

“This movement is with all patriotic Americans standing beside Governor Ross Barnett in his cause for freedom.”

[fol. 928] Do you remember that question and answer?

A. I don't remember it being asked or answered but it sounds like a statement I might have made.

Q. The next question, to the same person, “How would this movement be compared insofar as a name, as to the name, ‘Civil War’?”

Do you remember that question being asked you, General?

A. No, sir.

Q. To which you replied, theoretically or according to this reporter, “You are referring quite some time back in history, of course, can repeat itself. The decisions with regard to your question will all have to be made in Washington, D.C., and by the 180 million people of the nation.”

Do you recall now that you were asked that question and gave that answer?

A. No, I don't recall it, sir.

Q. Would you say that you didn't make that statement?

A. No, sir, I don't remember this incident or this reporter. He doesn't—I don't recall. Would you mind telling me who he is with?

Q. According to my information, and I think I am right, he is with the Southwest Central New Agency.

A. I have no recollection of it, whether it's telephone or [fol. 929] in the house or outside or what, sir.

Q. All right. Now I believe you stated at the time you left the campus there somewhere between, and I believe you said 1:30 and 2:00 or 1:00 to 1:30, I don't remember now which—

A. Yes, sir.

Q. Do you? Do you remember which it was?

A. No, I don't. I said 1:30 or 2:00 or in the area of 1:30. I don't remember exactly. I just turned and walked off the campus.

Q. That was my recollection. Did you testify that you were followed?

A. I testified that we picked up a car, which I believe they referred to, tailing it, outside of Oxford, after we had made the turn and headed on Highway 6, we were headed towards the Mansell Tourist Court. And we noticed a tail on us.

Q. All right. Then you stopped and talked to the Highway Patrol and some students, I believe you said?

A. Right, sir.

Q. And then I believe you said that you left Leman's car, the one you were riding in there, at that place, and went on in another car, is that correct?

A. Yes, sir.

Q. Was that to try to shake the tail, as you called it?

[fol. 930] A. You might say. It wasn't a question of shaking them. I was going to go back to the Mansell after I got through where I was and the idea was that if they wanted anything, I wanted witnesses with me, Mr. Gooch.

Q. All right.

A. So I called and asked some friends to come down and meet me so if they wanted to stop me and talk to me, I would have a witness.

Q. It wasn't a question of fear on your part, was it?

A. I am not scared of anybody, Mr. Gooch.

Q. That's what I thought. And also in this Leman car was a weapon, was there not?

A. Sir?

Q. In the Leman car in which you were riding there was a weapon?

A. I don't know whether there was or not.

Q. I believe you testified in your deposition that there was a weapon's case in the Leman car?

A. I don't recall that. I remember I testified in the deposition that I saw a weapon's case in the tourist court at the Mansell.

Q. Well, you testified it was in the car. Now I don't want to quibble over it. I just wanted to ask you—

A. I don't remember what time in the car. If you want to read it out of the deposition, it suits me fine.

[fol. 931] Q. All right.

A. I think we can shorten this, because I'm going to say if the weapon was in the car, I didn't know it and I can also say the weapon never went out of the automobile that evening except if it went back in the Mansell apartment, which I don't know.

Q. I didn't say it did, General.

A. Never went on the campus.

Q. I just asked you if there wasn't a weapon in the Leman car?

A. Well, this may clarify the whole thing.

Q. Well, was there?

A. I don't know.

Q. Was there a weapon's case in that car?

A. I think the weapon's case you are referring to in the deposition, Mr. Gooch, is with regard to a weapon's case I saw some time, maybe the next day, I'm not sure how it reads, but that somebody brought into the court, the tourist court where we were staying, two miles out of Oxford, I remember in the deposition I testified that I didn't know what was in the weapon's case. I didn't know what sort of gun it is, if you will recall.

It's there in the deposition.

Q. That's right. I'm just trying to see if it was in the car or not.

[fol. 932] A. I couldn't even guarantee there was a gun in it. It was one of these break-down cases that held, I remember that much in the deposition, held a weapon. It was a weapon's case.

And I never saw the weapon that was in that case. And it was one of the break-down kinds that you have to take the gun in half, if it's in there.

Q. All right. Now, General, in your pleading—I assume you have read your pleading in this case?

A. You don't want to read the deposition, sir?

Q. Yes, I do.

A. Well, let's go ahead. I don't see any point in it.

Q. Well, I don't either but we will find it now since you have asked me. I'll find it in just a minute.

The Witness: May I speak to my counsel, sir?

Mr. Gooch: Yes, sir.

The Witness: Why don't you help him, Clyde, find it?

Mr. Watts: I don't know where it is myself.

The Witness: There are 400 pages. It will help for two to look.

Mr. Watts: I will start from the back if he starts from the front.

Mr. Gooch: Page 292, sir.

By Mr. Gooch:

Q. Page 291 (reading). Did you see anything in the automobile that looked like weapons?—

[fol. 933] Mr. Watts: Might I request that you go back to Page 290, where it starts, when you asked him, did he bring any weapons to Oxford, right on the bottom of Page 290.

By Mr. Gooch:

Q. Well, I will ask you, did you take any weapons to Oxford, General?

A. No, I didn't.

Mr. Gooch: All right, does that clear that up, Clyde?

Mr. Watts: Well, that brings it all in context, Tiny, if you just start on Line 19, Page 290. That's where you started asking him about Lemman bringing a weapon.

By Mr. Gooch:

Q. (Reading) Did Lemman have any weapons in his automobile? And you answered, "I don't know."

Then we go on over to Page 291, "Did you inquire whether he had or not?"

And you answered, "I don't recall requiring, inquiring. "Did you see anything that looked like weapons?"

You said, "What is your question?"

Then, "Did you see anything in the automobile that looked like weapons?"

Answer, "I recall a weapon's case which I saw coming out of one of the cars, and I don't know which one it was, which one of which cars.

[fol. 934] "Your automobile, or the one Leman was driving?"

Your answer, "Either mine or Leman's."

Is that question correct?

A. That's correct. I believe you will find in there that my car didn't come until the next—or I didn't see it until—

The Court: Just a minute, please, General. Don't volunteer anything until he asks a question.

You see, your counsel on redirect may bring out other things which he thinks are important. So we can move along a lot faster if you will just answer the question, please.

The Witness: Yes, Your Honor.

By Mr. Gooch:

Q. General, did you testify in your deposition that you never saw any rioting?

Mr. Watts: Page?

Mr. Gooch: 383.

A. I may have, Mr. Gooch, to the extent that at that time, and it always has been, everybody's trying to build this thing up and I say during the period I was there and what I saw wasn't everything that was went on, on the campus, and I didn't get on the campus until about a quarter to 9:00 or 9:00 o'clock, and what I saw, if just what I saw had been seen by the press, I don't believe they could have said that, they could build it up the way they did.

[fol. 935] And I don't—I believe they overplayed it and over-built it, even what they did see—or with reference to your statement, I probably stated I didn't see any over-all rioting on the campus.

Q. I will refer you to Page 389, the question in Line 12:

“Let me ask you this further question: Since your trip to Mississippi, has there been any increased demand on your time for speeches and public appearances before organizations over the South or anywhere in Texas?”

Answer, “The demand is continuous. I keep no records on that.”

A. Yes, sir.

Q. Did you make that statement?

A. Yes, sir.

Q. Is it true?

A. It's—there is always a demand for speeches. There is always a request, in the house, for a speech somewhere, maybe three, five, ten.

[fol. 936] Q. General, have you ever made a statement to a representative of the UPI, United Press, as follows:

“Former Major General Edwin A. Walker said today the integration riot at the University of Mississippi last year in which two persons were killed were ‘like a comedy, most amusing’.”

A. No, sir, that is the most false report I have ever heard, and that report was made when I was on a speaking engagement. That report stems from Jackson, (sic) Florida, and it was a press conference and the intent of it was to spread it across the country so it would ruin our crowds as we were speaking. We had set up speeches from Florida to California, hitting a speech every night, clear across the nation, and we have a copy in our file, I believe—I am glad you identified it because I have the press release from Jackson that made that statement and if you will look at it it has got dits and dots and quotation marks and if you

will look it is the most distorted, lying statement I have ever read.

I made so—no such inference. I had talked to the press for fifteen or twenty minutes, questioning me about Mississippi, and I made a statement during a conversation that went on for some time.

This is typical of the press, and I am so glad you brought it out, Mr. Gooch, because I think it is very, very interesting. And went clear across the country as far as they could spread it, that I laughed at the comedy of the Mississippi situation.

The Mississippi situation was an out and out tragedy, stemming right out of Washington, D. C.

And during that conversation, to answer your question further, during that press conference in which there were about fifteen people present in one of the hotels in Jackson, Florida, (sic) the UP and the AP man was sitting side by side. One of their tricks. We noted it, and we knew it before they left the conference, and they wanted to question me on Mississippi, which I was perfectly willing to tell them, as I have said all over the country, continuously, I led no charges, I never got involved in any charges in Mississippi.

And, of course, I told them that that night, that I didn't lead any charges, and they wanted to know about Mississippi, like thousands of people are dying to know what happened on Oxford that night, or on the campus that night and in Mississippi and in Oxford and the surrounding area.

And I told them that once during a five hour period, or twice, or maybe three times I had to laugh at something the students originated, or something they did.

You have got your own press releases that say this thing [fol. 938] started in zest, with these students, and that they were laughing, and certainly they were using their songs and there were things that they did that were—even one of them that had the wound, he was laughing himself. He was laughing at what was going on.

Overall, the thing was a tragedy. Of course it was.

And then they distorted, and you read this to the Jury, sir, you read what happened, the dots, dashes, quotation marks, and there is a copy in my briefcase.

And that is where that story originated, and the intent of that story and of the press was to destroy the audiences which was set up, and they knew the schedule.

That I was laughing at the tragedy in Mississippi, it is the foulest reporting that I can ever think of. I am not mad at anybody, but it is just foul reporting. It is false, it is untruthful, it is deceitful, and it's destructive.

Q. General Walker, this is not the AP, this is the United Press.

A. The two sat side by side at that press conference and when they could get a little comedy, or reference to comedy, about something the students did, they both jumped up and quit the meeting. Just like that. We saw them go out.

[fol. 939] Q. I don't believe the AP carried anything like this at all.

A. It is typical reporting. It doesn't make any difference, sir.

Q. The next one attributed to you, "I wouldn't call it a riot, just student hijinks."

Did you make that statement?

A. To who and where?

Q. The UPI at Savannah, Georgia.

A. Probably with plenty of other statements. That is out of context and out of concept.

Q. I will ask you if you made this speech in—this statement in Savannah, Georgia: "Asked if he found the two deaths at Ole Miss a comedy, Walker snapped 'one of them was a foreign newsman. What was he doing there?'"

Did you make that statement?

A. Yes, sir, and I went further, Mr. Gooch, and made the statement, "This is a foreigner that should be protected, that the administration has all of the responsibility, within the hands of the judiciary, to find out why they haven't found out anybody that—and they should. This is a key



responsibility, and I am convinced that it is very important, that the true story of Mississippi, which he had on tape and had just come from Auburn, Georgia, with in his [fol. 940] possession, why didn't somebody— why—do they want him to go back to Europe with the true story of Mississippi? I can assure you there is much objection to getting the true story of Mississippi in Europe, of what happened on the Oxford campus.

Why doesn't somebody find out that whole statement you read is out of context because I explained that the whole judiciary has the capability to—it is their responsibility to find out. Now, I can't say that they can.

But this is a reporter—a reporter killed.

Q. Do you know Mr. Kuettner of the UPI?

A. Do I know him?

Q. Yes, sir.

A. Where from?

Q. Atlanta.

A. Kuettner?

Q. Kuettner.

A. Kuettner, yes, we have Alfred Kuettner, K-u-e-t-t-n-e-r (spelling).

Q. Yes, sir.

A. Yes, sir, we met him over there and we took the— there has been a deposition taken over there in that office, of several people.

Q. I quote from a report of his, this is March 8, 1963, "Former Major General Edwin A. Walker yesterday [fol. 941] charged that newsmen helped engineer the violence which erupted at the University of Mississippi the night Negro James Meredith entered the school."

Did you make that charge to Mr. Kuettner?

A. As far as stories are concerned? You mean during this deposition?

Q. Yes, sir.

A. Is this in the deposition?

Q. No, no, it is not in the deposition.

A. Is this a news release?

Q. Yes, sir, UPI news release by Mr. Kuettner.

A. What date?

Q. March 8th, 1963.

A. May I ask my counsel if that date corresponds with anytime I—

Mr. Watts: I don't think he understands the question. Tell him when and where.

Mr. Address: Re-read the question, Mr. Gooch.

By Mr. Gooch:

Q. According to my information, you made this in a form of a news release in Atlanta on March 8, 1963. I don't know whether you were there or not. I am asking you.

A. March 8, 1963, in Atlanta? March 8th? February 27th, '63?

We left Miami February 27th, Jackson about that thing [fol. 942] we have been referring to, and, right, we were in Atlanta. It would have been about March 8th, because we landed in California. That is the trip. It is already identified, I guess. I was in Atlanta on or about that time.

Q. Further, "But the Army veteran who commanded Federal troops during the Little Rock integration crisis in 1957 denied students were guilty of rioting."

Did you make that statement to Mr. Kuettner?

A. I may have, from what I saw, but that is not necessarily in context, because I made many other statements, and I would like to mention that that statement previously you asked me if I made, doesn't include everything I said.

Will you read the previous one?

Q. That is all there is to this one.

A. No, the one you read just before the last one.

Q. "Asked if he found the two deaths at Ole Miss a comedy, Walker snapped 'one of them was a foreign newsman. What was he doing there?'"

A. I believe we discussed that one. The next one?

It is out of context, the one you just read.

Q. "The students had a lot of laughs, plenty of fun on the campus, Walker told the news conference. I wouldn't [fol. 943] call it a riot, just student high spirits."

A. I said that, and that is out of context. That doesn't include the whole statement.

Q. Back to the Kuettner one on March 8, 1964, in Atlanta.

Mr. Address: '63.

By Mr. Gooch:

Q. '63, excuse me. "Walker said they were just playful," talking about the students on the campus.

A. I said that. That is out of context. It is referring to certain specific incidents, like this other thing where they—where I laughed at something. It was referring to a particular incident on the campus.

Q. All right. Now, General, I don't know whether you have had a chance to read the pleadings that your counsel has filed in this case, or have you?

A. Yes, I have.

Q. Referring to page 8, you stated that the Associated Press showed malice in failing to report that on November 21st, 1962, that the AP placed emphasis on a Government witness who testified, and failed to report that the Court-appointed psychiatrist, Dr. Robert L. Stubblefield, had reported that Plaintiff was currently functioning under a superior level of intelligence.

Now, have you since determined that the Associated [fol. 944] Press did carry that story and made a report as to what Dr. Stubblefield said about you?

A. I haven't determined there was a wide national coverage of that statement like there was that put me in Springfield, on the front pages of all the papers in the country.

Q. Have you determined that the AP story wherein you, in Dr. Stubblefield's report, was given—was carried in the Fort Worth Star Telegram in Fort Worth, Texas?

A. I would have to refresh my memory, whether I am or am not. I believe it can be done.

Q. Sure can. You are alleging here that they didn't put out the report, and I am saying to you that the very thing you complain of was published in a news release that was carried in the Fort Worth Star Telegram on the evening of November 22, 1962.

And I hand you the reports from the files of the Star Telegram. I believe you have a copy of this, Mr. Watts, if I am not mistaken.

Mr. Watts: Let's see it. I don't have it with me.

Mr. Gooch: This is the one you saw down there.

Mr. Watts: The article I saw on the 22nd?

Mr. Gooch: Right.

Mr. Watts: No, you said the 21st.

[fol. 945] Mr. Gooch: No, I said the 22nd. I read it right off of it. If I said the 21st, I meant the 22nd.

Mr. Watts: The 22nd; the following day.

By Mr. Gooch:

Q. I refer you to the report that's from the Associated Press that was carried in the Star Telegram under date, evening, November 22, 1962. Will you read with me, "Stubblefield's report said Walker is 'functioning currently at a superior level of intelligence.'"

A. This is at Oxford, Mississippi. It's an Oxford, Mississippi, release as of November 22nd by AP; is that correct?

Q. Yes, sir, and published in the Star Telegram.

Mr. Watts: If Your Honor please, for the sake of the record, I would like to inquire which wire that came on, whether it came on the A or B wire, or the local wire?

Mr. Gooch: I don't know. It just says AP and we had a stipulation.

Mr. Watts: I would object to this, then, as hearsay. Because this is the repetition of what was in the Fort Worth press.

Mr. Gooch: It is not the Fort Worth Press.

Mr. Watts: Fort Worth Star Telegram.

