

regroup and charge again, or the students would regroup and charge again, and used himself in the same type of sentence.

Q. What distance did you cover from the monument to the Perkins room to make that report?

A. More than an eighth of a mile, probably less than a quarter of a mile.

Q. What floor was Perkins's room on?

A. The second floor.

Q. You went up a flight of stairs?

A. Yes.

Q. Were you out of breath when you got there?

A. Yes, sir.

Q. Was the line open?

A. Yes, sir.

Q. Was someone waiting at the other end?

A. Yes, sir.

Q. Do you know who that was?

A. No, sir, I do not.

[fol. 1096] Q. Did you ask them—

A. I knew at the time who it was, I could tell by the voice, but I don't remember.

Q. Could you fix that time?

A. Sometime around 9:00 o'clock, to the best of my knowledge, depending. I estimate there was probably a 15 minute lapse between the time I saw Walker and the time I got on the phone, so it was about 9:00 o'clock.

Q. Did you hear any part of the President's speech?

A. No.

Q. Do you know he had made a speech?

A. I knew he had planned to.

Q. When did you first learn that he had made one?

A. The next afternoon I was told he had made a speech.

Q. All right. You made that report. Now what did you do then?

A. I made the report and went back to the area.

Q. How long did it take you to make that report?

A. About three or four minutes, something in that area, I don't know.

Q. Now by my figures here, from following your testimony, that is the eighth phone call you made, that the fifth call you made from Perkins's room. What did you see when you came back to the area?

A. As I got to the area, I saw Mr. Walker standing on a [fol. 1097] ledge of the Confederate statue.

Q. What was he doing?

A. He was talking.

Q. Had you at any time prior to this seen a young preacher, Mr. Duncan Gray?

A. Many times I had seen him, yes.

Q. Had you seen him that evening on the campus?

A. No.

Q. Did you see him at all that evening on the campus?

A. No, sir.

Q. Then when you returned, Walker was on the base of the Confederate statue?

A. Yes.

Q. Was he alone?

A. There were students around.

Q. Was there anyone else up on the statue with him?

A. No, sir.

Q. Could you hear anything he was saying?

A. Yes.

Q. What did he say?

A. As I saw him, I heard the word "Cuba," I heard him say "Cuba," and I continued running to the area, and he sort of lapsed for a moment, or a few seconds, didn't say anything.

Q. Wait a minute. From what direction were you approaching?

[fol. 1098] A. I was approaching from the northwest, or northeast, more northwest.

Mr. Gooch: That's been changed to "north".

Mr. Watts:—"more north"?

Mr. Gooch: "I was approaching from the northwest, or northeast, more north."

Mr. Watts: As a matter of information, who made these changes?

Mr. Gooch: Savell.

Mr. Cravens: The witness.

Mr. Gooch: Wasn't me because I wasn't there.

Q. What was the size of the group of people around him at that time?

A. Several hundred.

Q. How did it compare with the group that participated in the alleged charge that you have described, which was the fourth charge?

A. The people in the area of Walker were smaller, but there were more than that, a thousand people within a hundred fifty or two hundred yards of him.

Q. As you came back, where were you from this north curb of the oval, as you came eastward?

A. As I came eastward from the north curb, I was running on the grass, six or seven or ten yards from the curb.

Q. Where did you enter the oval?

[fol. 1099] A. At the street, where the YMCA is, the building here, that's the Fine Arts Building.

Q. Had you again come from behind the Fine Arts Building?

A. That's correct, sir.

Q. And you entered somewhere roughly near the place that we have marked X-1?

A. Yes.

Q. As you approached on the scene, you heard Walker say something about Cuba?

A. I heard the word "Cuba".

Q. Did he have his hat on at that time?

A. I guess he did, yes, sir.

Q. What next did you hear him say?

A. I heard him say something about somebody, he made the comment about somebody had betrayed Mississippi.

Q. Somebody had betrayed—

A. Yes.

Q. Do you remember who he said?

A. He didn't say who, he said, "Somebody has betrayed you?"

Q. In other words, he used the words "Somebody has betrayed you"?

A. Yes.

Q. Go ahead.

[fol. 1100] A. And immediately there were comments, "Who, who?" And he didn't at first make a comment, just "Governor Barnett".

Q. What comment?

A. He just said "Governor Barnett", but it was his voice, I was within ten feet of him at this time.

Q. Which direction were you from the statue?

A. To the northeast, in the road just off the curb.

Q. Where was he from the statue?

A. On the north side of the statue.

Q. Facing to the north?

A. No, facing to the east.

Q. But he was standing at the north side of the statue?

A. Yes.

Q. The statue then was on this right?

A. Yes, more or less.

Q. Go ahead.

A. And he stood there, he made this comment, almost inaudible, it was inaudible to most people, about Governor Barnett.

Q. What period of time—

A. He made this comment about Governor Barnett, in a low voice, and I heard it, and then he stopped and leaned over and talked to a fellow, I don't know who the fellow was, and there was a period of time when he was talking to this fellow, and leaning on this fellow's shoulder, and [fol. 1101] then he reared back up and said "Birdsong, Birdsong has betrayed you."

Q. Is that all?

A. No, that is not all. Then he made a comment about "We can win," or "You can win." If you don't think you can

win, go home, leave the university. But we can win." Then he made a comment about "Keep protesting. You may not win, but you will be heard." And he said "This is a dangerous situation. You must be prepared for possible death. If you are not, go home now." When he made that comment, I immediately turned and left and ran for the phone.

EXCERPTS FROM MORIN DEPOSITION

Mr. Watts: All right. Now, if you will, return to the Morin deposition, Page 43, Line 15.

Q. Now let's get identified a little further. That was LeBreton Savell and—

A. 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.

Q. All right, sir.

A. So during that ride there, they would tell me something and I would ask a question, and so on, and then when we got up to the campus, I don't think we drove on. I think we stayed, parked outside the gates and walked on up there, all the way to the Lyceum Building, the monument.

[fol. 1102] I tried to ascertain, for example, how far forward the students had gone that night in relation to the Marshals and, of course, in the dark I don't think that they were able to tell me with any exactness but we paced it off as well as we could and that was about the size of it.

Then we drove back from there. That took, I would think, a half to three quarters of an hour and we drove back from there to a lunch counter sort of on the outskirts of town.

We came to it before we actually got into town and we stopped there for breakfast.

Then I dictated that story that Little Rock was a skirmish, I believe it begins, and then we went out into the town again, into the streets, up to the square, saw—

Q. I wish you would outline to us everything that Savell told you from the time you first arrived until the time you are speaking of now, after you left the campus?

A. Well, I don't know that I can do that.

Q. Only with regard to Walker; I mean I would emphasize with regard to Walker.

A. Well, the first thing that I asked about was those two people who were killed, the circumstances of their deaths. That was the thing that—in fact, I remember saying, “Well, I have been told that there were three,” and they said, “No, there were only two,” or “there were two,” or something [fol. 1103] like that.

And then to find out how many, if they knew, persons had been injured either with gunfire or flying objects. And that was the first part of it.

The next part was when we got to the scene and had to find out—oh, I, also, asked them if they could estimate, realizing it was dark and there was a good deal of confusion, how many students or other persons were involved.

And, of course, they weren't able to be very specific about that.

And I asked, as usual, “Were there many outsiders, out-of-townners here, adults,” and so, “that you were able to recognize?”

And they said they saw a few and I believe that the first time that General Walker's name came into the conversation was at the monument when one of them—and I don't remember whether it was LeBreton or Savell—said, “General Walker stationed himself here last night and then the students,” he said, “recognized him,” and I think he said that, or Savell, rather said, “a cheer went up,” or maybe it was LeBreton, I'm not sure, “a cheer went up,” or something, that “the students rallied around him,” or something like that, and that, “He then led them towards the Marshals.”

I believe that was the substance of the conversation.

[fol. 1104] But the first thing I was concerned with, as I say, was the deaths and injuries because I thought, judging from what that woman had told me in Memphis, it was a good deal more severe—well, it was bad enough but . . .

[fol. 1105] Q. Now, then, Mr. Morin, under date of October 1, 1962, and under your by-line, there was an article written about Walker, is that right?

A. Yes, sir—well, not about Walker.

Q. Sir?

A. It was not only about General Walker.

Q. Well, the article included comments about Walker?

A. Yes.

Q. And I notice the Dallas paper there has headlined it as emphasizing Walker.

A. Yes, but that's the Dallas Times Herald.

Q. Yes.

A. That's not the substance of the story.

Q. I understand. You are not responsible for the headline that the local paper puts on it?

A. No.

Q. But the article does contain comments on Walker?

A. That's right. It doesn't—I wouldn't use the word "comments". It contains what our people down there, including the photographers, who were all over the place, told me was his part in the action; in other words, that's a report of what General Walker did. But "commenting" is the wrong word.

[fol. 1106] Q. Well, do you mean that photographers told you that Walker had led a charge?

A. I don't say the photographers told me this. I don't—in other words, you have got a lot of people talking there.

Q. Yes.

A. But out of the concensus of what they said was that the General had been there the night before and that he had played a role in the events of the night.

Q. Now reading down to the third paragraph, there are two paragraphs here, or three that we are interested in primarily, "Walker whipped up the students and others on the campus of the University of Mississippi Sunday night when it became known there Meredith, Negro, was on the campus."

A. Uh-huh.

Q. That was your concept of the general information that you had received from your AP personnel?

A. That's right, they told me, I mean the statements that they attributed to General Walker and his actions.

Q. Yes. So are we in agreement then that the entire source of facts upon which this article was based came from your conversations with the AP newsmen that you encountered after you arrived at Oxford?

A. No, they were not the only source. There were other [fol. 1107] newspapermen there from other newspapers who had been on the campus the night before.

Q. Did any other newspapermen other than Savell or someone else connected with the AP tell you that Walker had led a charge?

A. I don't know that they actually used that term but they described the action.

\* \* \*

Mr. Watts: Skipping to the question on line 22, page 49.

\* \* \*

Q. Yes. "However, at the time he was the crisp and professional soldier who gave no signs of his feeling. He set up his command post at the corner of Central School. The contrast is most marked by the size of the operations here. In Little Rock, it was largely quiet. If you were three or four blocks from the school. In Oxford, there is little quiet anywhere. On the contrary, there is a brooding sense of disaster. Several days ago, Walker said he planned to lead 'tens of thousands' of volunteers to aid the cause of Governor Barnett but his only troops Sunday night were a band of students and other persons whom he led in a charge on the position of the Federal marshals."

Now, you have in your article there and news release to the world made the statement that "Walker led a charge [fol. 1108] on the position of Federal marshals." Now, I wish you would tell us, to the best of your capability of memory, all sources of information that you had that

Walker had led a charge on the position of the Federal marshals.

A. Well, I have tried to—as I say, these were reporters, they were photographers, they were men from other individual newspapers and what-not to whom I talked that morning.

Q. All, of course, was hearsay from other people and you personally hadn't observed it?

A. No, of course I didn't get there until long after the events were over.

Q. Could you give us a distinct recollection of any single individual that told you that Walker had actually led a charge?

A. No, no.

Q. You do have a recollection you went out to the campus in the automobile with LeBreton, Savell and one other individual, that someone pointed to the monument—

A. Well, we walked to the monument.

Q. Oh, you got out and walked?

A. As I told you, we parked outside the gates and we walked over that area.

Q. Now reconstructing and reliving that incident, to the very ultimate of your present capability of memory, I wish [fol. 1109] you would park your car and get out and go back over it and tell us just exactly what happened and what you saw and who said what to whom.

A. All right. First of all, I asked where the two people were killed. Nobody seemed to know that. And it later developed that the French correspondent—at least I believe—whether he was killed there or not but the French correspondent's body was found some distance from there. But in any case, we weren't able to establish that.

The next thing was to go and look at the debris, burned out cars and things of that nature around the side. And they showed me, my memory of it is, there was a bulldozer or some sort of—a piece of equipment, in any case, that had had been used but I believe had jammed or the motor quit or stopped against a tree, or something of that nature, so

they showed me where that had come from, toward the lines of marshals.

I can't tell you exactly when we went to the monument. As I say, we were simply walking around the whole area, from the steps there of the Lyceum, on out to the gate, this having been the scene of the action the night before and that's about the best I can tell you about it.

\* \* \*

[fol. 1110] Mr. Watts: Now, on page 54, line 7.

\* \* \*

Q. And from your talking with these people—and as I understand, the only one you can specifically remember telling you about the charge is Savell?

A. That's the only one I can specifically remember.

\* \* \*

The Court: Ladies and Gentlemen, we will recess until 9:00 o'clock Monday morning. The Courthouse is closed tomorrow. They will not keep it open just for one Court, and the air conditioner on on the whole building just for one room.

Please bear in mind my instructions not to discuss this case with anyone, or permit it to be discussed in your presence. Have a pleasant week-end.

(Thereupon, at 5:00 o'clock, p. m., an adjournment was taken until Monday morning, at 9:00 o'clock, June 15, 1964.)

[fol. 1113]

Proceedings

9:00 o'clock a. m.

Mr. Watts: If Your Honor please, at this time I would like to read to the Jury the Plaintiff's Exhibit 13, which is an Associated Press release, and in lieu of digging it out of this stack of official wire service releases, I am going to read the same release from the Evening Star which was offered by the Defendant as the Defendant's Exhibit 2.

The Court: All right. But, you are offering Plaintiff's 13 out of the original group?

Mr. Watts: Yes, sir.

This, Ladies and Gentlemen of the Jury, is an Associated Press release by the witness Relman Morin, whose deposition we have read, and I know it's kind of hard to keep up with these depositions, but we read his deposition the last thing last Friday.

I will read to the Jury this news release by the Associated Press.

#### PLAINTIFF'S EXHIBIT 13

"By Relman Morin, Associated Press Staff Writer.

"Oxford, Mississippi, October 1:—

"Little Rock was a skirmish. Oxford is a war.

"The riots just five years ago in the capital of Arkansas were ugly and dangerous. In Oxford, the ugliness and [fol. 1114] danger, is magnified to a gigantic scale.

"And one of the ironies of the situation here today is that former Maj. Gen. Edwin A. Walker, who commanded the Federal troops that took over Little Rock, is on the opposite side of the fence here.

"Mr. Walker whipped up the students and others on the campus of the University of Mississippi last night, when it became known that James H. Meredith, was on the campus.

"After the Little Rock riots, Mr. Walker said that he found his duty there distasteful.

"However, at the time, he was the crisp and professional soldier who gave no sign of his feelings. He set up his command post at the corner of Central High School—the object of the riots.

#### "Contrasts in Size

"The contrast is most marked by the size of the operations here. In Little Rock, it was largely quiet three or four blocks from the school. In Oxford today, there is

little quiet anywhere. On the contrary, there is a brooding sense of disaster.

"Several days ago Mr. Walker said he planned to lead 'tens of thousands' of volunteers to aid the cause of Gov. Ross Barnett.

"But his only troops last night were a band of students [fol.1115] and other persons whom he led in a charge on the position of the Federal marshals.

"They got within 100 feet but the tear gas fumes repelled them.

#### "Gives Advice

"Later, Mr. Walker was giving demonstrators advice on how to counteract the acrid tear gas fumes.

"Mr. Walker, appeared on the Oxford town square during the disturbance here today.

"Mr. Walker marched ahead of a file of soldiers as though he were their inspecting officer.

"Finally, an Army officer asked him to move. He refused. The officer ordered several soldiers carrying rifles with bayonets alongside him.

