

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 37

CURTIS PUBLISHING COMPANY, PETITIONER,

vs.

WALLACE BUTTS.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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

Direct examination.

By Mr. Schroder:

Q. State your full name?

A. John Gregory.

Q. Where do you live, Mr. Gregory?

A. 420 Woodward Way, Athens, Georgia.

Q. What is your occupation, Mr. Gregory?

A. I am the defensive football coach at the University of Georgia.

Q. How long have you been coaching at the University of Georgia?

A. Since 1957.

Q. How long have you been in the coaching profession?

A. Since 1949.

Q. Are you familiar with the University of Georgia films that were taken of the Alabama-Georgia game in 1962?

[fol. 606] A. Yes, sir.

Q. Could you show that to us, please, and relate what the screen shows?

A. Yes, sir.

* * * * *

Mr. Schroder: Mr. Gregory, would you relate what is being shown there, please?

The Witness: Yes. This is the team coming on the field, the University of Georgia team in the white uniforms. Alabama, of course, is the dark.

This is the Georgia team, the players on the sideline before the kick-off. The captain is out in the middle of the field.

This is Georgia kicking off and Alabama receiving.

The Georgia team in this game covered kick-offs and covered punts real well.

Now, this is the Alabama team, and that is what we refer to as a pro formation at Georgia. This is pro right with Alabama's end. Our defensive end, the right end is off in what we refer to as the triangle, and he is supposed to cover the flat. That is a simple quarterback sneak by Alabama.

This is pro left with Williamson, the split right end. This was a badly executed play on the part of Alabama. I think it was going to be what we refer to as the outside belly, but it was—it was not well executed.

Again, this is a pro formation used by Alabama which is a slot with a split end.

[fol. 607] On this particular defense our end is back in a position where he can rush a passer. If you will notice our defensive linebacker, the right defensive linebacker is loosening up and he is to cover to the flat. He is keying that back of Alabama's and covering him when he swings out there.

Now, on this particular pass, Williamson, which is the split end, went down the field and broke to his left, and Namath, who is the quarterback, he overthrew him and the ball was wild.

Alabama is now in the punt formation, what we call spread punt at the University of Georgia.

In this particular game Alabama had a real good kicking game and Georgia usually got the ball deep in their territory.

This is a slot formation. We refer to it at Georgia a slot left. That is, a lot of teams refer to it as a tight slot. It looks—that slot looks like it might be a yard and a half. When that back goes in motion like that, that is what we call in our terminology as a fly.

This particular play is—is our outside belly series which is 029 at Georgia, and Rakestraw was the quarterback, and he kept the ball.

Now, this is slot right, we are going to run a trap play. Our left guard was supposed to trap, but Alabama, as you can see, Alabama had a defensive man that went around our center and made the play. Our center failed to block the man on his nose, and the defensive man made the play, made the stop right there.

This is slot right. Here is the play; here is the interception that was referred to in the magazine article that said that Rakestraw was rushed badly and the Georgia players were like a bunch of rats in a maze. Rakestraw was [fol. 608] not rushed at all. He should have run for a first down—

The Court: I don't think that is proper.

Mr. Schroder: No, sir.

The Court: No, sir.

The Marshal: Let's have order, please.

The Court: If we can't have order, we will clear the courtroom. Mr. Schroder, if he makes another remark like that, I will have to discontinue this testimony or something. I don't think that was proper.

Mr. Schroder: Just call the plays.

The Court: Yes, sir; whatever his feelings were, I don't think he should show them.

The Witness: This is Rakestraw on what we call a roll-out type pass at Georgia. He was trying to throw to our left end coming across here.

After the interception Alabama lines up in a pro, and Williamson is the split end, and he puts just a little fake [fol. 609] on Porterfield, who is the defensive left halfback, and beats him for a touchdown.

Mr. Schroder: That's all right; let it go; let it go.

The Witness: Alabama was attempting an extra point.

Georgia is in a slot right formation, and that is what we call at Georgia a power-pop play.

Slot right; Rakestraw is rolling out to his right, throwing to Babb, and Babb catches the ball and falls out of bounds.

This is slot right fly, and Rakestraw rolls out again. This looked like a kind of trap that was run real fast, the film was, and it looked like a countertrap by Georgia.

This is the pro left formation used by Georgia. This back is going in long motion, and Alabama did not adjust its defense to this particular play. This is the first time that we have used this formation in the game, and they do not put anyone out to cover this back that is going over in long motion. We complete the pass to him, and he makes a good run, but we get a fifty-yard penalty and the play is called back.

That is Georgia in spread punt formation. We tried to run off of the spread punt.

Georgia now is again in spread punt formation.

This is Alabama in a pro formation again, pro left. It was pop play, in our terminology, that Alabama ran.

On this particular play we didn't have anyone covering the flat, and the flat was wide open, and they threw the ball out there.

[fol. 610] This is a pro formation, a hook pass thrown by Alabama, a pop play.

Alabama completed a pass in the flat off of a roll-out type pass.

That was—in our terminology at Georgia that is what we call a Utah pass. This is a roll back type pass by Alabama.

This is a slot right by Georgia. I don't know what the play was going to be. It was a bad exchange between the center and the quarterback. I don't know what the play could have been.

Again this is a slot right. It is a trap play. This is a slot right formation with the back on the fly, and we run the outside belly, 048.

Georgia was in spread punt formation, and it was a bad snap over the kicker's head, resulted in a safety.

That was a pro formation and a sweep run by Alabama.

This is a pro formation again, and Alabama runs the outside belly. The quarterback kept the ball.

Alabama is in a slot formation, a slot left. They run the fullback off tackle.

Lights.

The Court: Mr. Schroder, do you have any particular play or any particular point, or just show the whole thing?

Mr. Schroder: Show the whole game.

The Court: All right.

[fol. 611] Mr. Schroder: I'd rather not ask the witness to comment on a play, just say what is going on and that is it.

The Witness: I didn't understand what you wanted.

Mr. Schroder: I understand; it is my fault.

The Witness: I didn't understand what the procedure was. Mr. Schroder, do you want every play called?

Mr. Schroder: Not necessarily.

The Marshal: Let's have order, please.

The Witness: Lights.

This is a pro right formation by Alabama and a roll back type pass, what we call the Utah pass at Georgia, a little pass he flipped to the halfback coming through the line.

A pro right formation with left end split real wide; man on fly; looks like what we would call at Georgia the 048 or the outside belly by the quarterback.

This is a pro left formation, a trap play by Alabama.

This is a slot formation, slot left. It is a quick hand-off to the right halfback, straight into the line.

This is a slot right formation by Alabama, a hand-off to the fullback in the middle.

[fol. 612] This is a pro left, a sweep which at Georgia would be 88.

This is a pro left. Namath rolls to the right, throws to the right halfback in the flat.

Mr. Schroder: Is that a touchdown?

The Witness: Yeah. That was Alabama's second touchdown.

This is a pro right, Rakestraw rolls and throws to Babb on a down and out, which was incomplete.

A slot right, fly; we run a counter trap play.

This is a slot right. We run a sweep.

This is a pro right by Alabama and a quarterback sneak.

This is a pro right formation. This is 30-2 pop in Georgia's terminology that Alabama just ran.

This is pro left, a sweep.

This looks like a lot, a give-off to the fullback.

Pro right, trap play to the fullback.

Pro left, fly, the outside belly series which at Georgia would be 029.

Pro left, pop play to the fullback.

This is slot right, fly; fullback runs off tackle, which would be 036 slant at Georgia.

This is pro left, a roll-out to the left by quarterback.

He throws to the right quarterback out in the flat and drops the ball and it is incomplete.

That is a slot left and quarterbacks sneak.

Slot left, fly, fullback runs off tackle; it would be the 037 slant.

Slot right, fly; Rakestraw rolls and throws complete to Babb on the left.

[fol. 613] Mr. Schroder: That was pro right?

The Witness: This is pro right formation. Babb, a split left end.

This is pro left, motion, tries to throw to Babb.

This is the pro left, the back coming in motion. Rakestraw rolls, tries to throw to him, complete out in the flat.

A slot left.

This was 19 pass, left end bent in. Pass was completed to John McClell.

The slot left, it was a 19 special pass, and Rakestraw tried to keep the ball.

Slot right, a 19 pass, left end hook. The left end was going out and trying to do a hook in there, and it incomplete.

Slot left, fly; this was a type of a bootleg.

This is slot left, fly, the outside belly series with the quarterback keeping the ball; it would be 029 keep at Georgia.

This is pro left, trap, just a quick fullback trap with the right guard trapping. I can't see this complete formation. I see a man split way out here. It looks like pro right. It is pro right, quarterback sneak.

Lights.

The Court: Turn on the lights.

Members of the Jury, I will admonish you—I think I have previously given you those instructions. We will recess until 3:20. Let the Jury pass out; everyone else remain seated.

(Whereupon the Jury retired from the courtroom at 3:05 p.m.)

[fol. 614] The Court: Recess until 3:20.

(Whereupon Court recess at 3:05 p.m., reconvening at 3:20 p.m.)

After Recess

The Court: All right, sir.

The Witness: Lights.

This is the beginning of the third quarter.

That is Alabama kicking off to Georgia.

Georgia is in a pro right with a motion. This is a pop play, 30-2 pop.

Georgia is in a slot right, fly; Rakestraw rolls to the right and tries to hit Babb, and he misses.

Slot right, motion; Rakestraw rolling to the right, tries to throw to the right halfback in the flat; it is incomplete.

This is a slot right, a sweep.

A pro left; it is a trap, quick trap to the fullback.

Pro left, what we refer to as a roll-back pass; throws to the end coming across and it is complete.

Pro left, roll right; he hit the end on a hook and it is complete.

Alabama quarterback rolls to the right, throws to the right halfback in the flat, and he scores a touchdown. The third Alabama touchdown.

Alabama tries to go for two points and throws in the end zone, and it is incomplete.

[fol. 615] Georgia is in a pro right, fly, 32 pop.

We make a pretty good gain, but we get a fifteen-yard penalty on the play.

Pro left, fly, a counter trap.

Pro left, fly, an option play, quarterback keeping the ball.

Pro left, fly, 33 pop.

Pro right, sweep right, 99 at Georgia.

Pro right, fly, 048 keep, the outside belly series with the quarterback keeping the ball.

Pro right, sweep right, 99.

Pro left, quick trap to the fullback.

Pro right, 21 trap, left halfback on a quick trap.

Slot right, sweep right.

Pro left, quarterback rolls to his left, decides to run with the ball.

Pro right motion, 33 pop.

Pro left, quarterback rolls right, throws to the right end on a deep circle hook, and it is complete on about the seven-yard line.

Tried the outside belly series again; it was a bad pitch, and they fumbled the ball and Georgia recovered.

Pro left; we run the sweep left, which is—which at Georgia is 88.

Pro left fly, 19 overpass, throws to the right end, goes out of bounds.

Pro left, 30-2 pop.

Pro right, motion, Rakestraw rolling with the ball and tries to throw to the motion man and the pass is incomplete.

Pro right, fly, tries to throw to right end—left end, tries to throw to the left end, incomplete.

This is pro right, fly, 32 pop.

Pro right, fly, 029, and he pitches.

[fol. 616] A slot left, just a quick hand-off to the right halfback.

Lights.

Lights.

This is pro right, trap play to the left halfback.

Pro left, quarterback rolls back, throws to the right halfback in the flat.

Pro left, 33 pop.

Slot left, fly, a quick hand-off to the right halfback.

Pro left, fly, 33 pop.

A slot left, sweep left, which at Georgia would be 88.

Pro left, fly, 029 keep. The quarterback the fullback and keeps the ball, goes right down close to the goal-line.

Slot right, sweep right, and he scored standing up for Alabama's fourth touchdown.

Slot right, completes it.

This is slot right, 99, it is a sweep.

Pro right, motion, F-29 screen; away from the man in motion. We screened to the left halfback off of a drop back action by the quarterback, away from the man in motion.

Pro right, 99.

I'd like to point out here that we are running a sweep on this next play, the slot right 99, and our right guard swings behind the tackle and leads up through the hole.

This is pro right, sweep right, or 99, and again the right guard swings behind the tackle, blocks on the linebacker.

Pro right, straight ahead blocking, sweep right, 99.

Pro left, trying to throw a screen pass, would have been F-48 screen, trying to screen to the right halfback crossing, faking a block, going up sitting in the flat, catching [fol. 617] a screen pass. The quarterback does not throw the ball, and he is thrown for a big loss.

This is a pro left fly, quarterback rolls to his right, throws to the right end, which goes down and breaks to his right. The pass is incomplete.

This is pro right, quarterback sneaks.

Pro right; it is kind of a bad exchange between the quarterback and the fullback. The play is 32 pop.

Slot left, fly, gives to the fullback, what would be 37 slant, 037 slant at Georgia.

Pro left, fly, quarterback keeps the ball on the outside belly series which would be 029 keep.

Pro right; this would be 31 trap in our terminology.

Slot right—I'm sorry; I couldn't see this man out here. This is pro right. They have got a man out left here who is not in the picture. He comes in at the last.

This is a pro right formation, a sweep right, which would be 99 in Georgia's terminology.

Pro left, a trap to the right halfback.

Pro right fly. This is the outside belly series, again, where he fakes to the fullback; quarterback keeps the ball, pitching out to the halfback coming around, and he scores for the fifth Alabama touchdown.

This is a pro right formation, quarterback rolls back, going to try to throw, but he kept the ball and didn't make it. It was a two points—extra point try.

Pro left, fly, and the play is 33 pop.