The Court: Overruled.

[fol. 946] Mr. Watts: I see.

Mr. Andress: I would like to make a further objection there. This is a story that came out in the evening paper and unless it is shown that the original story omitting the pictures was in the evening paper, the morning paper, that would make a lot of difference, because, as I understand, the circulation of the evening paper is considerably less than the morning paper and don't go out as far, unless it is corrected it wouldn't catch up. We think it ought to be shown, the identity of this story and the edition it appeared in, that it is the same as the original story.

The Court: That objection is overruled.

Mr. Watts: Might I approach the Bench?

The Court: Yes, sir.

(Conference at the Bench.)

By Mr. Gooch:

Q. In connection with the pleadings, if the Court please, when the objection was made, the pleadings state we were guilty of malice because we didn't report it. This is the paper that published the other report, and it is the same paper.

Mr. Watts: I don't believe I heard that?

Mr. Gooch: Yes, you did. We offer in evidence as Defendant's exhibit 17 the clipping from the Fort Worth [fol. 947] Press—

The Court: Star Telegram.

Mr. Gooch: Fort Worth Star Telegram of November 22, 1962, showing the—among other things, the quoted portion of the substance of the question.

These are the original records of the Star Telegram, and I would like to substitute a photostatic copy, if I may.

The Court: Yes, sir, you may.

Mr. Gooch, the witness has finished reading the article.

Mr. Gooch: I beg your pardon?

The Court: I say the witness has finished with the article.

Mr. Gooch: Oh, excuse me just one second. Another one here I wanted to find.

General Walker, you have alleged on page 8 of your petition, on the ground—on evidence showing malice, “In reporting the incident involved in Plaintiff’s arrest and commitment the Defendant deliberately refrained from fairly and impartially reporting the true facts that he had been transferred from the State of Mississippi where he had been committed by a judicial order, and in the State of Mississippi without a Court order.”

[fol. 948] This will be Defendant’s Exhibit 18.

(Defendant’s Exhibits 17 and 18 marked by the Court Reporter.)

By Mr. Gooch:

Q. I hand you what has been marked as Defendant’s Exhibit 18, which is an Associated Press story out of Springfield, Missouri, dated October 2, 1962, Associated Press, and published in the Star Telegram on October 3, 1962, in the morning edition, relative to the portion read from your pleadings.

I believe you will find this statement here.

A. It may take a long time, sir.

Mr. Gooch: Well, we can find it. Down on the second portion of it, “Watts—” this is Clyde Watts. Is that your lawyer, Clyde Watts?

The Witness: Yes, sir.

By Mr. Gooch:

Q. “Watts said he learned that Walker was transferred from Oxford to the Springfield Medical Center on tele-

graphed orders from James V. Bennett, director of Bureau of Prisons.”

Did you see that?

A. Right, sir. The date of this is October 3rd, and it is a Springfield, Missouri release, right?

Q. By the Associated Press.

A. AP, right.

Q. All right.

[fol. 949] Mr. Gooch: We offer that in evidence as having been published by—

The Witness: Can we identify whether it was the evening or morning edition, and whether—

The Court: He already has.

The Witness: That is morning. And what page this is on?

Mr. Gooch: I don't know what page it is on.

The Witness: I think that is very important.

The Court: Pardon me just a minute, General. Orderly procedure requires that Mr. Gooch ask you questions and you answer them. Then if your counsel wants to bring out something else on redirect, then he will ask it.

The Witness: Yes, sir.

By Mr. Gooch:

Q. Further up in this same article, read along with me, General. This is on Defendant's Exhibit 18.

EXCERPT FROM DEFENDANT'S EXHIBIT 18

“Watts, reading from a full page statement, told reporters he had talked to Judge Clayton at Oxford by telephone and was informed the order committing Walker for psychiatric examination was issued on the basis of testimony by Dr. Charles E. Smith, a Bureau of Prisons psychiatrist. Watts quoted Judge Clayton as saying Dr. Smith had not seen Walker.”

[fol. 950] Did I read that correctly?

A. Yes, sir.

Mr. Gooch: We offer Exhibit 18 in evidence, if the Court please.

The Court: It is admitted.

A. That is a continuation from page 1?

By Mr. Gooch:

Q. Yes, sir. I believe that does establish that that was on page 1.

A. Not the portion you were reading, sir.

Q. I said it was a continuation from page 1.

A. The portion you were reading was not on page 1?

Q. No, it was a continuation.

The Court: Let's don't get into an argument.

[fol. 951] Q. You also complain that the Associated Press failed to report a motion—it's in Paragraph III of your—on Page 8 of your Petition, that Defendant failed to further report the true facts, that on October 16, 1962, Plaintiff filed in the United States District Court at Oxford, Mississippi, a motion to strike the entire proceedings by which Plaintiff was committed to the Federal Mental Hospital, upon the ground that such commitment, in violation of the right to make bail and without counsel, notice of hearing, violated the constitutional rights of Plaintiff.

That is correct from the Pleading, is it not, General Walker?

A. Is that what you are reading from, sir?

Q. Yes, sir.

Mr. Watts: Yes, it is.

A. Yes, sir, that's correct.

Mr. Gooch: I will ask the court reporter to mark this as Exhibit 19.

(Defendant's Exhibit 19, was marked for identification.)

Mr. Gooch: And I hand you Defendant's Exhibit 19. I believe you have a copy of that, don't you, Clyde?



Mr. Watts: I know what it is. Yes, and may I have one?

Mr. Gooch: No, that's mine but—

[fol. 952] Mr. Watts: Well, I know what it is.

By Mr. Gooch:

Q. Exhibit 19 was a news release from Oxford, Mississippi, dated October 16, 1962, and published in the morning edition of the Fort Worth Star Telegram, reading as follows, and read with me, General.

DEFENDANT'S EXHIBIT 19

“Attorneys for Former Maj. Gen. Edwin A. Walker asked a federal court Tuesday to reverse its order that he undergo a psychiatric examination.

“U. S. District Judge Claude Clayton had directed that Walker, facing four federal charges including insurrection for his role in desegregation riots here September 30, be examined to see if he is mentally competent to stand trial.

“In a motion filed here Tuesday, Walker's attorneys charged that the court's order ‘violates the constitution rights’ of Walker in four ways.

“1. ‘The right to make bail and be released thereon.

“2. ‘The right to be represented by counsel at every stage of the proceedings against him.

“3. ‘The right to notice of proceedings against him, which is a necessary element of due process of law.

“4. ‘The right to be present in person at the hearing wherein defendant's mental sanity and mental competency is questioned.’”

A. Yes, sir.

Mr. Gooch: We offer in evidence Exhibit 19, and ask [fol. 953] permission to substitute a photostatic copy.

The Court: Defendant's 19 is admitted and you are granted leave to substitute a photostat for the original.

Mr. Gooch: Will you give us just about five minutes? That's all at this time, Your Honor.

Redirect examination.

By Mr. Watts:

Q. General Walker, there have been read to you a large number of court orders, proclamations, injunctions and things of that kind.

Did those legal instruments come to your attention at the time they were issued by the respective courts?

A. No, they didn't.

Q. Mr. Gooch asked you, as I remember the question, as to whether you did not stand beside Governor Barnett in defying court orders.

And I will ask you to tell the jury if you at any time made any defiance of court orders or advocating any defiance of orders of the court, of courts of the United States, and to whom you looked for handling of the legal problem?

A. I did not. I looked to the Governor and the State of Mississippi, which he is and represents, and his Attorney [fol. 954] General and surrounded by the best lawyers in the country, to include the President of the Bar Association, ex-president of the National Bar Association, Satterfield.

I was, depended on their carrying the procedure, legally, and constitutionally, under the requirements of Mississippi.

Q. Now, Mr. Gooch also asked you about your motivation and determination to speak out in protest against certain things at the time you resigned your commission as a Major General in the United States Army.

Would you tell the Court and jury, please, sir, at that time what was the exact condition that you were objecting to.

Mr. Gooch: If the Court please, I object to that as irrelevant and immaterial to any issue in this case until it has something to do with this case.

Mr. Watts: Mr. Gooch went into it. I hadn't intended to go into it.

The Court: I overrule him.

Mr. Gooch: Note our exception.

By Mr. Watts:

Q. Go ahead, General, do you understand the question now?

A. Yes, sir.

Q. Well, tell the jury now very briefly—don't—try not to go afield, and stay right on target here, of what Mr. [fol. 955] Gooch asked you.

A. I was, had to do in Little Rock what I felt was entirely wrong, under the military requirements, in following the directives and orders from the Administration. My orders came through military channels.

I thought it was wrong at the time. I even called home to Center Point and had my mother on the line and asked her if—

Mr. Watts: Don't—

Mr. Gooch: We object to that as hearsay.

Mr. Watts: Don't go into conversations with your mother. Go ahead.

By Mr. Watts:

Q. Did you then try to resign at Little Rock?

A. I definitely turned in my resignation before, resignation from the military service, which I have never seen in print, incidentally—

Q. Well, now don't get into the print. You did turn it in?

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

Q. All right, sir. Now in Germany, you were asked about your Pro-Blue Program—

Mr. Gooch: No, I didn't—

Mr. Watts: He testified from the witness stand that was [fol. 956] his—

Mr. Gooch: No, that was your question.

Mr. Watts: Oh, all right, sir. Perhaps I asked you.

By Mr. Watts:

Q. Anyhow, I remember the Pro-Blue Program coming up. Did the Army, did the Department of Army's reaction to your Pro-Blue Program have anything to do with your final resignation of your commission as a United States—

A. Yes, it did. The Army position, it itself, the military side, in my opinion, was terrifically, and still is, handicapped in accepting a Pro-Blue Program.

My program was accepted by the higher commander, one star more than I was, within two or three weeks after it was written, completely and—

Q. With whom then in the Department of Army did you have your conflict, with the soldiers or civilians?

A. My conflict was not with the military, basically. It was not that I saw these other people but I knew where the problem was and who was giving all the instructions with regard to me in the military service.

Q. Were they soldiers or civilians?

A. Civilians in the Defense Department.

Mr. Gooch: If the Court please, we say that's hearsay. [fol. 957] The Court: It would be. That would be a conclusion, I think, unless he knows.

Mr. Watts: He talked to the one—let me ask this:

By Mr. Watts:

Q. Did you receive a call from one Arthur Sylvester?

A. Yes, I did, in Augsburg, Germany.

Q. Well, what was Arthur Sylvester's position in the Department of Defense?

A. He was head of public—

Mr. Gooch: If the Court please—

The Court: Just a minute.

Mr. Watts: Hold it.

Mr. Gooch: Suppose he was. Anything that Mr. Sylvester might say would be hearsay, so far as we are concerned.

Mr. Watts: I'm not asking him what Sylvester said.

The Court: All right. Overruled.

Mr. Gooch: Note our exception.

By Mr. Watts:

Q. Now then in simple language, what was your disagreement with the civilians in the Pentagon that caused you to go to the extent of resigning your commission as a Major General of the United States Army, very simply, tell the Court and jury what it was.

A. I instituted a Pro-Blue Program which taught the [fol. 958] soldiers and the officers patriotism and their knowledge about citizenship and their responsibilities to citizenship, their understanding of discipline and their understanding of morality and morale and their relationship with church and their necessity to accept the Lord and the necessity to know their enemies, which they have to understand his psychology, to know this sort of situation when you are facing an enemy only about 150 miles, with 13—eleven thousand troops, and about ten thousand people in their families sitting around Augsburg and Munich where the Division, U S Division was that I commanded, was stationed.

And my program was to keep and to extend the knowledge of the enemy, which was definitely what we referred to as the Communist enemy, from the East Zone, and my program was to give them a complete understanding so at any time war should break out, what we are there for, either there or anywhere else they might be sent, under those conditions we had plans in our Headquarters to leave

immediately for 17 different countries through Central and the Middle East and Africa, in that general area, and the soldiers had to be prepared, knowledgeable about what sort of an enemy that we have got and what they would be confronting—the Division was alerted even at one time for a portion of the Division had to stand on the airplane to go to Katanga.

Q. Now did these civilian personnel restrict your program [fol. 959] to so train your troops?

Mr. Gooch: Object to that as being a conclusion.

The Witness: They restricted this program—

Mr. Watts: Just one moment for an objection.

The Court: Overruled.

Mr. Gooch: Exception.

By Mr. Watts:

Q. Go ahead and tell the jury what happened.

A. They restricted this program continuously. They restricted us when I was District, head of Arkansas at Little Rock, they have—they continuously restricted it.

Now I am not in their position. If they want this sort of program, that's the program they can have.

But I don't intend to command American troops, and this is why I resigned, I don't intend to command American troops without the proper instruction when they go to Vietnam or anywhere else, that they are not knowledgeable about the Communists and the way they operate under cover and cold war and prisoner of war cages in Korea, and the soldiers, this is not fair to the soldiers, in my mind, across this nation.

And if they want this sort of program, they can have it. And I made up my mind I was—I got orders from the Military Service in October, I have written orders in my file that directed me to a higher training job in the Pacific.

[fol. 960] The military has—basically out of this, they recognized my training ability and capability, you might say, and the Division's capability and they gave me orders

to go to the top training operations and supervision job of the entire Army in the Pacific. That was in October.

Q. Would that have trained the personnel that ultimately ended up in Vietnam and Southeast Asia?

A. That, it exactly did. It supervises, it runs the plans and programs, it operates and supervises what's going on in Laos and at that time—

Q. Now General—

A. —Vietnam and the entire South Pacific.

Q. Did you make a comment about the so-called, and to shorten this, “No-win policy”?

A. Yes, I have continuously made such a comment.

Q. And were you apprehensive about the future of your country under that policy as it existed?

A. I certainly am, with soldiers—I have been on three continents, looking back at the United States and then to look back and see soldiers would mention to me, “I’m from Florida,” and those people are just 90 miles from Florida.

Q. I noticed a comment in the morning press that you had testified that you had approved people going armed to Mississippi. Did you hear any such question?

[fol. 961] A. I should never have made that answer. I didn’t hear the question properly. I recommended that nobody, or didn’t make any—told nobody to go armed to Mississippi.

I made no order to tell anybody or told nobody to go armed to Mississippi.

Q. Now then when you mounted that Confederate statue to make your talk to these students, what was your estimate and evaluation of the existent situation?

A. The existent situation was very, very tragic. It was serious. It was a critical situation.

I didn’t know definitely, as has been referred to, whether anybody was killed or not.

When I got on the campus, the reports that the girl was hit by a tear gas and she was dead, a tear gas missile, that would have been around 8:00 o’clock or half hour or hour, half hour or so, before I got there.

That highway patrolmen had been killed, and these were the two that were being referred to at the time.

The tragedy was very obvious about the situation.

Q. That's enough of that. When you got to the point and saw the highway patrolmen leaving and saw the reaction of the crowd, what was your procedure then in speaking to the crowd in view of what came up following the highway patrolmen's leaving and why?

A. Since the highway patrol were leaving and they were [fol. 962] very upset and getting more excited over the Barnett's departure, as I have explained, the newspapers around, it became obvious, I decided to talk to them and my idea was just to make myself enough acceptable, which you have to do in mob activities—I have had continuous training in the method, you might say, off and on through the services, of how to quell mobs and how to quell riots and you have got to know exactly what position they are in and what their state of excitement, what degree they are in, what sort of things they are doing.

Of course, it was a most unusual situation to find, and difficult one, very difficult because we are taught never to use—not only don't do it but you do not use tear gas, you never fire a salvo of tear gas—this is in mob operations—you never fire a salvo of tear gas at, a flat projectory at people. It's not to be used this way at all.

You are told not to do it. And if they were going to use tear gas, if they had decided they had come to the necessity of using tear gas here, they are only antagonizing the students and hitting people with tear gas fired directly.

If they were going to use tear gas, you want to get a tear gas into a crowd, you would rather if you could just get it there without a missile. That's your objective of tear gas. You drop it over on a downwind side and let them smell it first.

[fol. 963] You certainly would have set off, before you even started, you would have set off just a sample round off near somebody. It is not a missile.

It is antagonistic and to continuously fire it is very antagonistic.



Q. From your training and experience, what is the reasonably expected result of firing a massive volume, salvo of tear gas with a flat projectory at point-blank range?

A. Just as what happened here, it made a fantastically tragic situation, it was brought out.

Now there is another angle of that that becomes perfectly obvious, which I can understand very clearly, all law is gone in the area. I thought, of course, the Sheriffs would do what they could, and I feel that they did, to stop violence where they could stop it, but the law is all behind a range of—a ring of Marshals that nobody can get to—as you evaluate the situation and what I was told. And you found that it's all in the Lyceum Building. If a student wants to discuss what's going on with somebody or get some advice or nobody comes out to talk to him—

Now in Little Rock I just appeared out in the crowd. Whenever I went to the high school, two or three times in the morning, say, or two or three times in the afternoon, why, I got stopped in the jeep or sedan and appeared in the crowd and talked to some of the people in the streets [fol. 964] and talked around. You couldn't find here—I couldn't find—saw nobody.

