defendant’s Exhibit 3 was marked by the Reporter.)

Mr. Gooch: We next offer in evidence the Opinion by Judge Hugo Black of the Supreme Court of the United States in the same captioned case as the previous number, filed September 12, 1962, in the Circuit Court at New Orleans; was entered the 10th day of September, 1962, in Washington.

(Conference at the bench, between Court and Counsel.)

(The instrument next above referred to was marked Defendant’s Exhibit 4.)

DEFENDANT’S EXHIBIT 4

Mr. Gooch: The instrument is entitled “Supreme Court [fol. 768] of the United States, October Term, 1962, James H. Meredith versus Charles Dickson Fair, et al. Order. Upon consideration of the application of counsel for the movant and of the opposition of the respondents thereto, it is ordered that the orders of Circuit Judge Ben F. Cameron of the United States Court of Appeals for the Fifth Circuit of July 18, 1962, July 28, 1962, July 31, 1962, and August 6, 1962, purporting to stay the effectiveness of the mandate of the United States Court of Appeals for the Fifth Circuit, be, and the same are hereby, vacated and that the Judgment and Mandate of said Court shall be effective immediately.

Be it further ordered that the Respondents be, and they are hereby, enjoined from taking any steps to prevent enforcement of the United States Court of Appeals’ Judgment and Mandate pending final action by this Court on the Petition for Writ of Certiorari now on the docket.”

And that is signed by Hugo L. Black, Associate Justice of the Supreme Court of the United States, September 10, 1962.

[fol. 769] Mr. Gooch: Will you mark this, please, as Defendant's Exhibit 5.

(Thereupon, Defendant's Exhibit 5 was marked for identification.)

Mr. Gooch: For identification, this is the order—

Mr. Watts: No objection.

Mr. Gooch: —is the order signed by the United States District Judge, S. C. Mize, for the Southern District of Mississippi on September 13, 1962, following the two other instruments which have been introduced.

The Court: Have you offered it?

Mr. Gooch: I am about to offer it. I was identifying it. We now offer it in evidence.

The Court: Defendant's 5 is admitted.

Mr. Gooch: The same style and number of the case as previously indicated.

DEFENDANT'S EXHIBIT 5

"ORDER GRANTING PERMANENT INJUNCTION"

This matter is now before this Court by virtue of the Mandate of the United States Court of Appeals for the Fifth Circuit and the Mandate of Mr. Justice Black of September 10, 1962 setting aside all stays granted by Judge Ben F. Cameron and putting into effect the mandates of the Court of Appeals for the Fifth Circuit enjoining the Trustees and officials of the University of Mississippi from [fol. 770] taking any steps to prevent enforcement of the mandates of the Court of Appeals for the Fifth Circuit, and this Court having now considered the mandates of the Court of Appeals for the Fifth Circuit of July 17, 1962, July 27, 1962 and its final order of August 4, 1962, and this Court having considered the mandate of July 17, 1962, wherein

the Court of Appeals reversed the judgment of the District Court with directions to this Court to issue an injunction as prayed for in the complaint and by its mandate of July 27, 1962 ordered that the judgment of that Court issued as and for the mandate on July 17, 1962, be recalled and amended by making explicit the meaning that was implicit as expressed in its opinion dated June 25, 1962 and ordering that this Court "forthwith grant all relief prayed for by the plaintiff and to issue forthwith a permanent injunction against each and all of the defendants-appellees, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all persons having knowledge of the decree, enjoining and compelling each and all of them to admit the plaintiff-appellant, James H. Meredith, to the University of Mississippi under his applications heretofore filed, which are declared by us to be continuing applications. Such injunction shall in terms prevent and prohibit said defendants-appellees, or any of the classes of persons referred to from excluding the [fol. 771] plaintiff-appellant from admission to continued attendance at the University of Mississippi.

And by its mandate of August 4, 1962 the Court of Appeals reaffirmed its orders of July 17, 1962 and July 27, 1962, in the following language: "All of our orders of July 17, July 27 and this date, therefore continue in full force and effect and require full and immediate obedience and compliance."

Now, therefore, it is here ordered, adjudged and decreed that the plaintiff, James Howard Meredith, be and he is hereby granted all the relief that is prayed for by him in his complaint and that the defendants, Charles Dickson Fair, President of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, Louisville, Mississippi; Euclid Ray Jobe, Executive Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, Jackson, Mississippi; Edgar Ray Izard, Hazlehurst, Mississippi; Leon Lowrey, Olive Branch, Mississippi; Ira Lamar Morgan, Oxford,

Mississippi; Malcolm Mette Roberts, Hattiesburg, Mississippi; William Orlando Stone, Jackson, Mississippi; S. R. Evans, Greenwood, Mississippi; Verner Smith Holmes, McComb, Mississippi; James Napoleon Lipscomb, Macon, Mississippi; Tally D. Riddell, Quitman, Mississippi; Harry Gordon Carpenter, Rolling Fork, Mississippi; Robert Bruce Smith, II, Ripley, Mississippi and Thomas Jefferson Tubb, [fol. 772] West Point, Mississippi, Members of the Board of Trustees of State Institutions of Higher Learning; James Davis Williams, Chancellor of the University of Mississippi, Oxford, Mississippi; Arthur Beverly Lewis, Dean of the College of Liberal Arts of the University of Mississippi, Oxford, Mississippi, and Robert Byron Ellis, Registrar of the University of Mississippi, Oxford, Mississippi, and each of them, their agents, servants, employees, successors, attorneys and all persons in active concert and participation with them be and they hereby are permanently restrained and enjoined.

13th of September, 1962.

Mr. Watts: Let's see that last document, please, sir. Thank you.

Mr. Gooch: Next one is a certified copy of the order of the Circuit Court, certified May 14,—

September 25, 1962, by the Circuit Court.

Mr. Address: Is that a final order or is that still on appeal?

Mr. Gooch: As far as I know, it's a final order. I know nothing further about it.

Mark that as Defendant's Exhibit 6.

(Thereupon, Defendant's Exhibit No. 6, was marked for identification.)

Mr. Gooch: I say to you it has not so far been set aside, [fol. 773] Mr. Address.

The Court: Are you offering 6?

Mr. Gooch: Yes, sir.

The Court: 6 is admitted.

Mr. Gooch: (Reading)