

Mr. Address: Wait. "Go forward, please, sir," is not proper examination of his own witness, and we object to it.

If he wants to ask a specific question—

[fol. 1415] The Court: Then did General Walker say anything else on the monument?

The Witness: Yes, sir.

The Court: You may relate what he said.

A. General Walker made the statement that, to the best of my recollection, that, "That man is an Episcopalian priest. I am a member of the Episcopalian Church and I am ashamed of it."

I do not have that in my notes.

By Mr. Gooch:

Q. All right, now, does that conclude, as far as you recollect—

A. No, sir.

Q. Go ahead. Or maybe that is wrong. Did he say anything else?

A. General Walker continued, "You can continue protesting as you are. There is no stopping point. There are many heading toward Oxford, both Mississippians and non-Mississippians, to help you."

This was the end of his speech.

Q. At the conclusion of his speech, what did you do?

A. I went looking for a telephone. I realized that I had a story of great interest, and so I immediately left the area to try to find a telephone, to try to call in another report.

Q. Do you know where you went looking for a phone?

[fol. 1416] A. I have tried to retrace myself exactly, not until recently, and I cannot state positively, but to the best of my recollection I believe that I retraced my steps behind the Carrier Building, and behind the Engineering Building, again looking—and eventually was able to work my way to my car and went to the Oxford Radio Station in order to get a telephone.

Q. In other words your best recollection is that you came back around the Carrier Building, the Engineering Building, behind the Lyceum Building, and back around to the north side of the circle for your car?

A. I believe so.

Q. Did you get a telephone call through on the campus, or did you go to some other place?

A. I had—I had to leave the campus and go to the local radio station in Oxford to get a telephone.

Q. Was that the extent of your—did you return to the campus that night?

A. Yes, sir.

Q. Do you recall about what time?

A. Some time after 10:00 o'clock.

Q. Did you see General Walker any more that night?

A. No, sir.

Mr. Gooch: I believe that is all for the present.

Cross examination.

[fol. 1417] By Mr. Address:

Q. Mr. King, where is the Oxford Radio Station located?

A. I don't recall the number of the highway, but it is on the highway that runs east from Oxford.

Q. Which side of the town of Oxford is it? The University side or the other side?

A. Actually there is no residential area that you—the radio station is located on the edge of town, immediately on the highway.

Q. On the highway or bypass?

A. It is on the highway. I have not been to Oxford recently, you understand. There may be a bypass. It is on the highway from Oxford to Pontotoc.

Q. And what time did you arrive there?

A. I cannot say exactly. It was—I believe shortly before 10:00 o'clock, but that is just a guess, sir.

Q. Now of course in your business where there is split-second timing, you are accustomed to keeping your eye pretty closely on your watch, are you?

A. I don't own a watch.

Q. You don't own a watch?

A. No, sir.

Q. How do you keep your programs from running over?

A. We have clocks in the station, and we have to watch them very closely, sir.

[fol. 1418] Q. You don't own a watch?

A. No, sir.

Q. Now as I understand it during the interval of time that you went into the Chemistry Building to make the first telephone call was when the first salvo of tear gas took place?

A. Yes, sir.

Q. And when you had, just immediately before going into the Chemistry Building, walked down the area between the Marshals and the Highway Patrol, you saw no violence, you saw nothing thrown and you saw no physical contact between the students and the Marshals?

A. No, sir.

Q. But at that time you were expecting tear gas to be used?

A. I was aware of the possibility that tear gas might be used. Even on the previous day when I was there all of the Highway Patrolmen did have gas masks and I did not know on which side it might be used, but I expected the possibility enough that I carried a gas mask with me.

Q. Did the Highway Patrol have gas masks here on the afternoon of the 30th?

A. Yes, sir.

Q. Did they use gas masks?

A. No, sir.

[fol. 1419] Q. And at the time that you passed through there the Highway Patrol was engaged in moving the crowd back part of the way from the Marshals?

A. Yes, sir.

Q. What was the atmosphere, would you say, of the students as they were being moved back? More of a pep rally type thing, or Halloween type thing?

A. The atmosphere was quite charged, intense. They were responding to the Highway Patrol. The Highway Patrol was controlling them at that point. They were moving back on orders.

Q. The Highway Patrol was moving them back all right, and was controlling the group when you went into the Chemistry Building?

A. Yes, sir.

Q. By the time you came out there had been this salvo of tear gas?

A. Yes.

Q. Which of course carried out what you had expected?

A. It carried out the possibility that I had expected.

Q. Now I am quite interested in the notes, Mr. King. How did you take these notes?

A. Holding the pad on the side of my thigh, sir.

Q. I wonder if you would mind standing up there and playing like this was the pad, and show us—is that about [fol. 1420] the size of it.

A. Approximately, yes. Now as I took my notes, I was holding my pad approximately like this, sir, and writing. (Demonstrating)

Q. And you were just writing without looking?

A. Yes.

Q. And it was a fountain pen, wasn't it?

A. Yes.

Q. Ball point pen?

A. Yes, sir.

Q. You mind if I take this staple out of these so I can hand you these one by one?

A. All right, sir, if you communicate some way of keeping order.

Q. Yes, sir, I will put a paper clip on them and put them up here in plain view, just as quick as I get this out, where everybody can see them.

Now this first page, what does that say?

A. "I am sad for you. Go make your spiel somewhere else."

Q. What are the initials down there at the bottom?

A. Evidently a radio station. I am not sure. It means nothing to me.

Q. And what have you got on the back here?

A. A map, I believe, of the place where I was staying [fol. 1421] that night. Someone was telling me how I could find a place to stay.

Q. So you started taking notes then before the General started making the speech from the monument?

A. Now that map, I do not believe was made before that. That map was made later. It could have been added and I didn't know where I was going to stay until later that night. And evidently I used the back page of that pad later.

Q. I did understand you to say when the General said, "I am sad for you, go make your spiel somewhere else," that was sometime before he got up on the monument?

That was when he was down there talking to Gray?

A. Yes.

Q. So you started taking notes right then?

A. Yes, sir.

Q. This note two, was taken there on the side of your leg?

A. No, sir.

Q. Oh, it wasn't?

A. The letters down at the bottom, I don't know when that was mentioned.

Q. What is this second page?

A. "It says, "You are doing all right."

Q. Does it say, "You are," or "You doing"?

A. "You are doing all right." As in my statement— [fol. 1422] Q. No, no, I am just interested in this.

A. In other words, now—may I finish this now?

Now these notes admittedly are key phrases. The statement which read was typed up two days later.

Q. Well, the statement you read was typed up on December 19th?

A. The letter—the letter was. The statement that I originally typed was two days later.

Q. Have you got that?

A. Yes, sir.

Q. Have you got it with you?

A. Yes, sir.

Q. Let's see the one you typed two days later.

A. I am not sure that I have it with me, sir.

It is not dated, sir.

Q. Not dated. Neither are these notes, are they?

A. No, sir.

Q. So we have nothing except your memory and your statement that any time prior to December 10th, these had ever actually been made or typed up?

A. Yes, sir.

Q. Without—all right, now, you can put those papers back in your pocket.

Without putting anything else in except what is right here on this paper, what does that say, that key phrase? [fol. 1423] That is what I want, the key phrase.

PLAINTIFF'S EXHIBIT No. 21 READ INTO RECORD

A. "You are doing all right. Riot, riot. You are getting news all over the country. You got casualties."

Q. This is on the third line?

A. R-i-o-t. R-i-o-t.

Q. Yes, sir.

A. Yes, sir.

Q. You don't read that as "not," and "no"?

A. No, sir.

Q. All right, after this word that is supposed to be "country," what does it say there?

A. "You got casualties."

Q. Now the third page of this says what?

A. "I want to compliment you all on your protest."

Q. And the fourth page it says what?

A. "You have a right, did not come to see violence."

Q. And—

A. "Any blood you see tonight is on the hands of the Federal Government."

Q. What is that "w-d-," and "g"?

A. Yes, sir.

Q. Now these are all here together and there is no distinction between when these occurred. And this one says?

A. "And the Agencies thereof." "I have just been informed by representatives of Governor of the fact that [fol. 1424] these people are on campus due to sell-out. Definite orders that Marshals not be allowed on campus; at order of certain officials. Birdsong. I am only telling you what has been reported by an official representative of Governor. Do not expect violence and protest until Meredith not admitted. This is a long route to Cuba. Sorry an Episcopal Church. Duncan Gray says 'Stop it, you can'. Escorted off. You can continue protesting as you are. There is no stopping point. Many headed toward Oxford."

Q. And those are the notes which you say you took that night?

A. Yes, sir.

Mr. Address: We would like as part of the cross examination of this witness, we would like to have these notes offered in evidence, Your Honor.

Mr. Gooch: I have no objection.

The Court: Plaintiff's 21. Mark them all as one exhibit.

Mr. Address: Yes, sir, I have stapled them together again, Your Honor.

(Thereupon, said notes were marked Plaintiff's Exhibit No. 21, for identification.)

The Court: I will admit Plaintiff's 21, and recess until 2:00 o'clock.

* * *

[fol. 1425] (Thereupon, at 11:55 a.m., a recess was taken until 2:00 o'clock, p.m., of the same day.)

[fol. 1426]

AFTERNOON SESSION

2:00 P. M.

JOHN EDMUND KING, resumed his testimony on cross examination as follows:

Cross examination—(Continued).

By Mr. Andress:

Q. Mr. King, you stated that right after General Walker had made his speech up there on the statue, that you realized that you had a story of great interest and you then went looking for a telephone?

A. Yes, sir.

Q. And that what you did was to reverse your procedure and go from the monument back around Carrier Hall and behind the Lyceum and back behind Peabody Hall until you could get to your car, is that right?

A. Sir, I believe that I stated I did not immediately intend to go back to my car. I went looking for a telephone. I did not make notes of this. I have not—did not make notes at any time in—when it took place and I cannot exactly say, say exactly what route I took.

I know that I did not make a telephone call anywhere on the campus, that I had to go back to the radio station to make it.

Now, I cannot in my mind any longer retrace my road [fol. 1427] to my automobile.

Q. Well, you didn't go riot across the Circle to your car, did you?

A. No, sir.

Q. And the last time you had used the telephone—well, the second time—the first time you used the telephone had been in Carrier Hall, hadn't it?

A. Yes, sir.

Q. Did you go riot back to Carrier Hall then?

A. I cannot say, sir. It's possible I did, but I cannot state a fact, that I did.

Q. Well, when you went into Carrier Hall and used the telephone—no—you didn't use the telephone in the Student Union, did you?

A. No, sir, I tried to but I never got a call through.

Q. All right. Now, when you went into the Chemistry Building and made your first telephone call, was there any particular news or were you just saying that the Marshals were on the campus and the Patrol—

A. Sir, basically, it was a color story, in which I was reporting what I had observed, the scene as it was with the Marshals, where they were, where the crowd was, what they were doing.

And then, of course, at that time, the fact that tear gas [fol. 1428] had been fired. I had—

Q. That was fired while you were in the building, wasn't it?

A. Now, that was fired while I was in the first building, in the Chemistry Building.

Q. Yes.

A. My call—I did not get my call in until I got to the Carrier Building and so the tear gas had already been fired before I made my telephone call.

Q. Oh, well, then, you went into the Chemistry Building?

A. Looking for a telephone.

Q. Looking for a telephone. You were there about fifteen minutes but you didn't use the telephone?

A. No, sir.

Q. And it was while you were in there that the gas was fired?

A. Yes, sir.

Q. Then you came out of there and realized the gas had been fired, or you saw it from inside; you went out the rear of that building and into Carrier from the back?

A. Yes, sir, I—I heard the explosions of the tear gas being fired. Some people started coming into the building

where I was, and, of course, some of them had been caught [fol. 1429] in tear gas and they were making the statements, you know, that the tear gas barrage had been fired, and so I knew that it had been fired.

Q. And then that was what you reported when you went into Carrier Hall and used the telephone?

A. Yes, sir.

Q. The background story and the firing of the tear gas?

A. Yes, sir.

Q. There was nothing else of outstanding importance?

A. No, sir, I had not been there very long at the time and that was all there was to report, as far as I knew.

Q. Then after you had been there some fifteen or twenty minutes, you went around by the Student Union Building. How long did it take you to get there from Carrier?

A. It's very difficult to say, sir.

Q. Ten or fifteen minutes?

A. Possibly.

Q. Then you stayed there about fifteen minutes and couldn't get to your car, stayed there in the Student Union for about fifteen minutes?