Pro right, sweep right, 99.

This is a pro right, fly, Rakestraw tries to throw but he is rushed real bad by this number 70 here.

Slot right, Rakestraw rolls to his left, tries to throw back to right end or what we call a bend in pattern at Georgia and the pass is broken up, incomplete.

Slot right, fly, going to be a screen pass to the left this [fol. 618] would be F-29 screeno, away from the motion man.

Slot right, Rakestraw rolls to his left, tries to throw back to the right end, Babb, and the pass is broken up, incomplete.

Lights.

Mr. Schroder: Is that the end of the game?

The Witness: End of the game.

The Court: All right, Mr. Schroder. Put the podium back up there, Mr. Marshal.

Mr. Schroder: I will get it.

The Marshal: I will get it.

By Mr. Schroder:

Q. Mr. Gregory, I believe you testified you are the head defensive coach at University of Georgia?

A. Yes, sir.

Q. What is your function or what is your job as such?

A. During the game it is my responsibility to call every defense from the sidelines.

Q. You mean every defensive formation that Georgia is going into on any play?

A. Yes, sir.

Q. How is that called?

[fol. 619] A. I do it with a set of hand signals which relays the message to the defensive quarterback, who then calls it to the team.

Q. Could you give us an illustration?

A. Yes, sir. For example, if I fold my arms like this, that defensive quarterback, who is one of our guards, knows that that is 60 outside. He steps to the defensive huddle and gives the call. "60 Inside."

Q. How many different defenses do you have?

A. For the Alabama game—

The Court: You may sit down, sir.

A. (By the witness) For the Alabama game we had about—from eight or ten; I couldn't specifically say. We have a general defensive plan, as most schools do, and for certain games we pick out specific defenses that we want to use in that particular game. I can't say the exact number of defenses that we had prepared for the Alabama game, but I do have a written record of every defense that was used by the Georgia team in the game, because I have a manager that stands right beside me on the sideline, and as quickly as I give the defensive call he writes down the defense that was called, the down, the distance, the hash mark, and any comments that I have to make regarding the situation on the field.

Q. What is there that goes into the thinking of a defensive coach, such as yours, when he is deciding what particular defenses to have his team go into?

A. I am on the sideline. A team has twenty-five seconds in the huddle. During that time I have to make the decision, the score in the game, the down and distance, the position on the field, such as the hash mark, whether it is [fol. 620] on the right hash mark or the left hash mark, the middle of the field, whether I think they are going to throw the ball, their history has been; I have to study every team we play. Certain teams have a history of doing certain things at a certain spot on the field. I have to know all of this, and I have just a few seconds to determine in my own mind what I am going to call, and then I make that call, and it is given to the Georgia team.

Q. Is that commonly done by all schools, all colleges?

A. It is done by a lot of colleges; I can't say all of them; I don't know. I do know it is done by a lots.

Q. Coach Gregory, you referred during the running of the film here on several occasions to Georgia and Alabama, whoever might have had the ball at the particular time, running, I believe you said, 30-2 pop on one occasion; would it be 43 pop on another occasion?

A. We don't have a 43 pop; we have a 33 pop.

Q. 33 pop?

A. We have a 33 pop and a 32 pop.

Q. What is meant by the designation "pop"? Does that mean that something is particularly done on that play that is not done on another play?

A. Yes, sir.

Q. What is that, please?

A. That "pop" means that the halfback is going to lead through the hole and block the linebacker and that the linemen are going to turn out block, like that, in other words the linemen on either side of the hole, they will turn out and block out and block in on one side and out on the other, and the halfback is going to lead straight through the hole and block the linebacker, and the ball is given to the fullback, and he follows him through the hole.

[fol. 621] Q. All right, sir. Now, we use these numerals 32 and 33, 99, 88; what do the numerals indicate when you

are describing a play, for example, that the University of Georgia has?

A. Well, for example, on 33 pop, the 3 means, in our numbering system, 3 is the fullback and the other 3, when we say 33, it means the number 3 back, the fullback is going to carry the ball in the 3 hole. We number the holes, odds to the right, 1, 3, 5, 7, and 9; evens to the left, 0, 2, 4, 6, and 8. We number the backs, 1 for the quarterback, the left halfback is 2, the fullback is 3, and the right halfback is 4.

Q. So, the first numeral in your two-numeral sets there, the first numeral indicates the ball carrier who is going to carry the ball?

A. Yes, sir.

Q. If it would be the left halfback, it would be 2; if it would be the right halfback it would be 3—I mean, 4?

A. 4; yes, sir.

Q. The second numeral indicates which hole in the line he is going through?

A. That's right.

Q. If he is going wide, it is—you say odds were to the right; that would be 9?

A. 9; yes, sir.

Q. If he was going wide on the left, that would be 8?

A. Yes, sir.

Q. The Saturday Evening Post refers in its article to an Alabama player or Alabama players—no; strike that. It refers in its article to the fact that one of the Georgia players complained that Alabama players were saying “you can't run ‘a 8-pop’ on us.” Does Georgia have an 88 pop?

[fol. 622] A. No, sir.

Q. Is it possible to run what—is it possible to run a pop off of a sweep?

A. No, sir.

Q. And a 88 would be a sweep?

A. Yes, sir.

Mr. Schroder: Just a moment, please, Your Honor.

The Court: All right, sir.

By Mr. Schroder:

Q. Running through these notes right quickly—

Mr. Schroder: Could you hand them to the witness, please, ma'am?

The Clerk: Yes, sir.

By Mr. Schroder:

Q. I assume you have seen before a reproduction of the notes which you now hold in your hand?

A. Yes, sir.

Q. Will you run over those briefly, without me necessarily questioning you about each, but just go through them briefly and tell us what each means to you insofar as it is related to the University of Georgia's football team?

A. Well, naturally "Bear" Bryant and Wally Butts on occasions, I have heard Coach Butts talk to Coach Bryant [fol. 623] on the telephone, and I have also been around Coach Butts and Coach Bryant in coaches' conventions and meetings of the Southeastern Conference, and things like that. I have never heard Coach Butts refer to Coach Bryant as "Bear". He has always called him "Paul". I have heard Coach Butts—I have been in his office when he has talked to Coach Bryant on the phone, and he'd say, "Paul, this is Wallace Butts." I have never heard Coach Butts refer to him as "Bear".

"Rissmiller, greatest in history". Rissmiller was a sophomore tackle who had good potential; he is a good athlete. It was his first college football game that he had ever played in as a varsity man against the University of Alabama.

Q. All right, sir.

A. He did a credible job in the game.

"Rakestraw to right" doesn't mean anything to me; I mean, any—any team has a quarterback that goes to the right or goes to the left; doesn't mean anything.

"Optional left pass if can block man on corner, keeps running." The optional left pass is a pass that has been

used at Georgia previously and was last used against the University of Miami in 1961. This optional left pass, when we last used it, we used it off of a drop back action where the quarterback drops straight back, and he would not attempt to run on the corner. So, these notes here are wrong, if anything was used pertaining to these notes, it would be wrong, because—

Q. You mean if it regarded the University of Georgia?

A. If it regarded the University of Georgia; that's right. Now, also on an optional left pass, an opposing coach [fol. 624] would have to know the exact terminology of the opponent's team, or else he would not know what any one was referring to. I do not know as a coach, the exact terminology of other teams that we play.

Q. All right, sir.

A. "Well disciplined ball club." For a football team to win in the Southeastern Conference, it has to be well disciplined. To me discipline means they don't jump off sides; they don't fumble the ball; they don't get penalties that is unnecessary. It just means that they do things to perfection, and I would have to say that the Georgia team, in my estimation, was not a well disciplined football team. We made too many mistakes that hurt us real bad.

Q. Nothing unusual about a bunch of sophomores making mistakes, is it?

A. No, sir; they do it in every league.

Q. That's right.

A. And when you have to play them, they are going to make them.

"Added two coaches." We had lost some coaches at Georgia, and I reckon this is—I don't know what this is referring to; it could be referring to Alabama. I know they had added some coaches. We had added some coaches at Georgia. We added a boy named Frank Inman who came there last year from down at Richmond Academy in Augusta, and he wasn't there for spring practice. And then we added in the spring a coach that had come from the University of Nebraska, a Leroy Pierce.

Q. All right, sir.

A. "Onside guard pulls on sweep." It was not in the game plan against the University of Alabama to pull guards on sweeps. Since Johnny Griffith has been head coach at Georgia we have never pulled the onside guard [fol. 625] on a sweep. At the times, if the defense dictates such, we will swing the guard behind the tackle, and they will exchange blocks. In our terminology at Georgia, "swing" mean that the tackle and the guard are going to cross-block. They are going to switch assignments. A "pull" means that a guard is going to cross-block. They are going to switch assignments. "Pull" means that a guard is going to pull around the end and lead interference.

Q. All right, sir; next one.

A. "Don't overshift." The basic defense at Georgia last year was an overshift. We used an overshift practically the entire game against Alabama, because that was the basic defense from which all of last year was an overshift. We used an overshifted on us in the ball game quite a bit, especially when the ball is on a hash mark, and the wide side of the field is there, you want to overshift to the wide side to get your men over there in a position to protect that wide side of the field.

Q. All right, sir. The next one.

A. "Woodward commits fast-safety man." Woodward has had a history at Georgia, while he was a young sophomore, of coming up fast. That means that—by meaning committing fast, I am sure that that would be meaning that he comes up fast to the line of scrimmage on a running play and makes the tackle. If I were an opposing coach trying to use any information of those notes, and I knew that Woodward committed fast, all I would do would just fake a running play, make Woodward come up, and I would put the end down behind him, and I would throw over him for a touchdown. Alabama did not throw the ball in the vicinity or in the area in which Woodward's defensive [fol. 626] responsibility was in the ball game. They didn't throw a single pass in his defensive zone.

Q. All right, sir; next one.

A. "Weak defense, anybody except Blackburn." Weak defense, I thought the defense, to be honest, was a little better than the offense. The defense, in the year before, in the standings in the Southeastern Conference had finished sixth and the offense had finished eleventh, which is just one from the bottom. Now, "anybody except Blackburn", Blackburn was sick. He didn't practice much. He was—he had something wrong with his stomach, and he couldn't practice, and he was out of shape, and Blackburn did not play in the game except very little, right—I think right maybe at the end of the ball game he did play a little.

Q. Speaking of defense there for a moment, looking at the film a while ago that we saw, it appeared to me that Georgia covered those punts as well as any team that you could expect to cover any punt anytime?

A. Yes, sir; they hustled. They covered kick-offs well; they covered punts well.

Q. And looked like to me they were still hustling at the end of the game?

A. Yes, sir; they were still hustling.

Q. Next one.

A. "Bear slot right". That is just a standard formation, slot right. I reckon it is just—it says "Baer"; I guess they are referring to "Babb", I reckon that means it is a regular slot formation; it is just standard; most teams in football use it.

"Split right end out". I don't—that doesn't mean anything. I mean, the end splits—practically every team that plays football splits an end.

[fol. 627] Q. Would that be indicative of the lonesome end formation?

A. Could be; I mean a lot of teams, what we refer to in our terminology at Georgia as a lonesome end formation is an unbalanced line where we take an end and put him over on the strong side of the unbalanced line. That is what we call a lonesome end. I don't—"split right end out". I mean, you see both teams use split ends in that game.

Q. All right, sir.

A. "Long count, left half in motion." Every team in football has got different counts that they go on. Some of them go on quick counts; some of them go, for example, on one, or two, or three or four, just according to the play and what particular type of play they are going to run and what kind of snap count they want to use.

"Left half in motion." Everyone that could see the film, both teams were using motion men, I mean, backs going in motion one way or the other. I mean, that don't mean anything there as far as I am concerned.

"Best since Trippi, Porterfield." Well, I just say this, I never did have the opportunity to see Charlie Trippi play football. I know his reputation as being a great football player and an All-American football player. We have had a lot of good backs at Georgia since I have coached there that are much better than Porterfield. For example, we had Fred Brown in 1959. We won the Conference Championship. We had Bobby Walden who was a good back. We had Jimmy Orr who was a great back now playing with the Colts. We have had some good backs since I have been there.

Q. All right, sir.

[fol. 628] A. And I think they all were better than Porterfield. I mean, Porterfield is doing fine. He was a sophomore and he is a good boy. I think he is going to improve.

Again, it says "Baer on a hook"; I guess it is referring to Babb. Every team—every team—I know we do at Georgia, when we get down in scoring territory, we have a goal line offense. We have a particular set of plays that we use when we get down in scoring territory. When we get down inside the ten or around—close to the goal line, we have a goal line offense. Now, to my knowledge the last time that Coach Butts saw Georgia practice was on Saturday, September the 15th. At that time we did not have the goal line offense. We didn't make the final game plans for the game against Alabama until Monday, so I don't know about that.

Now, "Babb on a hook on the goal line"; you have to have a hook pass on the goal line, because you are limited down there by the end zone, and you can't run out of bounds, so you have to—a guy has to go down there and hook. Everybody has a hook pass. That is one of the simplest passes in football. Every team has a hook pass.

Q. If I remember your testimony—I mean, your statement while the reels were being shown, several passes were thrown by Alabama which you described as hooks?

A. Yes, sir; yes, sir.

Q. All right, sir. Next one.

A. "Slot to right, ends normal (three yards)."

Q. Does that say "end" or "ends"?

A. We don't have any double slot. That is what that would have to mean to me.

Q. All right, sir, go ahead.

[fol. 629] A. I mean—it says "ends normal (three yards)." We don't have—we didn't have a formation at Georgia where we split both ends.