And the students seemed to indicate there was nobody they could talk to.

Q. Now then the question has been asked you on cross examination if you didn't make statements that that whole riot was just a joke?

I direct your attention to the Plaintiff's Exhibit 7.

Mr. Watts: Give this one the last number, 7-B, which I think we are in agreement is an Associated Press release.

(Plaintiff's Exhibit No. 7-B, was marked for identification.)

Mr. Cravens: Let's see what it is.

Mr. Watts: And direct your attention to this language in Exhibit 7: "The rioting started shortly after sundown—

The Court: Pardon me just a minute, Mr. Watts. Now you have never actually offered that.

Mr. Watts: Yes, sir, I at this time offer in evidence the Plaintiff's Exhibit 7-B.

The Court: It's admitted.

Mr. Watts: And I would like to, and I hope I don't forget it, offer in evidence chronologically all of these news [fol. 965] releases which I'll—

The Court: Let's wait until we reach each one.

Mr. Watts: Yes, sir.

#### PLAINTIFF'S EXHIBIT 7-B

Reading to the jury, this AP news release, Exhibit 7-B:

"The rioting started shortly after sundown when about 2,500—jeering and joking—gathered at the Administration Building where the Marshals held their tight guard.

"In the early stages, much of the shouting at the Marshals sounded more like just than maliciousness.

"From time to time, even the grim-faced Marshals would break into a slight grin.

"But as the evening wore on the talk got rougher and the students started rampaging. They tore away a photographer's camera and smashed it. They smashed the windows in a car, sending a man and woman fleeing.

"Then they moved against one of the army trucks standing by with the Marshals. They got the cap off the auxiliary gasoline tank and threw a flaming piece of newspaper at the fumes, trying to set fire to the truck."

By Mr. Watts:

Q. Now then did your understanding coincide with that AP news release as to the joking attitude of the students at the start of the riot?

[fol. 966] A. That was my understanding, yes, sir.

Q. Now what was the full comment you gave to this news reporter in Savannah, I believe, perhaps Jacksonville, Florida, that was reported, as Mr. Gooch read to you?

Give the jury the benefit of the full statement you made to the news, to the press.

A. We were discussing the situation on the campus, sort of as in answer to their questions and I was giving them an idea of what was happening there for news and I referred to, during the conversation, I said something about zest and that something, that some student did something that was funny and I laughed at a remark, or something he said, referring to the stories I had heard about the campus, and the zest with which this thing started and their funny remarks back and forth to the Marshals and then their school song and their cheers, and so forth, and the excited manner which one student would come out and tell about what he saw and—

Q. And was that the full text—

A. And from time to time there was joking about what they were doing.

Q. And was that the full text of the statement that caused the news release that you were shown by Mr. Gooch that said, "Walker considered the riot a joke," was that the full text of the statement you told?

[fol. 967] A. This certainly is not the full text of the statement. This is out of context.

[fol. 968] Q. Did you ever at any time tell anyone that you considered that Mississippi riot a joke?

A. No, sir, I said many times I considered it very serious and tragic.

Q. Was it your understanding that the riot did start off in a joking manner?

A. It certainly did.

Q. Except for that massive delivery of tear gas, how do you think it would have ended up?

A. Well—

Mr. Gooch: I object to that.

Mr. Watts: Yes, sir. Yes, sir. I think that is probably—

Mr. Gooch: I object.

The Court: All right.

By Mr. Watts:

Q. Now, it was pointed out to you yesterday that proclamation for the use of Military forces was entered by the President on September 30, 1962. From your subsequent knowledge are you familiar with the type of units and the nature and extent of the Military forces that was committed in Mississippi?

A. Yes, sir, I am, with regard to terms and units to a certain extent, and also that this is an order for a Military operation.

Q. To shorten this, did you understand there were approximately 26,000 troops committed to Mississippi?

A. Between twenty-three and twenty-six thousand troops, correct.

Q. And were you in on the timing and the logistical preparation necessary for the commitment of 1,000 troops to Little Rock?

A. Yes, I was.

Q. How long did that take?

A. Well, I did some planning on my own in the Little Rock headquarters because I expected that something might happen, and I was hoping continuously they would use Marshals. And certainly it was three or four days before the Central High School incident occurred that I was in where planning was going on, in the Chief of Staff of the Army's office in Washington, D. C.

Q. How long would it be, in your opinion, the required time to make the necessary logistical planning for the staging areas, the transportation, the alerting of troops, to move that 23,000 troops from their respective bases into the area of Oxford, Mississippi?

A. From the time they got there, going backward, those troops would have had to have been alerted and logistic preparations, staging areas, and so forth, at least a week to two weeks before, somewhere in that area. Somebody was planning on this operation, in the Military, to have

[fol. 970] been accomplished, when the troops went into Oxford.

Q. You have stated that you oppose the use of the Military in Mississippi.

A. I certainly do.

Q. Why, then, would you then have told the students to avoid violence in your speech from the monument?

A. Because any violence at that time would have played right into the hands of the Military and such orders coming from the Defense Department to use masses of troops, which were never called for in Mississippi for what was happening. This was a great show of force, intended to be. It was intended—

Mr. Gooch: We object to that.

By Mr. Watts:

Q. Just a minute, you can't testify what it was intended to be.

Mr. Gooch: Move the answer be stricken.

The Court: Sustained.

Mr. Watts: Yes, sir, that's right.

A. Any violence—

By Mr. Watts:

Q. Just a minute now.

A. Any violence—

Q. Just a minute. Did you have any other motive behind that, aside from that, in telling these people at the monument to avoid violence, and violence was not the answer? Yes or no?

[fol. 971] A. Yes, I did.

Q. All right. Tell us about it.

A. If there was no violence there, or nothing that was worse than this fantastic force which was building up in the area, why it made it look ridiculous. It was already looking ridiculous, absolutely ridiculous, and foolish, to

put one man on a campus. You could do it with any fifty men on a school day when the students were all in school. It was absolutely getting ridiculous. Well, anything that affected it—

Q. What was your concept of the operation that brought that man on there about 5:00 o'clock or 4:00 o'clock on Sunday afternoon as these students were returning from a football game in Jackson, Mississippi, under the circumstances as you found them to be? And hold up, don't answer until they object.

Mr. Gooch: I object to that as wholly irrelevant, calls for an opinion and conclusion.

The Court: It is far too broad. He wasn't there at the time.

Mr. Watts: All right. All right, shall I ask him some more questions?

The Court: No, it is close to noon. Ladies and Gentlemen, we will recess until 2:00 o'clock. Keep your seats in the audience until after the Jury leaves the Courtroom.

[fol. 972] (Whereupon, the Court was recessed at this point until 2:00 o'clock of the same day.)

[fol. 973]                      Afternoon Session

2:00 P. M.

By Mr. Watts:

Q. General Walker, when you left Jackson, Mississippi, on Saturday the 29th, did you know Mr. Meredith would be brought on the University campus the following night?

A. No, I didn't. I certainly didn't.

Q. When did you first learn it?

A. I think I learned it at the press conference. If not then, at the President's speech, or the entering of the campus. And I believe it was in the President's speech. I certainly did not expect him to be brought on the campus on Sunday. It is—I knew that the students were all away and that Sunday bible—deep bible state, seemed like the

most inopportune time to slip somebody on the campus, while the students were off the campus.

Q. Now, would you take your pointer, please, and for the benefit of the Jury point out as nearly as you can on the chart an area that represents the outer limits of any part you reached that evening, and by "that evening" I mean the evening of September 30, 1962.

A. The area I was in and never of is around this area (indicating) and in the direction of the flagpole, and here to the flagpole, and one time I went right to about this [fol. 974] far here, during the truce, and never further, except for that one time—further than here (indicating), and I was in this area right here.

I never got past this point to the left, and I never—I came right this way and I was to this curb here, and right here, and across here, and I spent, oh, probably an hour and a half during the whole evening at different times under a fir tree, by a fir tree, or on the west side of it, right here (indicating) and close the circle right here.

I was never out of that area.

Q. You may take your seat. During that evening, did you ever get out of a walk?

A. I never did, no, sir.

Q. During that evening, did you ever participate in any of the activities of the crowd toward the Marshals with respect to either throwing things at them, or encouraging such actions to be done?

A. I did not.

Mr. Watts: That is all.

Mr. Gooch: Nothing further.

Mr. Watts: Oh, yes, one other thing.

By Mr. Watts:

Q. As I recollect your testimony, you saw that manifesto committing troops on the 30th of September, 1962, or did not? Did you or did you not?

[fol. 975] A. I did not.

Q. When did you first have knowledge that troops were being planned for the area, planned by the Government to be committed in this area?

A. Certainly it was by the 28th, because there were press releases on it, and from my previous experience I had knowledge of it.

Mr. Gooch: If the Court please, the press reports would be the best evidence.

By Mr. Watts:

Q. Would you have such a press report?

A. Yes, sir, I have a press report here. I believe it is the front page of the Star Telegram. May not be the front page; the picture page. Friday, September 28th.

Q. Would you deliver that to counsel, please, sir?

A. Yes.

Mr. Address: We would like this marked as an Exhibit.

The Court: Let counsel look at it.

Mr. Gooch: Go ahead.

Mr. Address: Will you mark it with the next exhibit number?

(Said document marked Plaintiff's Exhibit 12 by the Reporter.)

Mr. Address: We offer in evidence Plaintiff's Exhibit [fol. 976] 12, a portion of the front page of the Fort Worth Star Telegram for Friday, September 28, 1962.

The Court: It is admitted.

Mr. Gooch: No objection.

By Mr. Watts:

Q. Prior to the time you went to Mississippi, did you have any other notice or reason to believe troops were about to be committed in Mississippi?

A. I had reason to believe that they could have been or was going to be committed, based on my experience



and different indications of what was being done, and what was in the press.

Q. Without saying any hearsay, was—what anybody told you, could you outline what the source of that information was, or was it from something someone told you?

A. I remember a telephone call from the Tennessee area.

Q. You can't tell about calls from the Tennessee area.

Mr. Watts: I believe that is all.

Recross examination.

By Mr. Gooch:

Q. General Walker, as a Military man you know that troops can be called only on the order of the President of the United States, do you not?

A. Yes, sir.

[fol. 977] Mr. Gooch: That is all.

Mr. Watts: Thank you, sir.

The Court: Step down.

Mr. Address: We call Dr. Beard.

\* \* \* \* \*

[fol. 991] Mr. Address: Now, Your Honor, we would like at this time to ask the Court to permit this witness to testify upon the basis that after the morning recess, according [fol. 992] to my notes, of the testimony, it was almost entirely concerned with the stories in the Star Telegram and the mitigating matters in connection with whether or not there was any malice involved.

The Court: I have already ruled, Mr. Address.

Mr. Address: Yes.

The Court: Bring the jury in, please, sir.

Mr. Watts: Call Ed Jackson, please.

If the Court please, I forgot to ask, may that previous witness be excused?

The Court: Yes.

(Jury returns to the courtroom.)

EDWIN LEON JACKSON, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

- Q. State your name, please.  
 A. Edwin Leon Jackson.  
 Q. Was that Edwin?  
 A. Yes, sir.  
 Q. Where do you live?  
 A. Houston, Texas.  
 Q. How old are you?  
 A. I will be 21 in August.  
 [fol. 993] Q. Who are your parents?  
 A. Richard L. and Lorene Roach Jackson.  
 Q. How long have you lived in Houston?  
 A. Oh, on and off, nearly 18 years.  
 Q. You are then a resident of Texas?  
 A. Yes, sir.  
 Q. What is your father's business?  
 A. He puts in air conditioning, installs air conditioning.  
 Q. Where do you go to school or to college?  
 A. The University of Mississippi.  
 Q. How long have you been there?  
 A. I have attended two years. I attended one year at Abilene Christian.  
 Q. When did you first enroll in Ole Miss?  
 A. September, 1962.  
 Q. What school were you in?  
 A. Liberal arts.  
 Q. Were you on campus on the night of September the 30th, 1962?  
 A. Yes, sir.  
 Q. What dormitory did you live in then?  
 A. Long Street A.

Q. Had you been in school over the weekend or did you go anywhere?

[fol. 994] A. Ole Miss played Kentucky in Jackson, Mississippi, over the weekend and I am in the band. We went to that and we got back about 1:00 o'clock Sunday morning, in the morning, that night.

Q. Where did you go? To your dormitory?

A. Yes, sir, I slept all day.

Q. And about what time did you get up?

A. Around 2:00 in the afternoon.

Q. Were you anywhere on the campus when the Marshals first appeared?

A. Yes, sir, in my dorm.

Q. Did you go out into the area of the circle where the Marshals were?

A. Yes, I arrived there—as soon as the first truck of Marshals came, the word spread out like, just like electricity, I guess, all through the campus, you know, and I was there—I ran down to see what was happening and I was there about the time the second or third truckload came in of Marshals.

Q. Would you tell the jury now in your own words, what occurred and what you saw from the time this first group of Marshals came in up until after tear gas was fired.

A. Yes, sir. Well, around 4:00 o'clock that afternoon, the Marshals started arriving—at least it seems like 4:00 o'clock, as I remember.

[fol. 995] And like I say, word spread when the first truckload came in because we weren't expecting anything on Sunday; I mean there was a tense atmosphere, I would imagine, from all that had been happening but when they came in, I ran down there and a crowd started gathering and in an hour or so, there were several hundred students, two or three hundred students, I imagine, maybe even more, came down to see the Marshals come in.

And some of the students would put Confederate flags on their car and drive through the crowd and everybody was

yelling, I mean—and they were cheering (jeering) calling the Marshals names and they passed out little bitty stickers saying, “Ross was right,” people were wearing on their lapels.

And some of them were telling the Marshals they ought to go to Cuba and other places (laughter) and, well, there was more—

At first, I mean, it was kind of a premonition of what was to come by what they were wearing because, I mean, we weren’t expecting anything and there they were, with helmets and billy clubs and pistols and tear gas cannisters on their chests, so we didn’t know what was coming off but we were still yelling at them and calling them names and just yelling, just, I don’t know, it was—

Q. Were any highway patrolmen around there?

[fol. 996] A. Yes, sir.

Q. Tell the jury what those patrolmen were doing.

A. Well, the patrolmen, highway patrolmen, as they came, and they were in the street in front of the Lyceum in the middle, facing the students, between the students there and the Marshals on the Lyceum Building, circling the Lyceum.

The State Police were in the center of the road facing the students.

Q. Did you have any rough idea how many Marshals there were there?

A. Oh, it seemed like around 400, at least, because the Lyceum was completely surrounded with them; I mean it seemed like they kept, more trucks and more trucks and everything, truck and trucks of Marshals, you know, army trucks, those convoy trucks.

And there must have been at least 400 to have circled the Lyceum, standing up just arm to arm.

Q. Now were the highway patrolmen around the Marshals at first or did they move in later or between the Marshals and the students?

A. Well, at first, the highway—I mean around 5:00 o’clock, it seemed like—

Q. I couldn't hear. Say it again, please.

A. Around 5:00 o'clock, I believe, the State Police started [fol. 997] coming in about, more and more of them. I mean there had been State Police around the University in and on the campus all that September.

But they started really arriving and they formed a—they just stationed themselves in the middle of the street, facing the students, their backs to the Marshals, in the middle of the street.

Q. Now do you see a pointer there in front of you, a little wooden pointer?

A. Yes, sir.

Q. Would you take that and step down there to the chart, and the top of it is north, University Boulevard goes by your chin there and proceeds westward.

Do you see that circle there?

A. Yes, sir.

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

A. The east end—which way is north?

Q. Right there. Put your pointer up and I'll tell you where to move. Put your pointer up. Now move your pointer to your right, to your right—not up.

A. Oh, excuse me.

Q. What's that dot right there?

A. Right here?

Q. Yes, sir.

A. That's the Confederate memorial monument put up by [fol. 998] the—

Q. Do you remember the exact position of that monument with reference to the Lyceum and the other installations?

A. Yes, sir, this is a tree-clustered circle, I mean it's a real pretty place, with park benches all over it. The Lyceum is at one end and at the very opposite end, facing University Avenue, is the Confederate monument.

Q. Now put your pointer where the Marshals were with respect to the Lyceum.

A. The Marshals at first they came right here and as more truck loads came they just slowly circled the Lyceum completely.

Q. And where then were the highway patrolmen?

A. The highway patrolmen were stationed like this (indicating).

There was a whole lot of students right around here and right around here, I mean, like I say, "A whole lot," several hundred and the State Police stationed right there, right in the very middle.