A. Yes, sir.

Q. In the meantime, had there been anything in particular [fol. 1430] newsworthy that occurred?

A. I had just rumors, you could—everyone, of course, was talking about it. And students would be telling where they were when the tear gas went off, that they had been gassed, that they had seen people gassed, and, of course, there were a million stories, as far as conversations.

Q. There wasn't anything that you knew at that particular time that made it particularly necessary to get to a 'phone, though, so you started back on around?

A. No, sir, I attempted—I mean, of course, there were—on something like that, if you could get a telephone every five minutes, you would have something new to report, but, of course, it was nothing urgent at that point.

Q. Then you went back around all the buildings, around

the Lyceum, Carrier Hall, and so on, until you came to the monument and you went to the south to do that, or from the Student Union you go to the north?

A. I went back around the Chemistry, to Carrier, to the monument.

Q. Around the south side of the Circle, then?

A. Yes, sir. I assume so. I am not sure of north and south on the campus.

Q. And it was right after that that you saw General [fol. 1431] Walker walking around and talking to Gray and that you heard him say, "Riot, riot, you have got news all over," and so on?

A. Yes, sir.

Q. That was before he got up on the monument?

A. Yes, sir.

Q. And in the course of—did you hear him and see him talking with various groups of students?

A. Yes, sir, from the time I saw him until the completion of his speech, I stayed very close.

Q. And did you ever hear him say, "Rite, rite (phonetic)" to anybody else?

A. At the time he said it, he was talking to individuals who were nearby to him and telling him the stories. That's the only time I heard him make that statement.

Q. What did they do?

A. Oh, nothing in particular. It was soon after that, almost immediately after that that they started calling for a speech, as I recall.

Q. But this group that he was talking with at that time just stayed around there with him or just milled around like they had been doing?

A. Oh, yes, sir, the group at that time was observing what was going on.

[fol. 1432] Q. And they were just milling around?

A. Yes, sir.

Q. And then after he made this talk on the monument, why, that was the story that you realized was of great interest, that you went to 'phone in?

A. Yes, sir.

Q. And was that the only story of great interest that you had to 'phone in at that particular time?

A. With the exception of a rehash of what I had already reported. That, along with the overall picture of the scene as it was taking place.

Q. Uh-huh. And then because the telephone communications were pretty bad, that's when you cut back around or, at any rate, got back to your car, regardless of which way you went—

A. Yes.

Q. —you got back to your car, drove it off the campus?

A. Yes, sir.

Q. Your car hadn't been damaged?

A. No, sir.

Q. It was standing right there on the Circle Drive, by, in front of Peabody Hall?

A. Yes, sir.

Q. And do you have any recollection of whether you [fol. 1433] drove in front of the Lyceum or whether you drove out—

A. No, sir, I wouldn't have any. It would have been impossible to have driven in front. I turned around and went back out the way that I had come in.

Q. You turned around there in the street?

A. Yes, sir.

Q. You didn't have any trouble turning around?

A. I turned around on the lawn itself. Actually, my car was not parked on the pavement but there was a rolling curb there and my car was right up on the edge of the street there.

Q. Didn't have any trouble turning around, then?

A. No, sir.

Q. And went on off to the radio station and that's the last you know of the circumstances?

A. Concerning this, yes, sir. I was on the campus again but it was, of course, it was an hour or so later and as far as General Walker's presence there, I know nothing more.

Q. Were you in on the Circle there too?

A. Later that evening?

Q. Yes.

A. Oh, yes.

Q. And the same thing still going on?

A. Yes, sir.

[fol. 1434] Mr. Address: I think that's all. Wait a minute. Mr. King, did you—do you know what kind of stories your radio stations ran in connection with your reports?

The Witness: No, sir, I don't. Practically everything that I called back was tape recorded and what they used of the calls I made—several radio stations were exchanging stories, what they got from other stations, what we got from various sources, I don't know because, I mean—

By Mr. Address:

Q. In other words, the way things were going on that night—

A. I know less about what was actually broadcast during that particular time than most of my listeners because when I came back, I found out and had people tell me the coverage that we had, but I was not at the station and I cannot vouch for what they did.

Q. You didn't have a portable radio with you?

A. In my car I had a tape recorder, which I was able to use later in the evening; I mean, it was not—it was not portable to the extent that I could take it out of my car. It had to be operated off of the automobile's battery.

The next day, eventually, we rigged up radio communications from my car back to the local radio station, but [fol. 1435] I did not have it that night.

Q. Were there students around on the campus carrying transistors and little portable radios in their shirt pockets, and so on?

A. I saw none.

Q. You didn't hear any?

A. No, sir.

Q. It wasn't like being at a football game and hearing another football game in your neighbor's pocket?

A. Not that I know of, sir.

Q. Now, when you were reporting back there to your radio station, did you ever report anything about a mass charge?

A. No, sir.

Q. And you made no report to your station about General Walker having led a charge?

A. No, sir.

Q. You saw nothing of that sort?

A. No, sir.

Mr. Andress: That's all.

Mr. Gooch: Stand aside. Thank you very much, Mr. King.

[fol. 1436] CRAIG ELLIS, called as a witness by the Defendant, having been first duly sworn, testified as follows, to-wit:

Direct examination.

By Mr. Gooch:

Q. Please state your name.

A. Craig Ellis.

Q. And where do you live, please, sir?

A. Nashville, Tennessee.

Q. How long have you lived in Nashville, Tennessee?

A. All my life.

Q. How old are you, Mr. Ellis?

A. Twenty-six.

Q. Are you employed?

A. Yes, sir.

Q. Who is your employer?

A. United Press International.

Q. How long have you been with United Press International?

A. Approximately six months.

Q. Were you employed prior to that time?

A. Yes, sir.

Q. By whom?

A. Nashville Banner.

Q. How long were you employed by the Nashville Banner?

[fol. 1437] A. Approximately three years.

Q. Did you attend a college?

A. I took courses from several schools up there in the Nashville area but not—I did not graduate.

Q. All right, was your first newspaper experience with the Nashville Banner?

A. As far as a daily is concerned, yes, sir.

Q. What other news experience had you had prior to that time?

A. We have a small weekly paper in our home town, or in the suburb, and I had done some work for them, but, you know, just casual type writing.

Q. All right, are you married?

A. Yes, sir.

Q. Have any children?

A. One child.

Q. Now I guess then in September, 1962, you were employed by the Nashville Banner?

A. Yes, sir.

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

A. Yes, sir.

Q. Could you tell us when it was you went over to Oxford during that period?

A. I left late Saturday night. I am not sure what date. [fol. 1438] Saturday night prior to Sunday night when the trouble on the campus was. I left Saturday night and got there early Sunday morning, into Oxford.

Q. Were you sent over there by your newspaper?

A. No, sir, I was not.

Q. What was the occasion of your going over, Mr. Ellis?

A. I have a close friend who is a photographer for United Press. He had been down there several days and had run out of film and some other supplies. Since Nashville is not too far from Oxford an associate of mine and myself wanted to take these supplies to him, so we drove down.

Q. All right, and you got in there, you say, in the early morning on the 30th, Sunday morning?

A. Sunday morning, yes, sir.

Q. About how far is Oxford from Nashville?

A. I would say it is about, maybe, 300 miles, something in that range.

Q. Did you go to a motel or hotel when you got there?

A. We went to—I believe it is the Colonial Hotel, downtown, where my friend was staying.

Q. All right, now, did you go out to the campus of Ole Miss any time on Sunday?

A. Yes, sir.

Q. Do you remember about what time?

A. The first time was about mid-morning. I drove—I [fol. 1439] rode out with this photographer and we just drove around the campus.

Q. All right, did you ever go back to the campus that day?

A. Yes, sir, I think we went back, or attempted—I will say attempted to go back in that mid-afternoon, and we got as far as the bridge on University Avenue and the State Police stopped us and said no one but faculty, students and students' families were being admitted to the campus.

Q. All right, after that incident did you finally get on the campus that evening?

A. Yes, sir.

Q. Do you know about what time, Mr. Ellis?

A. It was shortly after dark. I would say approximately somewhere around 6:00 or 6:30, maybe.

Q. All right, can you tell us generally what you observed that you saw when you got to the campus on this last try?

A. We entered through one of the rear entrances, entrance to the campus, and as far as that entrance was concerned, we were about maybe the second or third car admitted by the State Police.

We drove up along the road that is leading up to the circle area near the Lyceum, and turned onto this drive. I am not sure just the name, what the road is there, and [fol. 1440] pulled on around to the rear and over to the side of the Lyceum Building.

At that time there was, oh, I guess maybe 150 students that were just in the area over to the side of the sidewalk, across the street up from the Lyceum Building.

The Federal Marshals had—were ringing or had set up a line, a complete circle of the Lyceum Building. The State Police were over on the edge of the sidewalk, you might say holding back the students, by keeping them from going out into the street. In other words, here (indicating) were the Marshals, the street, the State Police and the students.

Q. All right. Now did you mingle with that crowd of students you saw there around the Lyceum Building?

A. Yes, sir.

Q. And how long did you remain in that area?

A. I would say approximately maybe 30 or 40 minutes, or something.

Q. All right, did you at any time see any activity between the group that was east of the Marshals and the Marshals themselves relative to throwing anything, or anything of note?

A. Are you referring to the students that were on the other side of the State Police?

Q. Well, I understood you to say you saw about 150 people around there. Where were they?

[fol. 1441] A. Well, the majority—the majority of them were over on the sidewalk. However, there were some maybe, say, 50 of them were over—over—they were sort of—like here is the Lyceum Building (indicating), and here is the—several of the students were here, which would actually have been to the front of the building.

Q. All right.

A. However, of course the police, the State Police had circled around that area, too, and they were behind the police.

Q. Now were you there when the tear gas was fired?

A. Yes, sir.

Q. Now prior to the tear gas being fired, was there any activity between the students and the Marshals?

A. Yes, sir, it seems like that when I first got on the campus and first went up there it was not too much activity. There was some shouting or jeers, or that type of noise. There was no action of any kind that would, you might say, prompt something.

Q. All right.

A. However, as the evening progressed more people seemed to filter into that area around the Lyceum Building, and it seemed like the more people came in the louder the people got and the confusion began—it seemed like it began getting confused.

[fol. 1442] Q. All right.

A. Yes, sir, I saw some—there was of course rocks laying in the area surrounding the other building. I believe there was some construction going on. And I saw some rocks thrown in the direction of the Marshals. Also some cigarettes sort of flipped type at them.

However, I did not see them actually land. In other words I saw them when they left the hands of these people, but as far as watching them until they landed on someone, I didn't. I didn't follow them out.

Of course that—that was at the time that it seemed to be getting louder and more confused and, you might say, unruly.

Q. All right, where were you when this tear gas was first fired?

A. I had moved down into the circle area but over to the side near the drive. Actually almost—the way I recall I was probably in the drive area, coming around on this—that would be the—I'm a little confused on the directions.

Q. Would you like to get down there and look at that map? And see if you can orient yourself, Mr. Ellis?

A. Yes, sir.

Q. In the center of the map is the center—to orient you a little bit, the Lyceum Building is here on the east, the—[fol. 1443] in—I mean on the west; the monument on the east, the flagpole in the center and the various buildings around. Were you generally familiar with the campus when you got to it?

A. No, sir, that morning had been the first time I had ever been on the campus.

Q. All right, sir. Can you orient yourself somewhat with that map?

A. Yes, sir. We had moved, or I had moved from up here next to the Lyceum Building down the drive and I would say maybe half-way down the drive, University Circle here.

Q. Is that where the gas was fired?

A. Well, as I said, I moved into that area and mingled some there for several minutes. Then all of a sudden we heard some noise and I looked that way and could see the tear gas shells.

Q. Resume your seat, please, sir.

A. All right.

Q. Did the gas at that time have any effect on you, or were you far enough away—

A. Well, it seemed like at first—you couldn't call it a volley because there were several. The first one is the one that they fired—didn't seem like they were fired too far. In other words, apparently just in the immediate area from the Lyceum Building.

[fol. 1444] Q. All right.

A. But the more that was fired, it was fired further down towards the flagpole, back down toward the monument and by that time it did, yes, sir. It had. The wind was blowing.

[fol. 1445] Q. All right. Now, after the tear gas was fired, can you describe generally the activity of the students that were out there in the Circle and the vicinity?

A. Well, of course, when the tear gas was fired, it enraged them, the people that were out there.

Q. All right.

A. It—up to that time, they had been, you know, quite loud and, of course, like I said, throwing things. But when the tear gas was fired, it seemed to increase the, their feeling or their emotions and it seemed to get more loud and—it—I guess it had grown into a crowd-type deal by that time.

Of course, the crowd had increased and it caused a lot of confusion and running around.