"The soldiers held their bayonets within inches of the former general, but did not touch him. The officer said something to Mr. Walker and he walked off through the crowd."

Mr. Watts: Now, if Your Honor please, we will offer part of the deposition of Mr. Alan Gould, the Executive Editor and, unfortunately, we do not seem to have the other deposition. I will, I believe, just go ahead and put on a witness rather than doing that.

Mr. Charles May.

Mr. Gooch: Wait, if the Court please. Before he puts [fol.1116] on this next witness, he was reading from the Van Savell and the Morin deposition. I believe I have a right—

Mr. Andress: He's got a right to cross-examine.

The Court: Yes.

Mr. Watts: Did you want to offer some of that cross examination?

Mr. Gooch: Yes.

The Court: Hold up, Mr. May. You will have to wait back outside, Mr. May.

Mr. Address: Do you want to read it, Tiny, or do you want me to. . . .

Mr. Gooch: I'll read it.

At the close of the day on Friday, Mr. Watts was reading from the deposition of Van Savell and Relman Morin, which was a deposition taken by Mr. Watts in this case and I would like to read excerpts from that deposition.

I refer you to page 7, line 5.

\* \* \*

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 [fol. 1117] certain amount of time, until I felt I could take anything by myself without any help.

Q. Under whom were you mainly working?

A. Ken L. Davis. He was the Chief of the Bureau, of the superior, yes.

Q. How many employees were in that office?

A. I don't know exactly.

Q. Just roughly?

A. About seven or eight or nine newsmen.

Q. Did Kenneth Davis then give you any type of instruction that would better qualify you for performing your duties?

A. My copy was checked, edited, and I was attentioned as to the editing that was done, to show the things I could correct.

Q. Did they give you any Associated Press training manuals or directives, any written material at all?

A. Certainly, I was given copies of how the Associated Press was organized, and so forth, and copies of so-called

fringe benefits that were available to me, hospitalization, pensions, insurance, and so forth, and that's about it.

Q. Mr. Savell, were you given any directives from the Associated Press as to editorial policy and as to procedure of their news-gathering personnel?

A. I was told that we report only facts. There is no [fol. 1118] editorializing in the AP. I was explained to as to how the AP works, and I was told the reporter's opinion is nothing, I must forget the reporter's opinion.

Q. Were you given any briefing as to slanting of the news?

A. I was told there was no such thing, strict facts and nothing else.

Mr. Gooch: Page 22.

Mr. Watts: Just a moment, Tiny. If Your Honor please, I intend to offer this other stuff he left out. Would it be more convenient if I just asked Mr. Gooch the questions and let him give the answer?

The Court: I believe it would be better to let Mr. Gooch offer what he wants to offer.

Mr. Watts: Whatever he wants to do. I thought it would just save a little time.

Mr. Gooch: Page 22, line 25.

\* \* \*

By Mr. Watts:

Q. When did you go to Oxford?

A. I believe it was in September, September 15th, on a Sunday in 1962.

Q. What caused you to go there?

A. I was assigned to go to Oxford because of the possibility that James Meredith would appear on the campus to register.

[fol. 1119] Q. Was the assignment oral or written?

A. Oral.

Q. By whom?

A. I think it was officially given to me by Mr. Sigus, but I know it was coming sometime beforehand.

Q. How did you know?

A. Mr. Davis had told me that I would be the newsman to go up there.

Q. When and where did that conversation occur?

A. I don't remember, in Jackson, on one of his visits to Jackson.

Q. Relate to us what he said, and what you said.

A. I don't remember.

Q. You have no recollection at all?

A. No, sir. It was just one of these conversations where you drink coffee and talk about different things, and he just said, "By the way, you are going to Oxford," and that's it.

Q. What was your personal attitude toward the integration problem that existed in Mississippi?

A. My only attitude was that I had to report what was going on.

\* \* \*

Mr. Gooch: Please turn to page 44, line 10, for continuity.

\* \* \*

[fol. 1120] Q. Tell us what happened on the 15th? Anything else significant on the 15th?

A. Not to my knowledge, no, sir.

Q. What day of the week was it?

A. I feel certain it was on a Sunday. Well, it was a Sunday that I went, but it may not have been the 15th but the 14th or 16th.

Q. Anything significant the remainder of that week?

A. On Thursday, I believe, James Meredith made his first attempt to enroll at the University, if I am not mistaken. I believe it was a Thursday.

Q. Did you cover that?

A. Yes, sir, I did.

[fol. 1121] Q. Was that attempt unsuccessful?

A. Yes, it was.

Q. Did you report it to your employers?

A. Yes, I did.

Q. And the substance of that report?

A. The substance of the report was that James Meredith arrived at the University with Federal Marshals, including James McShane, and a Federal attorney by the name of—well, I can't think of it right now. I know him but—one of the civil rights attorneys in the Justice Department. They went to a building called the Alumni House or Alumni Extension Center, and I don't remember at this moment whether Governor Ross Barnett arrived before or after, but either he was there or he arrived shortly thereafter. None of the newsmen were allowed inside the building, no newsman was allowed within, well, a certain distance. The Highway Patrol had the streets blocked off so the people had to stand across the street from the building.

There was a large group of students there and I reported this. There were some jeers and cat-calls, and I reported this. Shortly thereafter, 15 or 20 minutes, Meredith came out with some people, the Marshal and Attorney, and they all got in a car and they drove off. When they drove all the student group, which was quite large, ran in the direction that they drove as they left from, or the direction [fol. 1122] from which they came, because they ran, and I ran in that direction, too, and keeping an eye on things. They got away okay, and I reported this. When I returned Governor Barnett was coming out, and Claude Powell was with me, and the Governor started to get in his car, and before he did, he reached out with his fingers, like that (indicating) and said the Winston Churchill style of the, and Claude Powell took a pretty good picture of that, and I reported this. After that everything was pretty quiet that day, and I think the rest of the week. Mainly, or for the most part, the whole business was to sit around and wait.

Q. To whom did you report?

A. I reported to New Orleans.

Q. By phone?

A. Yes.

Q. Did you make any written reports at all?

A. No, I didn't.

\* \* \*

Mr. Gooch: Page 47, Line 13.

Q. What of any significance happened the following week?

A. I believe on a Thursday—let's see—well the next week we were—we were preparing for Meredith to come again to the University on Tuesday.

Q. How were you preparing for it?

[fol. 1123] A. Setting up the positions where we would be, because we didn't expect him to go to the same place again.

Q. And who is "we"?

A. The other newsmen and myself. We heard rumors that the Marshals would be there in much greater number, and we figured that they would try to go straight to the Administration Building, so we prepared on several fronts, and also the airport, to keep an eye on the plane he might have come in on, and the whole thing switched to Jackson.

On Wednesday it did occur in Oxford. Meredith came and was blocked this time by the Lt. Governor, and this occurred right at the edge of the university property, some 200 or 300 yards east of the Alumni Building, down the University Drive, University Avenue.

\* \* \*

Mr. Gooch: Page 53, Line 7.

Q. Now did anything else significant or news worthy occur between the previous incident that you have outlined, on September 30th?

A. Well, yes, one news item on Saturday afternoon late, we received a report that Federal Marshals or troops, one or the other, were moving in. It proved to be false.

\* \* \*

Mr. Gooch: That is through Line 12, on Page 53.  
Page 56, Line 24.

[fol. 1124] Q. When was it you first knew that General Walker was coming?

A. I didn't know he was coming until he was there.

Q. Until he actually arrived in Oxford?

A. Until I saw him, I didn't know for a fact that he was coming.

Q. When did you first see him?

A. In the courtyard of the Ole Miss Hotel.

Q. When?

A. About 4:00 o'clock, or 5:00 o'clock Sunday afternoon, September 30th.

Q. What was he doing there?

A. He was preparing to have a press conference, sir.

Q. Did you see this press conference?

A. From a distance, yes.

Q. Had you ever seen General Walker before?

A. Yes.

Q. Where?

A. Jackson, Mississippi.

Q. When?

A. I believe it was in the winter or early spring of 1962, when he was there for a speech. I don't remember the exact time, or don't remember when it was, but it might have been after January 1, 1962, because I wasn't in Jackson before that time.

[fol. 1125] Q. Did you see him at that time?

A. Yes, I did.

Q. Where?

A. At the Municipal Auditorium, where he spoke.

Q. Did you hear his speech?

A. No, I did not.

\* \* \*

Mr. Gooch: That is through Line 25, on Page 57.

Now Page 59, Line 6.

Q. Did you at any time prior to the 15th of September know Walker's background?

A. All I knew was that he had been the general leader of the troops in Little Rock, and I knew that he had re-

signed from the Army, or—I don't know how it went—but I knew he was not in the Army any longer, and I knew he was in Texas, or thought he was in Texas, and I knew that he was making some speeches across the country.

Q. Did you have any concept at all the reason for his resignation?

A. No, I don't know whether I knew about him or not. I really don't know what they were, but I heard, but I haven't read anything.

Q. Did you talk with Barsch about Walker, after he had appeared, that he was coming to Oxford?

A. Barsch—well, no, not to my knowledge. In fact, no, [fol. 1126] no, I didn't.

Q. Had Barsch known Walker?

A. I don't know.

\* \* \*

Mr. Gooch: That is through Line 24, Page 59.

Page 65, Line 9.

Q. When was Meredith brought onto the campus?

A. To fix the time, I don't know.

Q. When was it you first heard that he was coming on the campus?

A. I heard he was on the campus some time between 7:30 and 8:00 o'clock, I think, I wouldn't know exactly, but after dusk.

Q. And this news conference of Walker's was taking place around 5:00 o'clock?

A. Yes.

Q. How long did it last?

A. I don't know. I didn't stay around to the end.

\* \* \*

Mr. Gooch: That is through Line 20 on Page 65.

Page 75, Line 4.

Q. Tell us everything that happened from the time you left the motel until you actually got on the campus.

A. I left the motel and drove down University Avenue and toward the east entrance of the campus. Upon reaching,

[fol. 1127] well, actually I entered the campus property, but when I came to the bridge which crosses over the railroad tracks the Highway Patrol was there, and five or six persons stopped us, told us that newsmen, nor anyone else, were allowed on the campus. But he told us that possibly we could have an order shortly letting the newsmen on.

So Ed Lebreton whispered to me, "I'll stay here and you can go ahead and see if you can get on anyway you can."

So—

Q. You mean by deception or otherwise?

A. Any way. So I turned my car around and drove back to about the next street going toward town, drove about two blocks or three blocks, down back around the railroad tracks bordering the campus.

Q. Which direction did you go, north or south?

A. Well, I was going east as I was going to the campus, and I turned around and drove—well, west, rather—and when I came to the entrance I turned around and drove east for about two or three hundred yards, took the first street to the left going north, and then drove for about two or three blocks and then turned west, drove two or three blocks until I came to the railroad tracks, and when I parked my car and got out and stepped onto the railroad tracks, and a patrolman saw me from the railroad trestle [fol. 1128] that I had just left, or he saw someone, and he made some shout, and I paid no attention but went across. I went through the underbrush and I was on the campus.

Q. Alone?

A. Alone.

\* \* \*

Mr. Gooch: Page 87. Mr. Watts, there has been a deletion there, I think. That was part of your question—

(Sotto voce conference of counsel.)

Mr. Gooch: Page 87, at Line 20.

Q. All right, you had arrived on the north side of the campus, saw the Highway Patrolman, and tell us what occurred then.

A. I walked further on the campus, I met a convoy of U. S. Marshals and army trucks, and I followed them to the Lyceum Building or Administration Building on the campus.

Q. Were you alone or with someone?

A. I was by myself.

Q. All right.

A. The Marshals got out of the truck and proceeded to ring the Lyceum Building. They had their backs to the building, and I counted and there was a hundred and forty-eight. They were dressed as we talked about earlier. They were facing a few small groups of persons standing across [fol. 1129] the street from the building.

Q. In what area?

A. In the area of the Fine Arts Building.

Q. Did the Marshals form a ring facing outward from the Lyceum Building?

A. Yes, sir.

Q. Did you walk completely around the building?

A. Completely around, no, sir.

Q. When did you count them?

A. Shortly after I arrived.

Q. Was Meredith with the Marshals?

A. I didn't see him.

Q. When did you first see Meredith?

A. At 8:30 on Monday morning, October 1st.

Q. What time was it these Marshals arrived?

A. Shortly after 5:00 o'clock, to my best memory.

Q. How long after you had left the Walker press conference was this?

A. They were on the campus when I got there. It must have taken me 15 minutes, maybe, to get there from the Ole Miss Motel onto the campus, University Motel.

[fol. 1130] Q. Were you there when they de-trucked?

A. Yes.

Q. When did you 'phone your first report to the AP?

A. As soon as I got to the telephone.

Mr. Gooch: That's through line 8, page 89. Page 92, line 23:

\* \* \*

Q. What next occurred that was significant.

A. The next thing that I can remember was that the crowd began getting a little larger and there were some snide remarks of some sort, anyway some remarks to the Marshals, and the Marshal were taunted about their tear gas guns that they were carrying and after quite a few remarks I went to the telephone and I called this in, along with the fact that the Marshals appeared to pay no attention to it.

Q. At first, were the students remarks of a somewhat humorous vein?

A. Some were, yes.

Q. Go ahead. Did you so report that at that time to the AP?

A. I did.

Q. Now, this is the second call you made?

A. Yes, second call, yes.

[fol. 1131] Q. Continue.

A. After that I just stood around, mainly being seen in the vicinity, I mean so that the AP newsmen would know I was there, and keeping an eye on things, and the crowd got larger and larger.

Q. And somewhere wandering around the area of the Lyceum Building?

A. North and northeast and eastern side, yes. I kept check on the other side, but nothing there but Marshals, and nobody was gathered. I stood around in the area and the crowd got larger and there were lighted cigarettes tossed into two or three Army convoy trucks parked immediately to the east or in front of the Lyceum Building and there were also some small rocks tossed toward the Marshals.

Q. Tossed or thrown?

A. Tossed, thrown.

Q. Sir?

A. Tossed or thrown.

Q. Could you see the individuals who were engaged in those activities?

A. Yes.

Q. Did they appear to be students or otherwise?

A. Yes, students.

Q. Where were they getting the rocks?

A. Off the road that had them, a few little small pieces [fol. 1132] of gravel on the side of the road.

Q. Did you see any Marshals hit?

A. I saw a few bounce off their helmets, yes.

Q. Was it dark yet?

A. No, it wasn't.

Mr. Gooch: That's through line 19, on page 94. No, it's continued. I'm sorry.

Q. Continue.

A. I went to the telephone and I reported this. I returned.

Q. Now, this is the third 'phone call?

A. Yes, I guess.

Q. All right.

A. And I come back and the crowd was getting bigger and it was getting dark at the same time and a helicopter flew over. I knew it was taking pictures. Somebody inside was taking pictures and there were some sort of pep rally remarks about the helicopter from the students but the rocks and the lighted cigarettes continued to be thrown toward the Marshals. After it got dark, why, the crowd got quite large on those two sides.

Q. About what time did it get dark?

A. I really don't know. I think it was probably between 6:45 and 7:15.

Q. Were the lights turned on then?

[fol. 1133] A. Yes, sir.

Q. What lights were there with respect to the Lyceum Building and Circle?

A. There were two lights. Well, strike that. There was a sidewalk going down through the Circle. As the sidewalk

starts, at the Lyceum, in front of the Lyceum Building, there is a light on each side.