Q. Next one.

A. "Right halfback on fly, left halfback, quarterback gives to left half, left guard pulling blocks on corner." I can't figure that one out.

The Marshal: Order, please.

By Mr. Schroder:

Q. All right, sir, go ahead.

A. "Slot or wide slot"; the year before we had used a wide slot, but we didn't have a wide slot at Georgia for the Alabama game. We had what we referred to as a tight slot, but the year before I know against Georgia Tech, I think we scored a touchdown from a wide slot formation, we didn't have any wide slot for the Alabama game, didn't practice one.

Q. All right, sir.

A. "Can't quick kick." Well, since I have been at Georgia coaching there, we have—I know when we had

Bobby Walden, he was probably the greatest kicker in the country, and he established the Southeastern Conference Record, and he led the Nation in kicking, and he is a great kicker, and we put in a formation which we got from the University of Texas which we kind of copied from them. We get this information from all schools. We copied this from the University of Texas. We call it the quick kick formation, which we kick quick from, and it is actually a double wing formation where we line up the man that is going to kick the ball about eight yards behind the center, and we snap him the ball and he can either quick kick the [fol. 630] ball or he can run or he can pass, and this doesn't change a single thing as far as our offensive playing is concerned. It doesn't change the blocking assignments or anything. We say "quick kick formation" and call the play. For two years Jake Saye has been kick quicking out of this formation, has been throwing the ball, and he was a good quick kicker, and we have gotten off some wonderful quick kicks.

Q. Is it Bobby Walden who used to kick from the same formation?

A. Yes, sir.

Q. In your regular punt formation, how far is the man who is to do the kicking, how far is he from the center?

A. Oh, about thirteen yards, any where from twelve to thirteen.

Q. You more or less leave that up to the individual to select how far back he ought to get?

A. Yes, sir; and it is according to how hard our center can snap the ball, how fast you can get it back there. Some of them are a little bit slow on that.

Q. Next one.

A. "Slot right, left half—" I can't—

Q. That is "right half on fly, screen to him."

A. Oh; "slot right, right half on fly, screen to him." We don't have any play like that. We screened in the Alabama game, but we screened away from the fly man. We didn't screen to the fly man. We don't have any such play as screening to any fly man.

Q. Next one.

A. "29-0 series." We don't have any 29-0 series. We have an outside belly series at Georgia which is an 029 or 048 or 037 slant or 036 slant.

"Babb catches everything they throw." Well, I mean, that is—

[fol. 631] Q. A matter of opinion, isn't it?

A. As far as I am concerned, that is just a ridiculous statement. I don't think any pass receiver could catch everything they throw. I don't see how they could.

Q. Top of Page 7?

A. "Slot right, left end out 15 yards." Now, this, evidently, this says "slot right, left end out 15 yards." Well, that is a pro formation. This is the formation—

Q. That is what you know as the pro formation at Georgia?

A. Yes; in my terminology, in our terminology at Georgia that is a pro formation. Now, that was the formation that Georgia and Alabama used in the ball game. Also about this formation sometime in August last year Coach Butts called me in his office, and he had a boy there—he is now a doctor—his name was Dr. Virgil Peavy, who was the academic grades and so forth. See, the boys went to class and all that, so we went in the office and he told me that he had run into Coach Bryant somewhere, and Coach Bryant was talking to him about this formation.

Mr. Cody: I don't think that is admissible.

The Court: That is hearsay.

Mr. Cody: Let's do it in legal fashion.

Mr. Schroder: That's already been in the case, Your Honor, about Bryant notifying—

[fol. 632] The Court: I don't remember anything about Bryant and Dr. Peavy.

Mr. Schroder: No, sir; not about Dr. Peavy, about the bomb play, the first time Alabama got the ball. It's been already told—

The Court: This is hearsay.

By Mr. Schroder :

Q. Pass on to the next one.

A. "Drop end off, Georgia, contains with tackle (defense)." Well, that is standard in any defensive plan. You have to have a defense where you drop the ends off to cover the flat, and, of course, when you drop the end off, there is no way you can contain the passer unless the tackle does contain him or else you stun the tackle and the linebacker can contain him.

Mr. Schroder: That's all, Your Honor.

The Court: All right, sir, Mr. Cody.

Mr. Cody: Will you identify this for me, please, Defendant's Exhibit No.—what is that, 18?

The Clerk: That will be 19.

[fol. 633] Mr. Cody: All right.

The Clerk: Defendant's Exhibit No. 19 for identification is a copy of a letter dated March 26, 1963, to James H. Therrill from John W. Gregory.

(Whereupon above document was marked for identification only as Defendant's Exhibit No. 19.)

Cross examination.

By Mr. Cody :

Q. Coach Gregory, let me read you one paper and ask you if you signed it. It is addressed—dated March 26, 1963, heading: "Athens, Georgia."

Mr. Schroder: I don't believe it has been introduced in evidence yet.

The Court: He doesn't have to introduce it in evidence; he has to identify it first.

Mr. Schroder: He hasn't identified it if the witness hasn't seen it.

The Court: You have to refer to the date—the date and who signed the letter and so forth. You will have to properly identify it.

[fol. 634] Mr. Cody: It hasn't been introduced.

The Court: No, sir; you don't have to introduce it, not yet.

By Mr. Cody:

Q. This is a letter dated March 26, 1963, headed: March 26, 1963, headed "Athens, Georgia"; addressed to Mr. James H. Therrill, Assistant Attorney General for the State of Georgia. Is that your signature?

A. Yes, sir.

Q. You mind if I read this to you just a moment?

A. No, sir.

Q. "After viewing the alleged notations made by George Burnett while listening to an alleged telephone conversation between Wallace Butts and 'Bear' Bryant on September 13, 1962, it is my opinion, as one of the coaches of the University of Georgia football team, that if such information was given to Coach Bryant before the opening game of the season, it conveyed vital and important information with respect to the offensive and defensive plays, patterns and formations that could have been of value to the University of Alabama football team, and could have effective the outcome of the game on September 22, 1962." You say you signed that?

A. Yes, sir.

Mr. Cody: You can come down.

[fol. 635] Redirect examination.

Q. What were the circumstances under which you signed that?

A. I was called in to the—

The Court: Well, now, you—go ahead; go ahead.

Mr. Schroder: I think he's got a right to explain it.

The Court: I will let him explain it, but you can't impeach your own witness.

Mr. Schroder: Impeach him?

The Court: Go ahead.

By Mr. Schroder :

Q. What were the circumstances under which you signed that?

A. I was called into the head coach's office, Johnny Griffith, by Johnny Griffith, and he told me that the Attorney General had sent these prepared statements over there, and that they were trying to keep the assistant coaches out of it, but looked like they were going to get involved in it, and he showed me these notes, and at that time, I just kind of glanced at them. I didn't have—I didn't study them. I just glanced through them, and so forth, and then Mr. Griffith carried me up to the President's office, [fol. 636] Dr. O. C. Aderhold, and had copies of this statement typed by his secretary. I was in the office and Coach Griffith brought this statement in there, and I borrowed Dr. Aderhold's pen and signed this statement. You know, the coaching profession is a little precarious, and I was afraid that if I didn't sign this statement and go along with the head coach he has the authority to hire and fire his assistants, at his own discretion, that my job would be in jeopardy.

Q. Was anything said about this record being kept out of the public?

A. Yes, sir. Johnny Griffith the head coach at Georgia, told me—

Mr. Cody: Your Honor, I think, that is—that is getting back into hearsay, Mr. Schroder knows that.

The Court: Yes, sir; I will let him go into it.

Mr. Schroder: I think he's got a right to go into it to explain—

The Court: I think he can explain it.

Mr. Schroder: —conduct.

The Witness: Johnny Griffith, the head coach at Georgia, told me that the statement would not be made public, that they were going to carry this over to the Attorney General's office, and it would be placed in the files and that no [fol. 637] one would have access to it, and it wouldn't be

seen. And several days later it was published in the paper.
 Mr. Schroder: Thank you. That's all, Your Honor.
 Mr. Cody: You can be excused, Coach Gregory.

By Mr. Schroder:

Q. Was the statement true—is it true today?

Mr. Cody: Well, that is a conclusion; that is a conclusion.

Mr. Schroder: That is not a conclusion.

The Witness: You noticed in this statement I did not sign the statement.

Mr. Cody: He can't impeach his own statement.

The Court: Did you view these notations, Coach Gregory? Let me ask you this.

Examination.

By the Court:

Q. Before you signed this statement, did you view these notations?

[fol. 638] A. I just glanced through them, Your Honor. I didn't—I didn't study them.

Q. When was this, on March the 26th?

A. Well, I can't recall the exact date.

Q. I mean, it was after it was published in the Saturday Evening Post?

A. Well, I don't even know the date the Saturday Evening Post article was published.

Redirect examination.

By Mr. Schroder:

Q. But this was after—the Judge wants to know if it was after the Post came out?

A. This was when the Attorney General—

Q. Was it after the Post article was published?

A. Yes, sir.

Examination.

By the Court:

Q. And had you seen and read the Post article?

A. Yes, sir.

Q. And then you saw the notations—I imagine it was a photostatic copy?

A. I imagine so; it was just—just a copy.

Q. And it is your testimony—am I correct in this, I want to be sure—it is your testimony that Coach Griffith, and who else put pressure on you to sign it?

A. Well, I didn't—I didn't say anybody put pressure; I just said that I felt—I didn't say that. I said I felt that if I didn't sign the notes that it would jeopardize my job.

[fol. 639] JAMES WALLACE BUTTS called as a witness, having first been duly sworn, testified as follows:

Direct examination.

By Mr. Schroder:

Q. Your name is James Wallace Butts?

A. Yes.

Q. You are the plaintiff in this lawsuit we are trying here today?

A. Yes, sir.

Q. Where do you live, Coach Butts?

A. 1490 South Milledge Avenue, Athens.

Q. How long have you lived in Athens, Georgia?

A. Since 1938.

Q. Where did you receive your education, Coach Butts?

A. I graduated from the Georgia Military College, in Military prep school, and later Mercer University in 1928.

Q. After you had graduated from Mercer did you then go into the coaching profession?

A. Yes; I coached four years at the prep school at Madison A. & M. School, and three years at my Alma Mater,

the Georgia Military College, in Milledgeville, and three years at Male High School in Louisville, Kentucky. Then, of course, I moved to the University of Georgia as assistant coach, 1938. In 1939 I was made the head coach. I retired from that position following the 1960 season.

Q. What is your age?

A. Fifty-eight, sir.

Q. Other than the three years that you coached in Kentucky, you have spent your entire time here in Georgia?

A. Yes, sir.

Q. During the years that you were head coach at the University of Georgia, as head football coach, how many times did you produce a Bowl team?

A. Well, with the cooperation of so many good football players, we made eight Bowl engagements.

Q. Could you name those for me, please?

A. We played in the Orange Bowl three times, the Orange Bowl being the first Bowl game that the University of Georgia had ever played in. We played in the Rose Bowl, the Sugar Bowl, the Oil Bowl, the Gator Bowl, and the Presidential Bowl.

Q. Have you ever coached the College All-Star Teams when they were playing the Professional Football League Champions?

A. Yes; we coached in the All-Star game in Chicago vs the Professional Football League Champions four times, and we, of course, have been in other All-Star games over the years.

Mr. Schroder: May I address the Court a moment, please?

The Court: Sir?

Mr. Schroder: Could I have the original papers there?

The Court: Yes, sir; yes, sir. I have had them here. There are so many orders and things I don't think are pertinent, but the original papers are right on the bottom. [fol. 641] Mr. Schroder: Just the petition, Your Honor.

If it please the Court, this is the—what I am holding in my hand here now is the original petition that was filed by Mr. Butts in this Court on March 25, 1963. Paragraph 4 has been admitted by the Saturday Evening Post, therefore I am not going to go into it, but I would like to read it at this time, if I may.

The Court: All right, sir.

Mr. Schroder: "Plaintiff," being Wallace Butts, "during his career, has enjoyed a national reputation as a successful and respected member of the coaching profession, and has been accorded many honors, among which was his election in 1959 as President of the Football Coaches Association, a national organization of football coaches throughout America. Upon invitation he has coached the College All-Stars, the Blue-Gray All-Star Game, and the North-South All-Star Game. Plaintiff has, during his career, been widely sought as a speaker and lecturer on various aspects of football, and has spoken at clinics, banquets, and other such public gatherings throughout the United States. In addition, Plaintiff has been approached and offered employment as head football coach by several colleges and professional football teams in the country, due entirely to his reputation as a successful member and leader in his profession."

By Mr. Schroder:

Q. At the end of the 1960 season, Coach Butts, you testified [fol. 642] a moment ago that you resigned as head football coach at the University of Georgia.

A. Yes, sir; that is true.

Q. What were the circumstances?

A. I resigned at the end of the 1960 football season because I had had trouble with high blood pressure. The two last games of the season gave me a lot of trouble, and I resigned as the head football coach, knowing then that I would never return as a head coach in college football. I hoped, of course, that I might have the opportunity to coach a professional football team.

Mr. Cody: Your Honor, I don't think that is in response—

Mr. Schroder: Which part of it?

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

Mr. Cody: About what he hoped to do. It is not in response to the question.

The Court: I will let Mr. Schroder question him. Maybe the word "hope" is not proper, but I will let Mr. Schroder question him and bring that out.

Mr. Schroder: Thank you, sir.