Q. Did you see the students do anything toward the Marshals after the tear gas was fired?

A. Yes, sir, there was another building over to, over near the monument that is under construction. It would be the Science Building, maybe, and there were concrete blocks and that type of debris laying around the building and they, the people, or the students—I assume they were students—I couldn't swear to that—but they, several of them went to that area, picked up some of the rocks or bricks or whatever they were and came back and went as far as they could up in the Circle and heaved them at the Marshals. [fol. 1446]

Q. Could you attempt to fix an estimate of how many people were out there in that Circle, say, along about that time, in groups or scattered about?

A. The groups—that is, to me, it was more of a group situation at that time because not—there were not large groups throwing these. In other—it was just like several here, several there, several somewhere else, and like one group would run forward and throw what they had and then they would fall back and then—that's how it would go.

I would say that in the Circle and down near the monument, I imagine it would run somewhere, three or four hundred at least.

Q. All right. For—some time later in the afternoon or evening, excuse me, did you have an occasion to be down in the area of the flagpole, of the monument?

A. Well, sir, yes, back and forth type.

Q. Did you ever see General Edwin A. Walker?

A. Yes, I did.

Q. And where was he at the first time you saw him?

A. The first time I saw him in the area of the monument?

Q. Anywhere in the campus. The first time you saw him at or near the campus.

[fol. 1447] A. Well, let me go back a little bit. The first time that I saw him that evening or Sunday afternoon was down at the bridge where—the same place that we attempted to get on the campus.

Q. Oh, I see.

A. And he came up in a car and I was not near enough to tell whether he was asking to get on or not, but anyway, the car was turned around and they drove off, he and a man that was driving him.

And that was the first time.

Q. Did you recognize him as General Walker?

A. Yes, I did.

Q. Had you seen him before?

A. Not personally. I had seen him—his features in the newspapers and in the newsreels before.

Q. All right. Now, after that and after you had gotten on the campus, did you at any time see General Walker at or near the campus?

A. At or near the . . .?

Q. Campus itself?

A. Following that, yes, sir, I saw him in the area near the monument, later that evening.

Q. All right. Now, describe as best you can what happened pertaining to General Walker from the first time you saw him at or near the campus until we ask some [fol. 1448] further questions. Would that be all right?

A. Yes, sir.

Q. Go ahead.

A. I was over on University Circle there, about halfway down the street or the Circle.

I saw some activity of the students down near the monument and I wanted to see what they were doing, so I walked down that way.

As I neared that area, I saw a man in a white hat and the nearer I got, I recognized him to be General Walker.

Q. And where was General Walker at that time?

A. He was in—away from the monument in—here is the monument here. He would be out in the street area, actually.

Q. East of the monument?

A. Yes.

Q. All right. Go ahead. Continue with your narration.

A. He, at the time I saw him, it was—the reason I couldn't recognize him at first, because, the way I recall, he was turned away from me.

As I neared him, however, he turned around and was just walking in that immediate area for a very short time and then moved up near the monument.

[fol. 1449] Q. All right. Did you hear any conversation between him and anybody else?

A. Not direct conversation, no.

Q. All right. Did you hear anything that was said to General Walker by anybody that was around there?

A. I heard several of the students, as I neared where he and the students were, I heard several of the people say, "Here is the General. Here is our leader."

Q. All right. Then, what happened?

A. A very short time after that, apparently the students were, had asked him—before—

Mr. Watts: Excuse me.

The Witness: I am sorry.

The Court: You may not testify as to what you thought the students may have asked him.

Mr. Gooch: Just what you saw.

The Court: Just what you saw.

A. Well, anyway, he moved to the base of the monument and then a short time after that stepped up on the monument where he would be up above the group.

Then the crowd, the people, had begun gathering at the base of the monument.

By Mr. Gooch:

Q. Would you estimate how many people finally gathered there around the base of the monument at about the time [fol. 1450] General Walker got on the monument?

A. I would say that it began, it ranged, say, close to two hundred at first because not every one knew that, or—I don't know how to explain—

Q. You can't say what everyone knew.

A. Well, that's true. In other words, it was small at first but it grew, the crowd grew.

Q. All right.

A. As the General was there.

Q. All right. Will you tell us everything you heard General Walker say there at that time?

A. Yes, sir. May I refer to some notes I have?

Q. Did you make notes of what occurred there that night?

A. Yes, sir, I did.

Q. Do you have those notes with you?

A. I do, sir.

Q. Did you make them at the time you were listening to General Walker?

A. I did, sir.

Q. Yes, I would say so, unless the Court objects.

The Court: No objection from me.

Mr. Andress: May we see them first, Your Honor?

The Court: Yes, you can look at them if you want to.

[fol. 1451] The Witness: If I can—may I say this, sir—

The Court: Well, he wants to look at them and then you can go ahead.

The Witness: All right, sir.

(Instruments handed to Mr. Andress.)

Mr. Watts: Can't read them.

Mr. Address: Thank you.

The Witness: May I say something, sir?

The Court: Yes.

The Witness: These notes, what I attempted to was to take—in other words, something would be said and then I would put it down. It's possible that I—well, I know for a fact that I missed some of the things that were said. But I tried to take down things—now, if something would be said, I would put it down and, in other words, I could not listen to all the things that were being said, but I tried to take the key phrase or the key things that I could remember or that I heard him say.

By Mr. Gooch:

Q. All right, go ahead now and tell us what your recollection of what you heard the General say there on the monument was.

A. The first note that I have, the General said, "I want [fol. 1452] to compliment you all on the protest you are making."

Now, the—some of these words are misspelled because I was doing this in the dark and it was just—wasn't too easy to write and listen and everything at the same time, so that's why. . . . "Protest" made. . . .

Q. Go ahead.

A. Or made here tonight. "You have a right to protest under the Constitution."

Q. All right.

A. "Bloodshed. . . ." Let's see, "any bloodshed here tonight is on the hands of the Federal Government and the agencies thereof."

Q. All right.

A. The next, there was some mention of a sell-out.

Q. All right.

A. Now, I haven't got the complete notes on this and it's just part of it. I don't know whether I can follow it directly or not.

Q. Just the best you can.

A. Something concerning the fact that people—people in the middle of the campus had been talking or conferring or something concerning a sell-out.

Q. All right.

A. I remember the word “sell-out”. And then some—[fol. 1453] thing to the effect, “Definite orders not to let Federal men on the campus at orders of a certain official.” And about this time there were shouts, “Who is this official? Who is this person?”

Q. All right.

A. And my next recollection is that General Walker said, “Birdsong.” And who, I—I did not know at the time, but I later learned to be the head of the State Police or the State Highway Patrol or something or other.

Q. All right.

A. Then, he then said, “This has been reported to me by representatives of the Governor.”

Q. All right.

A. The next note, “There is . . . there is . . .” Now, I believe from reading the notes that I should have said, “This is,” but I have got written now, “And there is a long route to get to Cuba.”

Q. All right.

A. The next thing, about this time there was some commotion near the base of the monument and a man who I later learned to be Father Gray, Duncan Gray, Episcopal Priest there in Oxford, came there near the base of the monument.

The thing I recall from General Walker is him saying, “We have an Episcopal minister here,” and there was some [fol. 1454] commotion. I did not get what was said at that time.

The next thing that I recall him saying is that, “I am sorry that I am in the Episcopal Church.”

Q. All right.

A. About this time Rev. Gray was grabbed by two or three of the people that were near him. I think he fell to

one knee or sort of toppled somewhat, but a couple of the students or people near him grabbed him up and hustled him away or moved him away from the area.

Q. All right.

A. The next thing that I recall and have notes, that the General said, is, "There is no stopping point. You can continue. Many people from out of State are heading toward Oxford."

Q. All right. Anything else?

A. Well, the next note that I have here is an observation.

Q. Well, that wouldn't be admissible.

A. But it was not what the General said.

Q. All right. Now, were you there at the conclusion of the General's speech?

A. Yes, sir.

[fol. 1455] Q. Would you describe the action of the General after he left the monument.

A. Yes, sir, he—at the completion of the talk he stood at the, where he was for a short period of time, as I recall, turned to his left, stepped down from the monument and turned where he would be facing the Lyceum Building.

He took several steps up the walk by himself. I recall that there might have been one or maybe two men that came up with him, not came up with him, but caught up with him, I will say, and this group, or these two or three, including General Walker, moved up maybe 10 or 12 feet up the sidewalk.

Q. Then what happened?

A. Well, about that time the people that were listening to the General moved in behind him and followed him for a short ways, maybe just a very short ways, and then a solid line was formed across the campus with the General and these two men in the middle of the line.

Q. Which way did they go?

A. Toward the Lyceum Building.

Q. How far did they get?

A. I did not follow this group. However, I lost sight of them as they neared the flagpole.

Q. All right.

A. Or in that immediate—I mean—immediate vicinity.

[fol. 1456] Q. What happened? Do you know of anything that happened at about the time the group got to the flagpole?

A. Either at that time or shortly thereafter, shortly—in other words shortly after I lost sight of the General and these people, there were several volleys of tear gas fired.

Q. And then what? Did you see General Walker there after—

A. No, sir.

Q. Would you estimate the number of people that fell in behind the General as he started up towards the flagpole?

A. I would say it would range from four to five hundred people.

Q. All right. Now, did you see anybody near General—the General, did you see anybody with their hands on the General as they went up there?

A. These two—one or two people that got to him first, or came up with him, I could not tell whether they were actually arm-in-arm, or not. I don't know.

Q. All right. Were they close to him?

A. Yes, sir.

Q. What kind of walk or what kind of movement did they make as they started up there?

A. At first when the General was by himself it was slow, sort of a slow walk, and then it increased to sort of a brisk [fol. 1457] walk. The further it went.

Q. You said you lost sight of the General about the time they got to the flagpole?

A. Near the flagpole, yes, sir.

Q. What was the movement of the crowd at the time you lost sight of the General?

A. My best recollection the further they got the faster they got.

Q. All right, where did you go?

A. Well, when the tear gas was fired it was a large volley and it was fired directly—well, it was fired where

some of the shells landed near the monument, and, of course, I was near that, or near that area, and I just tried to get out of the way because it was all over the place.

Q. Where did you go then?

A. I believe that I went into one of the nearby buildings, or near one of the buildings to try to find water, a water hydrant or water faucet of some kind to wash my eyes out because they were filled up with gas.

Q. Incidentally during the time that crowd was listening to General Walker's speech, did you see any evidence of rocks or missiles in their hands?

A. No, I didn't.

Q. All right, you don't know if they were throwing anything or not. Just what you know is what we are trying [fol. 1458] to get.

So after you went in somewhere to try to get the water (sic) out of your eyes, the gas out of your eyes—

A. Yes, sir.

Q. Did you see the General any more that night?

A. No more that night, no, sir.

Q. All right, and did you make any report of what you had seen and observed and jotted down, to your newspaper?

A. Yes, sir. If I may drop back a little bit, that afternoon I was at the Oxford Airport when the Federal Marshals were brought in by plane. At that time I called the Executive Editor of the paper and told him I was down there. He then directed or instructed me to stay in Oxford and try to keep tab on any local people or students or older people, or just whoever was down there from the Nashville, Memphis, Tennessee Area, which I attempted to do.

Q. Did you know whether or not there were any United States Marshals that might be from Nashville?

A. Yes, sir, two of the Marshals—while in Nashville I was the Federal reporter.

Q. What do you mean, Federal reporter?

A. I cover all Federal activities, Federal Court, **anything** having to do with the United States Government there in Nashville.

Q. All right.

[fol. 1459] A. And two of the Deputy United States Marshals from Nashville who I met since I have been on the—covering the courthouse, I had—or I had information that they were—had left Nashville and I presumed, just from the activity that—in some of the other cities—that they might be heading toward Mississippi.

Q. All right. Now, was the Nashville Banner at that time a morning paper or afternoon paper?

A. Afternoon paper.

Q. Did you at any time after you left the campus or while you were on it or after you left the campus communicate what you heard General Walker say and this activity of moving with the crowd toward the Lyceum Building—did you communicate that to your newspaper?

A. There were very few long distance lines out of Oxford at the time and I attempted for several hours, somewhere between four or five hours to get a line out, but the best—my best recollection, I don't believe I did.

Q. All right, did you the next day?

A. Yes, sir, the next morning I finally got a line.

Q. All right, do you know whether or not your notes and your quotes were used by the Nashville Banner?

A. The information I gave them the next morning concerning the Federal Marshals from Nashville that I saw getting off one of the planes that Sunday afternoon, I told [fol. 1460] them about that. I began to tell them concerning the—that night before, and what had happened, and they said, "Don't worry about that, we have got both wire services and we will get our story from that.