Q. Now, in this Circle, there is a flagpole about the center?

A. That is correct.

Q. I put an "O" where the flagpole would be. Is that approximately correct?

A. Oh, as close as could be, yes.

Q. Down at the very east end of this point of this circle I will put a dot, as representing the Confederate statue. Is that roughly in the same position?

A. Yes, sir.

Q. All right. Meanwhile, now, up north is the Lyceum Building?

A. Yes.

Q. How far could you see after it became dark?

A. About a hundred yards.

Q. Continue.

A. I watched as the crowd got larger and the Mississippi Highway Patrol had appeared in the meantime.

[fol. 1134] Q. By that time had you heard how the football game came out?

A. The football game was on Saturday.

Q. And you know how it came out?

A. Yes.

Q. Had you heard any students discuss it any?

A. No.

Q. Was the student body by that time pretty well back in school after the football game?

A. I don't know.

Q. Where are most of the dormitories from the Lyceum Building?

A. To the north are the women's dormitories, in an area here directly north from the Circle, and the men's dormitories on Rebel Drive and Dormitory Road.

Q. That's generally on the west side of the Circle?

A. Yes.

Q. All right. Continue. Then what did you see after the crowd began to get large?

A. Well, the highway patrol came during the time that I was at the 'phone. When I came back, I went back to the 'phone again.

Q. Did they come in automobiles or what, or on foot?

A. I don't know. I just saw them standing in front of [fol. 1135] the Lyceum Building and somewhat to the northern side. By front, I mean east.

Q. Did they form anything approximating a line?

A. Yes, sir, a line.

Q. Where was this line with respect to the Marshals' line?

A. It was more or less across the street, pretty close to the curb, opposite from where the Marshals were.

Q. Did it conform in circling to the Marshals' line or was it different?

A. Pretty much so.

Q. About what interval between them?

A. About four or five feet, I don't know.

Q. Did you hear any conversation between the Marshals and the Highway Patrol?

A. Yes, sir.

Q. Tell us what it was?

A. The Chief Marshal, James McShane, told the Highway Patrol, he called the captain, called him over, and he said, "Captain, come here." And the Patrolman came over and they talked a little bit and as the Patrolman walked away from him, after they talked, McShane hollered to have the students move back off the curb and off the grass.

Later he called the same man over again and asked for the same thing out loud. The man didn't go all the way to [fol. 1136] it and I believe there was a third time. He just talked generally to the Highway Patrol and told them to move the crowd back.

Q. What did the Highway Patrol do?

A. They attempted to move them back.

Q. And by this time, could you then estimate the crowd?

A. Larger than a thousand, I think.

Q. Were they all in one group or in separate isolated groups?

A. Actually, a solid group strung over a large area.

Q. Where were they concentrated with respect to the Lyceum Building?

A. Northeast, north and east, and eastern side.

Q. What occurred next?

A. The TV cameraman drove up and parked in the road just to the northeast of the Lyceum Building and started to get out of his car with his camera.

Q. This is on the so-called Circle?

A. Yes, it is on part of the Circle, right next to the Lyceum Building.

Q. All right.

A. And he got out, and the students converged on him, and there was a lot of talking, they got closer, and they were sort of shoving him around and then his TV camera [fol. 1137] was knocked to the ground and his wife was in the car, and the guy was able to get back in his car with the help of the Highway Patrolman. With the help of the Highway Patrolman, this fellow was able to get back in his car, but the students grabbed hold of the car and rocked it back and forth, rocks were thrown and the windshield was busted and another window busted and some dents were put in the car and finally he was able to drive away.

Mr. Gooch: That's line 12, page 99.

\* \* \*

Mr. Gooch: Please turn to page 103, line 3.

Mr. Watts: Mr. Gooch, would you mind, saving me having to do it, go a couple of questions before and identify where this 'phone was? If you will, go to line 22, page 102. Save me having to go back and pick it up.

\* \* \*

Q. I thought you said you kept this 'phone open all the time?

A. I kept this 'phone open all the time but they could switch it to any extension they wanted to.

Q. In New Orleans?

A. Yes.

Q. How long did the 'phone stay open in Perkin's room?  
[fol. 1138] A. I think about 3:00 o'clock or 4:00 o'clock in the morning.

Mr. Gooch: Is that what you are talking about?

Mr. Watts: Right, yes.

Q. What did you find when you went back from using the 'phone?

A. A crowd was there and it was getting quite large and hurling insults at the Marshals and throwing rocks and throwing cigarettes and the Marshals, through the Highway Patrol, ordered them to move back and at this time they didn't and they were standing in the middle of the road rather than getting back on the grass like the Marshals ordered them to, and the Chief Marshal, James McShane, ordered gas masks on, and the students were ordered to move back. They didn't.

Q. Did you at that time see any students you knew in the crowd?

A. Yes, sir.

Q. Name some names or all you know?

A. The only one I can remember is Joe K. Moore.

Q. Where was he?

A. He was standing there.

Q. Was he saying anything or doing anything?

A. He was working.

Q. Doing what kind of work?

[fol. 1139] A. Stringer for the Clarion Ledger in Jackson, Mississippi.

Q. Was he participating at all in the activities?

A. I didn't see him participate.

Q. Did you see any other students you knew?

A. I saw those I knew by face, and I can't remember right now, that I really know.

Q. Would you say, then, that as of now you don't know any student that was in that group, except John K. Moore, or Joe K. Moore?

A. To the best of my remembrance, I can't think of anyone else.

Q. Can you fix this time?

A. Between 7:30 and 7:50.

Q. All right, sir. Anything else of significance occur?

A. They were ordered to move back again, and they didn't.

Q. How long was this after the gas masks were put on by the Marshals?

A. A minute.

Q. Who was issuing the orders?

A. McShane.

Q. Could you hear his orders?

A. Yes, sir.

[fol. 1140] Q. Were they in a loud voice, to all the Marshals?

A. They were so that the Marshals could hear it in front and they were to relay the orders around.

Q. You say they were to relay?

A. And they did relay the orders.

Q. But you don't know whether this was by order or pre-arrangement?

A. No, I do not.

Q. What was the order that McShane issued when they put on the gas masks?

A. He just said, "Gas masks."

Q. Then about a minute later the students were ordered to move back again, or the crowd was?

A. Yes, sir.

Q. Could you at that time spot what you thought were individuals other than students?

A. Yes, sir.

Q. Anyone you knew?

A. Newsmen and professors.

[fol. 1141] Q. What professor?

A. Well, I don't remember any of the professors, in fact, I don't know but one by name, but I didn't see him.

Q. What about the newsmen?

A. I saw this fellow from Memphis, UPI newsman.

Q. Did you see his walkie-talkie?

A. I didn't see it at that time.

Q. All right, go ahead.

A. When the students didn't move within 30 seconds or so, the guns were up and they fired.

Q. What was the order given to fire?

A. I didn't hear an order.

Q. How many weapons were fired?

A. I don't know.

Q. Did all the Marshals completely surrounding the Lyceum fire their weapons?

A. I don't know.

Q. What weapons did you see fired?

A. The ones on the east part of the northeast.

Q. For about what distance, assuming—

A. From, say, the southeast corner here, to a little place past the northeast corner.

Q. There was a barrage of tear gas fired by Marshals starting from the southeast corner of the Lyceum, clear around to, circling due north of the Lyceum?

[fol. 1142] A. I don't know whether due north, but as far as I could see, yes.

Q. Where were you at that time?

A. At that time I was standing just facing the Lyceum Building, standing just left of the center of the building.

Q. Were you behind or in front of the Marshals?

A. I was in front of the Marshals.

Q. Were they facing towards the flagpole?

A. Yes, they were.

Q. Where were the Highway Patrolmen with respect to—

A. The Highway Patrolmen were in a line, one directly in front of me was two feet in front of me.

Q. How far were you from the Marshals?

A. About eight feet.

Q. So there was about 10 feet then between the patrol and the Marshals?

A. No, sir, about six feet.

Q. About six feet. Did you hear the Patrol say anything before or immediately before the tear gas was fired?

A. They were telling the students to move back.

Q. Did you see anyone make any overt act, throw anything or make anything approximating a move toward the Marshals just before the tear gas was fired?

A. Overt act, yes. Rocks were thrown, large ones.

Q. From what area?

[fol. 1143] A. From the general area of all the students.

Q. Did it seem to be an organized effort by command, or was it spontaneous, or sporadic?

A. Spontaneous and sporadic. It was not organized, to my knowledge, it was not organized.

Q. How longer after the first rock was thrown, that you know about, was that before the tear gas was fired?

A. About five or six minutes, I think.

Q. What was the closest student to the Marshals at the time the tear gas was fired?

A. I don't know.

Q. What was your observation, your best estimate?

A. That I know of, those in the front line were as close as I was.

Q. Were there students then between the Highway Patrol and the Marshals?

A. No.

Q. Well, you were between the Highway Patrol and the Marshals?

A. No, a highway patrolman was between me and the Marshals.

Q. Then I misunderstood you a moment ago.

You then were to the east of the Marshals, were you, or Highway Patrol?

A. Yes.

[fol. 1144] Q. Were you among the students?

A. I was standing on the front line.

Q. How near were the closest to your left and right?

A. On my right, half a foot. On my left, I don't remember.

Q. How far back in depth did the crowd go?

A. About 10 or 15 feet, in my area.

Q. Did you see at that time any students that you recognized?

A. No.

Q. Or anyone else, other than just the newsman you recognized?

A. At that time I didn't see a newsman I recognized.

Q. Where did the tear gas pellets land?

A. Behind me and behind the front line, unless they hit someone.

Q. Were the weapons fired upward in an arc, or hip level?

A. Hip level.

Q. That you say?

A. Hip level.

Q. Were the barrels of the weapons parallel to the ground, roughly, when they were fired?

A. Yes, sir.

Q. About what range from the muzzle of the weapon did [fol. 1145] the pellets land?

A. I didn't notice.

\* \* \*

Mr. Gooch: That is through Line 4, on Page 109.

Page 119, Line 17.

Q. Go ahead.

A. And I went on into the area, and there was quite a group of people there. They sort of—once in a while a group of five or six or maybe 10, or sometimes as many as 20 people, would start running to the Lyceum Building with small parts or particles of bricks or rocks or sticks or glass in their hands, and they would get as far as they could without the tear gas affecting them, and throw this toward the Marshals.

Q. Where were these students starting from?

A. In the general area of the Confederate statue.

Most of them were a little—they were actually between the Confederate statue and the Lyceum Building, more or less half-way in between that and the flagpole.

Q. What would you estimate that distance?

A. From the Lyceum Building?

Q. No, from the Confederate statue to the Lyceum Building?

A. Roughly 200 yards.

Q. All right. And how far would the students run before they would throw?

A. I would say a hundred yards.

Q. Would they throw from the east or west of the flagpole?

A. East or west, both.

Q. Where were they getting their missiles?

A. Their glass, I don't know. Their sticks and their broken brickbats were coming from the construction of a Science Building, I believe, that was directly east of where the Confederate statue is.

Q. On which side of the road?

A. South side of the road.

Q. Would that then be southeast of the Confederate statue?

A. More south than east. Actually it was straight down the road, right down the road, due east.

Q. Continue with your narration.

A. The group apparently got a leader. I don't know, but somehow or another, they gathered, and after many small assaults, they got a larger crowd, several hundred, probably as many as 500 in the group, and they made an assault towards the Marshals.

Q. What do you call an assault?

A. They were walking and running, some not really fast, towards the Lyceum Building, as far as they could go, and [fol.1147] they would come to within throwing distance of the Marshals, and in respect to the tear gas, not going any further, where it was too thick, and they would throw

this, and then the Marshals would race across the street and that would make them back up.

Q. What do you mean race?

A. The Marshals were on the sidewalk there in front of the Lyceum Building, and then they would run across the street, on the other side of the street, firing their tear gas quite high, and it was falling behind the students, and since the wind was blowing northwest, it was blowing right back in their faces. As far as the students, actually it was falling on the other side of them, and blowing back in the faces, towards the Marshals, so they had to leave and run back to their area.

Q. Were the Marshals wearing a gas mask?

A. Yes.

Q. You say it was rolling toward the north?

A. Northeast. (sic)

Q. And the students were approaching toward the west?

A. The students were going towards the west and the wind was blowing this way (indicating).

Q. By "this way," you mean directly northwest?

A. Yes. And the students would run to a certain area, within throwing distance, probably around 75 paces—yards [fol. 1148] from the group, and the Marshals, after being—when the stuff began hitting them, would run across the street, maybe 25 or 30 feet, maybe more, and shoot their gas again, and it would fall behind the students, and the wind brought it back across them as it blew northwesterly, and this group which was still mostly students at this time, fled backward.

Q. You say apparently they had a leader.

Were you able to identify the leader?

A. Yes, there was one person who appeared to be a spokesman, kind of tried to rally the group together.

Q. Can you describe him as best you can.

A. He was carrying a Confederate flag in his hand and he had on a shirt that was mostly red, but it was multi-colored. Blue jeans, and he had a jacket on his arm at one time.

Q. What age?

A. A student age, about 19 or 21. I don't remember.

Q. And his size?

A. About 150 to 170 pounds, about five, nine or ten.

Q. Blond or brunette?

A. I don't remember.

Q. How far could you see at that time?

A. I could see the Marshals from the Confederate statue, but I couldn't recognize anyone.

Q. Did you see them close enough to tell their general [fol. 1149] size and outline?

A. General outline, yes, but size, no.

Q. At this time were there any highway patrolmen in the area?

A. I saw none.

Q. When did the highway patrolmen leave?

A. I don't know, don't know when they left, but they were not back there when I got back from the first phone call, after the tear gas was fired.

\* \* \*

Mr. Gooch: That is through Line 15 on Page 123.  
Now Page 127.

Q. By my figure, that is the seventh phone call you made, and the fourth one from the Perkins' boy's room. Now are those telephone calls timed when they come into the AP receiving area or Bureau?

A. No.

Q. Are you sure of that?

A. Positive.

\* \* \*

Mr. Gooch: Page 128, Line 22.

Q. Did you return then to the area?

A. Yes, sir.

Q. What area?

A. The grove area, right near the Confederate statue.  
[fol. 1150] Q. Which side of the statue?

A. A little to the southwest or southeast.

Q. Did you see anyone you knew?

A. Slappy

Q. That is twice you had seen him?

A. Yes.

Q. Any other AP personnel?

A. No.

\* \* \*

Mr. Gooch: That is through Line 7 on Page 129.

Take up at Line 20, Page 129.

Q. Go ahead.

A. When I got to the area again, there were groups of people coming in from the railroad bridge, or what I call the east gate.

Q. Had the guard been taken off of that?

A. I don't know. I didn't go there.

Q. Go ahead.

A. And I kept noticing the crowd was getting larger and larger, and it appeared that lot of students were moving out of the area, because I moved on across, and I kept noticing there were large groups over to the north of the circle, on what used to be the old Library Area, I think it is now maybe the Fine Arts Building, and near the YMCA. And there were large groups of students standing, [fol.1151] and I went over and recognized quite a few students whom I knew, and they were there, and I came back, and I kept noticing the crowd was getting larger, and less and less students in the crowd.