[fol. 643] By Mr. Schroder:

Q. During the past year, 1962, have you or not been in touch with a national football team with respect to employment?

A. Yes, sir; the Dallas professional football team of the National Football League contacted me.

Q. That—has anyone contacted you regarding future employment as a coach, or in any other area relating to coaching since the Saturday Evening Post article?

A. No, sir.

Q. That is Mrs. Butts and your three daughters seated there on the bench right inside the rail?

A. Yes, sir.

Q. How well do you know Coach Paul Bryant of the University of Alabama?

A. I have known Coach Paul Bryant, first as a player at the University of Alabama when he played the end opposite Don Hudson. I knew him first as a coach when he was an assistant coach under "Red" Sanders at Vanderbilt University, during the seasons '40 and '41. And then, of course, I have known him real well since he was a member of the Preflight School in Athens in 1942.

Q. Have teams which were coached by you played teams coached by Coach Bryant?

A. The University of Georgia played against Coach Bryant when he was a coach at the University of Kentucky. I believe he was a head coach at that institution eight

years. We played against him one time when he was at Texas A. & M.; and then, of course, Georgia and Alabama always play.

Q. During the years that you have coached football, what has been your custom—if you know the custom of other football coaches you might give that, too—with regard to discussing football techniques, coaching points, and the like.

A. Well, Mr. Schroder, I will say this, that I have never turned down anyone who asked me a coaching point.

Q. What is a “coaching point”?

A. Well, any coach, for example, might know that on a particular pass play, that a sideline route is featured in this pass pattern, and at the University of Georgia, one reason, perhaps, that we have had some success is we not only require that the offensive football player running the sideline route run it, but that he be within four yards of the boundary line, which is a coaching point. When I was coaching the single-wing, I think we were perhaps the first in the business, instead of having the passer look for an open pass receiver, we looked at the defensive man in the area that we were throwing, or zone in which we were throwing, figuring that the defensive man cannot be right. That is a coaching point. Does that answer your question?

Q. Yes, sir; but I would now like to ask you, what is meant by teaching or coaching your boys that the defensive man could not be right? You don't get through to me.

A. Well, to explain that, Mr. Schroder, the way we worked out our pass patterns at the University of Georgia, we put a man to the right of a defender, to the left of the defender, and we occupied all of the others in the defensive plan, and for that reason we could say to our passer, if the man running the pass routes run the pass routes as they should, the defensive man cannot be right. Another example; we put one behind the pass receiver and one in [fol. 645] front. We occupy the other receivers with our plan. We then can tell the passer that the pass defender cannot be right.

Q. Well, he cannot be right if he's got to cover two people, could he? Is that what you mean?

A. Of course, Mr. Schroder, we cannot accomplish this on every occasion, but that is what we try to do.

Q. All right, sir. During the year 1962, in particular, did you or not have occasion to talk to Coach Paul Bryant over the telephone, as well as in person, and if you did, would you relate to the Court and Jury the approximate number of times that you did do that?

A. It would be impossible for me to—to tell the Jury or anyone else the number of times that I have talked to Coach Bryant, or called him, but I have called him several times, and I have talked to him several times. Of course, the first time that I called him during the summer of 1962 was in regard to certain rule changes, or rather, I learned in Buffalo that rules that had been a part of the Rules Committee, the enforcement of the same would be improved.

Q. Well, in that area, why were you in Buffalo? What was going on there?

A. When I was President of the College Football Coaches Association of America, the idea was originated that since there were so many All-Star games throughout America, that the football coaches should sponsor a game of that kind and it could, in time, become the best of them all. So we lined up the Eastern Kodak Company to back this project, and it was started during my time as the President of the Association. For the past two summers such a game has been played in Buffalo, New York. On that occasion it is customary for the Board of Trustees of the Football Coaches Association of America to meet, and as past President it was my privilege in 1962 to attend an [fol. 646] informal meeting in which this particular phase of football was discussed, and the coaches in the meeting that day were in agreement that defensive football was getting a little out of bounds, that football coaches, in their enthusiasm in teaching defensive football, and chasing in pursuit, which is chasing the football player and demand-

ing that every defense man contact him with some part of his body, it was getting a little tough; and so the coaches themselves requested that, or planned to request that the officiating be strict in that area.

Q. Were you attending that meeting in Buffalo as a member of the Football Rules Committee?

A. Well, I was not an important member of the Rules Committee at the time; I was an interim member at large of the Rules Committee, but I felt that if I talked to Coach Paul Bryant, who, in my opinion, is the chief exponent of defensive football techniques, defensive football in general in this part of the country, and perhaps the United States, that I would be doing football, the game of football service.

Q. In what respects?

A. Of course, Mr. Schroder, the objective of most of the coaches that I have ever known is to win football games, but I have never—I have never known a football coach that willfully responds to anything that would cause unwarranted injuries, and I think defensive football at that time had reached that stage.

Q. And you discussed the topic with Coach Bryant because you say that he was one of the leading exponents, or what is it? I didn't exactly understand you.

A. Coach Bryant's record speaks for itself on defense. I sympathize with anyone who has to play him.

[fol. 647] Q. Was he, therefore, contracted as a leader of defensive football?

A. As a leader. I picked him out of all the Southeastern Conference coaches in this area; although I will say this, that Coach Frank Howard, of Clemson, is really the representative of the Third District of the N. C. A. A., the Third District would cover, of course, the Southeastern Conference. I'm not sure how many colleges or universities are represented in that group.

Q. Since your call to him—I believe you said it was either in July or August, 1962, when you came back from Buffalo?

A. I'm not sure about the date, but I think it was in late July.

Q. Had you previously discussed matters with Coach Bryant over the years?

A. Coach Bryant has been the head coach and athletic director at the University of Alabama for the past five years or six years, and since he returned to Texas A. & M.; I have called him many times.

Q. Have you called him, or talked with him since the conversation you have just related took place in July, 1962?

A. I have talked to him several times on the telephone. I have talked to him at least three times in person, that is, prior to the football season of 1962.

Q. Did you or not continue to talk with Coach Bryant throughout the season of 1962?

A. Yes, sir; the record will show that I did. I have called him many times, I am sure, on impulse, for no reason.

Q. On September 13, 1962, the Saturday Evening Post charges that you and Coach Bryant had a telephone conversation with each other, and that during that conversation you gave Coach Bryant had a telephone conversation with each other and that during that conversation you gave Coach Bryant detailed information relating to the secret plays, formations, and defenses which the University of Georgia had in its game plan for the Alabama game. What is your answer as to that?

A. Emphatically no.

Q. Do you recall having any conversation at all with Coach Bryant on September 13, 1962, or on September 16, 1962?

A. Mr. Schroder, I have talked to Coach Bryant several times, many times over the years. I cannot positively identify one call from another, or give the date.

Q. The first time that that particular phone call, or those two phone calls were brought to your attention was some months after September, 1962?

A. The first time I heard about it was when I received a call.

Q. First time you heard about what?

A. The telephone call.

Q. What telephone call?

A. Purported to have been between Wallace Butts and Paul Bryant.

Q. On what occasion?

A. No date was given me; I received a call from Atlanta.

Q. When was the call made to you from Atlanta?

A. I—when I was attending a funeral in Philadelphia; I do not remember the date.

Q. Was it after the first of the year?

A. Yes, sir.

Q. Could it have been around the last day of January?

[fol. 649] A. I believe it was January the 30th, or late the night of January 30th.

Q. That would have been over four months since—after September 13?

A. Yes, sir.

Q. All right. Now, who made that call to you? Just a moment; just a moment.

Mr. Schroder: Your Honor, this might be considered hearsay, and unless Mr. Cody would permit me to go into it—

Mr. Cody: I would like to know who it was.

The Court: You can ask—is it pertinent as to who called him?

Mr. Schroder: I think it might be linked up later; yes, Your Honor.

Mr. Cody: I have no objection.

Mr. Schroder: He has no objection, so I will go forward.

The Court: All right.

By Mr. Schroder:

Q. Who was the party that called you, and what was said by that party and by you on that occasion, January 30th or 31st, 1963?

[fol. 650] Mr. Cody: Well, I object to the contents of the call; I have no objection to who it was calling. That is the question you asked him.

The Court: Yes, sir. Well, I will sustain the objection.

Mr. Schroder: I did not want to go into it. I acknowledged it is hearsay, and I wasn't going into it unless Mr. Cody let me.

The Court: All right, sir.

A. (By the witness) Mr. John Carmichael called me.

Q. Who is he?

A. He is an acquaintance of mine.

Q. What do you mean by "acquaintance" of yours?

A. I have known him for a number of years.

Q. How well?

A. I have never known him too well. I know who he is, and he's always been friendly to me, and it's been the same in my case.

Q. You know him socially?

A. No, sir.

Q. Business-wise?

A. No, sir; I have never been in any business with him. One time Mr. Carmichael did sell me some stock, I believe. The company didn't thrive too well, and he refunded the money, and I appreciated that.

Q. Have you ever been in his home?

A. No.

Q. Has he ever been in your home?

[fol. 651] A. No.

Q. In that conversation was any mention made of a so-called telephone interception?

The Court: I believe you are going into conversation, Mr. Schroder.

Mr. Schroder: All right.

The Court: Of course, I realize there is going to be a certain type of hearsay evidence in this, but I think this particular kind is inadmissible.

Mr. Schroder: All right.

By Mr. Schroder:

Q. Throughout the years when you and Coach Paul Bryant, or you and any other coach have discussed football, has there ever been any occasion when you told Coach Bryant, or any other coach, what plans you, when you were coach, what plans Coach Griffith, who is now the coach, planned to use in any game involving Coach Bryant, or those other coaches?

A. I have never known the game plan of Coach Johnny Griffith.

Q. What is game plan?

A. The game plan is necessary for every game, because every team has quite a number of plays, all of which cannot be used in any one game, and usually the offensive and the defensive plan is outlined for the players. I am not [fol. 652] sure exactly what the plan is at the University of Georgia at the present time.

Q. Well, is your answer to the question I asked you "yes", or "no"; or do you remember the question?

A. I want the question asked again, sir.

(Whereupon the Reporter read back the question.)

A. Mr. Schroder, the question is a little vague to me.

Q. All right, sir. I admit it is too long and ambiguous, perhaps. Have you, in any conversation with Coach Bryant, over the telephone or in person, ever discussed with him what the University of Georgia planned to do in a game to be played between Alabama and Georgia?

A. No.

Q. Is there any doubt in your mind about that?

A. Absolutely not.

Q. Is Coach Bryant the only one in your profession that you talked to in person or over the telephone?

A. The records show that I have talked to quite a few coaches, and I will say that I have slowed down on that. I used to talk to a lot more than I have in recent years.

Mr. Schroder: Under the rules as I understand them, Your Honor, the witness can refresh his recollection from any document which he knows is accurate?

The Court: Yes, sir.

Mr. Schroder: I am not asking the witness to read from the document, but merely to read from it—but merely to read it, and after—

[fol. 653] By Mr. Schroder:

Q. After your recollection has been refreshed, tell us some of the coaches and other athletic people to whom you have talked over the last number of years.

The Court: As I understand, Coach Butts is not going to read the document; he is going to read the document and refresh his recollection, and then testify.

Mr. Schroder: That is what I instructed him.

A. (By the witness) I do not need this record, Mr. Schroder, to remember some coaches I have called. I have been close to Ray Graves.

Q. Who is he? Now, identify him.

A. The head football coach at the University of Florida.

Q. You say you have been close to him; have you talked with him over the telephone?

A. I have talked with him over the telephone. I have talked to Frank Howard, the coach at Clemson. I have talked to Coach John McAloson (?), at the University of Pittsburgh. I have talked to Bob Woodruff, the former coach of the University of Florida; now the athletic director at the University of Tennessee. I have talked to Coach Clyde Earhardt, coach at the Presbyterian College, Clinton, South Carolina. Coach Bob Ford, former coach at the University of Atlanta and the University of Kentucky. Is that sufficient, Mr. Schroder?

Q. In your conversations with these coaches that you have just named—well, I'll put it this way; is that all that you have talked to?

A. No, sir.

[fol. 654] Q. All right, sir. In the conversations which you have had with these various coaches and athletic directors, was or was not football in general discussed?

A. I have talked football with every football coach I have ever been around. I started my football career when I was fifteen years old as a football player at the Georgia Military College in Milledgeville, and I have talked and lived football since that time. That was a long time ago.

Q. Well, let's get it up to more recent years. Have you talked or have you not talked with many coaches in the last two years on the subject of football in general?

A. I have talked to several coaches about football in general the last two years, but actually, the coaching game has grown away from me just a little bit. A lot of the coaches that I coached against are not in the coaching profession any longer, so naturally that would cut down on the number of calls made to people of that kind.

Q. Now, as athletic director at the University of Georgia, what were your responsibilities?

A. My responsibility, of course, was to plan the budget covering all sports. I had responsibility for supervising the making of schedules, and general supervision of the entire athletic program at the University of Georgia.

Q. I believe it's been testified to already that Paul Bryant held the position as athletic director, in addition to the position of head coach, football coach at Alabama?

A. That's true.

Q. What were some of the things that you and Coach Bryant did talk about when you were talking to him, re-[fol. 655] lated to matters covering the University of Georgia and Alabama?

A. Well, of course, Mr. Schroder, football is a big business, and there are a lot of things business-wise that must be discussed between athletic directors.

Q. Such as what?

A. For example, in the case of the University of Georgia and the University of Alabama, it is very important to the University of Georgia that the football game be played every other year in Birmingham, Alabama instead of Tuscaloosa, for two reasons. It's tough enough to play Coach Bryant any place, but in Tuscaloosa it's awful; and

the, of course, it's a difference of forty to fifty thousand dollars in the check that Georgia will receive, for that matter.