Q. What wire service is—did that allude to?

A. Associated Press and United Press International.

Q. Have you described as best you can everything that occurred on the campus with particular reference to General Walker?

A. Yes, sir, I believe I have.

Mr. Gooch: Your witness.

Cross examination.

By Mr. Watts:

Q. You say when you tried to tell them the next morning about what happened, the night before, your superiors said, "Don't worry, we take both wire services, the AP and the UPI, and we will get what happened from that?"

A. Yes, sir.

Q. And how long had they taken the UP? Do you know?

A. Since before I went with the paper. But I don't know.

Q. Where did this conversation with your superior take place? After you got home to Nashville?

A. No, sir. I—by over long distance telephone from the hotel there in Oxford.

[fol. 1461] Q. With whom?

A. Sir, I don't recall. We have people that answer the phone and just takes the notes down. I probably spoke with one of my—either the City Editor or Assistant City Editor. Then he referred me to someone to give the notes to, but I don't recall who I gave the notes to.

Q. When did you get back to Nashville?

A. I had some difficulty getting out because of the airport, it was being used by the military, and I don't believe I got out of there until—I believe it was Tuesday afternoon.

Q. That would have been the 2nd?

A. Yes, sir.

Q. And you went directly to Nashville?

A. I went to Memphis and to Nashville.

Q. Did you report in then to your paper?

A. Yes, sir.

Q. With whom did you talk?

A. Well, I would—of course the City Editor is my—my immediate superior.

Q. Well, who is he?

A. He is now the Managing Editor of the Banner. His name is Bob Battle.

Q. Was this conversation you testified to a while ago when you called in and talked to your paper and endeavored [fol. 1462] to tell them what you had seen concerning General Walker and they told you that they took both of the wire services, both the AP and the UPI, was that with your City Editor or someone else?

A. That I don't recall. However, if I can say this, if—if it—if that came from one of the persons I was giving the notes to, why I'd—he would have been instructed to say that, I'm sure, because we take these wire services and we were just actually interested in local people.

Q. Prior to seeing Walker, you had walked from the northeast corner of Park Hill over to the monument, had you not?

A. Yes, sir.

Q. Had a lull taken place in the rioting about that time, as you made that tour back to the monument?

A. It was more of a—it seemed—well, to me, there would be scattered rocks being thrown, and things like that from groups, maybe all the time, but then again there wasn't a lot of movement or a lot of activity in the very early evening.

Q. No, sir, you must have misunderstood my question. My question to you, sir, was as you left the northwest part of the oval and walked over to the monument had there been somewhat of a temporary lull in the rioting about that time? You know what a lull is, don't you?

[fol. 1463] A. Yes, sir.

Q. Well, yes or no, was there a lull?

A. Well, may I answer—let me answer like this.

Q. You can answer any way you want to.

A. I don't believe you would call it a riot until after the tear gas.

Q. Oh, yes, this is way after the tear gas.

A. I know it, but—

Q. There was activity after you left the northwest corner of the circle?

A. Yes.

Q. And went towards the monument?

A. Yes, sir.

Q. Some small activity by small groups of people?

A. Yes, sir.

Q. Nothing large like what you testified you saw General Walker participate in after the speech?

A. Yes, sir.

Q. Nothing like that?

A. No, sir.

Q. You would—you were in a position where you could have seen it?

A. Yes, sir.

Q. Now my question is: Immediately before you went to the monument had there been a lull in the scattered activity [fol. 1464] that you witnessed before you went to the monument?

A. Well, the activity continued, but not—not as—up and down type thing.

Q. That's right, exactly, but now the question I am trying to get over from you or get out of you, and all I want is try to relive this thing, son, and see it and tell us what you saw.

Now the question is: When you decided to leave the northwest part of the circle and come to the monument the crescendo was down rather than up, wasn't it?

A. Sir, I just—I just can't recall.

Q. Why did you leave that area and go to the monument?

A. Because I wanted to move around and just get it from different angles.

Q. Now then when you got back to your paper in Nashville on the evening of the 2nd, were you the only one there that had just come from Oxford?

A. The—one of the photographers for the Banner had drove me down there, he came back Sunday night before all this; came back late Sunday afternoon before anything happened.

Q. Were you the only one around your paper office there, or whatever you call it?

A. As far as the Banner is concerned, yes, sir.

Q. And they were somewhat interested in what you had [fol. 1465] seen, weren't they?

A. Somewhat, yes, sir.

Q. Did you have a lot of conversation with the people there about what you had seen, and what you knew about the situation?

A. Yes, sir. Some. It was more individual type rather than a lot of people gathered around.

Q. I will ask you if this didn't occur when you got back to your office that—perhaps it was the City Editor or some of those people or some of those people told you, "Now we got two reports out of Oxford, one was the UPI report that said that during a lull in the riot General Edwin A. Walker mounted the Confederate statue on the campus and begged the students to cease the violence, and the other report was the Associated Press report that General Walker arrived on the campus, was immediately recognized by the crowd, was requested by the leaders of the riot, or the leaders of the mob to "lead us to the steps; that Walker had assumed command of the crowd and lined up with men on either side by each of his arms, and with 1,000 people behind him led a charge towards the Marshals, after which tear gas was fired, and he fell back to the monument and made his speech."

Now did you learn those two conflicting reports were existing in your paper at the time you first got back?

[fol. 1466] A. No, sir, I don't believe I did.

Q. When did you first hear the UPI report that Walker had begged the students to cease their violence and was met by one massive jeer?

A. I would believe it was much later because at the time of course I was still with the newspaper, and other than just a casual interest in what the wire services had, I was more interested in our local type thing, and I just didn't pay that much attention to what was said.

Q. Did your paper print the AP version that Walker had led a charge before he made the speech on the monument, or the UPI version that during a lull in the riot he begged the students to stop their riot and was met by one massive jeer? Which of those two conflicting reports did your paper print?

A. Sir, I do not recall what the front page—what the dateline was. Our paper, because they take both services, they sometimes take the wire dispatches and use parts of both stories. I do not know who edited—which service they used for the lead story that next morning.

Q. As a matter of fact, to refresh your recollection, try to think back and see if this didn't happen, that these two conflicting reports came in, and the AP report was printed by the paper? Isn't that what happened?

A. Well, I didn't see it until Wednesday—until Tuesday [fol. 1467] afternoon.

Q. I know that, but when you saw it on Tuesday afternoon or Wednesday or whenever it was, wasn't it the AP report?

A. I can't recall.

Q. You just have no recollection about that at all?

A. No.

Q. Well you have a good memory on other things.

A. Well—

Q. Is your memory as hazy on that as these other things?

A. No, sir, these other things, that is something that is in my memory that I will never forget.

Q. Well, to a newspaperman, was it significant to you that there would be such a diametrically opposite report between the wire services and releases of the two biggest wire services in the world? Didn't that strike you as being significant?

A. To tell you the truth I don't—when I first got back I don't recall that there was—that anyone said anything about this, what you call conflicting reports.

Q. Do you know Mr. Al Kuettner, the UPI reporter who was present on the campus and wrote that UPI release?

A. I believe I have spoke to him on the phone. I never met him personally because I haven't been with the service [fol. 1468] that long.

Q. Are you a newsman or a reporter? Or what is the terminology?

A. I was a reporter with the Banner for approximately three years. I am the—have the position of a newsman with United Press.

Q. You are now in the position of a newsman?

A. With United Press, yes, sir.

Q. Now at this time you were 24, I guess, weren't you?

A. Yes, sir.

Q. Were you classified as an experienced reporter, or what? Or what in local terms is called a cub reporter?

A. No, sir, I had been a cub since I started with the Banner in July of 1960, and got out of the Navy. Four months later I was put on the Federal beat, so I had been on the Federal beat, or the Federal Courthouse, reporting for two years, and, believe, me, they don't put cub reporters on there.

Q. So you were a cub for only about four months?

A. Yes, sir.

Q. All right. Now then as I understand when you first got to the Ole Miss area shortly before the time, before the tear gas was fired, you went to the area of the Lyceum?

A. Yes, sir.

Q. And you saw Marshals ringed around the Lyceum [fol. 1469] Building?

A. Yes, sir.

Q. Did you see the pictures that were presented in court this morning?

A. No, sir, I didn't.

Q. Here directing your attention to the Plaintiff's Exhibit 18, is that referable to the way it looked, and the same with respect to Plaintiff's Exhibit 17?

A. Yes, sir. Let me say this also. This seems to be before dark.

Q. That's right.

A. And, actually, I did not get on the campus until after the sun had went down, so it was becoming dark—it was actually dark at the time we got there. However, this—yes, sir.

Q. Well, how, if any—after that explanation, how if any, did the positions of the reporters (sic) differ from what is in this picture?

A. Position of what?

Q. The Marshals.

A. That is the same.

Q. The same?

A. Yes, sir, that is the same.

Q. Anyone have the pointer?

Mr. Address: Over by the chart.

[fol. 1470] Q. Son, would you walk over to the board, please, and pick up the pointer. You see the pointer before you there?

A. Yes, sir.

Q. Now then would you put your pointer on the flagpole and the circle. You see an intersection in the middle of the circle?

A. Right here (indicating).

Q. The top of this map is north, the left is west, the right is east. Would you put your pointer on the position where you were when tear gas was first fired?

A. I was in the area—this area here.

[fol. 1471] Q. You are pointing right southwest of the Lyceum Building—as you were—of the YMCA Building?

A. Yes, sir.

Q. All right. Then, where did you go from that point—

A. I moved further down.

Q. Further towards the monument?

A. Yes, sir, or further down in this grassy area next to the Y Building.

Q. All right. And how long did you stay there?

A. Just a short period of time.

Q. Now, assuming the tear gas was fired at 8:00, about what time would you say you moved into the area west—east of the YMCA?

A. Well, let's see, now east would be—

Q. Where you put your finger or your pointer?

A. Uh-huh.

Q. Five minutes, ten minutes, twenty?

A. You mean following the firing of the tear gas, how long did I stay here at the building before I moved further down in the area?

Q. Right.

A. Maybe ten or fifteen minutes.

Q. All right. And where did you go from there? Put your pointer on the next place you went?

[fol. 1472] A. Well, from there, as I recall, I moved down the avenue, University Avenue, past the monument.

Q. Past the monument?

A. Yes, sir.

Q. And was there a vast crowd at that point when you arrived?

A. Well, I wouldn't describe it as vast. It was a lot—several people but it was scattered, I mean, in other words, there would be so many here, so many here, that type.

Q. More or less than a hundred within a radius of a hundred feet from the monument?

A. I would say in all, approximately a hundred.

Q. All right, sir. Now, then, before you left that position up by the YMCA, describe the activity out in the Circle toward the Marshals?

A. There was scattered throwing of the missiles or rocks, firing the gas.

Q. Well, five, ten, maybe, people, something like that?

A. No, sir, I would say that there were more than that.

Q. Well, I am talking about in each little group that would throw.

A. Oh, well, yes, they would range in groups, I guess, [fol. 1473] maybe ten to fifteen apiece.

Q. All right. But in the whole area you, as I remember, I think you said there were some two or three hundred people out there in the general Circle area at that time, is that right?

A. Well, that's covering the entire Circle, sir.

Q. That's what I am talking about.

A. Yes, sir; uh-huh.

Q. Now, as I get your timing, you left that position about 8:15—8:10 or 8:15 and went back past the monument?

A. Uh-huh.

Q. How long did you stay in that area?

A. Just a matter of minutes. I couldn't give you an exact time.

Q. And what did you see?

A. There was—

Q. Would you put your pointer on the area so we can keep up with you?

A. I had moved down past the monument, down University Avenue. As I recall, the—one of the reasons that I moved down there was because the photographer, UPI photographer, that I had came to see, his car was parked that way and I went to check on his car.

Q. Now, as a matter of information, you had some lad along with you, didn't you, that had come from—

[fol. 1474] A. This photographer at first had been with me when we first got on the campus. However, he left me just shortly after we got on the campus and I don't know where he went from there. I did not see him until much later in the evening.

Q. Well, now, were you with the photographer at this time?

A. No, sir.

Q. Were you by yourself then?

A. Yes, sir.

Q. No one that you knew anywhere around you?

A. I might have seen some other newsmen but I did not know them by name—just by sight, from being around the press headquarters.

Q. All right. Would you estimate as a fair time that you arrived at this point near the monument about 8:15?

A. Would I estimate the time? I didn't understand you, sir.

Mr. Watts: Read the question.

(Record read.)