Q. Continue.

A. At this time there was another charge and—

Q. Wait a minute. You went or left the flagpole area and went over to near the YMCA area?

A. Yes, YMCA, and this other building, which is I think the Fine Arts Building.

Q. Did you see anything unusual there?

A. No, nothing, just this large group of students, standing on the steps on both buildings, and I just watched.

Q. By this time had you heard or seen any shooting?

A. No.

Q. Did you hear any shots at all that night?

A. Yes. I saw no shooting but I heard it.

Q. All right.

A. As I turned to leave that area and go back towards the grove a wave of people went towards the Marshals again. It was as large as the first group.

Q. Was the same individual leading them?

A. I didn't see.

Q. What was the conformation of that?

A. I don't understand.

[fol. 1152] Q. Was it a solid front, or was it in broken groups?

A. In solid front.

Q. What were the north and south boundaries of it?

A. Oh, the north boundary of it was pretty close to the street on the north, and south boundary was about half-way between the street and the flagpole.

Q. Now this is the second wave or charge you had seen?

A. Yes.

Q. Where were you when you saw it start?

A. I was a little northeast of the flagpole walk, I was half-way between the Confederate statue and this building that I had been in front of.

Q. Now there are trees in the circle, called the Grove, or is the Grove somewhere else?

A. What we call the grove is not really the grove, no.

Q. What did you call the grove when you referred to it?

A. The circle. This circle actually is where this occurred.

Q. As I remember, some of the news reports referred to it as the grove?

A. Yes.

Q. Any of your reports refer to it as the grove?

A. I don't remember.

Q. Continue. You were in the grove and northwest of [fol. 1153] the Confederate monument when you saw the second charge?

A. No, I was not in the grove, but in the street, walking between this building and the Confederate statue.

\* \* \*

Mr. Gooch: That is through Line 9, on Page 132.

Go to 133, beginning at Line 22.

Q. All right, sir. What did you do then?

A. I ran into the area where the charge was.

Q. Past the flagpole?

A. Yes, past the flagpole, and I just watched what went on.

Q. What did go on?

A. There were rocks and brickbats and so forth thrown at the Marshals, and tear gas, as before, used to repulse the group, and we all left the area and went down to the general area of the monument.

Q. And by "we all", you mean the people that participated in the charge?

A. Yes.

Q. At this time there were people north of the circle?

A. North of the circle?

Q. Yes.

A. Other than a few scattered people who were in this group they were mostly students, in my opinion.

[fol. 1154] Q. Was there any activity against the Marshals emanating from that direction?

A. No, I didn't see any.

Q. All right, sir. How near to the Marshals did you get on this so-called charge?

A. About the same distance as the first, close to seventy-five yards.

Q. Did you see the Lyceum Building hit with rocks on that occasion?

A. I didn't notice.

Q. What did you notice?

A. I noticed that rocks, and so forth, did hit the Marshals again and bounced around and I knew they did behind, but whether they actually hit the building, I don't know.

Q. What else; anything else?

A. Tear gas reached us and we turned and ran to the monument.

Q. Did the tear gas reach you before or after the rocks were thrown?

A. After.

Mr. Gooch: That's through line 6, on page 135.

\* \* \*

Mr. Gooch: Please turn to 136, line 7.

Q. Go ahead.

[fol. 1155] A. As soon as the group got to the other end, they almost immediately turned around and made a third charge or assault, or went toward the Lyceum Building again. By this time they had rocks and bricks and so forth, already down there, at the monument.

Q. Did you hear any command or order between the second and third charge?

A. Nothing, other than scattered comments of, 'Let's go,' and quite a few curse words.

Q. All right. Did you participate in the third charge?

A. Of the group, yes.

Q. What happened then?

A. The same as the two times before, the group went toward the Lyceum Building and we didn't get as far that time, because the Marshals ran out across the street in an apparent attempt to meet us or something, but we only got just a short distance past the flagpole because the tear gas was too heavy.

Q. Did you hear anything from the Marshals?

A. No.

Q. Then what?

A. Rocks and stuff were thrown. I couldn't see too well through the tear gas.

Q. Was the smoke getting pretty heavy at that time?

[fol. 1156] A. At the time of the charge it was, because it was fired before we could get very far.

Q. Was there a restriction of visibility?

A. At that time, yes.

Q. Prior to the time the tear gas was fired, could you see the Lyceum Building plainly from the monument?

A. Yes, I could see it.

Q. Could you see individuals walking in front of it?

A. I could see the outline of the Marshals.

Q. Go ahead.

A. I turned back and raced back to the monument.

Q. What happened then?

A. Everything got quiet for a while.

Q. For how long?

A. For about five minutes, maybe.

Mr. Gooch: That's through line 21, page 137.

Mr. Watts: Would you read the next two, and save me reading it?

Mr. Gooch: Be glad to.

Q. What would you say was the timing at the end of the third charge?

A. Between 8:30 and 8:45.

Mr. Watts: That's all I care about.

Mr. Gooch: Then, that would run down through line 24 [fol.1157] on page 137.

\* \* \*

Mr. Gooch: 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 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 towards 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.

Mr. Gooch: Then, going over—this next was read, about putting the marks on the chart. I'll omit that.

\* \* \*

Mr. Gooch: Going over to page 142, line 1.

Q. How far from you was he?

[fol.1158] 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 General Walker, he is our moral support, let's go."

And Mr. Walker raised his head and looked this fellow squarely in the eye and nodded his head. Up to this time [fol.1159] 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 who 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 towards the Lyceum?

A. I could see the Lyceum Building.

Q. Could you still see people in front of the Lyceum Building?

A. Outlines of people, yes.

[fol. 1160] Q. That is point where you moved, X-2?

A. I moved, now, about where my old X was.

Q. X-1, you mean?

A. No, the obliterated X.

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

one where this fellow was, and this fellow was standing about three or four feet away.

[fol. 1161] 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.

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 every-  
[fol. 1162] one 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 kept 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 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. And the group backed up or away from the front of Mr. 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 am 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 [fol. 1163] straight toward the Lyceum Building for ten or fifteen 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.

Q. That would be to the north?

A. Yes, sir. They were walking in 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 then?

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?

[fol. 1164] 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 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 twenty-five 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 [fol. 1165] 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 on the side of it.

A. (Marking.)

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. What then 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.

[fol. 1166] Q. And the three of them went along there, as you have described?

A. Yes.

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 ten or fifteen yards in this direction (indicating).

About ten or fifteen yards 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 ten or fifteen yards toward the Lyceum?

A. Yes.

[fol. 1167] Q. And then what happened?

A. Then when they were about seventy or seventy-five 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.

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 by 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.

[fol. 1168] 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.

\* \* \*

Mr. Gooch: Please turn to page 153, line 22.

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 charge again." I don't remember what the exact words were.

\* \* \*

Mr. Gooch: Now, I will turn to 155, line 4.

Q. Then what did you do?

A. As soon as he made the comment, I turned and ran to a 'phone.

\* \* \*

Mr. Gooch: Please turn to page 160, line 1.

Q. Then when you returned, Walker was on the base of the Confederate statue.

A. Yes.

Q. Was he alone?

A. There were students around.

[fol. 1169] Mr. Watts: Excuse me, Mr. Gooch, at this point, may we just stipulate, for continuity, that all of this previous testimony occurred before Walker's speech on the monument? I think it would simplify matters.

Mr. Gooch: Yes, yes.

Mr. Watts: Save me reading a great mess.

Mr. Gooch: Yes.

Mr. Watts: This is the testimony of Van Savell, the AP newsman.

Mr. Gooch: Who wrote the article complained of.

Mr. Watts: And up to now, everything that has happened was before the speech on the monument?

Mr. Gooch: That's correct.

Mr. Watts: That will save me reading a lot.

Mr. Gooch: All I am doing is reading the whole thing in continuity.

Mr. Watts: Yes, that's all right, but some has been omitted. Saves me going back and reading it.

Mr. Gooch: Well, I—yes.

Q. Then when you returned—

Mr. Watts: Mr. Gooch, if you wouldn't mind, it will save a lot of time if you will read one question and answer on page 159, line 11 through line 18.

[fol. 1170] Q. Now, by my figures here, from following your testimony, that is the eighth phone call you made, and

the fifth call you made from Perkins' room. What did you see when you came back to the area?

A. As I got to the area, I saw Mr. Walker standing on a ledge of the Confederate statue.

Q. What was he doing?

A. He was talking.

Q. Had you at any time prior to this seen a young preacher, Mr. Duncan Gray?

A. Many times I have seen him, yes.

Q. Had you seen him that evening on the campus?

A. No.

Mr. Gooch: Beginning at line 1, page 160. Do you want to stop here or go on?

The Court: No, we can go ahead and stop. Let's recess until a quarter of eleven.

(20-minute recess.)

[fol.1171] Mr. Gooch: Page 160, Line 1, is where we got to.

Q. Then when you returned Walker was on the base of the Confederate statue?

A. Yes.

Q. Was he alone?

A. There were students around.

Q. Was there anyone else up on the statue with him?

A. No, sir.

Q. Could you hear anything he was saying?

A. Yes.

Q. What did you say?

A. As I saw him, I heard the word "Cuba," I heard him say "Cuba," and I continued running to the area, and he sort of lapsed for a moment, or a few seconds, didn't say anything.

Q. Wait a minute. From what direction were you approaching?

A. I was approaching from the northwest, or northeast, more northwest.

Q. What was the size of the group of people around him at that time?

A. Several hundred.

Q. How did it compare with the group that participated in the alleged charge that you have described, which was the fourth charge?

[fol. 1172] A. The people in the area of Walker were smaller, but there were more than that, a thousand people within a hundred fifty or two hundred yards of him.

\* \* \*

Mr. Gooch: Picking up—do you want me to read the rest of that? It is descriptive only.

Mr. Watts: No.

Mr. Gooch: Line 13, Page 161.

Q. As you approached on the scene, you heard Walker say something about Cuba?

A. I heard the word "Cuba".

Q. Did he have his hat on at that time?

A. I guess he did, yes, sir.

Q. What next did you hear him say?

A. I heard him say something about somebody, he made the comment about somebody had betrayed Mississippi.

Q. Somebody had betrayed—

A. Yes.

Q. Do you remember who he said?

A. Didn't say who, he said, "Somebody has betrayed you."

Q. In other words he used the words, "Somebody has betrayed you"?

A. Yes.

Q. Go ahead.

A. And immediately there were comments, "Who, who?" [fol. 1173] And he didn't at first make a comment, just "Governor Barnett."

Q. What comment?

A. He just said, "Governor Barnett," but it was his voice. I was within 10 feet of him at this time.

Q. Which direction were you from the statue?

A. To the northeast, in the road just off the curb.

Q. Where was he from the statue?

A. He was on the north side of the statue.

Q. Facing toward the north?

A. No, facing to the east.

Q. But he was standing at the north side of the statue?

A. Yes.

Q. The statue then was on his right?

A. Yes, more or less.

Q. Go ahead.

A. And he stood there, he made this comment, almost inaudible, it was inaudible to most people, about Governor Barnett.

Q. What period of time—

A. He made this comment about Governor Barnett, in a low voice, and I heard it, and then he stopped and leaned over and talked to a fellow, I don't know who the fellow was, and there was a period of time when he was talking to this fellow, and leaning on this fellow's shoulder, and then [fol. 1174] he reared back up and said, "Birdsong, Birdsong has betrayed you."

Q. Is that all?

A. No, that is not all. Then he made a comment about, "We can win," or "You can win." "If you don't think you can win go home, leave the campus, but we can win."

Then he made a comment about "keep protesting. You may not win but you will be heard," and he said, "This is a dangerous situation. You must be prepared for possible death. If you are not, go home now."

When he made that comment I immediately turned and left and ran for the phone.

Q. Now is the outline you have given us in chronological sequence?

A. I am not certain of that, no, sir. Well, there were many other things he said.

Q. Tell us everything.

A. That's all I remember, this is all that I—just at the present time that is all that I—well, he said other things, which were practically the same thing, meant the same thing, but were said in different words.

Q. How long did you hear him speak?

A. Four minutes or five minutes at the most.

Q. Did you on that occasion see anyone that you knew?

A. No one but Walker.

[fol. 1175] Q. Have you heard since or talked to anyone who heard substantially the same things you heard?

A. No, sir.

Q. Then as I understand, you raced back to the telephone?

A. Yes.

Q. And reported Walker's speech?

A. Yes.

\* \* \*

Mr. Gooch: That is through Line 8, on Page—Line 10 on Page 164.

Page 166, Line 6.

Q. You made notes on Walker's speech?

A. Yes, sir.

Q. What did you do with those notes?

A. Those notes, the last time I saw them, were at the hotel on yellow legal paper, that's what I typed the story on.

Q. Do you know where they are at this time?

A. No, sir.

Q. Could you give us as near verbatim as possible what your notes were about?

A. The notes said that "Somebody has betrayed you." And the students asked, "Who, who, who?"

And Mr. Walker said almost inaudibly, "Governor Bar-[fol. 1176] nett," and then he leaned down and talked, as I said before, and he got back up and said, "Birdsong, Birdsong has betrayed you."

Q. Did you have that in your notes?

A. I did not put that in my notes, because I could remember it. I had Governor Barnett down, and I did write

a B down there, I know that, and later used it, and then, that he said, "If you don't think you can win—" or something like that, "If you don't think you can win go home, leave the University, but we can win." Then he made some other comments, as I remember it, and then there were remarks almost along the same line, peppering the students up, and then he made the comment about "You may not be able to win, but you will have been heard."

And he said that, "This is a dangerous thing." Then he said, "If you are not prepared for possible death, go home now."

He paused and immediately started talking about the Kennedys, and I left and went to the phone.

Q. Then he was not through with his speech when you left?

A. No, he wasn't.

\* \* \*

Mr. Gooch: Turn now to Page 168, Line 2.

Q. The Marshals were still firing at the time Walker [fol. 1177] was speaking?

A. Yes, sporadically.

Q. Were there any charges, or rocks being thrown at that time, any rock throwing going on at that time?

A. I didn't notice any that impressed me enough to stick in my memory. There were no large charges that I saw again that night.

Q. Did you hear Walker at any time mention the word, "Violence"?

A. I believe that when he was talking he made a comment about violence.

Q. What was the comment?

A. I can't remember exactly, but something about that—I don't think it was the word "violence". I think the words were something like, "This is violence,—"

The comment is familiar to me, but I didn't take it down as a note, that I remember, didn't use it, anyway.

Q. Did you hear him say anything like, "avoiding violence"?

A. Not at this time, that I remember, no.

Q. Did you at any time hear anything about avoiding violence?

A. Later when talking to students, when I was talking to students, yes.

Q. You mean later that night?

[fol. 1178] A. Yes.

\* \* \*

Mr. Gooch: That is through Line 25, on Page 168.  
Page 170, Line 22.

Q. What was the attitude of the crowd as he spoke?

A. Their attitude was, I think there were several cheers for him, and in addition they appeared to be restless, they kept saying, "Come on, let's go, let's go."

But there were quite a few cheers when he said, "If you are not prepared for possible death, go home now."

Q. And that brought cheers?

A. That brought cheers, yes.

\* \* \*

Mr. Gooch: Then on Page 171, Line 12.

Q. I wish you would relate to me in chronological detail everything else you heard or saw Walker say or do.

A. I kept an eye on Walker from a distance. I went back and I was talking to Sterling Slappy again, I met him, and we talked a little bit and he said, "Have you seen Walker?"

And I said, "Yes, I have," and he said, "Well, I haven't. Where is he?"