Q. Well, in that—

A. Then, of course, we have talked about the possibility of putting lights in at Athens. We have had some games over there when it was so hot that it was almost impossible for the spectators to survive. We have talked about moving the game back where it used to be, on a November date, which has proved impossible so far because the University of Georgia has so many national rivals playing in November.

Q. You talked about the difference in the game being played in Tuscaloosa and in Birmingham with respect to the financial aspects; where was the game scheduled to be played?

A. We have contracts with all of our opponents, and in the game contract between Georgia and Alabama, it is up to the University of Alabama to select the site of the game when it is played in the State of Alabama.

Q. In your conversations with Coach Bryant relating to playing the game in Birmingham, you have said, I think, [fol. 656] that it would mean forty thousand dollars more to each team because of the site where it was played?

A. That's about the difference, but I am giving only an approximate figure, the reason being that the stadium is larger. As another reason, the student body at Tuscaloosa takes up a lot of the seats, and some of them do not come to Birmingham. That is perhaps a selfish reason, but we did figure on it.

Examination.

By the Court:

Q. What would be the total seating, Coach, for a game—without getting into percentages—like the Georgia-Alabama game, the game of '62?

A. Your Honor, our check is—

Q. Approximately.

A. —approximately ninety-eight thousand, which is about the same as the check we received in Jacksonville.

Q. That would be Georgia's share?

A. Yes, sir.

Q. Roughly, it would be two hundred fifty or two hundred seventy thousand gross?

The Court: All right.

Direct examination (continued).

By Mr. Schroder:

Q. You have testified, I believe, that you and other coaches discuss these coaching points. Would you or not [fol. 657] have coaches come to you about your passing techniques?

A. Mr. Schroder, I hate to say this, but I had a very dignified gentleman in the coaching profession spend three days in my basement playroom, the late Gene Neyland. It is true that I was the first one to introduce the "T" formation in the South. I have had many coaches come to me for information; I have never refused one. The last lecture I made on pass offensive, for example, I had more than sixty letters requesting additional information, and I complied with the requests. I think you will find it true that the coaches that know a lot about football are perfectly willing to share the information they have.

Q. Have you sought information or help from other coaches?

A. Mr. Schroder, the University of Georgia has established the all time offensive record for the Southeastern Conference with the single-wing, and of course, it made me a good coach, but I got most of my information from two other coaches, Carl Snavelly, then the coach at the University of North Carolina, and the late Dick Harlow of

Harvard. I went up to see Coach Dick Harlow, and I asked him for information, and he was a little busy and I had to follow him around, and finally I told him to sit down and draw the whole thing, which he did, and we named the offensive for Dick Harlow, then the coach at Harvard. We called it Harvard 3, Harvard 4, Harvard 7. I did give him that much credit.

Q. It is true, from what you have said, then, in your profession coaches willingly, it's unwritten law that they do help each other when they are asked to on specific techniques or plays or coaching points?

[fol. 658] A. Well, to give you an example, Mr. Schroder, you know I have a contemporary, his name is Robert D. Dodd. I would not hesitate to go out and see Coach Dodd and ask him for information on coaching points, and I am sure Coach Dodd would tell me exactly how he ran his plays, giving the coaching points, if I requested this information.

Q. Speaking of that, and particularly the school where Coach Dodd is connected, how do you feel about knowing Bryant as well as you did, when Georgia Tech plays Alabama?

A. Mr. Schroder, I pull for Georgia Tech in every game they play except when they play the University of Georgia. That is rather strange, and I know it. I pull for Auburn to beat Alabama because of my friendship with Coach Ralph Jordan, who was associated with me at the University of Georgia for seven years. Of course, when he played —when Coach Bryant played Bud Wilkinson, I pulled for Alabama because they were representing the Southeastern Conference.

Q. Who is Bud Wilkinson?

A. Bud Wilkinson is one of the finest football coaches ever developed in America; President of the Football Coaches, and athletic director at the University of Oklahoma. Also, he head up the Kennedy Physical Fitness Program.

Q. You know him?

A. Very well.

Q. Wilkinson?

A. Yes, sir. In fact, I have called him many times.

Q. Passing briefly, or passing for the moment to the so-called Burnett notes, I want to ask you a few questions about those, and if Mrs. Stilwell will be kind enough to hand the original to you, you can follow me as I refer to [fol. 659] them. It is contended by the Saturday Evening Post that in a telephone conversation between you and Coach Paul Bryant on September 13, 1962, that you told Coach Bryant the following things, the first of which is, and I quote: "Reismueller greatest in history." I will ask you with reference to that quotation, first, whether you have ever discussed the man whose name I have just mentioned with Coach Bryant at any time, assuming in my question now that what they were talking about was what—what they were talking about here when they wrote it down here was Rissmiller, and not Reismueller?

A. Mr. Schroder, the answer to that is that I have talked to Coach Bryant about Rissmiller. Coach Bryant was a little concerned about the recruiting of Rissmiller for the University of Georgia, and I have talked to him about it, and I assured him that Rissmiller came to the University of Georgia because his uncle lives at Cedartown, Georgia, and because it was his desire to come to the University of Georgia.

Q. Is that—excuse me.

A. In connection with that, Coach Bryant has asked me: What kind of a football player is Rissmiller? The only thing that I have ever said to Coach Bryant, or anyone else about Rissmiller is that he is the finest physical specimens that I have ever seen in football. I have never told Coach Bryant, or any other coach, that Rissmiller could be trapped, that Rissmiller would or would not carry out his offensive assignment. I have never put my judgment up against the judgment of the coaching staff at Georgia

in regard to Rissmiller. I would not pass on how good a [fol. 660] football player he was until I could watch him in group work, which I never have, and also I would have to have the benefit of the grades, which are kept on every football player—

Q. What sort—

A. —because for a football player to be good, he must be consistently good.

Q. What do you mean by grades kept on a football player? You mean in school?

A. I think it is true that every football player that plays in the Southeastern Conference, or any other place where the football competition compares to the competition in the Southeastern Conference, that everything that a football player—any position he does is graded.

Q. Graded by his coaches?

A. Graded by his coaches. The work is usually divided up among the coaching staff, and each coach is assigned one of the—one or more of the players.

Q. The information upon which a coach might grade the player to whom he is assigned is obtained how?

A. By studying the movies.

Q. You remember discussing with Coach Bryant something about the recruiting of Rissmiller? Was Coach Bryant likewise interested in getting that boy to go to the University of Alabama?

A. Mr. Schroder, I would like to say this. I enjoyed Coach Bryant's disappointment in not getting Rissmiller.

Q. Then I assume he was interested in getting him over there?

A. I think a lot of colleges and universities were interested in him, because he was selected in the State of Penn-[fol. 661] sylvania as one of the two or three best tackles in that State his senior year.

Q. Is what you have just said the extent of any discussion that you ever had with Coach Bryant that you recall, in which the name Ray Rissmiller was mentioned?

A. I repeat, I have never said to Coach Bryant, or any other coach playing against the University of Georgia, anything about the detailed play of Rissmiller.

Q. All right, sir. Let's pass on to the next one. I will read it; it's on Page 2. "Rakestraw to right", and there is a line drawn under that, and under the line is written, "optional left pass, if can block man on corner, keeps running". Now, I don't know whether the author or authors of these notes meant for that to be two separate entries or not, so I am going to ask you, first, to discuss the language above the line separately from that below the line, and then ask you to discuss the entry below the line; and, third, then discuss them as if they all meant the same thing. Now, "Rakestraw to right" means to you, if anything? Go ahead.

A. Mr. Schroder, that does not mean anything to me. I would like to say that I have never told any coach that Rakestraw goes to the right or left or forward or backward. I hope he will go forward in the football games next fall.

Q. Next entry reads: "optional left pass"—entry below that line to which I was referring a moment ago—"optional left pass, if can block man on corner, keeps running". What, if anything, does that mean to you, is my first question; and my second question is, whether or not you have ever discussed with Coach Paul Bryant information contained in the quotation which I just read, to the best of your knowledge?

A. I would like to take the bottom part of that statement first.

Q. Do it as you wish, sir.

A. I think it would be true that every offensive plan, almost every offensive plan in football, as related to the passing game, has three types of passes, a drop-back pass, which the quarterback, for example, would drop straight back to the center approximately seven yards and set up to throw. A pass called a roll-out pass in which he would be

required to fake usually to the fullback and the offensive set. And a sprint-out pass in which the quarterback would simply take the ball and sprint as fast as he could to the corner of his offensive man, watching for indications, reading the defensive plan.

Coach Paul Bryant, at times, however, has played entire football games without ever using—without ever using a drop-back type pass. He is an expert on the roll-out type pass, and it might be that since he has Joe Namath, that he is going to drop-back type pass. Coach Paul Bryant and Coach Bud Wilkinson are two of the best exponents of that type of football I know. I have learned a lot of football from them on an option pass, which in the case of Bud Wilkinson I am sure instructions are to the quarterback, sprint to the corner, and any time you can gain three yards, take the three yards and never throw, never throw until the receiver is wide open. That would mean the option pass I have described.

This “option left pass” to me describes the pass route which either originated with me or Coach Frank Leyhe of Notre Dame. We called it the same thing. We have had about ten coaching clinics at the University of Georgia during my coaching time. This expression has been used, I am sure, that in the State of Georgia today there are fifty, a minimum of fifty high school coaches that would know exactly what you are talking about when you mention that pass route. Since I have lectured on the subject of football all over the United States, I am sure there are people all over the United States. If you would like for me to, sir, I will take the blackboard and show you the original plan which was completed seventy per cent of the time when we were employing the single wing offense, if that will—

Q. Seventy per cent of the time?

A. Well, if we threw it a hundred times, we complete seventy.

Q. Is that considered fairly good?

A. Mr. Schroder, we never thought we were doing very well unless we completed better than fifty per cent, but we have had a lot of passes that we had to drop because our percentage was very bad.

Q. You mentioned the fact that optional left pass was something that, I believe you said, you and Frank Leyhe of Notre Dame devised?

A. To my knowledge we were the first coaches that took advantage of the possibility of the same.

Q. Do you know whether or not the University of Georgia now uses that terminology?

A. I heard Coach Johnny Griffith testify that this pass was used in 1961 in the University of Georgia vs. the University of Florida football game at Jacksonville.

Q. Wasn't that the Miami game he was testifying about?

A. Well, you are right; it was Miami.

[fol. 664] Q. And it was called optional left pass? All right, sir, will you please show the Court and Jury what it is that we are talking about when you talk about optional left pass.

A. As I said, this was used first from the single wing. This is a tight line which is something you gentlemen studying football haven't seen much of.

Q. On the blackboard?

A. On the blackboard. Now, the halfback and the linebacker are the two men that we worked on on this offensive plan. First of all, it was our objective to keep the linebacker out of the pass defense so the ball was snapped directly to the fullback who executed a full spin, handing off to the tail back or left half who stepped in to take the ball from the quarterback, and then was back in passing position seven yards deep. The left end ran what we call a deep route, running to the inside of the halfback playing this position, and then heading for the flag. That, of course, is in the corner of the field. The onside end ran what we call a hidden route so that he would be in position either to con-

tinue that route or fake a block on the linebacker. And then he is usually about twelve yards deep. The safety man here had to be occupied because with this plan we were isolating the right defensive side back. The wing back was through the safety man. The tail back dropped back in passing position, and then we told him—of course, we were not always right in what we told him—the defensive man could not be right. As soon as you set up, you look for the defensive man playing that position. There would be a man in front of him and a man behind him. You know that your pass receivers are disciplined. They will be on the right. You throw to the man that is open. I imagine that Van Davis, [fol. 665] who was then playing the right end at the University of Georgia, caught more passes in one season than any football player has ever caught in the history of Southeastern competition, so that is what optional left means, to apply it to the T-formation.

Q. Don't go through—it is the same pattern in that T-formation?

A. Same pattern.

Q. All right, sir. Coach Butts, my second question relating to that entry, or those two entries is this: Do you have any recollection of ever having discussed that with Coach Paul Bryant before Georgia played Alabama in 1962?

A. Absolutely not, in regard to the University of Georgia. The University of Georgia had optional passes. I have never studied them or relayed this information to anyone going to play the University of Georgia.

Q. The next entry reads, "well disciplined ball club, added two coaches". What is your testimony, Coach Butts, with reference to whether or not you have ever discussed that topic with Coach Bryant before the University of Georgia and Alabama met in 1962, in September of that year.

A. Mr. Schroder, before the game between the University of Georgia and University of Alabama, I had never

seen the University of Alabama—University of Georgia scrimmage the first team against the second team. I would have no idea how well disciplined the University of Georgia was under real competitive conditions that could be compared to game conditions. I thought the University of Georgia had a well organized team in that I thought in their group work they moved smartly and quickly to their different groups. They did not have lost motion on the field. I [fol. 666] had no way to know what kind of discipline they had, and I would like, if you will give me permission—

Q. Let me get an answer to my question. Did you discuss the discipline of the University of Georgia Football team with Paul Bryant at any time before they met in September, 1962?

A. Not that I know of. I can go to the blackboard and show you the application of discipline, and frankly under game conditions, although I do not care to criticize anyone. I can show you what lack of discipline under game conditions can do in a football game, and the reason I'd like to do that, I have been accused of rigging and fixing a football game, and I can show you where Alabama got easy touchdowns, and in so doing I will not blame any coach, I will not blame any players, because I understand that the University of Georgia had a number of sophomores, and I don't know any worse sentence you can put on anyone than to have them introduced into Southeastern Conference football in a game against the University of Alabama.