A. Yes, sir, I think so.

By Mr. Watts:

Q. And how long, then, did you stay in that area?

A. Well, let me ask you—

[fol. 1475] Q. No, please—

A. I'm sorry. Well, I—

Q. Go ahead and answer the question first, son, and then you can ask me.

A. If you mean down here for the car.

Q. Wherever you went, yes.

A. Just a short period of time. This is before I went back up in this other area.

Q. I understand.

A. And then back down.

Q. I understand. I am trying to trace your route. You went to the YMCA and down toward the car and you stayed at the car a short period of time?

A. Just a short period of time.

Q. Then where did you go?

A. Well, made my way back up the Circle.

Q. Along the north side of University Avenue?

A. Yes, University Circle.

Q. And taking time out for your trip to the car, what time would you assume you arrived along again in front of the YMCA?

A. Maybe 8:30 or maybe a little bit later.

Q. All right, sir. Then where did you go? Oh, incidentally, as you arrived back in front of the YMCA again, describe to us the activity of the people out in the circle [fol. 1476] when you were there?

A. I would say that it was, as before, some scattered throwing, but nothing—

Q. Nothing massed?

A. No, not at that time.

Q. Would you call it sporadic activity?

A. Yes, sir.

Q. And how long did you stand there in front of the YMCA as you were going back northwestward and observe into the Circle?

A. Again it would just be a short time. The time is something that I am—I can't—

Q. Did you have a watch?

A. I believe I had left it back at the hotel.

Q. All right, go ahead.

A. The way I remember. And so,—I guess maybe 8:30, maybe a little bit later, I don't know, just everything seemed to happen between 8:00 and 9:00, the moving back and around.

Q. Would a fair bracket be between 8:30 and 8:45 that you got back in front of the YMCA?

A. Yes, sir, I believe so.

Q. And that was when you looked out toward the southwestward and saw this sporadic activity in the Circle?

A. Uh-huh; yes, sir.

[fol. 1477] Q. All right, sir. How long did you stay there in front of the YMCA?

A. Five, ten, fifteen minutes, somewhere in that area, but I couldn't give you it exact.

Q. Well, where did you go then from there?

A. I tried—I just moved back and forth. Right around in that area of the building. In other words, it just seemed to me it was the safest place, it was not close enough where you could get the gas and it wasn't—but it was close enough

where you could see what was going on. I tried to stay in that immediate area.

Q. But still, as a newsman, you were very interested in what was going on down in the Circle, weren't you?

A. Yes, sir.

Q. And did you have anyone with you yet or were you still alone?

A. I might have run into someone, but I can't recall. There was certain times I did and certain times that I was alone.

Q. And about how long, then, did you mill around in that area and look down toward the Lyceum?

A. As I recall, I stayed in that immediate area until the time that I saw the activity near the monument.

Q. That is when you reported, you walked back down there and saw General Walker?

[fol. 1478] A. Yes, sir.

Q. Near the monument. Now, as you stood there in that position or in that area, could you see the Lyceum Building or make the outline?

A. Yes, sir. Yes, sir.

Q. Could you see the flagpole?

A. As I recall, the most of the lights were still working at that time. Later they were all, rocks were, had broken them out, later in the evening, but I believe at that time I could still see the flagpole, yes, sir.

Q. You certainly could have seen, if someone had led a massed charge across the north side of that Circle towards the Marshals, starting from the vicinity of the monument, couldn't you?

A. Well, sir, I believe you described it as sporadic. Now, there was times—

Q. Wait a minute, son. I don't believe you understand my question.

A. Well, I'm sorry.

Q. My question was: You could have seen if a massed charge of a thousand people had gone across there. I didn't say it did. I said if a massed charge of a thousand people

had gone across the north side of the Circle, you undoubtedly would, and must have, seen it from that point, couldn't you?

[fol. 1479] A. If there was a thousand people, I'm sure I would have seen it.

Q. As a matter of fact, you couldn't have possibly missed as many as a hundred people?

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

Mr. Watts: If your Honor please, this is cross examination.

The Court: Well, go ahead and ask him your question. I will permit that.

By Mr. Watts:

Q. Mr. Witness, from your position there, if as many as a hundred people had moved across the north side of that Circle, you couldn't have helped from seeing it, could you?

A. Certain—that was—like I have said, there was more of that in these scattered groups. Some of these groups would join together at times and go as one.

Q. Sure. But they were just milling around, weren't they?

A. Well, sometimes, sometimes, like I said, they were joined together and run up together, throw their rocks and come back and then they would break, break—break away from each other and then they would join and go back up.

Q. Now, at any time—let me borrow your pointer—while [fol. 1480] you were standing in this position, right here by the YMCA, were you out as far as the sidewalk?

A. The sidewalk, actually at the Circle?

Q. Yes.

A. No, sir, I think—the best I recall, I stayed on the other side of the street itself, on that sidewalk and looked across.

Q. Now, then, you say down in this area there was sporadic activity of small groups of people?

A. Well, all over, actually.

Q. Yes, all over the Circle?

A. Uh-huh.

Q. Now, you never did see any substantial group of people form up down here in this area, march across here and then get up in here before they attacked the Marshals, did you?

A. They actually formed in different parts of the Circle. I recall some of them formed over in here (indicating) and went up; some maybe in this area would venture as far as this area before they would form up and then they would go up—I—yes, sir, I believe I recall some forming over here.

Q. Here (indicating)?

A. Yes, sir, they seemed to have got as close as they could to the Marshals before they threw, evidently to make [fol. 1481] sure their missiles would get up there.

Q. Would you say as many as one hundred people formed up in this area here and marched on the Marshals? Think it over now. Yes or no.

A. I don't believe I can answer yes or not.

Q. Well, how can you answer it?

A. Now, it is possible—I am—since some of the groups formed here—

Q. Yes.

A. —now some of them would, say, so many would form here and then maybe some of these would see these going up and would join them at different or various parts of the Circle.

Q. All right.

A. Maybe by the time they got up past the flagpole, there would be a hundred, but now whether—I can't—I couldn't estimate them actually being that many at that time.

Q. Let's see, a man is about eighteen inches wide or two feet, maybe.

A. All right.

Q. A hundred people would be at least one hundred fifty feet wide, wouldn't it?

A. If they went like that, I mean, if they lined up. Now, a lot of times they would just all run in a group, [fol. 1482] I mean just all scattered out and then run forward.

Q. Well, now, as I remember your testimony, when General Walker finally finished his speech on the monument, you saw people lining—

A. Oh, yes, sir.

Q. Now, was that the first lining up you saw all night?

A. Yes, sir.

Q. In other words, prior to Walker's speech on the monument, you saw nobody line up and move toward the Marshals, as I understand; is that right?

A. Not as such, no, sir.

Q. All right. Now, certainly, then, before the speech on the monument, while you were standing here, if a hundred people had lined up and marched across this area here in a charge and cast their missiles at the Marshals, you undoubtedly would have seen it, wouldn't you?

A. If they had of lined up.

Q. Yes, sir. And if a thousand people lined up, you couldn't keep from seeing it, could you?

A. That's true, sir.

Q. And that actually didn't happen before the Walker speech on the monument, did it, anything like that, did it? [fol. 1483] A. The hundred or the thousand?

Q. Either. Let's say, take first, the thousand. Did a thousand people line up and march across here before the speech on the monument?

A. I don't believe there was ever a thousand people in that circle when I was there.

Q. All right. Now, from the time you were here, assuming that someone down here in the vicinity of the flagpole had walked on the campus, conferred with the leaders of the

mob, permitted two leaders, one to get him by the arm on each side—

A. Yes, sir.

Q. —with a thousand people behind him, and had gone across the Circle in a charge on the Marshals, you couldn't conceivably have missed that, could you?

A. No, sir, I really couldn't.

Q. Did you ever at any time before the Walker speech on the monument see a charge with three people out in front leading it? And I'll restrict that a little more: A charge coming to the north side of the flagpole?

A. The fact that there was confusion of these people and that there was scattered groups and these groups joined from time to time, I don't honestly believe that you could have been able to determine whether there was two or three out in front or not, because sometimes there would be some [fol. 1484] that had actually got this far up in the Circle in front of these people, maybe that started out from here, see (indicating).

Q. Yeah.

A. So, now, as a matter of fact, at this time there was no leadership of this operation at all, there were just sporadic little groups, wasn't it?

A. I don't believe there was just any one major person that was doing it, no, sir, not that I—

Q. At least if it happened like I have outlined from where you were standing, you certainly didn't see it, did you?

A. One or two people leading everybody?

Q. Yes, sir, well, say three people leading a mass of other people across this area where I have marked. If that happened, you certainly didn't see this, did you?

A. No, sir, I didn't.

Q. And with you standing right there roughly 120 feet from the center of this right quadrant, if it had happened, you would have had to have seen it, wouldn't you?

A. I believe so.

Q. All right, sir. Take your seat. From what you saw of that crowd out there prior to the Walker speech on the

monument, it wasn't possible for anyone to assume command of that crowd, was there?

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

The Court: Sustained.

By Mr. Watts:

Q. Did anyone try to assume command of you?

A. No, I think everybody—we were all trying to assume command of ourselves.

Q. That was just about the extent of one man's capability there that night, was to retain command of himself, wasn't it?

A. Well, I would

Mr. Gooch: Go ahead and answer.

A. I didn't understand your question.

[fol. 1486] Q. I said about all anyone could command that night, with all the confusion there was, was himself, is that right?

A. Sir, I believe it is according to who it was.

Q. Did you ever see General Walker run at any time that night?

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

Q. Did you ever know a young lad, 21-year-old reporter for the Associated Press, named Van Savell, or Savell, I think he so calls himself?

A. No, sir, I don't believe I have met him. I stayed with the United Press people the entire time I was there, and I don't believe I ever met him.

Q. Do you know where Van Savell is now?

A. No, sir.

Q. Have you heard?

A. No.

Q. Son, with whom all have you discussed this lawsuit?

A. Prior to my appearance here?

Q. Right, prior to right now? Just working backward tell us who you have discussed it with.

A. With the attorneys for—

Q. Mr. Gooch?

A. Yes, sir.

Q. Anyone else?

[fol. 1487] A. These three here.

Q. Any other attorneys?

A. Yes, sir, Mr. Smith.

Q. The gentleman with his hand on his face?

A. Yes, sir.

Q. Who else?

A. Let's see. I believe that is all. I mean as far as the attorneys are concerned.

Q. Was that since you got here?

A. Yes, sir.

Q. Were you subpoenaed to come here?

A. I was.

Q. All right, and where? At Nashville? Were you subpoenaed at Nashville, or after you got here?

A. I received it after I was—arrived here.

Q. All right, sir.

A. Excuse me. Do you want to know the other people I have talked with?

Q. If you can remember anyone else?

A. Yes, sir, I gave a statement to the FBI, I testified before the Grand Jury in Oxford.

Q. Do you mean when they tried to indict General Walker?

A. Well, I don't know who they were trying to indict, but during that particular investigation that they had there, [fol. 1488] I was—I testified, yes, sir.

Q. Did you testify concerning General Walker at Oxford?

A. Sir, I am not allowed to say what I testified.

Q. Well, that's right. Yes, sir. But now have you told us everybody else you talked to?

A. I believe that is it.

Q. When did you last talk with anyone with the FBI about this? Before or after the Grand Jury?

A. Before.

Q. All right. Now then you say you saw General Walker, come up University Boulevard, or did I misunderstand you?

A. That is the one leading across the bridge and up to the monument area?

Q. Yes, sir.

A. Yes, sir.

Q. Was he walking slowly or striding?

A. Well, now, as I said, at the time I first saw him his back was to me and he was just standing in the area in front of the monument, out in the street area.

Q. You didn't then see him actually come up University Boulevard, or did you?

A. No, sir, I really didn't.

Q. Was he stationary or moving when you first saw him?

A. When I first saw him he was stationary.

Q. How close to the monument?

[fol. 1489] A. It would have been—oh, it was several feet. It was not a long distance. Just a short distance away.

Q. In terms of the walls of this room, could you pick an appropriate distance?

A. From the monument, from General Walker to the monument when I first saw him? That is the question, right?

Q. (Nods head affirmatively.)

A. I would say from here to—just a short ways further than this door here (indicating).

Q. Well, in terms of this wall back here (indicating) how about it?

A. I don't believe it was that far.

Q. Somewhere between those two distances?

A. Yes, sir.

Q. Now what attracted you to General Walker?

A. Well, the thing that attracted me, not so much to General Walker, but just attracted me to the area, it just seemed to me some commotion or some activity down there that I hadn't witnessed before. I hadn't noticed it before.