Q. Where were you?

A. At what time?

Q. Before the tear gas was fired?

A. I was right there on the curb.

Q. Were you east or west of the curb of the circle?

A. Sir?

[fol. 999] Q. Were you east or west of the curb of the circle? East is on your right, remember.

A. Well, the curb is right there. I was standing—there is a cement curb and then grass there. I was standing right on the grass right by the curb.

Q. Now from that time on—take your seat again—tell the jury further what happened.

A. Well, like I said, it was a tense atmosphere, I mean naturally you expected, if you have—I mean it couldn't be anything else with how they were dressed; I mean it was just sort of, looked like something—I don't know why they were dressed that way cause half of us didn't know what they were doing dressed that way but they were there.

The Court: He asked you what happened.

By Mr. Watts:

Q. Go ahead and tell what you saw, son.

A. Well, there were some cigarette butts thrown, I mean as the night progressed, I mean, 5:00 and 6:00 on like that.

Q. All right.

A. There was people started flipping cigarette butts at the Marshals, I guess—I don't know what—they were just flicking them at them.

[fol. 1000] And they put a Confederate flag on the back of one of the Army trucks. Somebody just went up there and stuck it on. And I saw one bottle thrown.

Q. Uh-huh.

A. I am not going to say there weren't more, but I mean I was up in the front and I saw one bottle thrown, and suddenly, I don't know what or why, but tear gas just started coming at us, you know.

Q. Did you see the position of the Marshals as they fired that gas?

A. They were right across the street from us.

Q. Was it fired in a single round, or was it fired in a salvo by all the Marshals you could see?

A. Well, I don't know how many Marshals fired, but it was fired more or less in a volley. And on the girls, I mean, you see there were a lot of girls out there. This was not just boys, there were girl students out there, students and boys and everybody, and some of the girls started screaming, and everybody just started turning around and just running.

Q. At the time the tear gas was fired, were the Marshals between the—strike that. Were the Highway Patrolmen between the students and the Marshals?

A. Yes, sir.

Q. What was the closest that a student was to a Marshal [fol. 1001] at the time of the firing of the gas?

A. The width of the street.

Q. Had you at any time, or had at any time any students come in physical contact with the Marshals?

A. I hadn't, and none that I know of.

Q. Would you have seen it along there? Were you in a position where you must necessarily have seen it had it happened, in that area?

A. I should have seen it.

Q. What happened after the tear gas?

A. Well, everybody ran back in the direction of the Confederate monument, back at the other end of the Grove.

Q. About how many people could you estimate, as best you could, were in the circle at that time?

A. Three hundred, or something like that.

Q. All right. Go ahead.

A. Of course, there were some people over on the side too. The Lyceum Building has four sides. There were about one hundred on the side, on the north side, across the street too. And the people just started running back toward the monument, because the smell was horrible. Well, I mean it is exactly what it means, just tear gas because you just started crying. It is very penetrating. Of course, I had never been tear gassed before, but all the girls were crying. And they started running toward their dormitories, and the [fol. 1002] boys went back to the other end. And what followed from then on, I guess, was a case of reaction. I don't know what you would call it. I mean, the reaction to the tear gas and the reaction to what had happened. But I just—students were resentful at least. I mean the ones that were—they really started yelling then, I mean calling the Marshals names.

Q. Did they start throwing things then?

A. Well, they went back to the other end, at the monument, and there were some rocks in the streets and bottles there on the campus, and a bunch of the students started picking up anything they could find then and to start running back up there and throwing them at the Marshals, and from then on is what you might call a riot. It was a riot.

Q. Was it an organized activity? That is, was there any leadership?

A. No, sir.

Q. Did you see anybody out there in front that was issuing orders or commands or was there anybody there?

A. No, sir. No, sir. I will say this. The first couple of charges, the very first, you know, it was sort of like a gallant, I guess, entry, when they would march across, you know, in lines, you know.



Q. Yes.

[fol. 1003] A. I mean there were several charges like that, I mean some people had Confederate flags and they were in the middle of the crowd. They were not out in front, exactly, but after the tear gas—the Marshals started firing back with tear gas so as the night progressed, very quickly they just—it came into a disorganized attempt just to get a rock or any missile that you could find that you could throw, and run up and throw it, and then dodge for a tree or anything you could hide behind, because those tear gas canisters are approximately that long (indicating) and that big around and weigh several pounds and they are fired with such a force that they will shoot far—I mean, over the length of a football field. So they arched them over the monument from the Lyceum, because we watched them going over and landing in the University Avenue intersection out there.

Q. Outside of that first couple of movements immediately after the tear gas was fired, was there any further reaction at one time of the entire crowd, or was it sporadic, as you testified?

A. It more and more, it just became, people would run back and if you could find a brick or a rock, they went fast—they would sort of make their own missiles.

Q. In these just two moves that you testified about, did they have any leadership? Was anybody out in front of [fol. 1004] them?

A. No, sir. Just people would yell and they would say, “Come on, let’s go get those Marshals.”

Q. Did people then go on toward the Marshals and throw things?

A. They would run up there, and when they started opening up with that tear gas—I mean, all of them started firing, all of the Marshals.

Q. What happened, then, to the Highway Patrol?

A. The Highway Patrol, for several hours there, an hour or so, or an hour and a half and two hours, I don’t know what happened to them. Because I mean I do know they

were running back too, because their—we had asked them, “Don’t you all have gas masks?” They had gas masks. And they said—we asked them why weren’t they working. They were out crying too. And they said the smoke, I mean this tear gas penetrates this gas mask. It is not effective against this tear gas they are using.

So, the State Police, I mean they sort of tried to get out of the way too.

Q. Did you ever, that evening, see General Walker?

A. Yes, sir.

Q. Will you tell the Jury in your own words where and when you saw him and what he was doing?

A. Yes, sir. Well, I had run back to the monument, back [fol. 1005] in that direction, and I heard some people say, “Here comes General Walker.”

Q. All right. Now, excuse me, son, right there a minute. As of that time, how long had it been since one of these—that you were talking about—general movements of the crowd occurred?

A. Oh, they had disappeared a long time ago. This was now just—this was in the nature of the riot, now.

Q. Could you estimate in time as to minutes or parts of an hour, half hours, quarter hour, whatever it was?

A. What time he arrived?

Q. Yes, how long after these general movements of the crowd you testified to about ago—a while ago, had it been before General Walker arrived?

A. Well, these movements I was telling you about at first didn’t last long. I guess because experience is the best teacher. But some of these people had had their hands burned, and one boy got hit in the back. I mean, he was terribly hurt, but, I mean like I say you are not going to keep doing that with those things coming at you.

Q. From the time of the last of those general movements until the time Walker arrived would you say an hour, half an hour, quarter hour?

[fol. 1006] A. I would say over an hour.

Q. Go ahead then. You said you heard someone say, "Here comes General Walker."

A. Well, I was right—I was right beside the monument, or right in about no more than five or ten feet from the monument, and I looked out and—

Q. Take the pointer and just explain it to the Jury.

A. Here is the monument. I was standing right about like that (indicating) and I looked out and I saw General Walker right across in this position. This is south. I saw him right here, and then people would say, "Here comes General Walker, here comes Walker."

Q. All right.

A. That was the first I saw him, so I ran over, and I said, "General Walker, I am from Texas. Would you lead us?"

I mean, it is hard to explain to you all now how I felt.

Q. Well, as best you can, tell them how you felt.

A. I was very resentful. I mean, you can't explain how you felt. I mean, it was just something spontaneous. You just wanted to get back at the Marshals, because of how they had fired at you, because several girls got hurt. One girl got hurt from firing that tear gas cannister. It hit [fol.1007] her in the back.

Anyway—anyway, we were very resentful and we wanted to get back at the Marshals, like I said, and if we had been organized—

Mr. Gooch: If the Court please—

By Mr. Watts:

Q. Just go ahead and tell us what you said to General Walker and what happened.

A. I said, "General Walker, would you lead us?"

Q. All right. What did he say?

A. He wouldn't answer us.

Q. From this point, just try as best you can to relive that instant, just visualize it in your mind and tell the Jury just what you saw and what happened.

A. Well, as I remember it, there were several men out in this—with him. I don't know what it was. They were there with him, and as I ran over he was about by the monument when I started asking him this.

Q. Uh-huh.

A. And there was this sort of fat—he was a Sheriff, had a star. I guess he was with him. I remember him quite vividly because he was a prominent figure.

I mean, he was noticeable, and we kept asking him, "General Walker, what can we do?" And the people kept coming up and saying, "General Walker, what can we do? We can't get to them. Would you lead us, sir?"

[fol.1008] And he never would answer, he just kept looking at the Marshals, and walking. And they walked up a ways and—

Q. About how far would you say he walked from the monument?

A. From the monument?

Q. Yes, just point to roughly the furtherest westward point he walked.

A. This is hard to remember.

Q. Well, do you know where the flagpole is?

A. Yes, sir, it seems to me we walked somewhere in that vicinity, right there (indicating).

Q. Are you pointing to the flagpole?

A. Yes, sir, it was here, this side, or this side. I am not sure which (indicating). I don't remember. And we walked over there, and he stood there and looked. And he stood there and looked several minutes, just at the Marshals. He stood there.

Q. Take your seat again. As you walked in that direction, what gait did General Walker walk?

A. It was very slow because it took us—I was right there with him. I kept asking him, I was persistent would he lead us. And it took us about five minutes to get up there. It was about—

Q. Now, tell the Jury about the crowd in the vicinity, [fol.1009] how many there were, if you can. I am sure

you didn't count them, but tell us what they were doing, what they looked like.

A. The crowd of who?

Q. The crowd in the vicinity of General Walker. Now, you were walking with—were you walking along with him?

A. Yes, sir.

Q. Can you remember whether—I don't guess that would be a fair question, whether you were on his right or left, or do you know?

A. I was on his left.

Q. Incidentally, did anybody have a hold of his arm?

A. No, sir.

Q. Go ahead.

A. From where?

Q. From the time you started walking on to the westward there.

A. Well, about this time I was standing there and looking and the Highway Patrolmen started pulling out. I mean they got in their cars.

Q. Well, wait just a minute. Let's go back a little and cover in detail about on the way up there.

I have asked you a question about the crowd. Would there be any way to estimate how many boys trailed along [fol. 1010] as you went toward the flagpole there?

A. Well, several of the boys would run over and ask him would he lead us and when he wouldn't answer they would just run back, if you know. I mean, they didn't know what to do. They would just run—just run—they might have a brick, you know, and he wouldn't say anything, and they would just run on up and try to throw it. But, I would say approximately anywhere from ten to twenty-five people in the immediate company that stayed with him, and didn't run away from him.

Q. You say ten to twenty-five stayed with him and didn't run away?

A. Didn't run away.

Q. Were there other than that would move around in the vicinity?

A. Well, what I am saying, there were ten to twenty-five that were not participating in the riot at that moment

Q. What were they doing?

A. They were trying to get him—they were asking him—I mean—

Q. Did Walker participate in the riot in any way?

A. Sir?

Q. I say, did Walker participate in the riot in any way?  
[fol. 1011] A. Do you call his later speech participating?

Q. No, I am talking about on the trip up there.

A. No, sir.

Q. All right, go ahead. I am talking about solely from the time you were walking on from the monument up toward the flagpole. What else did he do besides walk along and talk to you students?

A. Well, occasionally this Sheriff would say something to him, but I mean, you know, he never would make any—

Q. Did any of the students around him, within as far as we will say that wall over there, throw a missile when they were that close to him?

A. No, sir, you couldn't throw that far. There were trees in the way anyway. You would have to throw it up high to get it to go that far. The trees were in the way.

Q. Now, you say you walked on to the flagpole and then turned toward the southward, or your left?

A. Yes, sir.

Q. At that time or any time approximating that did you see a minister? He has been identified as Rev. Duncan Gray?

A. I don't remember.

Q. Were you then with him—were you right with Walker all the time?

[fol. 1012] A. Yes, sir.

Q. And you have no recollection of Rev. Duncan Gray?

A. I have no recollection of it.

Q. Then go ahead and tell us what happened after you cut to the left, or south. You started to say something about the Highway Patrol?

A. Okay. The Highway Patrolmen, they had their cars in that vicinity and they all got in them and pulled out down the south side of the circle. They were driving out—coming out, leaving, and some of the students started running over to them and saying, “Why are you leaving us?” You know, and they would tell them to come—I heard one boy—well, that is incidental though. Anyway, they were leaving, though, the Highway Patrol were, and the students didn’t know what was coming off, and anyway Walker was walking, was still walking back toward the monument. Some of the people said, “Tell us something, give us a speech, General Walker; say something. What can we do?” And about that time General Walker, he went back to the monument, and the crowd gathered around him, and he gave a speech.

Q. Did you gather around him?

A. I was above him on the monument.

Q. You mean you climbed up the monument?

A. Yes, sir.

[fol. 1013] Q. Which side of him were you on?

A. Well, facing down University Avenue, I was standing in front of the monument. I was hanging on above him, up above him.

Q. Was anybody up above you?

A. No, sir.

Q. As best you recollect, tell the Jury what General Walker said to these boys?

A. Well, they kept saying, “Will you lead us? Give us a speech.”

So, General Walker says—oh, I can’t remember all his speech.

Q. You don’t have to, I understand.

A. I just remember parts.

Q. Just tell the best you can.

A. Okay. He says, “You all have a right to protest.” I remember that part.

And he said something about—well, I don’t remember that well enough to even know what it was. Something

about blood being on the Government's hands, or something like that.

Q. All right.

A. And—oh, the people said—the Highway Patrol had just left, it seems like, or it hadn't been too long, and some of the people said, "Did Ross sell us out? Did Ross sell [fol. 1014] us out?"

And General Walker said, "You have been sold out, but not by your Governor Ross Barnett. It was by Col. Birdsong."

He is the Director of the Highway Patrol, I think, in Mississippi.

Q. Uh-huh.

A. And then this minister, he tried to get General Walker—I don't remember if he tried to get General Walker to disband the crowd, or tried to tell the students to leave themselves and quit rioting, but anyway, he and General Walker said something—some things between them, but I don't remember all they said between them, but anyway, finally General Walker said—I remember this very plainly, he turned around and said, "You know I am ashamed now I am an Episcopalian," or something to that effect.

And the crowd, oh, this time, most of them, you know—I mean, these were not all rioters by no means because there were always people down at the other end of the monument, people who were not participating at all, or doing anything, just standing there and watching as observers, and they came over. And there were some women in the crowd. I remember that very distinctly. And the people would occasionally say, "Would you lead us?" And he never would answer them.

[fol. 1015] And when he—most of the people, I mean the people who were involved, I mean who were involved in the riot, they just started leaving, though, when he wouldn't say anything. They would say, "What can we do? And he wouldn't ever say anything, and they would say, "Will you lead us?" And he wouldn't ever answer, and they



started going back and the crowd just sort of disbanded.

I don't know—don't remember how, exactly. I think the people just sort of left, because they were—they were—at least the people involved in the riot saw what—it was pretty futile what they were doing. They needed some kind of a plan and they had none, because everybody was sort of on their own, and when he wouldn't lead them, they just started going back. Going back—a lot of them went over to Hume Hall where they were building this new Science Building and got some bricks and broke them up, and others just ran on back up there and started throwing again.

Q. Were you still above General Walker when he finished his talk?

A. Yes, sir, I was above him when the crowd disbanded.

Q. What did he do then?

A. He stood there and was talking to these people for several minutes there, and then, I mean, I would say—[fol. 1016] I mean, it is hard to say. Maybe three hundred people were around the monument at that time, and I had to wait until they moved so I could jump down, and I was there about a couple of minutes, I would say from two to five minutes, somewhere along there.

[fol. 1017] Q. Now what was the effect on you individually of General Walker's speech?

A. Now again, you all won't understand this, but I was disappointed because I thought, I thought really and truly that we might find a leader because everybody knew General Walker and I thought we might have a leader and he didn't, he wouldn't lead me—he wouldn't lead any of us.

Q. All right, go ahead and tell what happened after the speech.

A. Well, the riot just—well, at first—

Q. Did you stay with General Walker after the speech?

A. Not for more than a couple of minutes, like I said,—

Q. What did he do in that two minutes?

A. Well, he was there talking and when I finally could get down, I ran back up—excuse me (taking pointer).

We had some cement benches on the campus there and they were trying to break them and it was right in this vicinity right here, I ran back up to here, it was right—

Q. Were you in a position there to where if General Walker had participated in a movement towards the Marshals of a thousand people, you could have or would have seen it?

A. Well, first, there weren't a thousand people rioting, not really. There may have been a thousand people observing from here (indicating), all back in here. But there was [fol. 1018] not a thousand people rioting.