Q. When you say "going to the blackboard" you are referring to showing something that was on the film demonstrating what was done at the game; is that what you mean?

A. The gentlemen of the Jury have seen the pictures, but I doubt seriously if they have had enough experience with football to realize some of the things that happened.

Q. All right, sir, go ahead.

A. That is an offensive set which I would call slot left, right end split, called by the University, as I have learned

since this case has been in progress, pro left. The first touchdown scored in the football game on September the [fol. 667] 22nd, 1962, in—first, I'd like to say to you that—would it be all right for me to tell them, sir, that I told the Georgia coaching staff about the fact that the University of Alabama was going to use this formation, or is that irrelevant?

The Court: I don't see any objection to it.

Mr. Schroder: You have already told them.

The Marshal: Let's have order, please.

The Witness: I went to the defensive coach in the presence of a boy named Virgil Peavy, whose job it was—

By Mr. Schroder:

Q. That is all right; go ahead.

A. All right. In other words, I showed on the blackboard head defensive coaches at the University of Georgia that this formation, told them that Paul Bryant would major in it against the University of Georgia. The first touchdown came from this thing, this formation, and the reason this formation is used, they've got the running strength, and they have got a defensive man isolated out here, and there cannot be but one man on the field that can possibly cover this man if he goes deep, the only man that can cover him is the man playing defensive position. So, early in the game this Williamson, playing right end for Alabama, did a right; that is what it is called. The defensive man playing for the University of Georgia had been coached [fol. 668] and coached everyday by the defensive backfield coach, a man towards him to the right, he is supposed to back up and make the pass receiver come to him, and if a pass is completed, make it happen in front. That is the rule we all go by. Instead of that, he moved with the fake, and it was a touchdown. That is an example of the lack of discipline as applied in football. You cannot blame this football player; he was a sophomore. It has happened to the best of them. That is an easy touchdown. There is not

any way that could be arranged, but I was up in the press box.

Now, the second touchdown—I will not take them in chronological order or the way they happened in the game. As a result of a lack of discipline, self discipline and carrying out a plan, another touchdown was scored when this man went down on a deep in the end and this halfback was with him. The end was playing—was playing the triangle here off the line of scrimmage, approximately four yards.

Q. Are you referring to the defensive end?

A. The defensive end. The defensive end must cover the next man in the flat or deep flat because he is the only one that can. So the right halfback went out into the deep flat. The sophomore here can't be blamed, but football and football reaction must be a part of the football player. It's got to be instilled by discipline and coaching. This boy playing this position hesitated, and it was a touchdown for the University of Alabama. Georgia, all the time, was playing touch, hard-nosed football, in the line. They were covering kicks well; they were fighting to win. Two touchdowns were scored on that same plan that I have drawn right there, gentlemen.

[fol. 669] Now, we put Williamson out on the other side which would be, from the terminology that you should be familiar with now, at least in part, Williamson is out here, and we have the same setup, a defensive end off the line of scrimmage in a triangle. The University of Alabama employed a play that is used by Georgia; it is used by Georgia Tech; it is used by everybody, the outside belly play. A quarterback—all these men blocked away. The quarterback stepped back, placed the ball into the belly of the fullback, and faked to the fullback, faked in here. The right halfback was on a fly, and he had a wide position. Williamson, the split end, went backfield and carried this right side back of the University of Georgia absolutely out of the play. This end is the only man now who can take care of the pitch man in the event the quarterback keeps

the ball, does not give it to the fullback, keeps the ball and pitches. Absolutely this end here, still a sophomore, and I have emphasized the fact that Georgia was handicapped because of this sophomore material, he went in for the fullback. The right halfback for the University of Georgia could have run a hundred yards. But there wasn't a soul on this side of the field, and that is the application of discipline on a football field under game conditions.

Q. Coach, we will pass on to the following or the next note at the top of Page 3 which reads, and I quote "onside guard, pulls on sweep." First I want to ask you, did you or not ever discuss with Coach Bryant prior to the Alabama-Georgia Football game any such thing as is in that note.

A. Mr. Schroder, the answer is "no"; I never discussed any type of guard play with him. I do not know of but two teams in America that pull onside guard on sweeps against [fol. 670] the type of defense that Alabama is known to employ, the two teams being the University of Missouri and the University of Delaware, and in the Southeastern Conference, I think if you pull the onside guard against a wide tackle six, a loose six defense, you will have extreme difficulty getting back to the line of scrimmage.

Q. All right, sir: Now, the next entry, reading "don't overshift." I will ask you the same question I have asked you or intended to ask you with reference to the other notes or other entries; did you on September the 13th or at any time prior to the Alabama-Georgia game discuss that entry with Coach Bryant as it related the the University of Georgia?

A. Mr. Schroder, that could not be possible. I do not know of any offensive plan that I could tell any coach any time that he would not overshift against that offensive set or that plan. The first—

The Court: What do you mean by "overshifting"? I am not clear on that.

Mr. Schroder: The lad from Alabama attempted to do it yesterday.

The Court: That overshifting has been in the testimony several different times.

The Witness: Well, Your Honor, sometimes when they don't overshift you can get into a lot of trouble; I can tell you that.

[fol. 671] The Court: Does that refer to the defense?

The Witness: Defense; yes, sir; it refers to the defense. Usually, if there was a normal defense, balanced defense, the guards would be somewhere in here, the tackle would be in the normal position, with the ends out in their position, but when you overshift, you would find usually—this is done different ways, but to make it as simple as possible, there would usually be a man here on the center, the guard would be overshifting, the tackle would be overshifting, and the end would be out there, and this man would be tight, this man would be tight, and you would compensate for the overshifting by moving your linebackers back to the other side. That is a simple picture of an overshift.

By Mr. Schroder:

Q. Wait a minute, whoa, whoa. In effect, what you are saying when you say "overshift" is related to defensive techniques, and it could only apply to a defensive technique?

A. Yes, sir.

Q. —the defensive line, instead of playing in the regular—

Mr. Cody: Let him testify, Mr. Schroder.

Mr. Schroder: Thank you, sir.

[fol. 672] The Court: I didn't understand your question. I don't know whether it would be—let him ask this question.

The Witness: Yes, sir.

The Court: Young Mr. Pell uses a term "eye-to-eye"; when overshifting, you wouldn't be eye-to-eye; is that correct?

The Witness: No, sir. It would be eye-to-eye on this position here. This man playing head on the center, it would be looking right in the eye, would be eye-to-eye on him, but this football is so technical at times you line up on one eye and at times on the other eye, and it doesn't seem very significant, but it makes a lot of difference.

By Mr. Schroder:

Q. The next entry reads, "Woodward commits fast-safety man." My first question is, Coach Butts, did you at any time discuss that entry or the contents of that entry with Coach Bryant before the Alabama game in 1962 in September?

A. Mr. Schroder, I do not even remember mentioning Woodward's name. Woodward—Brigham Woodward is a personal friend of mine.

Q. My question—answer my question first, and you can explain it. Did you or not discuss with Coach Bryant before the Alabama-Georgia game in 1962?

A. I don't remember ever discussing it with him any time.

[fol. 673] Q. All right, sir. Now, you can explain what it is that that means to you.

A. I would like to show you by demonstration my mental picture of Woodward, which I can do easily.

Q. Doing what?

A. I would like to show you—give me a ball carrier.

Mr. Lockerman: You have got a mighty poor one.

The Witness: Give me one young enough to run, the boy.

The Marshal: Let's have order, please.

The Witness: Will you stand there, please. Woodward is back, the distance will vary according to the situation, say, that he is back twelve yards. I would like to say to you, I have never thought of Woodward as being weak on pass defense. I have worried about him, however, with some of the things he does. He is very aggressive. He wants to make every tackle, and when he approaches the

line of scrimmage, he is in an upright position. I am sure his coaches work on him all the time. I have seen them do it. In my opinion every football player playing the defense should be in a crouch. Now, the danger—first, I'd like to say in defensive football, all defensive football players play ankles. If I come in from this position, the play goes wide. It is possible for me to make tackles on or near the line of scrimmage without too much danger, because pursuit will be coming in that direction, to help [fol. 674] take care of the situation, but when a play breaks through the middle of the line of scrimmage, it is dangerous for any man playing safety man to take a chance, as pointed out by Coach Pierce. The safety man is supposed to prevent touchdowns being scored. So, when Woodward comes up fast, and a block approaches him—come on up, please, sir—and the ball carrier is coming; if the man in the safety position should commit to one side or the other, the ball carrier will certainly take advantage of it. So, what worried me about Woodward was the way he approached the line of scrimmage. I thought he should approach from the front and hold him off and hold up the play so that pursuit could help him. In the picture of the Alabama game, Georgia vs. Alabama, if it had not been for a great tackle by a linebacker—here is Woodward back here. The linebacker, Woodward came up, committed too fast, and went around a block. The Alabama ball carrier would have gone for a seventy-five yard run right down the middle if this linebacker hadn't made a great tackle. Now, that is the only picture I have of Woodward. I have never thought of him as being weak on pass defense. In fact, what he did last year I shall never forget in the homecoming game vs. the University of Kentucky. He came up with an interception which tied the game.

By Mr. Schroder :

Q. Now, would the fact that the safety man committed himself too fast or committed himself fast, would that fact

be of any interest to someone who was preparing to play that team?

A. I can say this, that the offensive set over there, there is not any play that any coach could plan to take advantage [fol. 675] of a man playing the position as I described. Any plan he might overcommit, and frankly I always worry about it, but there wouldn't be any particular play that could take advantage of Woodward in his style of play. It might happen on any play.

Q. How about a—if he did that as a rule, how about a pass play; would that affect him or affect the success of the team playing against the team that Woodward was playing for?

A. Mr. Schroder, I have never suggested a pass play that I think would beat Woodward to anyone, but I think the thing that would beat him or any other player who plays it like he does would be to simulate a running play, make a play look exactly like a running play, and have one man fake a block on him, and get into a pass route.

Q. Well, that, in your opinion, would be the only way that this—

A. That would be the only way, and I know, of course, that at Georgia we have a safety man like that a few years back, and Red Phillips, who now plays right end for L. A. in the National Pro League, was one man out to pass, the first play of the game; it embarrassed us very much; he went eighty yards.

Q. Well, now, you saw the movies yesterday. Did you see at any time where Alabama passed in Woodward's zone where he was supposed to be defending?

A. I saw the picture of the Georgia-Alabama game yesterday, and I never saw a pass in his zone, and I'd like to repeat what I said a moment ago. I have never seen anyone take advantage of Brigham Woodward on pass defense, anyone.

* * * * *

[fol. 676] JAMES WALLACE BUTTS having resumed the stand, testified further as follows :

Direct examination (continued).

By Mr. Schroder :

Q. The next note, Coach Butts, reads as follows, "Weak defense, anybody except Blackburn". With respect to that entry, I want to ask you, as I have before in connection with other entries, did you at any time before the University of Georgia played Alabama in September, 1962, say anything that I just—like I just read to you to Coach Bryant?

A. Emphatically no.

Q. What does that entry mean to you, if anything?

A. It doesn't mean anything to me.

Q. All right, sir.

A. However, I am sure any coach playing against the University of Georgia would assume that since Georgia unfortunately had to play so many sophomores in one season, that they would have a weak secondary defense.

Q. Passing on to the next note on the top of Page 4 which reads, and I quote, "Baer, split right, split right end out." Did you at any time before the date of September 22, 1962, give that information or state that to Coach Bryant?

A. No; I did not. And I would never use such language.

Q. Passing on to the next note, "Long count, left half in motion." Between September the 1st and September 22nd, 1962, in any conversation with Coach Bryant did you give that information?

A. No; I did not give him any information at any time [fol. 677] about the University of Georgia's offensive plan.

Q. The last note on that page, reading, "Best since Trippi, Porterfield"; between September 1st and September 22, 1962, did you give that information to Coach Paul Bryant of Alabama?

A. No; n-o. I would like to say that Porterfield or any other sophomore back I have seen in recent years has some

time to spend in developing before he will equal Charlie Trippi.

Q. The next note on top of Page 5, reading, "Bear on a hook on goal line." Did you at any time before September 22, 1962 give that information to Coach Paul Bryant of Alabama?

A. No, sir; I did not; but if Coach Bryant knew that, he would know that every team in America playing the defense—when playing a goal line defense has so small an area that any end or any back, for that matter, has very little room to maneuver. The pass route would have to be very simple against any goal line defensive plan.

Q. I was thinking about the pass pattern that Georgia used against Auburn when it was playing for the championship in 1960. That was on a goal line, was it not?

A. No, sir.

Q. Where was it?

A. It was too far out, about fifteen yards at that stage of the game. I was a little worried.

Q. Well, that was not a hook pass to Herring, was it?

A. All routes are named, Mr. Schroder, for every eligible receiver. The terminology that we used at the time—Bill Herring, playing the left end, in this particular pass pattern did a deep, which in simple language is down and out. [fol. 678] He faked the halfback and went for the flat, the corner of the field.

Q. And that is where Tarkington hit him?

A. That made me a better coach, Mr. Schroder.

Q. Next entry reads, "Slot to right, ends normal (three yards)"; did you at any time before the game in September, 1962, give that information to Coach Bryant of Alabama?

A. No, sir; I did not. In fact, I haven't seen that formation used in years, and I believe the last time we played against the University of Alabama with the University of Georgia, Paul Bryant used it.