And I said, "He is over there," and pointed to the group and he was still there, and then Sterling left me and went towards the group. I don't know whether he actually went [fol. 1179] to the group or not. Then I went on, and by that time they had brought up a fire engine, up into the grove area of the campus, and so I kept an eye on them as they were charging the Marshals with the fire engine, and also using that to try and put out the tear gas bombs.

Q. Was Walker participating in that in any way?

A. He didn't seem to. He was still down in the area where he was talking to this group, and I kept watching this group, and finally one of the boys in the group—I felt like they were students, they were young, very young—one of them had on an "Ole Miss" jacket and they made a charge, fire engine, and they were busy themselves at this time, and they went right on up to the sidewalk and across the street, and they were right next to the Marshals, the Marshals had to jump out of the way, and at the same time a couple more were hanging out and swinging with their stakes, and then turned around.

Q. You mean the students or the Marshals?

A. The students had stakes in their hands, and were swinging at the Marshals, and went to turn up, went back around, and they were going about 25 yards in front of the Lyceum Building, and started to turn around to, began to back-up, but the Marshals had charged on them, and the Marshals captured the fire engine and the five people involved, and that quieted the fire engine for that time. [fol. 1180] In between the time I saw Walker there and the next time I saw him, they brought out a bulldozer. They tried to get it started to go by itself, and go after the Marshals.

Q. Did Walker have any participation in that?

A. No, sir. They had the fire engine, I mean the Marshals finally captured the bulldozer. About that time I saw a huge fire ball flash in explosion, just a fire over the side there in the street, and I heard somebody comment about Molotov cocktails, and I ran into the area where I was told they were making them.

\* \* \*

Mr. Gooch: Skipping down to Line 17, on the same page.

Q. All right.

A. And I went over there and there was a big gasoline can there and bottles they had.

Q. Who was "they"?

A. People, ten or twelve or fifteen of them.

Q. How many?

A. There were quite a few, quite a group of students standing at the Fine Arts Building, many of them I knew, and I went over and I asked them something, asked how long they had been there, and they told me, and I think I was there five minutes and I came back, and they were making or had tried two more, and both of them just flared [fol. 1181] into fire, didn't reach the Marshals and didn't explode, and it made them quite mad, and about that time, why, somebody hollered "We will get Mr. Walker to tell us how to make them." And I paid no attention to that. In a matter of a minute or so, here was Mr. Walker, walking this way.

Q. Where they were making the Molotov cocktails?

A. Yes. And he listened, one of the students asked "Will you help us make some Molotov cocktails, or show us how? Ours are not working." And he made no comment but nodded his head, and didn't do anything. Then finally one student said, "Well, we are having trouble with these damn tear gas bombs. How can we put these things out? Water doesn't help?" And he suggested using sand.

Q. This was still in the area north of the oval, where they were making the cocktails?

A. Right in that area.

Q. And he suggested the use of sand?

A. He suggested the use of sand, but he said, "Where can you find it?"

Q. Who is "he," Walker or the boy?

A. Mr. Walker said, "Where you—can you find it", or "Where can they find it," and one of the students said, "Oh, we can find it," and that's all the comment of Mr. Walker, and he turned around with a couple of students and walked back into the general area of the monument. I [fol. 1182] walked back, and I saw him down there talking to some people, and I saw no reason to stick around, and I went to a telephone.

\* \* \*

Mr. Gooch: That is through Line 7.

Mr. Watts: Would you mind reading just the next two questions and answers?

Mr. Gooch: Not at all.

"Question: Same phone?"

"Answer: Same."

Mr. Watts: May we agree, in order to save reading a lot of this deposition, that that phone is in Lebuve, in this building?

Mr. Gooch: It is in Lebuve Hall.

Mr. Watts: Well, this says Lebuve Hall.

Mr. Gooch: Yes, sir.

Mr. Watts: May we also agree that this scale here is applicable to this map.

Mr. Gooch: Yes, sir, so far as I know. How many more do you want me to read?

Mr. Watts: Just the next two.

\* \* \*

Q. Now this would be, by my record of your telephone calls, Number 10. What did you report at that time?

A. The fact that they were throwing Molotov cocktails [fol. 1183] and I said three of them had been unsuccessful and there had been no explosion, and I said they had asked General Walker how to make them and that he had made no comment, and then nodded his head as if to say, "No,"—

\* \* \*

Mr. Watts: That is as far as I am interested in. The rest of it is repetition.

Q. You say he nodded his head no or yes?

A. Like that (indicating). Shaking it sideways as if to say no.

\* \* \*

Mr. Gooch: And that is through Line 18, on Page 175. I believe that is all we have to offer at this time from the Savell deposition.

Mr. Watts: Would you mind reading two questions, or I will read the questions and you read the answers?

Mr. Gooch: Sure. What page?

Mr. Watts: Page 176, Line 4.

Q. Still up to this time had you seen anyone connected with the AP?

A. No.

Q. Any other newsmen except the one individual with U.S. News?

A. Not to my knowledge, no, I hadn't.

Q. You had seen no one connected with the UPI?

[fol. 1184] A. No, no, not with the UPI . . . I went back to the area, the route I was taking the first time.

Q. That would be around to the south?

A. Yes. This time I got back there and I couldn't find Mr. Walker.

Q. Wait. First you went back to the phone and reported in this incident about Walker?

A. Yes.

Q. Telling them about the sand?

A. Yes.

Q. Then when you went back there, you went this way, and did you take the north or south route?

A. No.

Q. When you went to the phone?

A. I started to take the north route, but when I got there I found tear gas, so I couldn't stand it.

Q. Where?

A. There is a valley between the Fine Arts and the Math Building. I had used it before, but the gas, tear gas was so thick in that area that I couldn't stand it even with a wet towel around my face, so I turned around and went back this way, went back to the south, to the phone, made my report and went back to the area of the monument by way of the southern route.

\* \* \*

[fol. 1185] Mr. Watts: May we agree the southern route would be roughly starting at Lebuve Hall, and roughly in this direction (indicating).

Mr. Gooch: Whatever the map shows.

Mr. Watts: All right, that is all.

[fol. 1186] Mr. Watts: Mr. Gooch, I have one other short one on page 8 I would like to read, if you don't mind reading the answer. Page 8, line 14.

Mr. Gooch: Be glad to.

Mr. Watts: On the previous line, to tie it into continuity.

I had asked the question: "Were you given any briefing as to the slanting of the news?"

The answers was: "I was told there was no such thing, strict facts and nothing else.

Question: "What did you understand to be slanting of the news?"

Answer: "Slanting of the news, possibly reporting the facts, but at the same time reporting it for only one side."

Question: "Over-emphasis on one side?"

Answer: "Certainly."

Mr. Watts: That's all. Any more deposition, Tiny?

Mr. Gooch: Not this witness.

Mr. Watts: Are you going to offer any more depositions now or shall I offer a witness?

Mr. Gooch: No, you can go ahead.

Mr. Watts: Mr. Dornblaser.

---

[fol. 1187] JOSEPH DORNBLASER, called as a witness by the Plaintiff, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Watts:

Q. Your name, please, sir?

A. Joseph Dornblaser.

Q. Have you been in the Court room at any time since this trial has been going on?

A. I have not.

Q. All right, sir. What is your—briefly—your background?

A. I entered the Army in 1917 and retired with the grade of Colonel in 1948.

Q. Were you in a combat branch or support branch?

A. Mostly support branch.

Q. Did you have occasion to become acquainted with General Walker?

A. Yes, sir.

Q. First when?

A. About 1930.

Q. Did you have a specialty in your Military duties?

A. I was used largely for the purchase of horses and [fol. 1188] mules for the calvary and the artillery.

Q. To shorten it and lead you a little, was that what was known as the "remount service"?

A. Remount service, yes, sir.

Q. Did you buy horses and mules all over the ranch country of Texas?

A. Yes, sir.

Q. While you were out there on these assignments, did you ever read any newspapers?

A. Yes, sir.

Q. What newspaper did you find to be the primary news organ in that area?

A. Well, it was definitely the Star Telegram. That would seem to be the Bible of all the ranch people.

Q. And what was your connection with Walker in those—in the 30's?

A. Well, we were both interested in horses and they had a ranch at Center Point and that was one of my favorite stops, so I could stay all night there.

Q. And did he stay active in connection with the horse. . . . ?

A. Yes, he did. He was. . . .

Q. Did you have any contact with him after World War II?

A. Yes, sir, I was—while I was commanding officer of [fol. 1189] the Southwestern Remount Station at San Angelo, Texas, he came up and many times to visit me and also to take part in the horse shows there and, in addition, I was stationed for about a year at Fort Sill with General Walker.

Q. Prior to October 1, 1962, what was General Walker's reputation as a capable and competent Army officer?

Don't answer this until I finish the question.

Mr. Gooch: To which we object.

By Mr. Watts:

Q. Capable and competent Army officer as you knew it generally.

Mr. Gooch: I object.

The Court: I would have to sustain that.

By Mr. Watts:

Q. All right. Now, then, did you have—where did you live in September and October of 1962?

A. Forth Worth, Texas.

Q. Were you retired?

A. I was retired.

Q. Did you read the Forth Worth Star Telegram?

A. Yes, sir.

Q. Did you have occasion to read these articles that we have outlined that said Walker led a charge of students on the Ole Miss campus on the night of September 30th, 1962?

[fol. 1190] A. I did.

Q. What impression did that have on you concerning General Walker after you read those articles?

Just a minute.

The Court: Just a minute, please. Ladies and Gentlemen, will you step into the Jury room for a moment, please?

\* \* \*

[fol. 1197] (Jury returns to the Court room.)

By Mr. Watts:

Q. What was your rank when you retired?

A. Colonel.

Q. Now, then, Colonel, did you know—answer this yes or no—the reputation of General Walker in the Fort Worth community and in the ranching area to the south and southwest served by the Fort Worth Star Telegram prior to September 30, 1962?

A. Yes, sir.

Q. What was his reputation as a peaceable, law-abiding citizen prior to that publicity that I have outlined? By the Fort Worth Star Telegram, as taken from the Associated Press publication? Was that reputation good or bad?

A. It was good.

Q. All right, sir. Now, then, you were familiar, as I understand, with these articles in the Fort Worth Star Telegram as published from the Associated Press sources [fol. 1198] that said he was leading a charge against U. S. Marshals, were you familiar with those articles?

A. Yes, sir.

Q. And after those articles were circulated in this same area, was his reputation good or bad?

A. Bad.

Mr. Watts: That's all.

Mr. Gooch: No questions.

The Court: You may step down, sir. I will release this witness.

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

Direct examination.

By Mr. Watts:

Q. You haven't been in the Court room during the course of this trial, have you?

A. No, sir.

Q. State your name, please?

A. Charles Joseph May, III.

Q. Where do you live?

A. Pascagoula, Mississippi.

Q. What is your age?

A. I am twenty-three years old.

[fol. 1199] Q. Are you a student at Mississippi University?

A. Yes, sir.

Q. Since when?

A. Since 1958.

Q. What school?

A. I am now in the School of Law.

Q. What class?

A. I am in the senior class.

Q. What class were you in in September of 1962?

A. I was in my second semester.

Q. Sir?

A. I was in my second semester. I had gone to one summer session.

Q. Of Law School?

A. Yes, sir.

Q. Were you on the campus that night?

A. Yes, sir.

Q. Do you know where the so-called Circle is?

A. Yes, sir.

Q. Did you arrive in the Circle area before or after the Marshals fired tear gas?

A. I was there before.

Q. Would you outline to the Court and Jury, please, sir, exactly what happened immediately before this tear gas was fired?

[fol. 1200] A. Well, immediately before the tear gas was fired, there were the Marshals, around three or four hundred of them, had surrounded the Lyceum Building and were standing on the steps.

In front of the Lyceum, there were several huge troop trucks in which the Marshals had come. The students were gathered in front of these trucks.

The trucks were between the Marshals and the students. Between the students and the trucks were the Mississippi Highway Patrol, trying to keep the students away from the trucks and the Marshals away from the students, I guess.

Q. Now, immediately before the firing of gas, what was the distance of the closest student to the closest Marshal, as you saw it?

A. I would say about twenty or thirty feet, at the most, because they had these trucks and they, also, had the Highway Patrol in between the trucks and the students.

Q. All right, sir. What was going on?

A. Well, the students were jeering and they had rebel flags, waving the flags and cheering. And I think some cigarettes—some cigarette butts were flicked over toward the Marshals, out in the street toward the trucks.

And groups of students were standing around talking to the Highway Patrol, asking them what their orders were. [fol. 1201] And the Highway Patrol were trying, were pushing the students back.

At one time the students had moved up toward the trucks and the Highway Patrol then pushed students all the way back across the road into the Circle.

And around that time I was over near the Fine Arts Building.

Q. Is that to the northeast of the Lyceum?

A. Yes, sir.

Q. All right.

A. I was standing, I would say, mid-way between the Fine Arts Building in the road and the Lyceum. And all of a sudden, I heard these explosions and I thought they were cherry bombs or firecrackers or something.

And then I saw one Highway Patrolman fell and this gas started coming up in the crowd.

And so several of us pulled the Highway Patrolman over across the street and we didn't know whether he had been shot. And then we ran—I ran into a girl's dormitory, which is about two blocks, it's behind the Fine Arts Building. I don't know the name of it. But we ran into the lobby there because I had that gas in my eyes.

Q. Which direction?

A. It was behind the Fine Arts Building. I don't know the name of the dormitory there.

[fol. 1202] Q. Noting the scale on this map, and this distance here as 500 feet, are you aware of the approximate distance from the monument around north of the Fine Arts Building over to LaBuve Hall?

A. LaBuve?

Q. Yes.

A. No, sir, I don't know.

Q. Well, is this LaBuve Hall way over here northwest of the Fine Arts—of the Lyceum?

A. Yes, sir, yes.

Q. Over in here. All right. Now, I wish you would take this pointer and from there on to the best of the capability of your memory, explain to this Court and Jury exactly what you saw, where it was and what happened.

A. Well, when the tear gas was fired, I was standing, I would say, in this area (indicating), and after we drug the Highway Patrolman—he was shot in the back with a tear gas shell or something of that sort—and we ran around the, let me see, around—around this side of the Fine Arts Building and into Ward Dormitory here.

And at that time there had already been a crowd in there watching the President's speech on television.

And so I tried,—I got some water to wash out my eyes. And then I came back out of Ward Dormitory and came over here to this street (indicating); I would say I was [fol. 1203] right in here, between the “Y” Building and the Fine Arts Center, with a view of the Circle.

Here I met Dr. James Silver, who was standing there. He was a professor at the University of Mississippi in history.

And I stood there and we talked and watched all of the commotion out here in the Circle, stood there, I guess, from about 8:15 until 9:00 o'clock, somewhere around in that area.

Q. Now, in that period of time, was there any large mass of students—well, we will skip that—say, from a period of about ten or fifteen minutes after the riot first started, with the firing of tear gas, from that time on until you met Silver, was there any large movement of a great mass of people across that Circle area?

A. Yes, sir, right after the tear gas had been fired, there was not. There was a movement away from it, of course. Nobody knew what was going on.

And so I would say in about five minutes, by the time I came out of Ward Dormitory and down here, you could see little groups of people run across toward the Lyceum and some of the Marshals, at first they lined up like this (indicating), and would march across the Circle here like this and then crowds of students would come from this way or behind them or this way and sometimes the Marshals even ran down here and into the Grove and I know, because we were standing there, Dr. Silver and I, and students would run by, “Here come the Marshals,” and we would both have to run to get away because . . .