Q. If he would have moved towards the Marshals, in front of or in the very center of the group of as many as a hundred, would you have seen that, do you think?

A. Yes, sir.

Q. Did you see anything of that kind after you moved up to that point?

A. No, sir.

Q. What kind—describe the activities of the crowd after you left Walker and moved up in that area.

A. Well, like I say, I went back up a ways, breaking some bricks, and there was—people, they would—there is only so many trees on that campus within throwing range of the Lyceum, I mean, you know, where you could throw without hitting the branches hanging down and reaching and usually that was pretty limited, the number of people who would go up there, because if you couldn't hide behind a tree, you were sunk, sort of.

Q. What sunk you?

A. Well, if you would have—well, those things they fired, those tear gas cannisters, they were fired with tremendous velocity and, I mean, if it hit you, boy, it could really hurt horribly bad.

Mr. Watts: I believe that's all.

## Cross examination.

[fol. 1019] By Mr. Gooch :

Q. Just a question or two, please, sir.

Mr. Jackson, I believe you stated the first time you saw General Walker, he was coming on to the campus, in a westward direction?

A. Let's see, westward is towards the Lyceum?

Q. Yes, sir.

A. Yes, sir.

Q. And at that time you and a group of them rushed up to him and asked him to lead 'em, lead them, lead you?

A. Well, there were people running up to him. I was—I yelled, "Would you lead us?"

Q. About how many ran up to him at the time you first saw him there as he came on the campus, or the first time you saw him, rather?

A. Yelling, "Would you lead us?"

Q. Yes, sir.

A. Oh, when I first saw him, the word was just spreading that, "Here comes General Walker." I would imagine five or ten people turned around and said, "What can we do," or "Would you lead us?"

Q. All right. Did any others gather after the word got out?

A. Gather where?

Q. Gather around General Walker?

[fol. 1020] A. Well, there were some people who went over, I imagine some went over just to see him, I mean, see who it was because you had heard about General Walker.

Q. Please tell us what you saw.

A. Yes, sir. Like I said a while ago, there were from 10 to 15 people around him and these were—

Q. All right. Was General Walker still walking west when these 10 or 15 people were around him?

A. They didn't get around him until he got up past the monument, I mean it takes a little bit of time to find out

that this is General Walker and when they found out, I would say that from the point he passed the monument until he walked up to his farthest point, the people around, 10 to 15, I would say, students.

I said a while ago there was probably from 10 to 25 people in all. There were some, several men with him.

But these students, they ran over, were asking him, "Would you lead us, General Walker?"

Q. I am trying to get you to tell me how many people were with General Walker, say, when he got to the flagpole?

A. No more than 25.

Q. All right. What were the students doing at the time he got up to the flagpole with what you say is 20 or 25?

A. The students out front who had rocks and a tree to [fol. 1021] hide behind were throwing the rocks. Students who were just spectators and the people that were spectators were back there in the grove, were standing and watching and others were running back for more rocks.

Q. Now immediately after the speech down on the monument, isn't it a fact that there was a considerable number of people that went from that area back towards the Marshals? And threw things at them?

A. Depending on what you mean by "considerable".

Q. Well, 10, 20, 30, 40, 50, any number you want to pick out.

A. There were people who went back up.

Q. You don't know whether General Walker was with that group or not, is that what you are saying, or was he?

A. Just a second. I'm trying to think what you mean—I mean trying to—General Walker—what I am saying is, the crowd that went up to—the crowd that went up to riot again from his speech left before he did.

Q. That's what I—

A. But he stayed there for at least five minutes, I know, because it was two minutes before I could get down and I was—I saw him there talking to—with these people for another couple of minutes before I ran back up there and started breaking up some cement things.

Q. Did you ever see General Walker again that night?  
[fol. 1022] A. No, sir.

Q. All right. Now you have testified that the best recollection that you have of what you heard him say on the campus was what?

A. Do you want me to repeat what I said in this speech?

Q. That's right.

A. He told us, "You have a right to protest."

Q. All right. Now the speech was made after he had gone up there to the flagpole with this group that you have described, wherein at least you could see that they were still throwing at the Marshals, is that correct?

Mr. Watts: If Your Honor please, I object to that as an improper question.

The Court: Overruled, Counsel.

Mr. Watts: All right, sir.

The Witness: Would you repeat your question, sir?

Mr. Gooch: Would you read that back to him, Mr. Nuss?

(Last question read.)

By Mr. Gooch:

Q. Shall I rephrase the question or do you understand it?

A. Yes, please.

Q. You have testified, as I understand it, that when you first saw him, he was walking westward, that he continued [fol. 1023] to walk westward with the group that you fix as somewhere around 20 or 25, am I right up to there?

A. From 10 to 25, yes, sir.

Q. That he walked on to the vicinity of the flagpole or a little bit past, you indicated when you had the ruler up there, is that correct?

A. Yes, sir, to the best of my recollection.

Q. And you testified at that time you could observe or at least you could observe people out in front between the flagpole and the Lyceum Building throwing at the Marshals?

A. Yes, sir.

Q. Now my question is, that when he got back to the monument, it was after he had been up there in the group that you were with, that he made the statement that, "You have every right to protest," is that correct?

A. He said, "You have a right to protest."

Q. Did he say anything else that you remember besides Birdsong and about the Episcopal minister?

A. Well, he said—I don't remember exactly—about blood being on the hands of the Federal Government or something like that but I don't remember—I mean it was just a phrase I mean, something, seems like it's in my mind, you know, I heard him say but I mean, you know, I can't give you the complete statement.

[fol. 1024] Q. Now you were up on the monument almost leaning over him, I assume, is that correct?

A. I was in several feet because the monument is built sort of like that (indicating), and it's got a place up there, a little ledge or thing you can hang on that I was—not a ledge, but a little place you can put your feet and I was hanging on that.

He was not on the monument. He was down on the, sort of, little—the ground sort of rises above the monument. He was down on the ground.

Q. Could you see him?

A. Yes, sir.

Q. Could you hear him?

A. Yes.

Q. And you have done your best to detail what you heard him say there at the speech on the monument, is that right?

A. Yes, sir.

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

Mr. Watts: Thank you.

The Court: I am going to excuse this witness then.

Mr. Gooch: Wait a minute. Just a moment would you, please, sir?

By Mr. Gooch:

Q. How many people would you estimate was around the monument when he climbed up to make his speech?

[fol. 1025] A. Well, he didn't climb up but when he was there—

Q. All right.

A. —it seems to the best of my memory, 300.

Q. All right. Now when he began to talk, when he said you had a right to protest, did he elaborate on that?

As a matter of fact, didn't he say this, that you had a right to protest what had happened there and the Marshals being sent in against the University to make sure that Meredith got in?

A. Well, there is a distinction between "protest" and "rioter".

Q. Well, I am asking you if that isn't what General Walker said, that you said he said when your deposition was taken in Mississippi?

A. Would you repeat it, please.

Q. I have Page 45, of the witness' deposition taken at Oxford, Mississippi.

Question—or the answer, about the middle of Page 45. Would you refresh your recollection there, please, sir?

A. (reading) I remember. . . he said that we had a right to protest against what had happened there in—and the Marshals being sent in against the University to make sure that—

[fol. 1026] Q. Do you remember testifying to that over in Mississippi?

A. Yes, sir.

Q. Is that true?

A. Yes, sir.

Q. All right. Did he say that you had a right to protest?

A. Yes, sir.

Q. Did he say something like this: "You may not win but you will be heard"? Did you hear a statement to that effect?

A. It seems like I did. I mean I can't tell you that I did because I mean it just seems like I do remember it.

Q. Did you hear him say, "This is a dangerous situation."?

A. Yes, sir.

Q. Then you said that he mentioned something about General Birdsong?

A. Yes.

Q. Did he say anything about having sold out to Kennedy (indicating)?

A. Like I said, "or something like that." I don't remember if it was—who he said who he sold out to but he sold out.

[fol. 1027] Mr. Gooch: In order that the record might show, your deposition was taken on March the 12th or 13th down in Mississippi by Mr. Watts, was it not, in which I cross-examined you?

The Witness: This is true.

By Mr. Gooch:

Q. Now you know—don't know what happened to General Walker after his speech was over, do you, after he got down from the base of the monument?

A. No, sir.

Q. I believe you stated earlier that the condition worsened insofar as the taunting of the Marshals and the throwing of at least one bottle along about dusk?

A. Yes, sir.

Mr. Gooch: I believe that's all. Thank you, sir.

Mr. Watts: Thank you.

Would you send Danny Hunter in, please?

The Court: You are excused. Send Mr. Hunter in.



DANNY LEE HUNTER, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

- Q. Would you state your name, please.  
A. Danny Lee Hunter.  
Q. Where do you live?  
[fol. 1028] A. My home is in Morton, Mississippi.  
Q. How long have you lived there?  
A. Twenty-three years.  
Q. Who are your parents?  
A. Mr. and Mrs. Woodrow Hunter.  
Q. Move that mike a little closer there to you if you want to, make it a little easier.  
A. All right, sir.  
Q. Were you a student at Ole Miss in the fall of '42—I mean '62. I'm sorry.  
A. Yes, sir, I was.  
Q. How long—what school were you in?  
A. I was a first-year law student.  
Q. What school are you in now? What class?  
A. Third year, law student.  
Q. Were you on campus that night?  
A. Yes, sir, I was.  
Q. Were you—where did you live on the campus?  
A. Howry Dormitory.  
Q. Had you been on campus over the weekend?  
A. No, sir, I had not. I had gone home.  
Q. About what time did you get back?  
A. At approximately 7:30 we arrived on the campus that Sunday afternoon.  
Q. Who was with you?  
[fol. 1029] A. I was with my roommate who was also from Morton and probably some more boys from Morton usually rode with us when we went home.

Q. Where did you go when you got back to the campus?

A. We drove onto the campus and went around the circle, by the Lyceum Building, and by the student union building, to Howry Dormitory, which is right there across from the old cafeteria, parked the car and loaded our luggage.

And went back out to the Lyceum Building because it was, the Lyceum Building, when we arrived, was surrounded by United States Marshals and it was a large group of students out in front of the Lyceum Building and the Mississippi Highway Patrol was there between the students in front of the students, between the students and the Marshals, and we were, of course, curious to find out exactly what was going on.

We had heard that the Marshals had come on the campus over the radio as we were coming from home to school, and when we arrived, we saw that the reports were correct.

And we parked the car and was curious to find out just what was going on, so we went down to the Lyceum Building.

Q. What did you see when you went out there?

A. Well, as I said, the Lyceum Building was surrounded [fol. 1030] by Marshals. A large number of students were accumulated. And others were coming in practically all the time.

The students were, seemed to be rather anxious, excited and angry and there was an army truck parked in front of the Lyceum Building, maybe too, a jeep, an Army jeep.

And for about, well, the next 30 minutes, or so, we were just there in front of the Lyceum Building, generally to the northeast.

Q. Did you know where the circle was?

A. Yes, I am very familiar with the circle.

Q. Did you get down in the circle?

A. Yes. Not very far. Usually right around the curb there in front of the circle.

Q. All right, go ahead.

A. At approximately 8:00 o'clock, or possibly shortly after 8:00 o'clock, I remember I was standing on the curb

observing the best I could just what was happening and Chief Marshal McShane came out of the Lyceum Building onto the front steps there and hollered, "Let 'em have it, gas."

[fol. 1031] Q. Now, did the Marshals let them have it?

A. Yes, sir, just at that time some of the Marshals started firing tear gas into a crowd that had accumulated in the Circle and the street.

Q. Now, did they fire that gas with a flat trajectory or lobbin'?

A. It was flat.

Q. What happened?

A. Well, practically everybody—well, everybody, including myself, turned and ran just as fast as they could back down through the Circle, and I went over to the Y Building and out behind the Y in an area which is known as the Grove where the—

Q. Were there any other personnel between the United States Marshals and the students at the time this gas was fired?

A. Yes, sir, the Highway Patrol was still there all the time.

Q. What were they doing to the students?

A. Just trying to keep them quiet, see that they didn't get up around the Marshals, and talking to them and holding them back across the street the best they could.

Q. Sometime immediately before the gas was fired, what was the distance between the closest student you saw to a Marshal and the Marshals themselves?

[fol. 1032] A. Probably about eight or ten feet.

Q. All right, go ahead.

A. As I said, they fired the tear gas. I turned around and ran back to the Y Building.

Q. Did you go in the Y Building?

A. No, sir, I ran out behind the Y Building to the Grove, and I stayed there a while and I could hear tear gas still being fired, and I ran back around in front of the Y to see the best I could what was going on, and there was a group

of students, mostly students, probably, and a few other people, were grabbing things, bottles and rocks and running up and throwing back at the Marshals that were firing the tear gas.

Q. Now, could you tell the Jury, please, sir, how that activity looked to you as to the movement of personnel involved in it, where they would come from, where they would go, what they would do?

A. Are you asking about the students?

Q. Yes, the activities of the students.

A. Yes. It was—it was just a lot of confusion and people running around all over the place. Didn't know what to do. Most everybody was scared to death. And practically everybody was glassy eyed from the tear gas because it made you cry. Kind of made tears run out your eyes.

[fol.1033] And most of the girls, and most of the boys also, stayed back out of the way, as far back as they ran, further. But, or some of them went back up. A pretty good crowd of them came back around and accumulated around the Y, and would grab things and run up into the Circle and throw them at the Marshals and the Marshals would retaliate with more tear gas. Consequently, the air became filled with tear gas and you could see people out in the Grove, scattered out all through there, practically all over the campus. You could just look around.

Q. Now, would you know about what time this was?

A. Oh, when they first fired the tear gas I said I ran back behind the Y and I stayed back there a few minutes and come back around in front of the Y and this was probably around 8:30, something like this.

Q. All right, go ahead.

A. And for about fifteen or twenty or thirty minutes, possibly longer, this is where I was, in front of the Y Building. Between the Y and the Lyceum Building.

Q. Did you at any time hear anything about General Walker?

A. Yes, sir, I was in the street in front of the Y Building. I heard several people say, "General Walker is here." I said, "Where?"

“Down the street in front of the statue, Confederate [fol. 1034] statue,” and at the head of University Avenue which runs into the Circle, and I turned and went down there and I saw General Walker with a few students around him. And I ran up to him and introduced myself. It was—there was already several people accumulated around him. I had to edge my way through the crowd. I got up to him, I shook hands with him, I said, “Is this General Walker,” and he said, “Yes, sir.” And I said, “Well, I am Danny Hunter, I am glad to meet you,” or “Sure am glad to meet you,” or “How are you?” Or something to that effect.

And the word was getting around that General Walker had arrived on the campus. And as people would hear it they would run down there to him. Everybody was wanting to meet—get up to him and introduce themselves, shake his hands. Some of them was asking him, “General, organize us and lead us against the Marshals. They fired on us. What can we do?”

And he didn't say anything to them while I was there. But I was edged out, back on down in a southeasterly direction into a street there where the Circle runs back into the Y as it comes back around.

And, as I say, the crowd just kept getting bigger and bigger as the students kept coming down.

And I stayed in the street there, tried to look, watch and see what General Walker was doing as he milled [fol. 1035] around, meeting people, looking around, seeing what was going on.

And as I recall, seems like that he stepped out into behind the statue into what is called the Circle. That is where there isn't any building.

Q. Oh, yes, at any time in this time area did you see a big heavy set Marshal?

A. No, sir, I don't recall it.

Q. I mean a Deputy Sheriff. Now, excuse me. Deputy Sheriff?

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

Q. Don't recall him either. All right. Go ahead.

A. And I just stayed there in the street trying to see what was happening down here, observing to see what General Walker was doing. And he was just looking around there, meeting people. Some of them were still asking him to lead us, to organize us. And he went into the Circle, looked around out there. Walked around a little bit.

Q. About how far into the Circle did he go?

A. Oh, probably about—oh, forty or fifty feet in that direction.

Q. How long did he stay there?

A. In a westerly direction. Sir?

Q. How long did he stay there?

[fol. 1036] A. Probably about fifteen or twenty minutes. I remember I was still down there in the street.

Q. You didn't follow him then into the circle?

A. No, sir, I was still in the street. I was just looking. Just looking around in his direction, watching to see what was going on.

Q. Could you tell the Jury, please, sir, about the size of the crowd you saw out in the Circle with respect to Walker?

A. With respect to Walker, any crowd that was with him would probably be just about six or eight immediately around him?

Q. Then what about the rest of them?

A. But there were others scattered out. There wasn't too many of them out there at the time, I don't think. Most of the people still were down in the street.

Q. All right.

A. And I recall that a lot of them came down there around where I was, because there was some Highway Patrol cars leaving the campus, coming around the Circle into the avenue, and a lot of the people were asking the Highway Patrol why were they leaving, asking if they were coming back, who ordered them, where they were going, begging them not to go, really, I think, and this

was when—this was while I was still down there in the street.