Q. Now you were in front of the YMCA you saw that commotion?

A. Yes, sir, over in that area.

Q. In the YMCA area?

A. Yes, sir.

Q. Would you take this pointer, please, and step up [fol. 1490] there and estimate from the Lyceum how far it is? Do I understand you have had some naval training?

A. Yes.

Q. Navy training?

A. Yes, sir.

Q. You know how to read maps, don't you?

A. Well, I don't know, it has been a long time. I don't know whether I can read this or not.

Q. Let me help you a little. Always start at zero, and get your first measurement. Put your finger on here and see how far it is to the YMCA. Just use your finger. Look out now you will have it on the floor if you are not careful.

From the monument. Here is the YMCA. Now put that down on the scale and let's check how far it is. Down on this scale.

A. About a hundred and thirty—

The Court: Talk out if you want this in the record.

Q. Did you say about a hundred and thirty feet?

A. Approximately a hundred and thirty feet.

Q. All right, take the stand. Now at that time all you could see at the monument was the commotion and you could not see Walker, is that correct?

A. That is true.

Q. You decided to walk over there?

A. Yes, sir.

[fol. 1491] Q. What size crowd did it look to you, as you were approaching?

A. Maybe 100, 150 people.

Q. And something less than the width of this room before you could see General Walker?

A. No, sir, I said that was how far he was from the monument when I first saw him.

Q. Oh, I see.

A. When I first saw him.

Q. He was that far east of the monument?

A. East, yes, sir.

Q. And what was he doing?

A. First his back was to me and that was when I noticed the white hat, which I had—I had seen him wearing in newsreels and newspaper pictures, and the closer I got, and as I noticed him he turned around and that is when I realized who it was.

Q. What was he doing then?

A. Just talking with the people, apparently now.

Q. What was the size of the group in his immediate presence?

A. This group of 100 to 150 were sort of scattered right at first in that immediate area of the monument. It seemed like, or I won't say it seemed like—after he was there the group of—group sort of came nearer to him. I guess maybe [fol. 1492] 50.

Q. Did they surround him on all sides, or was there most of the group on one side than the other?

A. I don't believe it was a complete surrounding of him, no, sir. I am sure there was ways he could move out if he wanted to.

Q. Was there still sporadic activity up close to the Marshals?

A. Some.

Q. Were all the people back in the area of the monument, or were some to the westward?

A. That would be near the flagpole?

Q. Right. Right, no, strike that, let's start over. Were all the people near the area of the circle, near the monument, or were some of them further to the west beyond the flagpole?

A. Actually, let me say this. When I saw the activity down there at the monument I disregarded what was happening in the circle, or in the part near the Lyceum Building, and I just walked directly down there, and I did not look back up there to see what the action was. Other than when I first started out there was some sporadic, or some

scattered movement, but I mean in other words my attention was drawn to the monument and to that area, and I just stayed with that.

Q. Well, the last activity you remember toward the Ly-[fol. 1493] ceum was the same type of scattered or sporadic activity?

A. Yes, sir.

The Court: We will stop right there for our recess.
We will recess until a quarter until 4:00.

(Short recess was had.)

[fol. 1493a] Q. Now, Mr. Ellis, do I understand that after General Walker got down from his talk on the monument, he walked a short distance toward the flagpole?

A. Yes, sir.

Q. What distance?

A. Is this without or with someone? Now, it would—I would say he, by himself, he walked near the eight or nine feet.

Q. That would be three steps?

A. I don't know—well, now—maybe I'm confused on the footage but—no, it was several steps.

Q. Would you say maybe eight or ten steps?

A. Yes, sir, that would be more like it.

Q. That would be somewhere between twenty-four and thirty feet?

A. All right, sir.

Q. Something approximating the width of this room perhaps?

A. No, sir, I don't believe he went that far before people caught up to him or before this line was formed.

Q. Well, now, did he stride off rapidly—

A. No, sir.

Q. Or did he stroll?

A. He left—when he got down from the monument, he [fol. 1494] was, it was just a slow type walk. His walk seemed to pick up, the more steps he took.

Q. Did anyone shake hands with him when he first got down off the monument?

A. I don't recall.

Q. Would you say they did or didn't? What is your best recollection?

A. The way I was standing, the crowd sort of went by me to catch up with him.

Q. Now, incidentally, where were you standing?

A. I was in the fourth row. They had made row type of affairs and I was about in the fourth row from him.

Q. In what direction? North, south, east or west?

A. I believe you said the top is north and—

Q. Right.

A. It would be on the south side—not directly south, but over—

Q. Was he making his speech then facing to the south?

A. Facing down the avenue, yes, sir.

Q. Well, that would be to the east, wouldn't it?

A. Well, the University—University Avenue, the one from the bridge, would be coming from the—well—I am confused. In other words, may I see the map?

[fol. 1495] Q. Find your pointer and take a look.

A. Yes, sir, I am looking—I see, I am sorry. I thought it was like this, but—uh-huh.

Let's see, that would be north, south, east, west? Is that the way it is?

Mr. Cravens: Yes.

By Mr. Watts:

Q. North is to the top?

A. Uh-huh. South, east, west?

Mr. Gooch: North is the top.

A. Yes, sir.

By Mr. Watts:

Q. East is to your right.

A. All right. That's fine. That's right. It would be to the east.

Q. He was facing into the east?

A. Yes, sir, and so actually I was on the eastern side also.

Q. And you were in the fourth row facing him?

A. Yes.

Q. Now, where had the minister gotten on the statue? On which side of the statue with respect to where Walker was?

A. Oh, just right at the side of the statue which, I guess, would be on the, still on the eastern side or just right at the very side of the, sort of halfway on and halfway off, right at the corner.

[fol. 1496] Q. Was he on the same side that Walker was on?

A. My best recollection, Mr. Walker was right in the middle of it and the minister, when I noticed him, he was right at the edge of or at the base of the steps.

Q. Was he to Walker's left or right?

A. He was to his left.

Q. All right. Did you see the heavy set Sheriff take the minister down from the statue?

A. No, sir, that was when the people sort of surged forward and I did not see who, what actually happened then. It was—my view was covered for that split moment until I could move out and get a better vantage point.

Q. Was this surge forward that you are talking about a part of this charge you related?

A. You mean the surge for—or going towards the minister?

Q. Right.

A. No, sir.

Q. How long before Walker got down from the monument?

A. My best recollection, the minister was taken away from the immediate area of the monument and after the, you might say that particular area was cleared, that was when Mr. Walker got down.

[fol. 1497] Q. And when Mr. Walker got down, did he go to the north or the south of the monument? Do you know which way now the north of the monument is?

A. He went to the—be the north.

Q. That way is north, right?

A. Right, went to the north.

Q. Would you take your pointer and trace the direction that Mr. Walker went after he got down off the monument?

A. Yes, sir, he stepped down, turned to his north and went, oh, just right into this little area right here (indicating).

Mr. Nuss: Louder, please.

A. Stepped down, which would—and stepped to his north and then back around to his west, or walked west up towards the Lyceum Building.

Q. And do I understand, then, he walked on out ahead all by himself first?

A. Yes, he did.

Q. Without saying anything to anyone?

A. Following the speech, I did not hear him say anything.

Q. Well, you were close enough to where if he had said something—you were right in the fourth row?

A. Yes, sir.

[fol. 1498] Q. If he had have stopped and talked to someone in this area, you would have certainly heard it, wouldn't you?

A. I believe so, yes.

Q. And had somebody at this point said, if they had said, "General, lead us in a charge, will you lead us," you undoubtedly would have heard that, wouldn't you?

A. Well, there was a lot of hollering. I am not sure I would have heard it unless they hollered themselves, I don't know.

Q. Unless who hollered?

A. If anyone hollered.

Q. As I understood you to say, Walker walked off the statue and walked along here all by himself?

A. He did, yes, sir, when he first got down from the statue and walked some steps before he was caught up with.

Q. Perhaps some thirty feet?

A. Yes, sir.

Q. And during that period of time nobody got up close to him and asked him anything, did they?

A. The people, as soon as he—as soon as he got down from the statue and just made maybe three or four steps, they started in behind him.

Q. Uh-huh.

[fol. 1499] A. First one or two men and then the other people followed.

Q. And had he gotten this so-called approximately thirty feet by the time they started catching up with him?

A. They were in the process of catching up to him when he got to that area.

Q. Where was he by the time this 500 people lined up behind him?

Mr. Address: Beside him.

The Court: Let the witness testify, Mr. Address, please.

Mr. Address: I was correcting him.

The Court: Let Mr. Watts take care of it. One at a time.

Mr. Watts: Yes, sir. Did you understand the question?

The Witness: No, sir.

By Mr. Watts:

Q. I say, how far west had he gotten when this so-called 500 people lined up behind him?

A. There were, I would say, 250 or 300, maybe, maybe a little bit more, that listened.

Q. Uh-huh.

A. That when they determined who it was making the speech, they, the crowd, increased.

[fol. 1500] Q. Uh-huh.

A. Then I noticed that the further he walked, there were some people that had not, in this area over here, that had not been to the speech but came across this area and then joined the group that was going up.

Q. Did these people here walk or run?

A. Run.

Q. And what about the ones over here at the YMCA, did they walk or run?

A. I believe they were all trying to catch up with that group.

Q. And with General Walker?

A. Yes, sir.

Q. And as I understand, then, when Walker walked up the first thirty feet, he was relatively by himself?

A. Yes, sir.

Q. And then after he got about thirty feet, the crowd caught up with him?

A. Caught up with him.

Q. Did he wait for them to catch up, or did they just increase their gait and catch him?

A. It is my best recollection he kept walking and they caught up with him.

Q. Now, did you follow with the group?

A. No, sir.

[fol. 1501] Q. Weren't you interested in what Walker was going to do up to that point?

A. Yes, sir, I was interested, but I did not follow them. I stayed over, almost to the same place that I was. However, I moved out to the street and over to the sidewalk and moved up some way near the YMCA Building.

Q. And was that relatively deserted when you got back there after all these people had gone up there?

A. No, but there were still some people along the porch and right near the steps that were not entering into the—

Q. All right. What point were you when you estimated the numbers in this crowd?

A. The first number I estimated as I approached the monument, which was, like I say, I believe it was a couple hundred feet maybe. And then I looked around prior to the speech being made and I saw other people coming in, making the crowd larger.

And then the crowd went forward after the speech.

Q. Did the crowd dissipate any or any of the people listening to his speech scatter before they started toward the monument? I mean toward the Lyceum?

A. Not that I recall.

Q. So, to you, then, as you could see the crowd, rather [fol. 1502] than scattering and dissipating, actually increased?

A. Yes, sir.

Q. As he started walking westward?

A. Yes, sir.

Q. My point is, did I understand you to estimate, in answer to Mr. Gooch's question, that as Walker walked toward the flagpole, there were approximately a thousand people or—as you were, approximately five hundred people? Lined up behind him.

A. I think so—well, now, either 500 with him, near him, or beside of him.

Q. Well, certainly I would say within the confines of the Circle?

A. Yes, sir.

Q. And they were pretty well lined up pretty straight behind him?

A. When they caught up with him, they got either beside him in this long line or in back of him.

Q. Was it a single file, a single rank?

A. The front rank was, but, however, there were other people behind this front rank.

Q. How many deep would you say they were? Two, three?

A. Well, sir, that was—there was a lot of them but I didn't—I really would hate to estimate because I would [fol. 1503] hate to get it wrong.

Q. Now, let's estimate how wide a person would be. There is a foot, there is another five inches. Now, let's get an average person here. There is a foot and there is another ten inches (measuring Mr. Gooch).

So, somewhere in between there, an average citizen would probably be around, we would say, conservatively, eighteen inches, wouldn't they?

A. Yes, sir.

Q. Foot and a half. Take the stand, please.

A. Yes, sir.

Q. So, if there were two hundred people, that would be less than—that would be two-fifths of this crowd—on the front line, that would be 325 feet in width, wouldn't it, or do you know?

A. Well—

Q. Do you want to get your pencil and paper?

A. I wasn't the best in mathematics, so I—

Q. Did you study Liberal Arts?

A. Yes, sir. Very liberal.

Q. All right. Do you want to get your pencil and paper and figure out how wide a company front would be with 200 people in it at a foot and a half apiece.

Mr. Gooch: If the Court please, I submit that's a matter of argument.

[fol. 1504] Mr. Watts: It's not argument.

The Court: It's a matter of mathematics, so I am not going to require the witness to do it. It's a matter of mathematics.

Mr. Watts: That's why I was getting him a pencil.

The Witness: Thank you, sir, I—

By Mr. Watts:

Q. Well, let's break it down to something simple. If there were 200 people in the line and they were a foot and a

half wide, that would be 300 people wouldn't it—as you were, 300 feet.