[fol. 1205] Q. Now from the time this first movement until you left Dr. Silver, was there a movement of the students, or was it a sporadic activity by little groups?

A. It was just sporadic activity. I would say we had activity from over here around the Chemistry Building,

and from behind it, where the—here at Carrier Hall, from behind any of these buildings. You would have small groups of people.

Q. If within that period of time there had been a charge started en masse down here east of the Confederate monument with three leaders in front of it, and a line of a thousand people, and had moved within about 25 feet of this north curb, and had then moved down toward the Marshals and gotten almost to them, and at which time the tear gas—the missiles were discharged and thrown at the Marshals, the tear gas was fired, and all that group of people raced back to the monument, would you have been in a position where you would or would not have seen such an activity? Yes or no?

A. Yes, I would have seen it.

Q. Did such an activity occur at any time from the time this riot first broke until you were up there talking to Dr. Silver? Yes or no?

A. With 1,000 people?

Q. Yes.

[fol. 1206] A. No, sir.

Q. All right, have you outlined to us as best you can what did happen before you went up there and talked to Dr. Silver?

A. Yes, sir.

Q. All right, tell us then from that time on in details, relive in your memory, and tell this jury exactly what you saw.

A. Well, at about, I would say 9:00 o'clock, I saw there was a crowd of people over here toward the monument. And so I came around through the grove, behind the "Y" Building, and behind the Geology Building, into the street, and then I came up and I stood, I would say, right around here (indicating on map).

There was a pile of construction material—no, it was right about here. They had piles of brick and lumber stacked here.

Q. Was there a street immediately to the north of you?

A. Yes, sir, this—well, it was this junction right here (indicating).

Q. Did any vehicles come out of that street about that time?

A. Yes, sir, after I had been there two or three minutes I noticed that all the highway patrolmen were leaving, [fol. 1207] and some of them came up in here, and others came around through here, and through here (indicating on chart), and all the students started yelling, "Why are you all leaving?"

And they said—

Mr. Gooch: I object to that.

Mr. Watts: You can't say—

The Court: Sustained.

Q. Take your seat.

A. Sir?

Q. You may take your seat. Don't tell what the highway patrolman said, but what were the comments when the highway patrol left?

A. The students were all yelling, "Why are you going; why are you leaving us?" And I can't tell you what they said?

Q. You can tell what the students said but not what the highway patrol said.

A. Well, they were all yelling that, "Why are you all leaving, why don't you all stay?"

Q. Go ahead.

A. And about this time all the highway patrolmen were moving out, and I guess there were—I don't know, 40 or 50 cars, may be more, and, anyway, they all pulled out and all the students were out there waving at them, and asking them to please stay, and then I heard someone say, "Well, [fol. 1208] here comes General Walker." Somebody in the crowd. It started as murmuring, you could hear a little murmur through the crowd, so I stood there on this pile of lumber and General Walker was in the—when I first saw him he was just in the general vicinity—can I show you?

Q. Sure.

A. I was in this general vicinity here (indicating on chart), and he walked around here. I stood on this pile of lumber right here and I believe there was a light, a vapor light there, and General Walker walked around back and forth, and people would come up to him and shake his hand, and—in groups of two or three—and stand around there, and he stood around there in the crowd, and people would go up to him, and I think he gave some autographs or something, and anyway, he just stood there talking to people, and walking around, and he just walked back and forth in front there of the statue.

He might have gone up behind it. I didn't notice, but anyway for a while he just did that, for a while, and after a while went—when all the highway patrolmen had left they kept hollering, "General Walker, will you give us a speech; speech, speech."

You could hear it, all the yelling out in the crowd, so finally General Walker moved over toward the monument, and he stood around talking to the people at the monument a [fol. 1209] couple of minutes, and I think some—two boys boosted him up on the monument.

Q. Where did you go from there?

A. I moved up as close as I could to the monument.

Q. About how closer were you?

A. I was, I would say, in the middle—in the middle, half-way towards the front.

Q. Could you estimate in distances in the room here something that is an equivalent distance?

A. I would say I was as far as from here to the last juror over here, the lady in the corner (indicating).

Q. And did you hear what General Walker said from the monument?

A. Yes.

Q. Prior to that speech had you heard any comment by the students about Governor Barnett?

A. Yes, they kept asking the highway patrolmen, "Why are you all leaving, has Ross sold us out?"

Everybody calls him "Ross", in Mississippi.

Q. All right, go ahead.

A. And the highway patrol wouldn't say anything. They said, "We don't know, we haven't—all we have is orders to leave."

Q. Now then did you hear General Walker's speech?

A. Yes, sir.

[fol. 1210] Q. Tell the jury as nearly as you can remember what was said.

A. Well, the students asked General Walker the same thing they had asked the Highway Patrol, they kept yelling, "Has Ross sold us out, has Ross sold us out?"

And General Walker stood up there on the statue and he said, "I can assure you. . . ." He said, "Your Governor has not let you down. I just returned from a meeting downtown in Oxford and I can assure you it is not your Governor."

And at this time we had some—there were people applauding and everything, and then he said, "What are these troops doing here? Cuba is that way."

And he pointed toward the south.

And he said, "This isn't the way to Cuba."

He said, "Under the Constitution you have a right to protest but if there is any blood shed, let it be on the hands of the Federal Government."

He said, "We must stop this, we must stop this riot."

And the people booed and jeered, and a lot of people left then.

And I heard people say, "He is no good; he ought to be out here leading."

And I would say about one-quarter of the people left [fol. 1211] when he said that.

And people kept yelling, "Who sold us out if it wasn't Ross?"

And he said, "I can't tell you now. I cannot divulge that. I have learned at a meeting downtown in the courthouse . . ." I believe he said that, "But I can't divulge it now."

And they kept yelling, "Who was it; who was it?"

And the people were booing and jeering and everything, and General Walker leaned over and talked to a couple of men standing there and he stood up and he said, "It was Col. Birdsong."

At this time a lot of people didn't know who Col. Birdsong was, and they would yell, "Who is he," you know, and he said, "He is your Highway Director."

And about this time the Episcopal priest there, Duncan Gray, Reverend Duncan Gray walked over. He came from the "Y" Building, from the vicinity of the "Y" Building, and moved over towards the statue.

And he walked up towards the statue and I couldn't hear what he said to General Walker, but I saw a fellow who, I later found out was a Sheriff, grab him, grab Duncan Gray, and two students, and pulled him back through the crowd. Because the crowd was surging in on him, and General Walker said, "This man makes me ashamed I am an [fol. 1212] Episcopalian."

And after that time they took Reverend Gray back into the "Y" Building, the Sheriff and these other two men.

And I stood there for a while and that was about all I can remember about the speech.

Q. Were you there when General Walker got down off the monument?

A. Yes.

Q. What did he do, where did he go?

A. Well, he stood around in front of the monument for about—well, I couldn't estimate the time, really. Probably upward to 15 minutes, and I wanted to go—that was the first time that I had ever seen him and I wanted to go shake his hand.

And so I—

Q. He stood in the vicinity of the monument for 15 minutes?

A. Yes, sir, I would say 10 or 15 minutes.

Q. All right, go ahead.

A. And, well, I walked over toward him. There was a group of people around him talking to him and shaking his

hand and everything, and I would say I don't know how many, but it wasn't but, maybe, 15 or 20 in his general area.

Q. Did you go over and shake hands with him?

A. Yes, sir, I got up—

[fol. 1213] Q. Did you talk to him?

A. Yes, sir, and people were asking him questions. Can I tell you some of the questions?

Q. Well, I don't believe you'd better say what they told him. You can say anything you heard General Walker say.

A. I asked him, I said, "General Walker, do you think if you were in charge here you could stop the riot?"

And he said, "Hell, if I had been in charge here we wouldn't have had a riot."

And then other people were asking him things like that, and—let's see.

Well, anyway, he was moving around at this time, sort of moseying back and forth in front of the statue there, the Confederate statue, so after I had talked to him a few minutes I went back and stood on that pile of lumber back there, you know, where I could see pretty good, and he wandered around the statue there and most of the people had gone home—well, I don't know where they went, but most of the people had left the area, and had either gone back behind the Chemistry Building there, or behind the Fine Arts Center back there, or over towards that.

Because they were burning some cars over there and—

Q. And what did you do then?

A. I stood there about, I would say, five or six more minutes on top of that brick, and nothing was happening, [fol. 1214] so I went downtown—I went out on University Avenue and caught a ride downtown with a Sheriff.

Q. Did you see General Walker anymore?

A. I didn't see him any more that night.

Mr. Watts: That's all.

## Cross examination.

By Mr. Gooch:

Q. Mr. Mays, directing your attention to the period of time after the tear gas was fired, I believe you stated generally, and correct me if I am wrong, that there was quite a bit of surging towards the Marshals by groups of some size after the gas was fired, is that correct?

A. Yes, sir. Not immediately after.

Q. Well, at any time after?

A. Yes, sir, after—well, that goes into the next day.

Q. And that was happening prior to the time that General Walker got to the campus?

A. Yes.

Q. Was it happening during and at the time General Walker got there?

A. No, sir, I would say that was the quietest time during the riot.

Q. All right. Now, where was the—what would the students throw at the Marshals?

[fol. 1215] A. In the vicinity of the Science Building they had stacks of bricks, and I believe they threw bricks, mostly. I didn't ever go up in the circle myself.

Q. I take it you didn't participate in any of the rioting?

A. No, sir.

Q. How would these groups form? Would it just be spontaneous, and go forward and some of them throw their rocks, bricks and so on?

A. Yes, sir, I would say in groups of maybe five or ten.

Q. Well, now where would they detach themselves from? Would you say that the people were scattered completely out, or was there any grouping? You mentioned a crowd a time or two in your statement.

A. Yes, sir.

Q. Would they detach themselves from the crowd?

A. Yes, sir.

Q. To run up and throw the brick?

A. Yes, sir. Right after the riot I would say you had your biggest crowd. Up until about, maybe about four or five minutes right after they shot the tear gas. You had your biggest crowd, but the Marshals kept firing this tear gas and it kept building up and so most people left. Or the larger majority of the people had left after about 45 minutes, it [fol. 1216] was so gassy around there.

Q. Well, I understood you to say that there was a crowd?

A. Yes, sir.

Q. Around the monument at the time General Walker came on the campus?

A. Yes, sir, but it wasn't as big as the crowd that had been there when they fired the tear gas.

Q. Well, most everything is relative, isn't it, Mr. Mays?

A. Yes, sir.

Q. Had that crowd that had come down around the monument, had some of them detached themselves from the crowd prior to the time he got there and gone up and thrown something at the Marshals?

A. I couldn't say whether they did or not.

Q. The source of supply of the brick, at least, was about where you were standing?

A. Yes, sir.

Q. I guess you were able to observe quite a few of those brick and stone was being hauled from your vantage point over to the students doing the tossing, is that correct?

A. No, by the time I had gotten there, you see, that was one of the quietest times during the riot. I wouldn't have [fol. 1217] ever come around there if—if they would have been charging.

Q. That wasn't the question I asked you.

A. Yes, sir.

Q. Were you as close to the source of supply of the bricks and stones and sticks from the new construction—

A. Yes, sir, I would say so.

Q. Did you see any students coming in and around that construction where you were standing and picking up sticks,

stones and whatever they could get to be used as missiles toward the Marshals?

A. Yes, sir.

Q. Was that almost continuous throughout the night?

A. No, sir. Not the time—it was not continuous the time I was there.

Q. You say it was continuous?

A. You—no, sir, it was not.

Q. When did it stop?

A. Well, when I first got there there were a few people milling around in the streets. By the time General Walker had started talking on the statue there was no rioting at all then. There was no charges.

In fact, the Marshals were still firing tear gas, and they fired some of these rockets that would reach all the way from the Lyceum back toward us.

[fol. 1218] Q. By the way, you say, “Those charges”. Now, what do you describe as a charge?

A. A group of maybe—well, I don’t know, in talking about this, talking about the riot. I would say maybe eight or ten people running toward the Lyceum throwing brick.

Q. That would be your definition of a charge? You have used that several times.

A. Yes, sir.

Q. All right. Now you say when you first saw General Walker coming on the campus he was greeted by “Here is Walker.” Did you hear them say anything about, “Here is our leader”?

A. No, sir.

Q. Had you heard any previous word prior to this night that General Walker might be coming ten thousand strong?

A. I think I might have read it in the newspaper.

Q. Did you hear the expression, “Bring your flag, your tent and your skillet?”

A. I couldn’t swear to it. I might have, yes, sir.

Q. But you had heard that General Walker was re-

ported to be on his way to Mississippi with 10,000 strong. Did you hear that?

A. Yes, sir.

Q. All right, did anybody ask him where his volunteers were when he came on the campus?

[fol. 1219] A. I didn't hear it.

Q. You didn't hear it?

A. No, sir.

Q. But did you hear a number of them say, "Here is General Walker."?

A. Yes.

Q. Anything said about "Here is the moral support we need, here is our leader"?

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

Q. Now prior to the time that this gas was fired up around the Lyceum Building, did you see anything being tossed at the Marshals by the students, or thrown?

A. Yes, sir, they were flipping some cigarettes, and that is all I saw myself.

Q. Any pebbles, stones or rock or anything of that sort?

A. Yes, sir, could have been. I did not see it. I have read about that in the newspaper.

Q. Well, now when General Walker first came on the campus and you say some of them, at least, "Here is Walker," and shook his hand, then what did General Walker do?

Mr. Watts: If the Court please, I object to that as not within the evidence. This man said he didn't see Walker come on the campus. That when he came back and found him, he was down at the monument; after he was down at [fol. 1220] the building. That is a misstatement.

The Court: After you saw General Walker.

Q. Let me—I misunderstood you.

Mr. Watts: Yeah, I think you misunderstood.

Q. Do you know when General Walker first came on the campus?

A. No, sir.

Q. I misunderstood you. I thought you said you saw him as he came towards the monument. But you don't attempt to say now as to what time General Walker came on the campus?

A. No, sir.

Q. Well, I beg your pardon, I misunderstood your testimony completely. Then you don't know what General Walker could have been doing on the campus prior to the time you saw him, do you?

A. No, sir.

Q. You don't know whether he had walked up with a group toward the flagpole or not, prior to that time, do you?

A. No, sir.

Q. I believe you said if there had been as many as 1,000 you would have seen it, is that right?

A. Yes, sir.

Q. All right, we will go back then, and I do apologize [fol. 1221] to you because I thought you said you saw him come on the campus. It now develops he had been there for some time, or according to you some time?

A. Well, I never said some time.

Q. Well, you don't know how long he had been on there?

A. No, sir.

Q. At any rate when you observed General Walker the first time you saw him, was when they were urging him to make the speech?

A. Yes, sir. When I first saw General Walker the last of the Highway Patrolmen were leaving.

Q. All right.

A. And they kept asking why, they kept asking the Highway Patrol, "Why are you leaving?". And then they were finding General Walker and saying, "Why are they leaving, General"?

Q. Incidentally at the time the Highway patrolmen left that caused quite a group of people to run over to the highway patrolmen, watching them leave?

A. I don't know, sir.

[fol. 1222] Q. Well, you spoke of a number of people yelling to them—

A. Yes.

Q. —as to why they were leaving?

A. Yes, sir.

Q. And I assume that the people had gone over to watch them leave, or had they?

A. Yes, sir. See, well, a lot of people had lined—there were a line of cars all down University Avenue down to the bridge.