[fol. 1037] Q. You were still—now, which direction from the monument were you at this time?

A. Generally in a southeasterly direction.

Q. Now, where was Hume Hall from where you were?

A. Hume Hall was behind me.

Q. Now, to shorten this a little, were people running back to Hume Hall and picking up brick and things?

A. Brick and anything they could find. Hume Hall was in the process of being built.

Q. Go ahead and tell us what happened after the Highway Patrol cars—first, where did they come from? Which direction?

A. They came from up on—from up in the Circle.

Q. Could you take your pointer and step over there to the chart and find the Circle and show us roughly where the cars came from?

A. I can show you where I saw them.

Q. That is what I mean. Get the pointer and walk over to the chart, which is Exhibit 11. Start out from the monument. Put the pointer on the monument.

A. This is the monument right here (indicating), and I was right in here. Hume Hall is right back in here somewhere, and I saw the Highway Patrol coming out in here, this way (indicating).

[fol. 1038] Q. All right. Take your seat again. Tell us what happened after the Highway Patrol left?

A. Didn't much happen after the Highway Patrol left, different from what was already going on. A few minutes later General Walker came back. The crowd was getting bigger down there. People were still asking him to lead us, make a speech, tell us what to do, and he walked up to the Confederate statue and made a short speech.

Q. Did you hear all or any part of it?

A. Yes, sir, I think I heard most of it.

Q. Tell the Jury what you heard?

A. He said that these troops shouldn't be here, that they should be in Cuba. He said that, "Your Governor has not sold you out." He says, "Somebody name Birdsong has sold you out." And then he told us that he had walked from downtown Oxford and that while he was downtown on the square where the Courthouse is that some gentlemen had told him that somebody named Birdsong—he had heard somebody say that Birdsong had sold them out, and that all he knew about the truth of this statement was that he had heard this gentleman downtown at the Courthouse say it. That the Governor had not, "sold you out", and that somebody name Birdsong had.

Then, cautioned the group to avoid violence. He told [fol. 1039] them they had a right to protest as long as they wanted to, but to try to avoid violence at all times. And I think that was about all that he said.

Q. What effect or reaction did the speech have on you?

A. Oh, not much effect. I didn't think too much about it. Actually, I didn't think it was what the students wanted to hear. I know when he said, "Let me caution you to avoid violence," he got an unfavorable reaction from the crowd there.

Q. What do you mean, unfavorable reaction from the crowd?

A. I heard some people say, "What the hell is he doing here?" And, "If he is not doing anything—this guy is just here to look around. Let's go. We are not going to get any help from him."

Some people booed or hissed or something like this.

I was still kind of on the outskirts of the crowd and about that time he just come back into the crowd, kind of over where I was and started talking to some people, some boys there who probably were still asking him to help them out.

And I was a little closer to him then that—than I had been when he made the speech, and it was still down in [fol. 1040] the—down in the head of the avenue there. I heard him say, "Well, let's walk up here and see what is



going on.” Or something to this effect. Might not have been those exact words.

Q. Was this after the speech?

A. Yes, sir, a few minutes after the speech.

Q. What did he do immediately after he quit talking?

A. He just stood around there talking to some people that was trying to get up to him.

Q. All right. Go ahead.

A. And I said all the time I was watching to see—just to see, actually, what he was going to do. And I heard him say, “Well, let’s walk up here and see what is going on.”

And he started walking in that direction, over kind of to the south a little bit, first, and then on up toward the flagpole. And the people immediately around him, or some people was right around him all the time. A lot of the others down there following along, and including myself, I followed along.

Q. How close were you to him as he walked along toward the west?

A. Well, when we first started down around the bottom of the Circle, probably around eight or ten feet, and then as we got on up he got a little further ahead of me, and I [fol. 1041] probably followed twenty or twenty-five feet behind him.

Q. What was his gait as he walked away from the monument?

A. Sort of a stroll, real slow. Not real slow, but just kind of stepping around, crossing.

Q. I wish you would try to visualize that situation, as he left the monument, try to relive it and tell the Jury just exactly how it looked to you.

A. As he left the monument, he stepped out toward the people in the street. They were still talking. Some of them were, some of them turned around to go the other way.

I just stood there watching them, over the crowd as best I could.

I couldn't hear what he was saying to them because he wasn't saying it out loud like he was when he was making his speech.

He maybe—he kind of just walked through the crowd there, talking to these people. He would occasionally stop and talk to somebody who would seem to be pressing him.

And this is when I heard him say, "Let's walk up here and see what is going on." And I said, "Well, he is going up there." I mean I thought—I said, "Well, he is going [fol. 1042] up there," to myself, but he didn't just proceed on up there as I first thought, but—

Q. How far did he go?

A. He stood around talking to some people.

Q. Did he go all the way at a single move, or did he stop from time to time?

A. As he walked through the Circle up toward the flag-pole?

Q. Right.

A. He would occasionally stop and talk to somebody when they would come up to him, but never for too long, I don't think.

Q. What was going on further up toward the westward where the Marshals were, at that time?

A. Up around the Lyceum Building there were still people up there throwing rocks and bricks and running back.

Q. Could you describe to the Jury how this operation was as to the type, size crowd, the activity and what they were doing?

A. They were small groups scattered out, probably more in the northeast than in the—on the west side, I mean on the south side. And probably less on the south side than on the north side, because it seemed to be thicker over there, because more people ran back in that direction.

[fol. 1043] The Court: Let's recess at this time.

Mr. Watts: All right.

The Court: Ladies and Gentlemen, we will recess until a quarter until 4:00.

(Short recess had.)

[fol. 1044] Q. Then Mr. Hunter, after General Walker's speech on the monument, you said, as I remember, he started towards the westward?

A. Yes, sir, shortly after the speech.

Q. And were you some little distance behind me?

A. Yes, sir, that's correct.

Q. Were there other people around you behind him?

A. Yes, sir, that's correct.

Q. Were you—were there people in front of him, out in front?

A. Yes, that's right.

Q. All right. Where else? Were there any other people anywhere else?

A. There were people all over the place.

Q. What were they doing, the ones, we'll say, way off to the northeast quadrant of the intersection, of the circle?

A. To the northeast.

Q. In the northeast quadrant of the circle, what were those people doing? That's over towards the Fine Arts Building.

A. Do you mean in the lower part of the circle?

Q. No, way up high towards the northwest.

A. Could I go over here?

Q. Yes, go over and get your pointer so we can get [fol. 1045] straight. Do you find the flagpole?

A. That would be the northeast quadrant (indicating).

Q. What were those people in there doing?

A. Well, practically everybody over here was just standing around.

Q. All right. Then what were the people—

A. Scattered out all—

Q. —over in the northwest quadrant doing?

A. Northwest?

Q. Yes, sir.

A. Most of the people over here were participating in the throwing of rocks.

Q. All right. What was the size of the groups that were engaging in that activity?

A. In this section?

Q. Right.

A. Well, I think most of it was just individuals.

Q. All right. Then what was happening down in the southwest quadrant?

A. About the same as up here, as far as I know (indicating).

Q. Tell us what was happening in the southeast area and point out where you were as you went forward?

A. Well, I was right in here (from here to here indicating).

[fol. 1046] Q. All right.

A. I walked in this direction. Most of it was just—just walking around.

Q. Was that towards the flagpole?

A. Proceeding towards the flagpole.

Q. Did General Walker ever get out of your sight as he went in that direction?

A. No, sir. Every time I looked for him I could find him easily.

Q. How far towards the flagpole or in the area of the flagpole did he go?

A. I think he went right up to the flagpole.

Q. All right, what did he do?

A. All the times I saw him, he was just standing around there.

Q. Did he ever participate in any way in the activities of the crowd, so far as throwing things at the Marshals were concerned?

A. No, sir, not—nobody around me in this part of the circle was throwing anything at all. We were just standing around there.

I personally was watching to see what General Walker was doing.

Q. All right.

A. And you see, it's trees all around in here, especially [fol. 1047] around the flagpole (indicating), and you couldn't throw one if you wanted to—at least I couldn't.

Q. Okay. Go ahead.

A. Especially through the trees. I don't know exactly where I was when the tear gas that I ran from was fired but it was right in here around the sidewalk. It might have been on the sidewalk.

The tear gas was fired, they could throw it and it would roll along the ground or they could shoot it up above the trees and let it fall. The tear gas was fired.

I turned and ran back down in here, right in here (indicating).

Q. Did you see General Walker any more?

A. Yes, I stopped, looked back to see if I could see where he was, and he was still up around the center of the circle.

Q. He didn't leave then when you did?

A. No, sir.

Q. Okay. What did you do after that?

A. Well, most of the people that were in here turned and ran back in this direction and accumulated down in here (indicating).

I was right out in here in the bottom part of the circle.

I saw General Walker still standing up in here some- [fol. 1048] where (indicating) and people were just still coming back as the tear gas was fired.

I went on down into the street after I saw him up there. He stood around up there for a few minutes.

I went back into the street and the next time I saw him was right in here (indicating), he came walking down through here, and I recall two boys came up to him with another boy; they were helping him along, one of them had him—they had him just like this (indicating).

Q. Had who now?

A. Some boy had been shot in the leg. They had ripped his pants up the side and they came up to General Walker and said, "General, look what they had done to this boy."

And he said, "Well, let's see," said, "He needs to go to the hospital," or "put him in a car," he said, "Put him in a car and take him to the hospital," or something like this.

And I think they went on down here and it was a car there and I think that the boys put him in a car and left. That's the last time I recall seeing them.

And General Walker, who was watching these boys, walked on down this way. That's the last time I saw him.

I thought he was leaving and going back downtown.

And I went back up to the "Y", around the "Y", and I saw a boy standing right out here in front of the "Y", right [fol. 1049] on the corner of the "Y", with a notebook and a pencil.

And he was, he would write—I saw him write a note down and I went up to him and I said, I told him he's better get out of there, that he'd better get rid of his pen now because these people didn't like reporters.

And he said, "I'm on their side." I said, "Where are you from?"

And he said, "Texas," and I told him—

Mr. Gooch: If the Court please, we are getting far afield.

The Court: Yes.

Mr. Watts: All right.

The Witness: I'm sorry. So I went back to the dormitory.

Mr. Watts: I believe that's all. Thank you.

Cross examination.

By Mr. Gooch:

Q. Mr. Hunter, have a seat. I believe you have testified that you saw General Walker not too great a time before he made this speech on the monument, is that correct?

A. Yes, sir, that's correct.

Q. And when you saw him he was in the vicinity of the monument?

A. Yes, sir, he was right there in the street in front of the [fol. 1050] monument.

Q. Did you see him go west towards the flagpole with any group prior to the time he made the speech?

A. He went out into the circle but the only people with him was just a few people, mostly students.

Q. And they were walking west towards the flagpole?

A. Yes, sir.

Q. All right. Now, after that you saw him back around the monument shortly before he made the speech, is that correct?

A. Yes, sir.

Q. I believe you have stated that when the word got out that General Walker was there, or was going to make a speech—I may be in error on my words—that the crowd began to congregate around the monument, is that correct?

A. Yes, sir.

Q. How many people would you estimate congregated around the monument at the time General Walker was making his talk? I know it's—

A. Over 100, probably around 200 people.

Q. Probably around 200. And did they listen pretty well at the time he made his talk?

A. Yes, sir, most of them did, I think.

Q. Now I believe you have stated, or I'm asking you this question: Isn't it a fact that after General Walker finished [fol. 1051] his speech, that he said something to the effect, "Come on, let's go," or "Let's go up and see," and started towards the Lyceum Building?

A. Yes, sir, right after making his speech, he stepped down and people were still shaking hands with him and talking to him and he talked to a few of them and came over in the direction where I was and he says, "Let's walk up here and see what's going on," or something like that.

Q. And when he did, he started walking which way?

A. He walked out into the circle—well, he walked up the street a little piece, I believe, and then into the circle up towards the flagpole.

Q. And when he did that, what happened to this crowd that had been listening to him when he made the speech on the monument?

A. Well, some of them had already scattered out and the ones that had remained down there went out into the circle and went on up in that direction (indicating).

Q. You mean they followed him up in that direction?

A. Well, I was following him for—I can say that I was following him because I was, I wanted to see what he was doing.

Q. Mr. Hunter, do you remember when your deposition was taken down in Oxford?

A. Yes, sir.

[fol. 1052] Q. In March. By Mr. Watts. On Page 14:

“All right, continue with the narrative statement of what occurred after he finished his speech and got down off the monument.”

And your answer, “After making the speech, I said to him—no, after making the speech, I said, he said, ‘Let’s walk up here and see what’s going on,’ or something to that effect. And so he turned and walked toward the Lyceum.”

Did you make that answer?

A. Yes, sir, that’s right.

Q. Was it true?

A. Yes, sir, that’s right.

Q. Next question, “Did you see a big heavy-set Sheriff or someone that looked like a Sheriff with him?”

And you answered, “No, sir, I didn’t notice.”

Is that correct?

A. Yes, sir, that’s right.

Q. “Mr. Watts: Continue then and tell us what you saw Walker do.”

Answer, “He did walk toward the Lyceum and practically everyone that was in the crowd there at the bottom of the circle around the monument walked toward the Lyceum, also, and I was among that group.”

Was that a correct answer that you gave in Oxford?

A. Yes, sir, that’s correct.

[fol. 1053] Q. Does that refresh your recollection of what you saw there that night?



A. I don't know.

Q. Sir?

A. I don't know whether it does or not.

Q. Well, was that a true statement when you made it in Oxford on March the 13th, 1964?

A. Yes, sir.

Q. Now that, I believe you have testified that Walker, with this some 200 people behind him, got up near the flagpole, that a burst of tear gas was fired, is that correct?

A. Yes, that's right.

Q. And at that time you came back?

A. Yes, sir, most of the way.

Q. A lot of the crowd came back?

A. Yes, that's right.

Q. You looked back and General Walker was still standing there and hesitated some time before he came back, is that correct?

A. Yes, sir, it was a few minutes before he came back.

Q. Now the testimony that I have read to you, is that testimony true that you gave over in Oxford, Mississippi, on March 13, 1964?

A. Yes.

Q. Would you say that General Walker went westward [fol. 1054] any past the flagpole?

A. He could have, two or three steps.

Q. Did you say he did go past the flagpole in your testimony? At Oxford?

A. I don't recall.

Q. Well, would you say now one way or the other?

A. I say that he might have, two or three steps—

Q. All right.

A. —he might—I say the sidewalk there runs through the circle, right through the flagpole—

Q. That's right.

A. —two or three steps, give or take either direction.

Q. Now at the time you were in the vicinity of the flagpole, which might have been at it or some few steps past, you could see the group between the flagpole and the

Lyceum still throwing rocks, bricks and missiles at the Marshals, could you not?

A. I don't recall but I'm sure you could.

Q. Well, you just said that people up in that area, when you got up there, were throwing at the Marshals; that's what you just testified to?

A. Yes, sir, that's generally what was going on.

Mr. Gooch: All right. That's all.

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

The Court: I will excuse you, Mr. Hunter.

[fol. 1055] Mr. Watts: If Your Honor please, at this time we shall offer in evidence the deposition and testimony of Relman Morin that was taken here in Fort Worth on March the 7th, 1964.

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RELMAN MORIN testified by deposition as follows:

Direct examination.

By Mr. Watts:

Q. All right, your name, please, sir.

A. Relman, R-e-l-m-a-n, Morin.

Q. Your profession?

A. Newspaper correspondent.

Q. For what period of time, Mr. Morin?

A. Well, since I was 18.

Q. Where were you born and raised?

A. I was born in Freeport, Illinois, but I was brought up in California, in Los Angeles.

Q. What place?

A. Los Angeles.

Q. Where did you go to school?

A. I went to Los Angeles High School and Pomona College and then did some post-graduate work in two universities in China.

Mr. Watts: Over to Page 16, next to the last question.

[fol. 1056] Q. Well, Mr. Morin, you have watched the balance of power shift militarily and psychologically from the hands of the free world almost into the hands of the enemy?

The Court: Just a minute.

Mr. Gooch: If the Court please, that's wholly irrelevant.

The Court: We are not going to permit that.

Mr. Watts: Let's see, maybe I was—Page 18, then.

Q. How long have you been employed by the Associated Press?

A. Thirty years this year—1934.

Q. Now as I understand, they are a cooperative news-gathering and disseminating agency?

A. That's correct.

Mr. Watts: Over to Page 20, Line 6.