Q. What's that, a double slot?

A. A double slot with the ends out, the halfbacks in position to get out and at the same time do a good job of block-

ing. Some people think it is superior in potential to a plain double wing where the ends are in normal position and the halfbacks outside.

Q. The next note or the next entry in the notes, reading, "right halfback, left guard pulling, blocks on corner"; before September 22, 1962, did you give that information to Coach Paul Bryant?

A. I did not, Mr. Schroder. Any left halfback that was given that ball by the quarterback would be unfortunate. They have enough men left for the men to fly to block the defense.

Q. Top of Page 6, entry reading, "Slot or wide slot 'till goal line"; did you at any time before September 22, 1962, give that information to Coach Bryant of Alabama?

A. I did not.

Q. The next entry reads, "Can't quick kick"; did you at any time before the Alabama-Georgia game in 1962, give that information to Coach Paul Bryant?

[fol. 679] A. No. And I'd like to say this, that the quick kicking plan at the University of Georgia at the first glance—if a football coach studied the position of it at first, he would not think it was very good, but I have watched the University of Georgia use it as copied from the University of Texas. It's been very effective, but if I had known that the University of Georgia had a man who played in normal position, left half or right half or fullback, and quick kick, I certainly would not have given it to Paul Bryant, because in my opinion, that definitely affects the play of the safety man in a three-deep defense.

Q. Next entry, "Slot right, right half from fly, screen to him," before the Alabama and Georgia game in 1962, did you give that information to Coach Paul Bryant?

A. I did not, and I would like to say that all screen passes come off of pass protection action. A man who receives a screen must have an inside-out blocking punt. If a man called a screen like this, he would be definitely covered and

it would be a very dangerous plan. I have never seen it used.

Q. Next entry, "29-0 series, Baer catches every game in 1962, did you give that information to Coach Bryant at any time, either in person or by phone?

A. I do not know—no; the answer is "no".

Q. I did not understand.

A. My answer is "No"; I did not give this information.

Q. Oh, yes.

A. But I do not know of any series of that kind. I have never heard of any series called that by any coach.

Q. The entry on the top of the last page reading "slot right, left end out, fifteen yards"; did you give that in-[fol. 680] formation to Coach Bryant before Georgia played Alabama in 1962?

A. No. I would have to explain, again, as I showed at the blackboard, Coach Bryant showed me the formation and the potential of the formation, and that is the only discussion that I have had about it.

Q. Is that the one that you in turn discussed with the University of Georgia head defensive coach?

A. Yes. I showed him the strength of it running, the strength of it passing.

Q. The next note, "drop end off, contain with tackle"; before the game in 1962, at any time before that game, did you give that information to Coach Bryant?

A. No. And I'd like to explain that. When Coach Bryant returned to Tuscaloosa, Alabama, as the head football coach five seasons ago, six coming up, we played them in Tuscaloosa, and it was just like running signals out in the middle of the field, because he was dropping the ends off. But he would not cooperate with us down near the goal line, and we failed inside the ten yard line at least eight or ten times, we failed to score.

Q. In the conversation—I mean, in the article the Saturday Evening Post indicates that its informer says that you and Coach Bryant, in your alleged telephone conversation, said something about there being a phone call to be made

on Sunday. In any conversation you might have had or that you did have with Coach Bryant before the game or after the game, I will restrict it to before the game, was there any mention about calling back on Sunday?

A. No; to me, no. I have known of Paul Bryant to set up a future telephone call to me.

Q. All right. That completes the notes, but before we pass your copy back to the Clerk's desk, we have been over [fol. 681] those notes in detail, and I want to put this question to you, and I am directing it to each entry individually in those notes. Did you at any time before the University of Georgia met Alabama in Birmingham on September the 22nd, 1962 to play football, did you at any time before that game give Coach Bryant any of the information contained in these seven pages of notes?

A. No; absolutely not. I haven't talked to him about any Georgia football plan at any time since I retired as head coach.

Q. Have you at any time talked to any other coach and given any other coach any information relating to the University of Georgia's football plan before the two schools were to meet?

A. No.

* * * * *

By Mr. Schroder:

Q. Coach Butts, before the University of Georgia played Alabama on September 22, 1962, were you or were you not familiar with the University of Georgia game plan?

A. No. And I would like to enlarge on that. I have never seen a game plan to be used by the University of Georgia since I retired as head football coach.

Q. Before the game in September, 1962, did you or not know what formations the University of Georgia was going to use or planned to use in that game?

A. No. I did not know what formations they planned to use. I know something about almost every formation that has ever been used in football, but—

Q. My question, though, is: Did you know what formations Georgia had planned to use in that game?

[fol. 682] A. No; I did not, and I would like to add to that, I was amazed and surprised that they did not do some other things that they had done well, perhaps the reason being that they always got the ball or almost always got the ball in the Georgia-Alabama game in a very poor field position.

Q. Because of Alabama's kicking game?

A. Alabama always has a great kicking game, and I was proud of the Georgia kicking game. I have never seen better coverage of kicks than Georgia showed in that game.

Q. Before the game in 1962, did you know anything about what plays Georgia planned to use against Alabama?

A. The answer is "no"; I did not know any specific play they would use. I know their outside belly series. I know—I think I know that after thirty-two years as head coach I could take any formation and develop an offense that would cover—hit every hole and take care of every situation.

Q. Did you, before Georgia and Alabama met in 1962, discuss with Paul Bryant anything relating to the way the game was to be played or who was going to do what in the game?

A. The answer is "no"; I had no idea about the game plan or the philosophy to be employed in the game. In other words, football coaches who have coached for a period of time usually develop a football philosophy. They believe in certain phases of the game, and they emphasize the same. I absolutely have no idea at the present time what the Georgia plan is. To be successful in football, one in coaching must establish, first of all, something they can do real well, and then when the defense meets that situation it [fol. 683] gives them the opportunity to put in other plays or other plans.

Q. Who is Wayne Routh?

A. Wayne Routh, the first time I knew him, was connected with Communications International, an advertising

firm, in some capacity. I think I saw him as a financial advisor.

Q. Have you had discussions with Mr. Routh in the offices of Communications International?

A. Yes, sir; Mr. Routh was trying to find the money—

Q. Well, have you had discussions with him?

A. I answer "yes".

Q. During the fall of 1962?

A. Yes, and later.

Q. All right, sir. Now, have you during your tenure as coach or as athletic director at the University of Georgia ever given any coach any information relating to what Georgia planned to do in a forthcoming game against that coach?

A. No. I have talked to a lot of coaches about coaching techniques, coach points.

Q. As related to the plans to be used by Georgia in a forthcoming game?

A. Absolutely no.

Mr. Schroder: Wait a minute. I have got to confer here. Mr. Cody, will you approach the bench with me, please? May we approach the Bench?

The Court: Yes, sir.

(Whereupon a conference was held at the Bench between the Court, Mr. Schroder and Mr. Cody.)

[fol. 684] Cross examination.

By Mr. Cody:

Q. Coach Butts, were you in the courtroom when Mr. J. D. Bolton testified?

A. Yes.

Q. Do you recall the evidence he gave as to the meeting you had in Mr. Cook Barwick's office on February the 22nd when you and certain University officials were present?

A. Yes, sir, I heard what he said, sir.

Q. Is there any error or correction in Mr. Bolton's testimony that you would like to point to?

A. Mr. Cody, I am not sure that I am qualified to correct Mr. Bolton. I would like to say, however, that in my opinion he, not deliberately I am sure, but he said something that I do not agree with, that being—should I tell you?

Q. Go ahead.

A. —that being when after the notes had been handed to me in Mr. Cook Barwick's office, he said that he quoted me as saying that the information in those notes was basically true. I have never said that. I said such a telephone call might have been overheard. I did not say—I did not evaluate the notes.

Q. Do you recall he asked you to sign an affidavit on that occasion?

A. You are referring to Mr. Cook Barwick?

Q. Anybody in that meeting.

A. Mr. Cook Barwick never, never asked me to sign an affidavit.

Q. Well, who did?

A. Not anyone in the room asked me to sign an affidavit. [fol. 685] They asked me to do something else.

Q. Was that take a lie detector test?

A. That is true, sir.

Q. And is it your evidence now, under oath, that no one in that meeting asked you to sign an affidavit?

A. Not to my knowledge.

Q. But you did hear Mr. Bolton testify to the fact that that request was made, and you take issue with him on that statement?

A. I do, sir. According to my knowledge I would like to—I would like to ask for permission to explain.

The Court: Yes, sir; you explain any answer you want to.

A. (By the witness) There was a little bit of pressure on me, Mr. Cody, when I walked in to that arrangement. I didn't know what they had—what the meeting was all about.

Q. You were among friends, though, weren't you?

The Court: Just—all right.

The Marshal: Let's have order, please.

A. (By the witness) You want me to answer that?

Q. Haven't you known Mr. Bolton and those University officials for many years?

A. Yes, sir; yes, sir.

Q. Coach Butts, hasn't the University of Georgia been pretty good to you over the years?

A. Yes, sir; they have given me a wonderful opportunity, and I appreciate it very much, and I might add, I will [fol. 686] always be loyal to the University of Georgia, regardless.

Q. Was it the next day that you resigned as athletic director?

A. Yes, sir.

Q. Do you recall Mr. Bolton's testimony to the effect that you resigned in January previous to this particular resignation?

A. I recall that, Mr. Cody, but I would like to say the only official resignation, which is what I thought you were referring to, came Saturday following meeting in Mr. Cook Barwick's office.

Q. That would be February 23rd?

A. I will take your word for it, sir.

Q. Thank you. Now, what—why did you resign back in January?

A. I—I went to Dr. O. C. Aderhold, President of the University of Georgia, and told him that I would like to be retired as athletic director in June, I wanted to do some other things and get out of the job as athletic director.

Q. Well, now, tell us what the other things, Coach, are. That is important in connection with this case. What business were you going into?

A. Sir, it was my plan at the time to hold the interests I had, not particularly to enter into them. For example, I owned stock in a corporation known as Instant Loan Company. I have never had anything to do with operating that company, but I had planned to back them to great extent.

What I expected to and planned to do was to get a connection with a professional football team.

Q. Let's back up to the Instant Loan Company, now, just a minute. Who was it you went in business with in that company?

[fol. 687] A. Mr. Cody, originally I went into the business with Frank Childs of Gray, Georgia and Carl Westmoreland of Macon, Georgia.

Q. Was that a partnership?

A. It was—I heard that it was a partnership, but it was incorporated from the beginning, that is, in my opinion at this time.

Q. Isn't it true, though, Coach Butts, that when the Instant Loan Company was started, you and Frank Childs were partners?

A. We collaborated in the planning to get the loan licenses, but when the business started operating, Mr. Cody, Mr. Westmoreland was in it with one-third interest and it was a corporation. To my knowledge there's never been a partnership. Frankly, I don't know too much about the difference. But officially, when Instant Loan Company was started, it was a corporation, and I have named to you the owners of the stock, one-third interest each.

Q. It started out as a corporation?

A. Yes, sir.

Q. And that—and that company operated in various cities over the State of Georgia?

A. Yes, sir. The home office is in Macon, Georgia. We have an office in Blackshear, Georgia; Ocilla, Georgia; Dawson, Forest Park, and Jonesboro.

Mr. Schroder: If the Court please, could I inquire as to the relevancy of all this testimony?

The Court: What is your—

[fol. 688] Mr. Cody: I want to show, Your Honor, that he was devoting his entire time practically to outside interests other than athletic director, and that is the reason—that is the reason he resigned.

Mr. Schroder: I think he ought to just ask him that, about—

Mr. Cody: That is what we are talking about.

Mr. Schroder: Whether it was a partnership, a corporation, where they had offices, who the people were; just ask him what part he devoted to athletic director.

The Court: I will let you continue the line within limits.

By Mr. Cody:

Q. You didn't name Blackshear.

The Court: Yes, sir; he named Blackshear.

The Witness: Yes, sir; I meant to.

The Court: He named Blackshear.

By Mr. Cody:

Q. How about Conyers?

[fol. 689] A. I don't have one at Conyers, but it is a good place, though.

Q. Ocilla?

A. A license was issued for Ocilla, Mr. Cody, but it was exchanged for another location; I believe, Jonesboro.

Mr. Cody: Will you identify this, please?

The Clerk: Yes, sir.

Mr. Cody: That may have been identified once before.

The Clerk: It doesn't have a number—yes, it is; Defendant's Exhibit No. 10. It's been marked.

By Mr. Cody:

Q. Coach Butts, I show you what has been identified as Defendant's Exhibit No. 10.

Mr. Schroder: May I look at it, Mr. Cody? I don't believe I have ever seen it. I don't know what you are talking about.

By Mr. Cody:

Q. Do you know what that is?

A. Yes, sir.

Q. Did you—will you look on there and tell who—whether or not that is the business that we are taken about the Instant Loan Company?

A. Yes, sir; it is.

[fol. 690] Q. Does it show what type of business it is, that is, whether it is a corporation or partnership?

A. I don't know. You will have to show me. I am not very wise in business transactions. I can give evidence to that effect.

Q. You see question number 6 that you and Frank Childs are named as partners?

The Court: What is the purpose of this?

The Witness: Mr. Cody—

The Court: What is the purpose in whether it is a partnership or—of course, I don't know what your—

Mr. Cody: Your Honor, there will be some evidence about Mr. Childs.

The Witness: Mr. Cody, will you please consider the answer I gave you. When these licenses were issued, I am not sure, but when the business started operating Mr. Carl Westmoreland was a third owner in a corporation which was formed in Macon, Georgia, Bibb County.