Q. Yes, sir.

A. And just—not many of them were students. But there were just a lot of—I saw, talked to a cab driver and two or three sheriffs out there.

Q. All right. At any rate, when General Walker—when they yelled, “Speech, speech, speech,”—and I think I quote you exactly on that?

A. Yes, sir.

Q. Did he agree to make a speech, or did he just start up to the monument?

A. Well, he didn’t agree at first to make a speech. They kept—

Q. I guess he finally consented—did he say so or just impliedly walk over there?

A. Well, from—they—it took a while, I believe. I don’t [fol. 1223] remember him going right up there immediately.

Q. I think I quote you when you said that two people boosted him up on the monument?

A. Yes, sir.

Q. Do you know who those two people were?

A. No, sir.

Q. How did they boost him up there?

A. Just sort of took him by the arms and helped him up.

Q. And you don’t know who those people were?

A. No, sir. There might have been two or three, I’m sorry about that.

Q. All right. And you heard him say something about, “What are the troops doing here?”

A. Yes, sir.

Q. Were there any troops on the campus there at that time?

A. Yes, sir, I believe so.

Q. Do you know what time the troops came in?

A. Well, there were some Negro troops driving those trucks that brought the Marshals.

Q. I'm talking about the Marshals around the Lyceum, had you seen the troops come in with bayonets at that time?

A. No, sir.

[fol. 1224] Q. What—did that occur later? You don't know when they came in, do you?

A. Yes, sir.

Q. When?

A. I think. They came in around 12:00 midnight.

Q. You were a long way from the campus at that time, as I understand your testimony?

A. When?

When the troops finally came in?

Q. Yes, sir.

A. No, sir, I was over by the—I think I had gone back and talked to Dr. Silver again after that. See, I went—

Q. I understood you to say that shortly after Walker, within twenty minutes after Walker's speech, you left and went back to town?

A. Yes, sir.

Q. Did you come back?

A. Yes, sir. I was trying to call home.

Q. Oh. Then the first you heard of any troops being on the campus was around 12:00 midnight?

A. Yes, sir.

Q. All right. Then all your conversation with General Walker occurred before that time, did they not?

A. Yes, sir.

[fol. 1225] Q. All right. Then all your conversation with General Walker occurred before that time, did they not?

A. Yes, sir.

Q. And the speech on the monument was about what time? Would you estimate that?

A. No, sir, I couldn't. Maybe 9:30 or 10:00, right in there somewhere.

Q. 9:30 or 10:00?

A. Yes, sir.

Q. And you don't know, of course, what time General Walker got on the campus that night, do you?

A. No, sir.

Q. All right. Now, I believe you stated that you heard him say something about Cuba?

A. Yes, sir.

Q. What was that?

A. He said, "What are these troops doing here? Cuba is this way (indicating)," or, "That's the way to Cuba," one. It was something like that.

Q. He said, "What are those troops doing here?"

A. Yes, sir.

Q. Did you see any troops at that time?

A. No, sir.

Q. All right. And I believe you said that you have a right to protest?

[fol. 1226] A. Yes, sir—he said, "I remember he said, "Under the Constitution, you have a right to protest."

Q. All right. Now, what sort of protest had been occurring prior to that time?

A. Well, just the riot, I guess.

Q. Throwing rocks?

A. Yes, sir.

Q. Sticks and bottles?

A. Yes, sir.

Q. And stones at the Marshals, hadn't they?

A. Yes, sir.

Q. All right.

A. You didn't finish the statement there, though, sir. That wasn't the whole statement he made. That wasn't the whole sentence. You have taken part of it there.

Q. I thought you said, "You have a right to protest under the Constitution"?

A. Yes, sir, but, he said, "But, if there is any bloodshed, let it be on the hands of the Federal Government."

Q. "But if there is any bloodshed—

A. Yes, sir.

Q. —let it be on the hands of the Federal Government"?

A. Yes, sir.

[fol. 1227] Q. Well, I was going to get down to that next but I'm glad you brought that in.

A. Yes, sir.

Q. Because the rioting had occurred and everybody knew about that at that time, didn't they?

A. Yes, sir.

Q. And he was saying, "You have a right to protest but if there is going to be any bloodshed, let it be on the hands of the Federal Government"?

A. Yes.

Q. Is that what he said?

A. Yes, sir, he said, "There must be an end to this rioting."

Q. Yes, sir. Did he say, "Violence is not the answer?"

A. I don't remember that, I'm sorry.

Q. Did he say, "Nobody intended violence?"

A. He might have. I don't remember all—that's all I remember of—

Q. Did he say, "Neither Governor Barnett and myself have told you use violence;" did he make those, did he make that statement?

A. I couldn't swear to it, sir.

Q. Well, what did he say about a peaceful protest?

A. All I remember is, he said that, "Under the Constitution, you have a right to protest. But if there is any bloodshed, let it be on the hands of the Federal Government."

And he said, "There must be an end to this violence," or, "We must stop this violence." Or, "We must stop this riot," or it was something to that effect.

Q. Well, now, which did he say, "The rioting" or "The violence"?

A. I couldn't swear to it, sir.

Q. All right. Then he was asked if—or at some time, at least, he was asked if Ross had sold them out?

A. Yeah, the crowd asked him.

Q. Now, you knew at that time, did you not, that Governor Ross Barnett was still protesting the entrance of Meredith into the University, didn't you?

A. No, sir, I didn't know. I had heard Governor Barnett's speech on the radio about, I think it was, 7:30, and he made the statement, "Our heads are bowed, but let's try to be honorable," or something like that, and I didn't know what that meant.

Q. I see. What—but, at any rate, he told the students there that Governor Barnett had not sold them out?

A. Yes, sir.

Q. You knew that prior to that speech, which you say [fol. 1229] you heard, that Governor Barnett was still standing on his original position of keeping Meredith off of that campus, didn't you?

A. Yes, sir, before that speech.

Q. All right, sir. Then I believe you said that when they kept asking him who it was that sold them out, that he said he wasn't at liberty to disclose it, is that what you said?

A. Yes, sir.

Q. Just how did he put that? Did he say, "I am not at liberty—

A. He said, "I cannot divulge that at this time." He said, "I have just returned from a meeting at the Courthouse and I cannot divulge that at this time."

Q. Did that mean by you (sic) that he was holding something back on an implied promise or something?

A. Yes, sir.

Q. But he finally, at the insistence of the crowd, said it was Col. Birdsong?

A. Yes, sir.

Q. And I assume that he meant that the Governor, Barnett, was standing steadfast but that Birdsong was the one that sold them out; is that correct?

A. Yes, sir, I would . . .

Q. After General Walker came down off the monument, [fol. 1230] what did you say he did?

A. Well, he walked around and I would call it moseying, I don't know how to, any other word to explain it.

Q. That's a good word.

A. But he walked back and forth and groups of people would come over and shake his hand and talk to him, and that's when I went up and shook his hand and talked to him.

Q. Did he at any time after he came off the monument go toward the flagpole?

A. Yes, sir, I—yes, sir.

Q. How far did he go toward the flagpole?

A. I couldn't—I couldn't really say, sir.

Q. Was there any group around him or beside him as he went toward that flagpole?

A. It was not a group in itself. There were—he would just walk around, just . . . and walk—

Q. And everywhere he went—

Mr. Watts: Let him finish, please, sir.

The Court: Have you finished your answer, Mr. May?

The Witness: No, sir.

Mr. Gooch: Go ahead.

A. He was just, he would walk around and whenever he [fol. 1231] would walk, there would be four or five people come up and shake his hands, "Glad to meet you, General Walker," and then they would talk a minute and then they would leave. And wherever he went, it was that way—even days after the riot, all over the campus.

Q. Well, I am talking now, directing your attention—

A. Yes, sir.

Q. To after the speech on the monument?

A. Yes.

Q. Wherever General Walker went, there was a crowd around him, wasn't there?

A. Yes, sir.

Q. And do you say that he did not walk up towards the monument?

A. Yes, sir, he did walk up, up toward the monument.

Q. Do you know how far he walked up toward the monument—I mean the flagpole, excuse me. Did he walk toward the flagpole?

A. Yes, he walked on the other side of the monument, towards the Lyceum.

Q. Do you know how far or what distance he walked from the monument to the flagpole?

A. No, sir, I wouldn't—if I can explain, see, I was standing there on that group of bricks and lumber there and he [fol. 1232] would just sort of walk up toward this way and then he would maybe move around and just walk around in circles, I would say, and he walked up there a little bit and then he would walk, and then maybe he would walk up there again. And after about ten minutes I thought nothing was going to happen and so I left.

Q. Was any tear gas fired any time you were in the presence of General Walker?

A. Yes, sir.

Q. When was that?

A. Before, during and after the speech.

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

Mr. Watts: If Your Honor please, this lad has a summer job at the University of Mississippi and may he be excused? He has to get back.

The Court: Spell the name for the reporter, the city in which you live.

The Witness: Pascagoula, P-a-s-c-a-g-o-u-l-a (spelling).

The Court: Is your name May or Mays?

The Witness: M-a-y.

The Court: No "s" on it?

The Witness: No, sir.

The Court: All right. Ladies and Gentlemen, we will recess until 2:00 o'clock.

[fol. 1233] (Whereupon, the Court was recessed at this point until 2:00 o'clock of the same day.)

[fol. 1234]                      Afternoon Session

(2:00 o'clock, p.m.)

Mr. Watts: If Your Honor please, we will read now part of the testimony of Alan Gould, who is Executive Editor of the Associated Press. The deposition was taken in Fort Worth on March 25, 1964.

Mr. Gooch: Taken by you.

Mr. Watts: Taken by me. I propounded the questions, yes, sir, starting on Page 4.

---

ALAN GOULD, testified by deposition as follows:

Direct examination.

Q. Will you state your name, please?

A. Alan Gould.

Q. Your residence?

A. Residence, Greenwich, Connecticut. You want the street address?

Q. Your profession?

A. I am retired now, and I am a Consultant with the Associated Press.

Q. For what period of time did you work for or with the Associated Press?

A. Since March, 1922 until—

Q. What was your background?

A. Until I retired at the end of January, 1963.

[fol. 1235]                      \* \* \*

Mr. Watts: Now turn to Page 6, the question at Line 6.

Q. What was your position?

A. My position was Executive Editor.

Q. And they left the post vacant when you retired?

A. Yes, for the time being. The responsibilities have been taken over by the General Manager of the Associated Press.

Q. What is his name?

A. Wes Gallinger.

Q. As far as you know has that position, as such, ever been filled?

A. No, sir.

Q. Describe for us, please, sir, your duties as Executive Editor.

A. I was in general charge of administering the news service of the Associated Press, including its various branches throughout the world.

Q. Now we have taken Mr. Relman Morin's deposition, and I understood from him that at each day at approximately 11:00 o'clock they had a meeting of the various heads of Departments in the Associated Press Headquarters in New York to consider various items in connection with your responsibilities. Is that an accurate statement of what occurred?

[fol. 1236] A. I am not familiar with what is occurring now.

Q. No, I mean what occurred when you were there? Did you have some type of executive meeting or Department Head Meeting every day to accomplish any particular purpose?

A. We would have meetings among the Department Heads to consider the current news situation daily. These meetings, as far as I was concerned, did not occur at any particular time, but were related to our activities, the news development, whatever planning and organizing we needed to do to cover that day's news. This is a continuing process.

\* \* \*

Mr. Watts: Now Page 8, Line 2.

Q. As of the first part of October, 1962, who were those individuals, and what were their assignments?

A. Generally, the men who would get together included the General News Editor.

Q. Who was he?

A. The Foreign News Editor.

Q. Who was he at that time?

A. Sam Blackman.

\* \* \*

Mr. Watts: Line 14.

Q. Foreign News Editor?

A. Foreign News Editor.

Q. Name?

[fol. 1237] A. Ben Bassett.

Q. Who else?

A. The General News Photo Editor, Al Resch, R-e-s-c-h, and such others as from time to time might have any particular reason for being included in these conferences, too.

Q. Who controlled or supervised that meeting?

A. I would from time to time, and Mr. Blackman, the General News Editor might.

Q. How long had you been Executive News Editor prior to the first of October, 1962?

A. I had the responsibility from December, 1941, about 10 days after Pearl Harbor, until I retired.

Q. I wish you would describe for us briefly, but in some adequate detail the organization and setup of the Associated Press.

A. You mean the news organization for which I was responsible?

Q. First, the corporate structure and the ownership, the operation, high level management.

A. There is no ownership of the Associated Press.

Q. I understand. It is a membership corporation?

A. It is a membership group. The members of the Associated Press elect a Board of Directors. The Board of Directors, in turn, selects the General Management.

[fol. 1238]

\* \* \*

Mr. Watts: Now over to Page 10, Line 11.

Q. I wish you would describe to us the events that actually took place in this meeting, as a typical example of what occurred, that led you to send personnel into the Oxford, Mississippi, area in connection with the Meredith enrollment. Just give us a thumbnail of what occurred and who said what to whom. You can just pick a date of your own choice.

A. Well, actually, to clear up the matter of these meetings, you have asked a number of questions, and I am inclined to think that it might be useful to particularize more with regard to the question you have asked about these meetings, Executive Staff Meetings.

Q. All right.

A. The daily meetings, which were not any fixed time, but depended upon events, and which were attended by people directly concerned with the particular developments in the AP, were held as and when required for operational purposes during the day.

In addition to that, and perhaps this may bear on what you were asking about earlier, there would be weekly meetings of all executives in charge of the various departments and branches of the AP, which was designed chiefly to communicate departmental activities, and to exchange [fol. 1239] ideas and to discuss planning in the broader sense as it involved the general news operation of the AP.

I mention these distinctions chiefly so there will be no confusion about what time the get-together you are asking about, when we discussed these meetings.

\* \* \*

Mr. Watts: Page 14, Line 2.

Q. Go ahead and tell us then briefly, on the weekly meeting—I think you have covered the daily meeting fairly well, give us an example—start with the weekly meeting just prior to the Oxford incident, and just tell us or give us a blow by blow account of what occurred. Who said what to whom in the weekly meeting?

A. I couldn't attempt now to recollect a blow by blow description of the weekly meeting, Mr. Watts, but in general, each department would report what it was doing, what it thought was of general interest. Ideas might be advanced for particular stories or features.

Q. Give us an example of that. What do you mean?

A. Well, the development of the news situation. A particular example might be in a political year, which this is. We would know in general what the chief figures in the political campaign intended to do. We might discuss the assignments and the arrangements that would be needed in order to produce the news coverage for a given segment [fol.1240] of the campaign. It might deal with various aspects of covering missile firing, particularly, of course, the orbiting of astronauts from Cape Canaveral.

Many of these great stories are immensely complex. They cross departmental lines. They involve arrangements and planning in a number of areas, as well as departments, so that the purpose there would be to discuss the various possibilities for both coverage, and for the assignment of staff people, and other aspects of the story of that kind.

Q. Now what personnel would attend these weekly meetings, and this time we are talking about immediately before or immediately after?

A. All available departmental chiefs of the AP.

Q. All right, in addition to Blackman—excuse me.

A. Some specialist would be there from time to time, such as Mr. Morin, who was a special correspondent of the AP, as you know, and covers a variety of news assignments.

\* \* \*

Mr. Watts: Over to Page 22.

[fol.1241] Q. Now, that news is the composite result of individuals who observe the news?