Q. As a very expert newsman, you recollect that the news can be, or you recognize that the news can be slanted?

A. Of course it can.

Q. And it can be weighed?

A. Of course.

Q. And even the timing of news releases can affect the public acceptance and influence of that news?

A. That's right.

Q. Do any of the high-level AP personnel ever have conferences to discuss developments in the news and reactions?

A. Yes. We have two types: Every morning at 11:00 o'clock the Department Heads get together and that's primarily for coordination. In a big organization it simply—it happens that the left hand doesn't know what the right hand is doing.

And so before the day is very hard along, they get together and the general desk and the world desk and the sports desk and the out-going desks and the financial desk, and so on, all those, they get together because that news sometimes overlaps.

In other words, there is, as you can realize easily, a point where sports news and financial news overlap.

So they get together and that's primarily for the purposes of coordination so that everybody knows what everybody else is doing.

Then once a week the general manager has us all upstairs to the Board Room and there we talk not so much on an operational level as about what we are doing and what we ought to be doing and where something has gone wrong, to trace it down and find out why and where it's gone wrong.

Once a week the full-dress conference and every day the 11:00 o'clock more or less operational conference.

Q. So out of that, then, undoubtedly must come some [fol. 1058] organized concept of various important issues, so far as this group is concerned, doesn't it?

A. I am not sure that I know what you mean by that.

Q. Well, at the end of a conference, wouldn't you have some idea in mind of how, say, your boss is thinking?

A. Yes, and more important, he would have some idea in mind about how—what we are thinking.

Q. And if some of you people get a little too far in a direction that he doesn't fully concur with, why, you realize you are getting away from his trend of thought, don't you?

A. Yes, but his trend of thought is not inflexible, by any means. In other words, if you are discussing a particular thing, let's say a particular story that is being covered or something that you are planning for, he may take a point of view on it and you may well say, "Look, it just isn't like that and here are the reasons why not." Well now he can't know those things, let's say, that someone in the field knows about it. So in that case, he's not going to insist on any particular point of view and neither are we.

Q. And you individuals of the somewhat lower echelon influence him as well as him influencing you?

A. That's right.

Mr. Watts: Over to Page 23, Line 21.

[fol. 1059] Q. Mr. Morin, were you participating in the AP conferences when General Walker first became a national figure coincidentally with his relief of command in Germany?

A. Well, let's see, what was the date of that?

Q. That was the—in the spring of 1961?

A. Where was I then? Yes, the answer is yes. I was trying to remember, because in the spring of 1962, I went abroad to cover the Eichmann trial but that was '62. It was not the spring of 1961.

Q. As I remember, you, also, covered the Little Rock incident, didn't you?

A. Yes, I did.

Q. And General Walker was the commander of the Corps Area Headquarters in Little Rock at that time?

A. And a very good one, too.

Q. Well, thank you. And as such, he had been assigned the immediate command of the troops sent in by the government?

A. Yes, sir.

Q. And from your observation of the situation, there was absolutely no violence?

A. Well, there was violence, of course.

Q. Well, there was no violence that involved the Federal troops, was there?

A. Yes.

[fol. 1060] Q. There was?

A. Well, I don't know what you mean by "violence". There was the one instance where the man tried to take a rifle away from the paratrooper and he reversed it and caught him over the forehead like that (indicating) but that's the only case I seem to recall, if that's violence.

Q. By the term "violence," I mean—

A. You mean by a mass?

Q. No rioting or anything approximating the Oxford situation?

A. Oh, no.

Q. And that was so coordinated and controlled that the Government's mission was accomplished without any rioting whatsoever?

A. Yes, that's right.

Mr. Watts: Now over to Page 38, Line 11.

[fol. 1061] A. Oh, no.

Q. And that was so coordinated and controlled that the Government's mission was accomplished without any rioting whatsoever?

A. Yes, that's right.

Mr. Watts: Now, on page 38, line 11.

\* \* \*

"Q. . . . Now then getting down to the Walker case, as such, what was the first you heard or first directive or order you had concerning the Oxford incident?"

A. About 11:00 o'clock on the Sunday morning when Meredith was to be installed there, I had a call from one of the editors, one of the Sunday editors, and he said, "Stand by or to," not to Oxford—but I'll explain this in a moment, but, "to New Orleans."

And later in the afternoon, I think it would be around 3:00 or 4:00, the then executive editor of the AP called me and said, "I want you to go to New Orleans." Now the reason for that was that Oxford is a small town, no possible facilities there for setting up all the paraphernalia in terms of printers, I mean teleprinters, the wire photo setup and all the rest of it, so everything was going from Oxford to New Orleans. That was the way we were relaying it out of there.

And I said at that time, "Well, I would prefer to go to [fol. 1062] Oxford rather than to do a desk job in New Orleans." And he said, "All right, I think I am inclined to agree with you."

So the next thing was then to try and get a flight and by this time Sunday—I'm going beyond your question but—

Q. That's all right.

A. So I began phoning airlines and finally—I think the flight was out of New York at something like 11:20 at night, for Memphis, and that's the one I took.

Q. That was the night of September the 30th?

A. Well, if that's the date. It was the Sunday night that Meredith was installed in Oxford and—

Q. And you left New York at 11:20?

A. That's my memory of it. I could check the flight.

Mr. Walker: A. M.?

A. No, no, 11:20 P. M. I didn't get the definite word to go or, rather, where to go, Oxford or New Orleans, until about 3:00 or 4:00 o'clock in the afternoon.

By Mr. Watts:

Q. And, roughly, what time did you arrive in Memphis?

A. I would say 4:30 or 5:00.

Q. What did you do then?

A. Well, I had phoned down there and told them to have a rented car reserved for me because I felt sure that there [fol. 1063] would be a lot of correspondents coming and there might not be any cars.

Q. Were you alone?

A. No, I met Warren Rogers, who was at that time of the Herald Tribune, on the airplane and he found that he couldn't rent a car and so he rode to Oxford with me.

Q. Did you and Mr. Rogers discuss Walker at all at any time en route to Oxford?

A. I don't think we knew he was there.

Q. You had not—

A. I'm pretty sure we did not.

Q. You had not seen the national publicity where Walker called on, over the radio, for people, "To bring their flags, tents and skillets," and come to support Governor Barnett?

A. Oh, I had heard that one, yes.

Q. Sir.

A. I had heard that one. But in connection with what was going on in Oxford, I don't believe that I knew at the time that General Walker was there.

Q. I understand. And you and Mr. Rogers had no conversation at all on the way to Oxford concerning Walker?

A. No—well, I am 99 and 9/10 percent sure that we didn't. I know I went to sleep on the airplane. And when I filled out the forms for the rent-a-car in Memphis, the [fol. 1064] woman behind the desk said, "They have already killed three people down there tonight," as she put it. It was early morning, of course.

So we were naturally more concentrated on that. But apart from that, my memory of it is that I didn't know General Walker was there.

Q. Who drove?

A. I did.

Q. What time did you get to Oxford?

A. I'm going to be a little vague about this but not purposely: I would think that it was about 7:00 o'clock. It might have been a little earlier.

Mr. Walker: A.M.?

A. A. M., Monday morning?

By Mr. Watts:

Q. All right. I wish you would take it from there, to save my interrupting you and save some time, and give us a narrative statement of everything you did from there on, with whom you talked, who you saw.

A. Yes, sir.

Q. What you did.

A. Well, the first thing was coming down the road—it isn't a highway after you turn off the main turnpike—you came to that section of the University campus where there are exits there and we saw, I believe it was, state troopers but I'm not too clear about that. I think it was state [fol. 1065] troopers who were stationed in front of that



entrance. And we stopped and got out and questioned them there a little while.

They had very little to tell us because I believe they had been there all night. They weren't able to tell us very much or they didn't want to, I don't know which.

So we then went to the Ole Miss Motel where our people were and I believe Rogers and some of the Herald Tribune people were there and, in fact, the entire motel, as I recall, was at that time occupied by newspapermen.

Q. Now, you mentioned "our people." Whom did you see that you recognized as some of your people?

A. Ed LeBreton, primarily. He's an experienced man from Washington whom I knew best, in short. I don't recall that I knew any of the others except by name before that.

Van Savell was there. The man from Memphis who got shot, I think, was there. I was interested and curious about his wounds, and so on. He got shot in the back, you know, buckshot.

Q. Was that Bill Crider (phonetic)?

A. Crider, that's the name I was trying to recall. So the first thing I said, "I would like to go to the campus. Is that possible?" And they said, I think, it was.

[fol. 1066] So we piled into the car, LeBreton was driving, since I wasn't familiar with the town and what-not. I was in the front seat. Savell was in the back and there was a fourth but I don't remember who it was. It might have been a photographer.

We drove to the campus and parked up there outside and walked up through that area where the action had taken place the night before, noticed the debris and the smell of the tear gas, at the monument, empty tear gas cartridges and all that other detail.

Meanwhile, in the car coming up there, I asked these fellows details, details, details as rapidly as I could get them as to what happened on the night before.

Q. Now, let's get identified a little further. That was LeBreton and Savell and—

Q. The fourth person I just don't know. He might even have been a photographer. My memory of it is that the car was filled but I can't tell you who the fourth person was.

\* \* \*

Mr. Watts: At this point I want to hold the remainder of Mr. Morin's deposition and read excerpts from the deposition of Van H. Savell.

Mr. Gooch: If the Court please, I presume he can make that request, but I would rather go on with one.

[fol. 1067] The Court: Yes, sir, he has a right to stop and you may offer whatever you want on cross there.

Mr. Gooch: No.

Mr. Watts: Now, turn to page 2 of the deposition of Van H. Savell.

Mr. Address: All right.

\* \* \*

#### DEPOSITION OF VAN HENRY SAVELL

Q. Your name, please?

A. Van Henry Savell.

Q. Where were you born?

A. Greenwood, Mississippi.

Q. Have you been a resident of Mississippi all of your life?

A. No, sir, I have not.

Q. Where else and when?

A. Springfield, Missouri, Louisville, Kentucky, Orlando, Florida, and New Orleans, Louisiana, Birmingham, Alabama, and Kansas City.

Q. What schools did you attend?

A. I went to school, grammar school in Vardaman, Calhoun City, Merigold, Mississippi, and I went to high school in Luka, Mississippi, and college at Mississippi College, in Clinton, Mississippi.

\* \* \*

[fol. 1068] Mr. Watts: Now, page 3, line 8.

\* \* \*

Q. And your age?

A. Twenty-two.

Q. Are you married?

A. Yes.

Q. And your wife's name?

A. Shirley Anne Sally Savell.

Q. This is your only marriage?

A. This is.

Q. When and where were you married?

A. June 21, 1963, in Greenville, Mississippi.

\* \* \*

Mr. Watts: Line 18.

\* \* \*

Q. Where did you have your college training?

A. Mississippi College, Clinton, Mississippi.

Q. What was the nature of that course?

A. It was for one year only.

Q. You are not then a graduate?

A. No, sir, I am not.

Q. What was the course of your studies?

A. I took basic course, that all freshmen take, on English and history and zoology and physical education, and that was it.

[fol. 1069] Q. Have you had any formal education in journalism?

A. No, I have not.

Q. What background then do you have, just on-the-job training?

A. On-the-job training.

Q. What is the nature and extent of that?

A. I wrote sports articles for a national weekly newspaper in Luke when I was in high school, and I was hired by the Clarion Ledger in Jackson, Mississippi, about Thanksgiving of 1960 I believe, and I worked continuously for that paper until Easter, 1961. At that time I was employed by the Associated Press in New Orleans until about the middle of October, 1961, at which time I resigned be-

cause I was only hired as a part-time placement, in the first place, and then I was hired by the Montgomery Advertiser in Montgomery, Alabama, and I worked for them until January 21, 1962, at which time I was again hired by the Associated Press, in Jackson, Mississippi, and I have been with the Associated Press ever since.

\* \* \* \* \*

Q. Have you ever had any experience of any kind in general reporting, prior to the time you went to work for the AP?

A. Some, yes.

Q. What was the nature and extent of it?

[fol. 1070] A. Some was with Clarion Ledger, but primarily in the sports department.

Q. Did you form an acquaintance while you were working with that paper with somebody connected with the AP?

A. Yes.

Q. With whom?

A. All three members of the Associated Press: Ben McCarthy, James Sigus, spelled S-i-g-u-s, and Doug Starr.

Q. Did you become acquainted with any of the other personnel of Associated Press who were outside of Jackson at that time?

A. Not to my knowledge, I don't think so, not until two weeks after I was hired by AP.

Q. Who hired you?

A. I was hired or interviewed by Mr. Davis, chief of the bureau in New Orleans, and he recommended by hiring, and as normally, it was approved by New York.

Q. Was he the only individual out of the New Orleans office with whom you had any contact before you went to work for them?

A. No, I had visited one of the other fellows the day I was interviewed by him.

Q. Who was he?

[fol. 1071] A. His name is Robert Rowand, an AP newsman in New York.

\* \* \*

Mr. Watts: That must undoubtedly be a misprint, or a mistake; it was New Orleans.

Mr. Address: It says New York here.

Mr. Watts: It was corrected to New Orleans.

\* \* \*

Q. What was his official status?

A. Newsman like I was. Strictly a visit, nothing about business.

Q. What was your office set-up in Jackson, as you observed it between the Clarion Ledger and the AP office?

A. We were in the same building, second floor. During the day hours, our office was actually in the Jackson Daily newsroom, which is connected with the Clarion Ledger, and during the night hours, our office was connected with the newsroom of the Clarion Ledger.

\* \* \*

Mr. Watts: Skip the rest of that. Just go to line 24.

\* \* \*

Q. You went to New Orleans when?

A. I went to New Orleans about, I believe it was April 2nd.

[fol. 1072] No, not April 2nd, but it was around Easter time, if I am not mistaken, or right after Easter, and I believe this was in April.

Q. What year?

A. 1961.

Q. Did you receive any course of training for the increase in efficiency of your duties while you were in New Orleans?

A. The normal inside office training, yes. I was under observation of others, and I was kept under 'wraps' for a certain amount of time, until I felt I could take anything by myself without any help.

\* \* \*

Mr. Watts: Now, to page 8.

\* \* \*

Q. So we will all be instructed about the same thing, from your experience and contacts, you have been very familiar with the Walker case, have you not?

A. Well, fairly familiar, yes.

Q. Do you remember the 1st of October, or the 2nd and 3rd of October, 1962, after General Walker was ordered or committed to the prison hospital in Missouri?

A. I remember something like that happened, yes.

Q. From the vast headlines coming across the press of the nation, that came to your attention, that Walker had [fol. 1073] been arrested for insurrection, sedition and insulting public officers?

A. No, I didn't.

Q. You didn't read anything like that?

A. I didn't have time to read the papers.

Q. You say you were not familiar with it?

A. No, I didn't read the papers.

Q. Did you ever hear it on the radio or television or anything of that kind?

A. No.

Q. You were familiar with your reporting, were you not?

A. Yes.

Q. And set out considerable emphasis on the fact that Walker had led a charge and had been arrested, didn't you?

A. That is what I reported, yes, sir.

Q. That's right. Were you in the area on the 21st of November, 1962?

A. On the 21st of November—

Q. When they had a hearing in Oxford, with respect to Walker's mental capacity?

A. Yes, I was.

Q. Did you attend that hearing?

A. No, I did not.

[fol. 1074] Q. Did you have any contact with any of the news releases after that hearing by Associated Press?

A. To my knowledge, I didn't read any of them, no, sir.

\* \* \*

Mr. Watts: Now, then, skip over to page 111, line 10.

\* \* \*

Q. Could you fix the time the tear gas was fired?

A. Of my own personal knowledge, no.

Q. From subsequently acquiring information?

A. About 7:50.

Q. About 7:50. All right. What occurred then?

A. I ran back to the phone and made my report, said that tear gas had been fired, and left immediately, and that's all I said.

Q. This is report number 5?

A. I guess.

\* \* \*

Mr. Watts: Now, then, turn over to page 139, line 15.

\* \* \*

Q. Go ahead.

A. Then I heard a comment behind me to the general effect, and I don't remember the exact wording, "Here is [fol. 1075] General Walker, here comes General Walker," and I turned and I saw striding fifteen yards behind me, General Walker.

Q. Describe that.

A. He was walking in very long strides.

Q. In what direction?

A. In a westerly direction, up toward the Confederate statue.

Q. Where was he at that time when you first saw him?

A. About fifteen yards east of the intersection, right there where the Circle meets University Avenue.

Q. On which side of the road?

A. More or less in the middle.

Q. Now at this point, let's put an X with a 2 after it,—

\* \* \*

Mr. Watts: May we agree, Mr. Gooch, or Mr. Cravens, that I will go up and point out on the big board where it is?

Mr. Cravens: Yes, sir.

Mr. Watts: I will point out to the Jury that at this point the witness, Van H. Savell, put an X at this point right here (indicating).

Mr. Address: What is that point?