A. All right.

Q. Now, then, I wish you would outline to use the rate of speed that this 500-man group took toward the Marshals?

A. At the beginning they were slow and the farther they got, they picked up speed.

Q. And did they ever get into a run?

A. Not while I was watching them.

Q. Where were you when you quit watching?

A. In approximately the area near the—near the Y Building but further down near the monument.

Q. Did it appear to you that Walker had command over this group?

A. Sir, I don't know whether he did or not.

[fol. 1505] Q. Did you hear him issue any orders?

A. I wasn't close enough to hear him speak while he was in the crowd. I did not follow him or stay with him where I could listen.

[fol. 1506] Q. Did you hear him confer with a group of about 15 persons who appeared to be riot leaders any time before he started to walk?

A. Before the walk or before the speech?

Q. First, before the walk, immediately before the walk.

A. Not that I recall.

Q. Did you see him confer with 15 people who appeared to be riot leaders before the speech?

A. Well, now, I don't know whether they were riot leaders. Like I said, he was talking to some people before the speech. I don't know whether they were riot leaders or not.

Q. As a newsman would there have been any way you could have told whether they were riot leaders or not?

A. No, sir. They looked like a group of students to me.

Q. Did you see anyone, a tall young man waving a big Confederate flag at that time?

A. I saw several flags. Very possible. I don't know whether it was in that area or not, but I saw several Confederate flags waving—waved that night.

Q. Well, now going back and reconstructing your memory on this, the very best you can, relive this instant when you first saw General Walker, you first saw him standing [fol. 1507] there by the monument, did you see any young man waving a big Confederate flag? Yes or no, or do you know?

A. I can't recall exactly.

Q. Now then, on the monument, back to the speech.

Did you hear General Walker beg the students to cease their violence, and he was met by one massive jeer?

A. I did not.

Q. Would you say that did not happen?

A. I don't know whether it happened or not. I did not personally hear this take place, but I don't know whether it happened or not.

Q. Could there—from where you were could there have been a massive jeer without you hearing it?

A. Well, no, sir, I don't believe that I ever heard any jeer during the speech, before or after.

Q. My question was could there have been a massive jeer during the speech without you hearing it from where you were in the fourth row?

A. I am sure I would have heard it.

Q. All right, and would you say there was not a massive jeer?

A. My best recollection, there was not.

Q. Did you hear General Walker tell the students that, "Violence is not the answer"?

A. I can't recall that, sir.

[fol. 1508] Q. Would you say he did not say that?

A. As I testified, some of these things I took down and some I did not. I did not hear all that was said.

Q. Well, now, in fairness, General Walker could have said, "If there is any blood shed let it be on the hands of the Federal Government. . . ."

A. Yes, sir, I recall that.

Q. " . . . violence is not the answer. Violence was not intended. Your real enemy is that way in Cuba"?

A. I recall some of that but I don't—I don't recall this part about the violence.

Q. Do you recall him saying something about Cuba?

A. Yes, sir.

Q. What did he say?

A. Well, this is in my notes.

Q. All right, give us verbatim what he said?

A. This is not verbatim, but this is as close to what I—I have got, "There is a long route yet to Cuba."

Like I said a while ago, I believe I meant to say, "this," but I have, "to Cuba". —"there".

Like I said, I wrote in the dark and under a bad situation.

Q. But you wrote down there everything that you could under the circumstances that impressed you as being significant?

[fol. 1509] A. Yes, sir.

Q. And did you hear Governor (sic) Walker say, "Governor Barnett has betrayed the people of Mississippi?"

The Court: He means General Walker.

Q. Excuse me, I am sorry. Did Governor (sic) Walker say, "Governor Barnett has betrayed the people of Mississippi?"

A. I don't recall that.

Q. Would you say he did or didn't say that?

A. I did not hear him say that, but I am not saying he didn't because I don't know.

Like I said, I tried to write down what I could, and I might have missed that while I was writing it down.

Q. Did he say, "Don't let up now you may lose this battle but you will have been heard"?

A. I don't recall that.

Q. Did he say, "This is a dangerous situation"?

A. I don't recall that.

Q. Did he say, "You must be prepared for possible death?" Now that would have been rather a significant and challenging statement.

A. Yes, sir, it would, but I don't recall that.

Q. Did he say, "If you are not, go home now"?

A. I don't recall it.

Q. Did you hear any cheers?

[fol. 1510] A. Yes.

Q. Was it apparent to you that Walker had complete command over the group?

A. I am not sure what your definition of "command" is.

Q. By your definition.

A. My definition of command, where someone could say—tell a group of several, or a lot of people to do something, and they would listen to him. Is that—are the—or they would do what he said.

Q. Well that is a pretty good definition. Did you think he had such command over that group that they would do what he said?

A. They were being very respectful to him. I don't—if I—if he had said something, tell them to go on or something, what they were doing, I believe they would have listened to him.

Q. But he didn't tell them to go on, did he?

A. Well, now—

Q. Did you hear him give any commands of any kind?

A. If I can refer to my notes?

Q. All right, refer to your notes, please, sir, and if you find any command there let me know.

A. I believe when he got to the point, "There is no stopping point, you can continue," I consider that a command. "You can continue."

[fol. 1511] Q. Uh-huh. All right, that is the nearest, by your conception, that he got to a command?

A. Well, I don't really consider that a command, but when he said, "You have a right to protest," I think it was more of a statement, but I believe when he said, "You can continue," I consider that a command.

Q. He didn't say anything like, "Follow me, let's charge," or anything like that?

A. I didn't hear that.

Q. Did he or did he not use the word, "charge", anywhere?

A. I don't—I don't recall the word charge. I don't know that he did not say it but—

Q. Do you know Mr. John Edmond King, the gentleman that testified just before you?

A. With the radio station?

Q. Radio station, yes, sir.

A. Yes, sir.

Q. You have discussed this matter with him, haven't you?

A. When you say, "Do I know him . . ." the only time that I met him was at Oxford. He and I both testified before the Grand Jury. I talked to him then and this is the first time I have seen him since that time.

Q. Well, you visited with him in Oxford, didn't you?
[fol. 1512] A. Yes, sir, just a short period of time because I believe he came to town and testified and left. I don't believe we talked any long period of time.

And this morning is the first time I have seen him since I have been here.

Q. Where are you both staying?

A. I don't know where he is staying but I am staying at the Worth.

Q. Did you visit with him out in the hall? Didn't I see you visiting with him out in the hall?

A. Just spoke to him.

Q. Did you talk with him about the fact that your notes were almost verbatim with his, wherein it says, "There is no stopping place, continue"?

A. We did not go over each others' notes together, if that is what you are asking, no, sir.

I wasn't sure what he had in his notes, or he in mine.

Q. Then if the notes are similar it is certainly not any result of any coordination between you?

A. No, sir, it is certainly not.

Q. What is your newspaper?

A. I am not with a newspaper now.

Q. What was it?

A. The Nashville Banner.

[fol. 1513] Q. Did you have access to a copy of that Nashville Banner?

A. Sir.

Q. Do you have a copy or access to a copy of the Nashville Banner about the time the riot took place?

A. I believe I could.

Q. Would you produce it, sir?

A. I don't have it with me. I have a copy at—

Mr. Watts: Do you have a copy of it, Mr. Gooch?

Mr. Gooch: Yes, sir. It is not the AP story, if that is what you want (producing newspaper).

Mr. Watts: Might I have just a minute to have a look at this, please, sir.

(Sotto voce discussion of attorneys not audible to court reporter.)

Mr. Watts: If Your Honor please, I would like to mark as an exhibit on that this part marked in red. That is what I am offering in evidence.

The Court: All right, you will have to mark it.

Mr. Watts: I will have the reporter circle it. Mr. Reporter, will you please encircle this area right here, and mark that as an exhibit. Better circle it with the pen.

(Thereupon, Plaintiff's Exhibit No. 22, was marked for identification.)

[fol. 1514] Mr. Gooch: Are you going to introduce the date-line?

Mr. Watts: Yes, or why don't we just stipulate to it.

Mr. Gooch: Well, I think the stipulation is that is October 1st.

Mr. Watts: October 1, 1962.

Mr. Gooch: It is an article without any credit to any news release.

Mr. Watts: We have stipulated, as I understand, that without the Nashville Banner giving any specific credit to AP, it has this language, which it is agreed, from the AP report?

Mr. Gooch: No, I said it just had some of the same language that was in the report.

Mr. Watts: This same language.

Mr. Gooch: It does not—the article itself does not give credit to AP, and I told you it had some of the same language that was in some of the AP stories.

Mr. Watts: And I will now offer in evidence this same material that is in some of the AP stories.

The Court: That will be out of Plaintiff's Exhibit 22.

Mr. Watts: Out of Plaintiff's Exhibit 22. Has a red circle.

[fol. 1515]

EXCERPT OF PLAINTIFF'S EXHIBIT NO. 22 READ INTO RECORD

"Dispatches from Oxford, Mississippi, said Walker sought to lead a charge by rioters, and quotes him to saying to students, 'If you can't win go on, don't stay at the University, but let's not quit, we can win.'"

Now as I understand, you did not hear that precise language that you have any recollection of, did you?

A. No, I did not.

Mr. Watts: That is all.

Mr. Gooch: We tender in evidence the notes taken and testified to by the witness.

Mr. Andress: I think that we can offer them as part of the cross examination, but we don't believe they can offer them on direct. We object to it.

Mr. Gooch: All right.

The Court: Are you through with this witness?

Mr. Gooch: I have no more questions.

The Court: You may be excused.

* * *

Mr. Gooch: We offer at this time the deposition taken in the Atlanta case by—well, I don't know who took it. I think Mr. Smith.

Mr. Watts: A reporter. And we don't care. It is a legitimate deposition.

Mr. Gooch: And the deposition is of William W. Brit-[fol. 1516] tingham.

Mr. Watts: Is the Reverend Duncan Gray's deposition in that same deposition, Mr. Gooch?

Mr. Gooch: No, sir. Brittingham, Buckley and Tatum, in this volume.

Mr. Andress: Where was this taken?

Mr. Gooch: I don't know. I wasn't there.

Mr. Watts: At Oxford.

Mr. Gooch: It shows appearance of Watts, Smith, Gambrell, and Thomas.

Mr. Watts: I have found it.

Mr. Gooch: Taken by Mr. Gambrell, I believe, in the Atlanta Case.

Mr. Watts: Yes, sir, and myself.

Mr. Gooch: All right. Beginning at Page 3.

* * *

Q. Would you please state your name?

A. William W. Brittingham.

Q. What is your age?

A. I am 21.

Q. And where are you from?

A. Lewes, Delaware.

Q. Are you in school at this time?

A. Yes, sir.

Q. Where?

[fol. 1517] A. At the University of Mississippi.

Q. How long have you been in the University of Mississippi?

A. This is my second year.

Q. Are you a sophomore?

A. No, sir, I am a Junior. I transferred from Jr. College.

* * *

Mr. Gooch: That is through line—about 4, on Page 4. Skipping the preliminaries, the 5th question on Page 4.

* * *

Q. You are familiar with that section of the campus known as the circle?

A. Yes, sir.

Q. With the Confederate monument at the east end and the Lyceum Building at the west end?

A. Yes, sir.

Q. Mr. Brittingham, on the afternoon or evening of September 30, 1962, were you on the University of Mississippi campus?

A. Yes, sir.

Q. What time did you arrive on the University campus?

A. I arrived at approximately suppertime.

Q. Where had you been?

[fol. 1518] A. I had been to Jackson to the football game.

Q. When you arrived back on the campus at approximately suppertime where did you go first?

A. First I went to my room then I unpacked, changed clothes and a group of us went to the Lyceum.

Q. When you got to the Lyceum just describe what you saw and what was going on there.

A. When I arrived at the Lyceum the Marshals had surrounded the Lyceum Building and army trucks were parked in front of the Lyceum Building and there was quite a crowd down in that area there and there was a lot of name calling and cheers and yells of different types and remarks being made and Mississippi State Highway Patrol was holding the crowd back from the Marshals, not a great distance, but just about the width of the street there in front of the Lyceum, and cigarette butts were starting to be flipped on top of the trucks to try to set the canvas top that was on the trucks afire, and there was a bunch of students that were trying to get up close to let the air out of the tires and tried to do as much damage to the army trucks as they could. Then missiles or objects were being thrown by them at that time, and it was getting dark and these objects were starting to be thrown in much larger numbers.