A. That's right.

Q. Did the Associated Press, in organizing and arranging its coverage of the Oxford incident, select the indi-

viduals, the particular individuals, who would go to Oxford and make the report?

A. At various echelons, we did, yes.

Q. Who selected them?

A. Well, you have the staff in New Orleans and Mississippi to begin with. Then reinforcements are sent in as developments warrant by request of the Chief of Bureau in charge of our field forces, in consultation with other Chiefs of Bureau, who may have or may not have men available, in consultation with the New York control center, the general desk, so that in the aggregate of our operations, we select men who are available, who are qualified to go in and handle various aspects of a story of multiple angles.

Q. Who did you send from New York to Oxford?

A. From New York, my recollection is we sent Sam Blackman.

Q. Who is "we"?

A. I did.

Q. All right, sir.

A. The General News Editor.

[fol. 1242] Q. In other words, it was your sole responsibility as to who would go?

A. No, it was my ultimate responsibility but I did not select or decide a lot of assignments. It was not my function to do so.

Q. Who did?

A. It was the function primarily of the Chief of Bureau. Then when you go beyond that, it can come to New York and the general desk can cooperate in providing the manpower or whatever additionally was needed.

In the particular case you asked about, who did we send from New York, the answer is that I directed Sam Blackman and Pat Morin to go.

Q. To Oxford?

A. Morin to Oxford and Blackman to New Orleans.

Mr. Watts: Now, if you will, turn to the deposition of Alfred Kuettner. We are about through.

Do you want to ask any questions from the deposition, Mr. Gooch?

Mr. Gooch: Not at this moment.

---

ALFRED KUETTNER, testified by deposition as follows:

By Mr. Watts:

Q. State your name, please, sir.

[fol. 1243] A. My name is Al Kuettner.

Mr. Watts: If Your Honor please, this deposition of Al Kuettner, we have stipulated, to save having to read a lot of preliminaries here, that Mr. Kuettner was a news reporter for the United Press International; that he was present on the Ole Mississippi campus that night and saw the things that he testified to and reported to his news service, the United Press International.

Mr. Gooch: The deposition was taken by Mr. Watts. It's Mr. Watts' witness.

Mr. Watts: Yes, the deposition was taken by—as you were. I wasn't there. I took one and then they re-took it.

Present at the taking of this deposition was Mr. John A. Dunnaway of New Orleans, or, as you were, Atlanta. And Mr. Carlisle Cravens, the gentleman sitting here, and Mr. Fred D. Smith, the gentleman that usually sits there. I don't know what happened to him.

Mr. Gooch: The deposition was taken on behalf of the Plaintiff, is what I am trying to arrive at.

Mr. Watts: That's right, taken on behalf of the Plaintiff, but not by me.

The Court: Do you stipulate to the facts which Mr. [fol. 1244] Watts said the two of you had agreed upon?

Mr. Gooch: Yes, that's all right.

Mr. Watts: Starting on page 16, at line 14, or 12. He will need to know where to start reading.

I will start over. My question is at line 12. Your answer is line 14.

Q. Now, what time did you get on the campus Sunday afternoon or evening?

A. Well, it was after dark.

Q. Did you see General Walker when he came on the campus?

A. Yes, sir.

Q. Where were you, Mr. Kuettner?

A. On University Avenue.

Q. Doing what?

A. Going to the telephone.

Mr. Watts: I would like to point on the chart at this point where this location is. On University Avenue is this Avenue right here (indicating).

Q. In other words, you were headed east?

A. Yes, sir.

Q. How far from the monument were you headed back towards where your telephone was?

A. Oh, I would say more than a couple hundred feet.

[fol. 1245] Q. Where did you see General Walker?

A. He was on the sidewalk on University Avenue.

Q. Which one, north or the south?

A. Well, as I recall, there was only one sidewalk on University Avenue right there.

Q. Which side of the street is it on?

A. He was on the left side of the street going toward the west, in a westerly direction.

Q. In other words, he would be on the south side of University Avenue, assuming it runs east and west?

A. Yes.

Q. Is that the same side of the building you were using?

A. Yes, sir.

Q. And you were headed back toward your building and he was meeting you, you were meeting each other?

A. Yes, sir.

Q. Do you recall what time it was?

A. No, I don't recall.

Q. Approximately.

A. Oh, I would say it was probably after 9:00.

Mr. Watts: Over now to page 18.

Q. Did you speak to General Walker?

A. I said, "Good evening."

Q. And was the street lighted?

[fol. 1246] A. It was lighted enough to see him.

Q. Sir?

A. It was lighted enough to see him.

Q. You had enough light to identify and recognize one another?

A. Yes.

Q. Anybody you knew?

A. Yes.

Q. Now, you didn't stop and have any conversation with him?

A. No, sir.

Mr. Watts: Then skip over to the top of page 19.

Q. But you didn't talk to him?

A. No, sir.

Q. And you didn't talk to him as he came on the campus that night about 9:00 o'clock or a little after?

A. No, sir.

Q. Where was the building located where the 'phone was you were using?

A. It was the Journalism Building.

Q. How far was that from the monument?

A. Oh, I would say about, maybe 500 feet or so.

Mr. Watts: (Indicating on map.)

Q. Where were you going at the time you met General [fol. 1247] Walker?

A. To the Journalism Building.

Q. To report what?

A. The increasing activity on the campus.

Q. And did you go ahead then and make your report?

A. Yes, sir.

Q. Did you report General Walker was on the campus?

A. Yes, sir.

Q. Did you immediately get a 'phone call through?

A. To the best of my knowledge.

Q. And when you finished it, you did what?

A. Went back to the campus.

Q. And when you got back to the campus, did you see General Walker?

A. I saw General Walker again, yes.

Q. Where was he?

A. Standing on the monument.

Q. On which side?

A. On the east side.

Q. Facing the direction you were coming from?

A. Yes, sir.

Q. And how close to General Walker did you get?

A. Oh, within, I guess, one hundred feet or so, one hundred, one hundred fifty feet.

[fol. 1248] Q. You never got any closer to him than that?

A. To the best of my knowledge, that was about it.

Q. Did you hear him say anything?

A. Yes.

Q. What did he say?

A. Well, again, not directly quoting him at this point, but he said something to the effect that, "You have every right to demonstrate, but this is not the way to Cuba." That, in general, is what I heard him say.

Q. Did you hear the crowd jeer him?

A. Yes, at one or two points.

Q. You reported, I believe, that the crowd gave him a massive jeer?

A. Yes.

Q. Now, describe what that information was the result of? Well, state whether there was jeering?

A. I heard some jeering.

Q. And can you state the occasion of it?

A. By something that he said, and I don't recall specifically at this point in response to what particular remark it was that the jeering came.

Q. Look at this copy of Plaintiff's Exhibit 3-G that was identified at the taking of the deposition on January 17th of this year.

Mr. Watts: Do we have that available? Do you have it, [fol. 1249] Carlisle?

Mr. Gooch: I don't have it.

Mr. Watts: I guess it's not here.

Q. Look at this message, UPI A144 N AJ and see if that refreshes your memory?

A. Yes, I will abide by this because this was given to our people here as a chronology of the events that were happening.

Q. Now, state for the record the basis of the report that you made that he was jeered.

A. When he made some reference to a desire that peace be restored, he was jeered.

Q. Will you state for the record whether or not as you reported in this statement that this is true, that during a lull in the rioting General Edwin A. Walker mounted a Confederate statue on the campus and begged the students to cease their violence?

A. Yes.

Q. That is true?

A. That is true.

Q. And was the massive jeer that is reported something that took place chronologically after that occurrence?

A. As I recall, it was.

Q. How much, and I don't mean percentage-wise, did [fol. 1250] you hear General Walker say while he was in that position of speaking to his audience?

A. Only what is reported in the dispatch that you have just shown me.

Q. Now, there were other dispatches, were any merely repetitious?

A. In general, we may have expanded some on what I said.

Mr. Watts: I believe that's all.

## CROSS EXAMINATION

Mr. Gooch: I didn't have a chance to check this. I have to be a little slow in reading.

Page 23.

Q. Let me ask you the question, what did you report that you heard him say?

A. At one point I reported him saying, "I want to compliment you all on the protest you make here tonight. You have a right to protest under the Constitution."

Q. Now, is that what you heard him say?

A. That is correct.

Q. Did you ever see General Walker, or did you see him on the monument with anyone else?

A. I don't recall whether anyone else was on the monument or not. There was quite a crowd of people around the monument. I don't know exactly the physical characteristics of this monument, but I think it has got a base [fol. 1251] and then a recess up above that and then the shaft goes on up, and there could have been somebody on there with him.

Q. You recall no occurrence that involved anyone else being on the monument with him?

A. I would not be able to say positively that there was or wasn't.

Q. And now did you continue on into the campus or did you go back to your telephone after you heard that portion of his remarks?

A. As I recall, I went back to the 'phone.

Q. And you reported them while they were fresh in your memory?

A. Yes, sir.

Q. And this is a report that you have just read?

A. Yes, sir, you see, if I could just—could I explain something there?

Q. Yes, sir.

A. At the height of something like this, you don't have time to stop and write down things in notebooks. You

have to commit them to memory and get back to your telephone and report that and to a large extent forget it because you just simply don't have time to commit a lot of things to writing at that point.

Q. Now, when you got through with that telephone call, [fol. 1252] did you then go immediately back to the Circle or Oval?

A. Yes, sir.

Q. Did you see General Walker?

A. I say immediately, I don't know. I don't recall whether that 'phone call took five minutes, fifteen minutes, twenty minutes, whether we had difficulty getting the call through, whether there were other things that I had to do before I got back, I just don't recall.

Q. My question was, when you did conclude it, did you go immediately back to the Oval?

A. Yes, sir.

Q. And did you see General Walker any more?

A. No, sir.

Q. Did you ever see him that night at all?

A. I saw him when I left the campus.

Q. And that was about what time?

A. Well, it was late. Most of the real trouble had stopped by then.

Mr. Gooch: Line 20.

Q. When did the soldiers come in?

A. Well, it was, as I recall, pretty close to midnight, sir.

Q. When did the Marshals come?

A. They came in that afternoon.

[fol. 1253] Mr. Gooch: 13 on page 26.

Q. And now between the time you saw General Walker on the monument and the time you saw him leave, first, let me ask you where was he when you saw him leaving?

A. On University Avenue.

Q. He had already passed out beyond the Circle and east of the monument?

A. Yes, sir.

Q. Had he reached the building where your telephoning was being done?

A. No, sir, it was between the monument and the Journalism Building.

Q. Was he on the sidewalk or in the street?

A. On the sidewalk.

Q. When he came in, who was with him, if anyone?

A. When he came onto the campus?

Q. Yes.

A. There were two men with him.

Q. Was there anybody in uniform?

A. No, sir.

Q. Did you see anybody with a badge that was with him?

A. No, sir.

Q. You did not see a badge, is that what you mean?

[fol. 1254] A. That is correct.

Q. Now, when he left, were those same two men with him?

A. There were two people with him when he left.

Q. Did they appear to be the same individuals?

A. Recalling this far back, I would say yes, but I am not positive.

Q. Now, between the time you saw him on the monument telling the students as you have indicated in this report and you reported that to your company and the time you saw him leaving, what did you do; where were you? Were you in and out of the crowd on the Oval?

A. Yes, sir. I say in and out of the crowd, this is true to this extent, that I mingled with this crowd around the perimeter, around the south perimeter of the Oval. Now, I didn't go straight up through the Grove to the Lyceum.

Q. What is in the middle of the Grove Street up?

A. Trees, flagpole.

Q. With reference to the center of the Oval, where is the flagpole located?

A. It is about in the middle.

Q. Is there a paved walkway from the monument by the flagpole to the Lyceum?

A. I believe so.

[fol. 1255] Q. Are there any cross pavements?

A. I think so.

Mr. Gooch: At line 24.

Q. And you could see what went on within the Oval and in front of the Lyceum Building as it faced east?

A. Mr. Dunaway, I could see what I could see. I don't mean to be ambiguous.

Q. I understand.

A. But this is a pretty big area. There was a tremendous crowd of people and I could see a good deal of what was going on. I could not see everything that was going on.

Mr. Watts: Would you read the next question, to save me coming back?

Q. You did not see General Walker lead a charge?

A. I did not.

Mr. Watts: Correction, Mr. Gooch, "You did not see Mr. Walker lead 'any' charge?"

Mr. Gooch: That's what I said.

Mr. Watts: No, you said, "A". Makes a lot of difference.

Mr. Gooch: Excuse me, "You did not see General Walker lead any charge?"

Answer: "I did not."

Q. Did you see or hear anything that would indicate [fol. 1256] to you that he was leading a charge?

A. I did not personally, no, sir.

Q. Now, as you walked and worked the south side of that Oval, was there a building under construction south of the monument on the south side there at the end of the Oval, a new building?

A. Yes, sir.

Q. And just west of that building there is a building there with some either fir trees or evergreens of some sort, two or three trees? You did not, as you worked the south side of the monument, at any time see General Walker standing over there in the neighborhood of those trees for a long period of time?

A. No, sir.

Q. You missed that?

A. I missed it.

Mr. Gooch: On page 30, line 10.

Q. What was the first contact that you observed between the students and the Marshals?

A. Jeers, some rock throwing, throwing of pebbles, that type of activity.

Q. Were you present when the first tear gas was thrown?

A. Yes, sir.

Q. Where were you at that time?

[fol. 1257] A. In the vicinity of the Lyceum.

Q. Well, on the south side of the perimeter?

A. Yes, sir.

Q. How far from the entrance of the Lyceum?

A. About one hundred feet.

Q. Were you in the crowd or in the street?

A. The crowd was in the street. It was all over the place. I don't remember whether I was standing on the street or not.

Q. How soon after the tear gas was thrown did you make a report by telephone to Atlanta?

A. Just as quick as I could get to a telephone.

Q. Did you run or walk?

A. Ran.

Q. Then, when you reported that, what did you do?

A. Went back.

Q. How near the other position were you at this time when you went back?

A. I don't recall at this point. There was a good deal of tear gas. They laid down a blanket of tear gas to dis-

perse the crowd that was near the Marshals and I don't recall now how close I was able to get, but in the vicinity, well up in the Grove.

[fol. 1258] Q. Were you able to identify anybody that was leading any charge?

A. No, sir.

Q. Or was there a charge? Was there any organized charge?

A. No, sir, not at that point.

Q. Did you ever see an organized charge?

A. Yes, sir, but I don't recall. I couldn't tell you who was leading. I say an organized charge, do you mean this, that you could see a column of people rushing in one direction together? This happened numerous times.

Q. Did you see any weapons on any of the persons that were engaged in the charge, firearms, is what I mean by weapons?

A. No, sir.

Q. What were they using?

A. Molotov cocktails—now I did not know—I am referring to those weapons as weapons that I saw in the hands of people going into the campus, into the crowd.

Q. Were they students?

A. I couldn't tell, sir, whether they were students or not. They were young people. Some of them had student-type, you know, sweaters and so forth. I saw numerous weapons in the hands of the people, stakes, Molotov cocktails, large rocks, broken brick, broken concrete, broken bottles, that [fol. 1259] type of thing.

Q. But you saw no firearms?

A. Not at that time, not that night. I did not see any firearms.

Q. Were the Marshals armed with firearms?

A. The Marshals were armed with firearms.

Q. Yes, sir.

A. Yes, sir, as far as I know they were.

Q. And did you see any pistols in holders on the Marshals?