Mr. Watts: That X is the point where he first saw [fol. 1076] Walker.

Mr. Address: Where is it located, please?

Mr. Watts: Located slightly westward of the monument.

\* \* \*

Q. Now, at this point, let's put an X with a 2 after it, where you are. We will put this on Exhibit 7-A, put where Walker was with a W, with a ring around it.

All right. Was anyone with Walker?

A. I didn't recognize anyone with him. There were students and people beside him, mostly young people.

Q. How many?

A. About twenty-five or twenty, in the general area here, back like this (indicating).

Q. Did they appear to be walking with him, or standing, or moving at a definite pace?

A. They appeared to be walking with him. They were hollering "Here is General Walker," and so forth.

Q. Now, how was he dressed?

A. He had on a black suit, black shoes and a white tie, white shirt, I mean a black tie, and a white or light beige Texas hat.

Q. What did you see him do?

A. Walk up to this area, and just sort of stood around looking.

[fol. 1077] I was just to the north of—

Q. Roughly, then, you were due east of the monument?

A. Due east, yes, I was.

Q. I'm going to move this line here, which represents the south side of the University Avenue, for the reason that the monument, as I remember it, is just about in the center.

A. You will have to move me over a little bit then.



Q. All right.

A. I was standing right next to the curb, street, right over the curb, and I was standing right next to this curb.

\* \* \*

Mr. Watts: Drop down to line 17.

\* \* \*

Q. We will call this X-2, to distinguish it from the other position you occupied. Walker then was roughly in the center of the street approaching the monument?

A. Yes, sir.

Q. The monument is roughly square, isn't it, or rectangular?

A. The base is square.

Q. I have drawn here a square which represents the monument, and you say Walker passed to your right as you [fol. 1078] faced west?

A. He more or less stopped on my right, and I moved toward him.

Q. How far from you was he?

A. When he stopped, he was, oh, eight or ten or fifteen feet, ten or fifteen feet from me.

Q. Did you say anything to him?

A. No, sir, I did not.

Q. Did he say anything to you?

A. No, sir, he did not.

Q. Did you hear him say anything to anyone?

A. At that time, no, sir.

Q. What occurred then?

A. He stood there looking around and I moved closer, I was probably within five or six feet of him, and this same person with the Confederate flag and multi-colored shirt, mostly red, said "General, will you lead us to the steps," and Mr. Walker made no comment, he sort of scratched his head (indicating), or rubbed his head a little, like this (indicating), and moved his—his head went back a little, and he lowered his head, in my opinion he looked like somebody who might be thinking, and he was like that for several

seconds, about forty or fifty seconds, just didn't say anything, was very quiet, in fact the students got restless behind and began to chant "Come on, let's go. There is [fol. 1079] General Walker, he is our moral support, let's go." And Mr. Walker raised his head and looked this fellow squarely in the face, and nodded his head. Up to this time Walker had said nothing. I hadn't heard him say a word.

Q. Go ahead.

A. About this time they appeared to—well, Mr. Walker took a couple of steps forward, and this boy was over to his left, and some of the group, sort of moved up behind, there was quite a large group behind, and they took several steps.

Q. At this time was there any personnel west of the monument?

A. West of the monument, I didn't see anyone. There might have been one or twenty, but I didn't see them.

Q. Had all the crowd then moved back into the street east of the monument?

A. Yes, that's my—

Q. Any people at all north of the Circle or northwest of the Circle?

A. In that direction, I couldn't tell.

Q. How far could you see in that direction?

A. I couldn't see very far. There were no lights.

Q. How far could you see toward the Lyceum?

A. I could see the Lyceum Building.

[fol. 1080] Q. Could you still see people in front of the Lyceum Building?

A. Outlines of people, yes.

\* \* \*

Mr. Watts: This is line 3, page 144.

\* \* \*

Q. You moved then about half the width of the street to the north then?

A. Yes. I was about the center, where General Walker was.

Q. Where was Walker from you?

A. Oh, four to six feet from me, just to the north of me.

Q. All right. Were there any people between him and the monument at that time?

A. This one fellow who made the comment to him.

Q. Were Walker then and this fellow alone out there, ahead of the main crowd?

A. Repeat that.

Q. Were Walker and this one fellow now alone and to the west of this main crowd?

A. No.

Q. Describe the location then.

A. The fellow was out alone, up ahead of the crowd, but the crowd had closed around Walker on all sides, except the [fol. 1081] one where this fellow was, and this fellow was standing about three or four feet away.

Q. From Walker?

A. West of Walker, he was.

Q. Go ahead.

A. And as I said, they took several steps forward, and then a portly, neatly dressed fellow of about forty-five walked up.

Q. Did he say anything?

A. He walked up to Mr. Walker and introduced himself.

Q. Could you remember what he said?

A. I didn't understand his name, no, sir.

Q. Did they shake hands?

A. Yes, they did.

Q. All right.

A. And this fellow, I noticed had on a deputy sheriff's badge. They talked for a moment, and then this boy sort of made a motion, and several people got around, and there was quite a hubbub in there, but I couldn't tell what was going on. I was still four or six feet away, and everybody talking at once there. This was only for several minutes.

[fol. 1082] Q. The portly gentleman with the sheriff's badge seemed to be involved in the charging?

A. In the charge, well, I hadn't seen him before.

Q. You had not seen him prior. Go ahead.

A. As I said, they were talking quite low, and then everyone was talking at the same time, and I just sort of kept an eye on him, and I didn't hear Walker say anything. I just keep watching his mouth, and I didn't see him say anything, and then they sort of opened up.

Q. Did he have his hat still on the back of his head, or did he put it back?

A. He did actually push it back, to the back of his head, but then sort of moved it when—

Mr. Cravens: Just a minute. "He did not. . . ."

Mr. Watts: "Did he have his hat still on the back of his head or did he put it back?"

Mr. Cravens: "He did not. . . ." Should be a "not" in there, he did not.

Mr. Watts: Go ahead then. Put a "not" in there.

A. He did not actually push it back, to the back of his head, but then sort of moved it when—

Q. In other words, he rubbed his brow?

A. Yes. He didn't put it on like a cowboy would.

Q. All right.

A. The group backed up or away from the front of Mr. [fol. 1083] Walker, and this boy took his right hand and grabbed hold of the general's left arm, and another person on the other side did the same thing.

Q. Was that the deputy sheriff or someone else?

A. I'm not certain whether it was or was not. I really don't know.

Q. All right.

A. But anyway, they started walking.

Q. Which direction?

A. At that time they were walking due west and they walked around the monument.

Q. Which direction?

A. To the north of the monument, and then they walked straight toward the Lyceum Building for 10 or 15 yards.

Q. Was that on the sidewalk or on the grass?

A. They were on the grass.

Q. North or south of the walk?

A. North of the walk.

Q. At what rate of speed were they walking?

A. Normal pace.

Q. Did Walker have any rocks or weapons or any missiles?

A. No, sir.

Q. Then what happened?

A. After Walker went ten or fifteen yards, they sort of veered to the right.

[fol. 1084] Q. That would be to the north?

A. Yes, sir. They were walking to more of a northwesterly direction.

Q. All right. Where were you at this time?

A. I was just to the right of Walker.

Q. Following them?

A. Almost abreast of him.

Q. From the time you saw Walker come up to this point, had you seen anyone else you knew?

A. No.

Q. Any other newsman?

A. No.

Q. Had you up to that time seen the UPI newsman Kettner anywhere?

A. No.

Q. Continue.

A. We walked for about ten or fifteen yards, and as I say, they were—then veered to the right and walked in a circular manner, more or less bordering on the Circle.

Q. How close to the curb of the Circle?

A. About 25 yards from the circle—

Mr. Gooch: Feet.

Mr. Watts: Feet?

Mr. Cravens: That's been changed from "yards," to "feet".

[fol. 1085] Mr. Address: Mine isn't. Go ahead.

Mr. Watts: That should be about 25 feet.

A. About 25 feet from the circle but walked around until they were almost even with the flagpole.

Q. All right.

A. And then sort of veered back toward the center of the circle.

Q. Did they walk straight or—

A. They came, just went toward the sidewalk.

Q. Due south?

A. No, not due south, just more or less going southwest or south-southwest.

But they went toward the sidewalk, didn't reach it, and then turned directly toward the marshals, and at this time Walker and the two fellows that had hold of his arms were between the sidewalk or almost even with the sidewalk and street.

Q. And by that you mean the east-west sidewalk from the flagpole to the monument? Well, I will draw a line from the flagpole to the monument, which will represent the sidewalk. Now, where were they at this point?

A. Right in here.

Q. Would you put a W and circle it? All right. And we will put a 2 to the side of it.

Mr. Watts: And may we agree that the W with the 2 [fol. 1086] around it that the witness put is along in this area here (indicating)?

Mr. Gooch: In that area.

Mr. Watts: In the northwest quadrant?

Mr. Address: And about the center of it.

Q. Would you say that was a third of the distance from the flagpole to the Lyceum Building?

A. No.

Q. Would you say the distance would be a fourth?

A. I doubt if it was that far. They were still about forty or fifty yards away from the Lyceum Building.

Q. Then what happened?

A. They walked in this direction, like this (indicating). They walked toward the Lyceum building in a westerly direction.

Q. Now did this young man who took hold of Walker's arm take a position just east of the monument, or not releasing his arm until he reached the position of W-2?

A. He didn't release his arm.

Q. What about the man on the left, was he holding onto Walker's arm, too?

A. Yes.

Q. And the three of them went along there, as you have described?

A. Yes.

[fol. 1087] Q. Were they in step?

A. I didn't notice if they were in step.

Q. Was anything said by anybody?

A. Mr. Walker walked straight ahead, with his head straight. I didn't see him look to either side, I didn't hear him say a word. As far as I know, he had not said anything.

Q. He said nothing that you heard?

A. Nothing.

Q. Go ahead.

A. They walked about 10 or 15 yards in this direction, in a westerly direction.

Q. At that time had there been any tear gas fired?

A. No.

Q. From the time you saw Walker start from the monument area to this point?

A. I didn't see any.

Q. You saw them walk 10 or 15 yards toward the Lyceum?

A. Yes.

Q. And then what happened?

A. Then when they were about 70 or 75 yards from the Lyceum Building, then this tremendous group that was behind them—

Q. Was this group bigger than the group the whole day?

A. Bigger group, that I saw.

[fol. 1088] Q. All right.

A. They threw all of their rocks, small bricks or broken bricks and glass and stakes, and so forth.

Q. Where was Walker and these two other men at the time these bricks and things were thrown?

A. At the very front of the group.

Q. How far was it from them to the nearest man to their rear or east?

A. Behind them, about two or three or four feet.

Q. Walker and the two men were out in front of the distance you mentioned?

A. By that distance, yes.

Q. Then what happened?

A. They threw all of their things, as I said, and turned, and the tear gas hit in the middle or else in behind us, and it was quite heavy.

Q. Before or after the rocks were thrown?

A. After the rocks were thrown.

Q. All right.

A. And I watched as both these fellows let loose of Mr. Walker and turned. Mr. Walker turned and sort of ducked down, like this (indicating), and took off running, and so did the other two fellows, and so did I, and so did everybody else.

Q. Which way was Walker running?

[fol. 1089] A. Directly to the east.

Q. That would be how far north of the sidewalk connecting the monument and flagpole?

A. About 125 yards.

Q. About 125 yards?

A. About a hundred and twenty-five yards from the monument to where he turned when he started running.

Q. No, I believe you misunderstood my question. You say he ran directly east. Now, how far was the line that he was following as he ran north of the sidewalk between the monument and the flagpole?



A. I didn't have time to estimate it, because I was running, too.

Q. Would you say half the distance to the street and circle, or a third?

A. I don't know.

Q. Would you say five yards or ten yards?

A. I couldn't say. I didn't see the sidewalk.

Q. Where were you with respect to Walker?

A. When he turned to run, I turned with him. I had a towel with me so the tear gas was not as bad for me.

Q. Did he out-run you or you out-run him?

A. He ran several steps and I ran, and I didn't see him again for about 10 or 15 seconds.

Q. When he started to run, what direction was he from [fol. 1090] you, east or west?

A. He was to the east, or west of me. No, he wasn't either.

Q. Where was he?

A. He was to the south of me.

Q. You were directly on his right then?

A. Directly on his right, yes.

Q. Were you on ahead of the crowd, then?

A. I was at the time he turned, yes.

Q. Did you ever see Walker throw a rock?

A. No, sir.

Q. You still didn't see any other newsmen involved in this incident, that you knew?

A. No.

Q. Did you see anyone you knew during this or during the last few minutes that you described?

A. No.

Q. Did Walker leave you as he started to run, or did you keep up with him?

A. I didn't see him after he ran three or four steps, until I was back down at the monument.

Q. What happened then?

A. I heard him make some remark about "Well, we'll get together and charge again," some comment or something

about students, and "We will charge again, the group will [fol. 1091] charge again." I don't remember what the exact words were.

Q. Now this was down at the monument?

A. He was still running, or he wasn't running at this time, more or less walking fast or trotting, but out of breath, appeared to be, and I was out of breath, and he didn't make any comment to anyone in particular, just made the comment.

Q. Was anyone with him at all other than these two individuals concerned?

A. They were not with him. They let loose of his arm.

Q. You mentioned some individual who introduced you to Walker at the motel. Did you see him from the time Walker arrived until after the incident you described here?

A. I haven't seen him since the time at the motel.

Q. Would you say that he was not with Walker as Walker came on the campus?

A. No, I wouldn't say that.

Q. Now where is this last location you are talking about, when Walker said, "We will charge again"?

A. We were in the general area of the monument, more or less to the northwest, about in here (indicating).

Mr. Watts: May we agree that that is a point apparently about, oh, I would say ten yards northwest of the monument?

Mr. Gooch: Yes.

[fol. 1092] Mr. Address: I think it is northwest, yes.

Q. Put a 3 in there.

A. All right.

Q. Then what did you do?

A. As soon as he made the comment, I turned and ran to a phone.

Q. What direction did you follow?

A. A different one from any I had taken before. I ran directly north or a little to the northwest of the monument, and I ran between the YMCA and what I think is the Fine

Arts Building, and I ran near the girls' dormitories, into the valley back there.

Q. North of the Fine Arts Building?

A. Yes, ran by Meek Hall, which is down the valley, and the tear gas was quite heavy down there, but I made it back up to the dormitory, which I pointed out earlier.

Q. And you made that, and did you make a telephone report there?

A. Yes, I did.

Q. Now this then would have been the fourth charge you witnessed?

A. Yes, sir.

Q. To whom did you make that report?

A. I really don't know.

Q. What was the time of that report?

[fol. 1093] A. Somewhere around 9:00 o'clock, I wouldn't know.

Q. What was the time you saw Walker arrive on the campus?

A. I would estimate it about 8:45.

Q. What period of time would you say it was between the time of 8:45 when he arrived and the time that he reached the furthest westward penetration toward the Marshals?

A. Well, at that time my idea was not to estimate time, but rather to keep my eye on him and see what was going on. I didn't pay any attention to the time whatsoever. It couldn't have been more than 15 minutes.

Q. Have you since talked to anybody anywhere at any time who purports to have seen the same thing you did?

A. No, sir, I have not.

Q. Have you made an effort to do so?

A. No.

Q. Have you been instructed by anyone connected with the Associated Press to endeavor to find some other person who also saw the same thing you reported?

A. No, sir.

Q. What was the text of the report you made on this occasion to the New Orleans office?

A. I said that General Walker had appeared on the campus, and I described, as I have to you, the chronological order in which he arrived, and the things that occurred, [fol. 1094] and then I described the fact that a wave of people, numbering in my estimation about 1,000, had made a charge or assault, I don't know what word I used, but they approached the Lyceum Building and got to within an estimated 75 yards, and that General Walker was in the forefront of this group, with these two other persons holding his arms, but Walker was a half step behind—

Mr. Gooch: Ahead.

Mr. Watts: That's been changed from "behind," to "ahead".

Mr. Andress: A little difference.

A. But Walker was a half step ahead and that rocks and bricks and stakes and glass bottles had been hurled toward the marshals, that we were repulsed by a barrage of tear gas, that General Walker had turned and run back toward the monument, and that then I turned and that he had made that comment about the fact that the students or the group would regroup and charge again.

Q. That is not exactly what you told us a moment ago.

A. I don't remember, because I never wrote that comment down. I was running, I didn't have time, with a big news story right there, to write any comment down, and I never gave a fact quote on that remark at any time. I said that he had said that the students or the people would regroup, and I don't at this moment remember the exact [fol. 1095] words that he used. I know he used the word "students".

Q. He said the students would regroup and charge again, is that your language now, that you think he used?

A. I don't know, but he said the students would regroup, and he used his own self in the same phrase. He gave me the impression that he said that he and the group would