Q. Who were they thrown at?

A. They were throwing at the Marshals and I'll tell you [fol. 1519] those Marshals took quite a beating, really, and then the crowd seemed to be getting a little more wild and a little more aroused as objects were being thrown in increasing numbers and the temper of the crowd was getting more violent. They were particularly aroused at the Marshals and the temper of that crowd reached its climax, when the Marshals fired the first tear gas into the crowd and the crowd receded to the east end of the circle down by the statue, and in the surrounding area.

[fol. 1520] Q. After that happened, just briefly tell us what occurred, then, up until the time you saw General Walker?

A. There were small groups, maybe just a handful of people who would sporadically surge up towards the Marshals and throw objects, bricks and rocks, stones and things like that, there was not a formal group, not organized, but they would just run up, a certain group, and throw and then run back.

That kept on for quite a little time. Along about then I just lost track of time there, but it went on, just kept up and the next thing was when General Walker stepped on the monument.

Q. Had you heard anything to the effect that he was on the campus before he stepped up on that marker, on the monument?

A. Yes, sir, I heard students say, "General Walker is here." They wanted to hear him then and they started crowding around the monument.

Q. How close did you get to the General when he was on the monument?

A. Well, you mean in feet?

Q. Yes.

A. Well, I would say in forty feet. I was in the area of the fountain east of the monument and on the left side of University Avenue. Do you have a map?

[fol. 1521] Q. Yes, here is a map.

A. Thank you, now I was in the area here of which we could call "Circle 2", now the monument is up here at the east end of it.

Q. At the east end of the Circle?

A. Yes, sir.

Q. Approximately where would the fountain be?

A. In this area right here.

Q. Now, you have pointed out by a dot down the street known as University Avenue heading toward the bridge and across that street where the mob was gathered?

A. Yes, sir.

Q. Would you estimate how far that was, approximately, in feet? Would you say it was forty feet?

A. Yes, sir.

Q. Now, somewhere in that neighborhood, is that right?

A. Yes, sir.

Q. Could you hear the General when he was making his speech where you could understand him?

A. No, sir, I didn't hear it clearly due to the fact that there was approximately three or four hundred students in that immediate area. I couldn't say how many or how long they had been there. But they were in that area and in the surrounding area. There was a lots of times that [fol. 1522] people were talking and yelling and laughing and some of them were cussing and coming down into the area on the monument and they were still riled up about the whole situation and because of the noise and confusion, all of General Walker's speech was not clear to me.

Q. You didn't hear and understand everything that was said?

A. No, sir.

Q. Do you recall anything that you heard him say?

A. Yes.

Q. What was it?

A. He made the statement that they had a constitutional right to a protest, that was when I came in from the crowd

and I stood and listened and that is when he said the protest of these students would be heard all over the world or that what they said here tonight would be heard all over the world, now that last is not verbatim. At one time I heard him say something about Cuba, which wasn't clear to me, I just heard him use the word "Cuba".

Q. You didn't understand what else he said about Cuba, if anything?

A. No, it wasn't clear at all and I don't know what it was all about. I heard the term used but at the time I didn't know what he was talking about. When that was going on, I was not close enough to hear what was being said. I did [fol. 1523] not see or hear anything about that and I didn't think anything about that at the time.

Q. All you know about that is hearsay?

A. Yes, sir, just what I heard.

Q. Was anything else that you started to say?

A. No, except that was quite a while ago and I am trying to think of exactly what happened and what I saw and heard.

Q. Now, was there anything else that you heard or observed there right at that time?

A. Yes, before General Walker had been seen by the crowd and had stepped up on the monument, a photographer was getting up the side he was on, that is, just a few minutes later, and then a reporter, but I think he was a private reporter, possibly might have been working with the photographer, and they had come off of field work and the crowd just tore up his equipment there where they had thrown a road-block down below the new Science Building to keep people from coming in.

Q. Did you see any missiles or weapons of any kind in the hands of the people there that night?

A. Yes, sir. Such as rocks and bricks?

Q. Yes. Yes, and bottles, pipes or anything they could use for a weapon?

A. Students had rocks, broken bottles and anything they [fol. 1524] could pick up and they really were worked up and they got anything that they could throw and would charge down towards the Marshals and throw them at them.

Q. What about bricks?

A. Oh, yes, bricks and rocks, lots of them.

Q. Do you know where the bricks came from?

A. Yes, sir, most of them came from the new Science Building they were building there.

Q. Where was the Science Building relative to the monument, how far?

A. It was, I don't know the feet that it was, but I do know where it was and I would say it would be around ninety or maybe 100 feet. It might be more or it might be less.

Q. How did they get those bricks from the building up into the Circle for use?

A. Well, I saw one student who had a wheelbarrow and I saw another that had acquired burlap bags from some place and would load these up and pick them up and heave them to students and go back and load them up again.

Q. What were they doing with these bricks and rocks and bottles?

A. They were making an assault on these Federal Marshals surrounding the Lyceum.

Q. How were they assaulting them by throwing these [fol. 1525] missiles at them?

A. Yes, sir, they would throw anything they could get at them.

Q. Now, the time that General Walker was making his speech, state whether or not people were around there with those things in their hands?

Mr. Watts: Objected to as leading.

The Court: Overruled.

Q. Did you observe anything in the hands of any of these people at the time General Walker was making his speech?

A. Yes, sir, some people had objects in their hands, but I would say the majority did not.

Q. What objects was it that they would have?

A. Bricks and rocks.

Q. Tell us just what happened immediately after General Walker got through with his speech.

A. Well, he came down off of the statue and headed toward the Lyceum and on out, not on the sidewalk but on the grass, and the students then began to have a more sense of direction or feeling of security or to think as a unit of one and—

Mr. Watts: If Your Honor please, I believe I must object to this. This lad is trying to tell what all these students were thinking.

[fol. 1526] The Court: Sustained.

Mr. Watts: That's the type of—

The Court: That part of the answer in which he attempts to interpret the feeling of the crowd. I will permit the balance of the answer.

Mr. Watts: And they started, I think it starts again.

A. —and they started off toward the Lyceum and the crowd generally picked up. I did not see General Walker when he reached the flagpole, I didn't see him any more.

Q. Where was he the last time you saw him?

A. He was headed toward the Lyceum in the front of the crowd with the students.

[fol. 1527] A. Yes, sir, he was right up front with them.

Q. How far had he gone from the monument, I believe you said that was the last you saw of him, now where was that relative to the flagpole?

A. I would say he was about even with the flagpole but if he went to the back of the flagpole, I could not have seen him.

Q. But you saw him about the time he reached the flagpole but you didn't see him afterwards?

A. Yes, sir, that is correct, I didn't.

Mr. Gooch: There was an objection there to leading.

Q. State whether or not you saw him relative to the flagpole?

Mr. Gooch: Then some more objections.

A. He was approaching the flagpole directly but in the same direction he had been going when he left the statue.

Q. Where was he relative to the front of the crowd when you saw him last?

A. He was in or with the front of the crowd.

Q. Do you know whether anyone had ahold of his arms?

A. No, sir, I do not.

Q. You couldn't tell that?

A. No, sir.

Q. What were you doing?

A. What was I doing?

[fol. 1528] Q. Yes.

A. The same thing every other student was doing.

Q. Did you have rocks or bricks in your hand?

A. Yes, sir.

Q. Had you had them in your hand previously that night?

A. You mean before?

Q. Yes.

A. Yes.

Q. What did you do with them?

A. I threw them at the Marshals.

Mr. Watts: Cross examination. Go ahead and read the answers, if you will.

By Mr. Watts:

Q. What is the length of the regular football field?

A. About 100 yards.

Q. Could you throw a football 100 yards?

A. It could be done.

Q. All right. By the same scale, how far could you throw a rock?

A. Well, now first that depends on the size of the rock.

Q. Well the size that the kids were throwing that night at the Marshals?

A. Well, first I think I could state the distance that you [fol. 1529] could throw a rock as compared with a soft ball. I could throw a soft ball, I'd say 50 yards or more, and I think you could throw a rock that far.

Q. That is about half the distance of a football field?

A. Yes, sir.

Q. Do you participate in athletics at the University of Mississippi?

A. No, but I played ball in high school.

Q. Football?

A. Basketball and baseball.

Q. Did you see General Walker with any rocks in his hands?

A. No, sir, I did not.

Q. Now as I understand, when he was speaking, you were in the area of the fountain there in the circle which is somewhere in the neighborhood of 50 feet south of the monument?

A. Yes, sir, I never measured the distance but that sounds about right.

Q. Well, from that point, were there people between you and them?

A. Yes, sir.

Q. Was there a substantial crowd?

A. Yes, sir.

[fol. 1530] Q. Could you estimate the size of that crowd?

A. Oh, I would say around 300 or 400.

Q. That is the area immediately around the monument?

A. Yes, sir.

Q. Well do you know how many was in the area surrounding, the surrounding area, in other words?

A. No, sir.

Q. When General Walker left the statue, did he proceed north or south of the statue or did he proceed west?

A. Well, he stepped down off of the monument and at the time that he stepped down, why, he passed on the left side, which would be the south side. Now I could be mistaken but he passed on this side, I can't be sure about that.

Q. You mean on the north side?

A. Yes, sir, I believe so but I could be mistaken. There was so much confusion going on.

Q. Were there quite a few students or people of some kind close to him and around him?

A. Oh, yes.

Q. When he joined the mob or crowd, as you said, after he got down off of the monument, did you see him again?

A. Yes, sir, when he reached the other side, he was headed towards the Lyceum Building.

Q. In what direction was he headed then?

A. He was headed towards the Lyceum Building almost [fol. 1531] in the direction of this stretch of road right here.

Q. According to this map, that would be slightly to the northwest, would it not?

A. Yes, sir. It was not a direct line between the monument and the Lyceum Building but he was headed in that direction.

Q. Now what was the form of that crowd as it moved forward? Were they drawn up in a formation with a straight line across the front or was it just ragged and sporadic movements?

A. They were not lined up, they didn't form any line or anything like that. They were just grouped up, quite a number would be in each group. They were headed towards the Lyceum Building and all the time they were going, there was more people coming down University Avenue and getting into the crowd, the general movement was toward the Lyceum.

Q. How close were you to the front of the crowd?

A. Oh, approximately the same distance I was when it began.

Q. You mean when what began?

A. Well, when General Walker was on the monument, I was about as close to the front of the crowd as I was to him there on the monument.

Q. That was 40 or 50 feet?

A. Yes, sir.

[fol. 1532] Q. You were about that far from him?

A. Yes, sir, maybe a little more after he left the monument because there were a lot of people and I wasn't in any rush to get in there and mix up with that crowd of people. There were a lot of people passed me, they started off walking but they picked up speed.

Q. Did you go up to the flagpole?

A. No, sir, I didn't, it was just one or two feet, about then was when the Marshals started firing tear gas.

Q. Where was he with respect to the flagpole when you lost sight of him?

A. Headed in the direction of the Lyceum.

Q. But was he east or west of the flagpole?

A. I don't know whether he passed this sidewalk or not. I lost track of him in the crowd.

There was just a lot of people moving forward and were constantly adding to it and I just lost sight of him. In that crowd it was hard not to lose sight of somebody.

Q. Well, about how far north of the east-west sidewalk was he?

A. Oh, that would be hard to say there again because there were so many people moving back and forth, you couldn't say.

Q. Compared to the distance you were from him, was he as far north as you were behind him?

[fol. 1533] A. Yes, he could have been.

Q. You never did see him close to the north-south sidewalk that runs past the flagpole, did you?

A. No, sir, but the crowd there was pretty compact, it was a big crowd and they crossed the sidewalk but I didn't see General Walker cross it, no, sir.

Mr. Gooch: Are you offering the next?

Mr. Watts: I think the rest we will skip.

Mr. Gooch: I will offer it if you don't.

Mr. Watts: It's self-serving, if Your Honor please. Let's check it with the Court. It's entirely irrelevant and it's discovery matter.

The Court: Let's see now, what line are we talking about?

(Sotto voce conference at the bench.)

Mr. Gooch: The Court is omitting from the bottom question on Page 18.

Mr. Watts: I think that's the rest of the deposition. The last question and answer doesn't quite deal with that but I don't care about it unless you want it in.

Well, let's ask that last question on Page 20.

* * *

Q. Did you go to high school in Delaware?

A. Yes, sir.

[fol. 1534] Mr. Watts: That's all.

Mr. Gooch: Judge, I am out of witnesses. Could we adjourn a little early this afternoon?

The Court: All right. Ladies and Gentlemen, we have finished a little sooner with the available witnesses than we had anticipated so we will go ahead and recess this afternoon and start at 9:00 o'clock tomorrow morning.

(Thereupon, at 4:25 p.m., an adjournment was taken until the following morning, Wednesday, June 17, 1964, at 9:00 o'clock, a.m.)