By Mr. Cody:

Q. Do you know if, Coach Butts, if your resignation in January of 1963, that the acceptance of it was held up because of all these business interests that the University—

[fol. 691] Mr. Lockerman: Your Honor, I don't think that is a proper question at all, does he know whether or not he was held up because of that.

The Court: What would be the relevancy, even if it was?

Mr. Lockerman: Yes; that is a further objection.

Mr. Cody: I withdraw it.

The Court: All right, sir.

By Mr. Cody:

Q. It is your testimony now that effective February 28, that is, the resignation you made on February 23rd, effective February 28, that following that date, February 28, you were neither coach nor athletic director at the University?

A. That is true, sir.

Q. Coach Butts, do you remember giving your deposition in Mr. Schroder's office prior to the trial of this case?

A. Yes, sir.

Q. That was on May the 3rd?

A. Well, I—I'll take your word for that, sir.

Mr. Schroder: If the Court please, and while counsel was looking there, the witness has testified he did resign, but I don't believe he testified why he resigned on February 23.

[fol. 692] The Court: Well, you can bring that back out on redirect-examination; I will permit you to do so. All right, sir, go ahead with the Coach.

By Mr. Cody:

Q. Coach Butts, do you recall a statement that you made over television on March the 29th, 1963, as follows:

"Gentlemen, I came over here today to see the Attorney General of the State of Georgia, Mr. Gene Cook. My express purpose was to check with him things that I had read in the papers and heard on T. V., that in some respects might imply that I had at some time or another been connected with gambling interests. I assured Mr. Cook that I never had been interested in gambling. I have never been interested in associating with people that were known gamblers, and that I would like to repeat what I have said many times before. My greatest love of all and interest is in the University of Georgia, and I would never at any time and never have done anything that would injure the University of Georgia, and that is all I have to say."

Did you make that statement?

A. Mr. Cody, I have heard so many statements, and been around you lawyers so much, might be a few words out of line there, but I made a statement to that effect. I would like to say that as far as my services at the University of Georgia are concerned, that represents only my opinion.

Mr. Schroder: If the Court please, this is about the second or third time that reference has been made in this [fol. 693] trial to the Attorney General. Now, I think that the Jury ought to be instructed that whatever happened at the Attorney General's Office, or before the Attorney General, doesn't have any bearing whatever on the issue being tried here today and cannot influence their deliberations in any way. That's been referred to yesterday in a statement, referred to again in this—in the testimony today.

Mr. Cody: We are not getting in to the results of that.

Mr. Schroder: I believe the Jury would be—ever the results of any other body might have been is not—should have no sway or bearing on your determination of the issue in this case.

By Mr. Cody:

Q. Coach Butts, you refreshed your recollection earlier in the morning about some telephone calls that Mr. Schroder asked you about. Will you take a look at that document, which is—which has been identified as Defendant's Exhibit No. 17.

Mr. Schroder: May Mr. Cody and I approach the Bench, Your Honor?

The Court: Yes, sir.

(Whereupon there was a conference at the Bench between The Court, Mr. Cody, and Mr. Schroder.)

[fol. 694] The Court: All right, sir.

By Mr. Cody:

Q. Now, you may refresh your recollection at any point in this testimony that you wish, Coach Butts, so I am going to ask you, first, to turn to such part of that list as discloses some calls in September of 1962, and ask you if it doesn't disclose—

A. Wait a minute, please, sir. May I ask a question, sir? Do they start on Page 22?

Q. They are in several different places, but I don't think you will have any trouble locating them.

A. What do you want me to do, sir?

Q. I want to ask you if that document refreshes your recollection with respect to ten or eleven calls that you made to a man named Frank Scoby, in Chicago. This is in September, 1962.

A. Without looking at the document, Mr. Cody, I will say that I have called him at least eleven times.

Q. During September?

A. Yes, sir.

Q. Do you recall particularly calling him on September 21, 1962 on two separate calls?

A. No; I do not, sir.

Q. That would have been the day before the Georgia-Alabama game?

A. Yes, sir.

Q. Do you recall—can you refresh your recollection from that document and tell me whether or not you called him on September 22, which was the day of the game?

A. I would not have remembered it exactly, sir, except that the gentleman that I called Mr. Scoby for read this in a newspaper and told me about it, said this call was made [fol. 695] to Mr. Scoby on the day of the Georgia-Alabama game for Mr. Joe Sargent, Lakeland, Florida, and I simply put him on the phone, and he talked to him.

Q. Did you know Mr. Frank Scoby was a pretty big gambler?

A. I did not.

Q. Have you found out since?

A. Well, they said you couldn't mention the Eugene Cook investigation; is that right? That's the first time I knew about it, sir.

Mr. Schroder: I understood the question was that he was not his—what is the question?

The Court: I believe he asked Coach Butts did he know that Frank Scoby was—

Mr. Schroder: Was—

The Court: —was a big gambler.

By Mr. Cody:

Q. How long have you known Frank Scoby?

A. I have known of him since, perhaps the early '40s. I met him following the 1946 football season in the summer of '47, when I was a member of the College All-Star coaching staff in Chicago. I met—

Q. Have you—

[fol. 696] Mr. Schroder: Let him finish.

Q. Go ahead.

A. I met him through Coach Frank Leyhe, then the coach of Notre Dame.

Q. Have you known him closely since then?

A. He is a real good friend.

Q. Has he visited you in Athens?

A. No, sir.

Q. Have you seen him in Atlanta?

A. I recall seeing him twice in Atlanta; once when he came to the Georgia versus Georgia Tech game played in Atlanta in 1959, and I believe he has been in Atlanta at least once, or maybe twice on business.

Q. Have you ever seen him in Athens?

A. I have never seen him in Athens.

Q. On how many occasions have you met him in Chicago?

A. Many times; he's a good friend of mine.

Q. Have you met him in New York on a number of occasions?

A. On several occasions. Mr. Scoby not only was a distributor for the Miller High Life distributorship in Chicago, but he is the distributor of Miller High Life in New York City.

Q. When you visited him in New York City, were you up there at his invitation?

A. The answer is "No".

Q. Did he pay your expenses?

Mr. Lockerman: I think he wanted to explain something, Mr. Cody.

[fol. 697] By Mr. Cody:

Q. Go ahead.

A. Mr. Scoby has never paid my expenses to New York City.

Q. Has he paid them while you were there?

A. Yes; and I would like to explain, and I am not trying to—

The Court: You go ahead and explain.

A. —be funny at all, but Mr. Scoby is what people call a check-grabber, and with my financial setup, sometimes I have a hard time getting my hand out of my pocket.

Q. Did he arrange a loan for you in Chicago?

A. Yes, sir.

Q. Did he endorse your note?

Mr. Schroder: Please—let the witness be instructed he's got the right to explain any answer.

The Court: Yes, sir; yes, sir.

By Mr. Cody:

Q. Go ahead.

A. Yes, Mr. Cody.

The Court: Any answer, Coach Butts, that you want to explain, you just say "I want to explain it", and then go ahead and explain it.

[fol. 698] The Witness: Thank you, Your Honor. You will understand, this is the first trial I have ever seen, much less been in. Would you please ask your question, sir?

The Court: He asked the question, did you borrow some money from Mr. Scoby.

By the Witness:

A. The answer is, I did not borrow money from Mr. Scoby, but through Mr. Scoby's influence at the Exchange National Bank in Chicago with a gentleman named Ralph Miller handling the negotiations I borrowed six thousand dollars, and at the present time I owe fifteen hundred dollars on it.

Q. When was that loan made?

A. I do not know, sir.

Q. Were you in Chicago when the deposition of Mr. Scoby was taken?

A. Yes, sir.

Q. Did you see him on that occasion?

A. I saw him for lunch, sir.

Q. Are you familiar with his testimony as to the number of telephone calls that he has made to you?

A. I have never seen that information; I have never been interested in it.

Q. Have you ever been off on any trips down into Florida with Mr. Scoby?

A. I think I have one time, sir.

Q. Where was that?

A. Miami, Florida.

Q. Have you entered into any business negotiations with Mr. Scoby?

A. I have never been in business with Mr. Scoby. Mr. Scoby has tried to help me with several projections I hoped to put over.

[fol. 699] Q. What's that?

A. I requested that he help me find money, if he could, for the loan companies, the reason being a loan company can afford to pay eight per cent for such loans, such mon-

ies. He also, when I was in the Orange River Groves, Inc., a corporation, he checked it out, thinking maybe it might be a good investment. His decision was that it was not a good investment.

Q. Well, it didn't take him long to decide that, did it?

A. No, sir.

Q. As a matter of fact, you have lost a lot of money in that business, haven't you?

Q. Go ahead and answer it any way you want.

A. The amount of money that I will eventually lose in Orange River Groves, Incorporated, which still is operating, will depend on the honesty of two individuals that owe me some money in connection with that deal.

Q. Are you active now in the operation of that business?

A. No, sir.

Q. Well, now, are there any other areas in which you have been negotiating with Mr. Scoby, any business negotiations in connection with any particular business?

A. I—there is a concentrate plant at Lakeland, Florida, called Universal Foods, Incorporated. They were looking for some money because they wanted—they were under-financed. I don't think Mr. Scoby ever took any particular interest in it.

Q. Is there any other business that you haven't mentioned that you have been discussing with Mr. Scoby that you both might be interested in?

[fol. 700] A. Mr. Cody, at one time when I was thinking about retiring from the University of Georgia as the athletic director, Mr. Scoby mentioned to me that he was introducing a new scotch whiskey into the country. I think the name of it was "James Douglas". He mentioned the fact that if I got a connection with a professional football team he might be able to work out something where I could get an override on all of the products sold in the South.

Q. For that particular brand of scotch whiskey?

A. Which he is planning to introduce into the country.

Q. What is the status of that negotiation now?

A. Mr. Cody, since the Saturday Evening Post story, I haven't had too many people talk to me about jobs.

Q. We are talking about Scooby now.

A. All right, sir.

He hasn't mentioned and I have not mentioned it sir.

Q. Could you refresh your recollection, Coach Butts—you can use that memorandum that you had a moment ago—and tell me about how many telephone calls you have exchanged with Mr. Frank Childs down at Gray, Georgia?

A. No, sir. If you will pardon me, I don't think that is necessary. I am willing to admit that I have had many calls from him and to him.

Q. Would it be several hundred?

Q. Have you ever been off on any trips with Mr. Childs?

A. Yes, sir.

Q. Approximately how many?

[fol. 701] The Court: You going to connect all this up, Mr. Cody?

Mr. Cody: Yes, sir.

A. (By the witness) One time I went to New York with him to see a World Series game, and I have been several times to Miami with him in regard to the Orange Grove—Orange River Groves, Incorporated, business.

Q. Did you know that Mr. Frank Childs owned a part interest in a gambling casino?

A. Absolutely not.

Q. Do you know now whether he—

A. I have never known of Mr. Childs having any interest in any gambling casino.

Mr. Cody: I want the deposition—I think I have got a copy here.

Mr. Schroder: If the Court please, I do anticipate counsel being able to prove what he is stating there as a matter of fact, that is, as to who or who is not a gambler, and who or who is not an owner of a casino. I mean, I am not—I don't know anything about it, but counsel is stating that as a fact, did he know that Mr. Childs was half-owner of a casino, and I think—I am just assuming he is going to be able to establish it. The witness said he didn't know.

The Court: I have to let him prove his case it is not objectionable, and you can come back and clear it up on direct.

Mr. Schroder: That is not my point. My point is, even on cross-examination, Mr. Cody can't state something for a fact something that has not been introduced in evidence.

The Court: I overrule the objection.

Mr. Schroder: All right.

By Mr. Cody:

Q. You say you remember the deposition which you gave before a court reporter on May 3rd, 1963 in Mr. Schroder's office?

A. Yes, sir.

Q. Do you remember this question and this answer: "Did you ever know that Frank Childs had a part interest in a gambling casino down near Gray, Georgia?" Answer: "No, sir; I read about it." Is that correct?

A. Mr. Cody—

Q. Just answer my question, and I will let you explain it later.

A. Okay.

Q. I want to ask you several questions and you make whatever explanation you want to.

A. My explanation for that is that I read about a raid on a gambling casino in the county in which Gray—I believe it's Greene County, but I did not read about Mr. Childs being connected with it in any way, but I do know, as a [fol. 703] matter of fact, that they had Mr. Childs up before a Grand Jury later in regard to the case but that does not prove to me that he was a part owner of a gambling casino.

Q. Well, Coach Butts, let's get back to the questions and the answers I put to you on Page 41 of your deposition given on the date which I mentioned. I want to ask you to state whether or not his question and this answer is correct that you gave on that occasion. I have several to ask you about. "Did you ever know that Frank Childs had a part interest in a gambling casino down near Gray, Georgia?"

A. No.

Q. Your answer was, "No, sir; I read about it." Is that a correct statement of the question and answer?

Mr. Schroder: I think he has explained that, Your Honor.

By Mr. Cody:

Q. Let's pass on to the next one, then. When was it—is this question correct that was submitted to you on that occasion: "When was it you read about—"

Mr. Schroder: I think it is not a question of whether the question is correct, but the answer.

Mr. Cody: It's both.

The Court: I think it is a proper way. Mr. Cody can ask Coach Butts on such and such a day, when you took his [fol. 704] deposition in Mr. Schroder's office, "did I ask you this question and did you answer accordingly, 1, 2, 3," whatever the questions were, and then at that conclusion Coach Butts should be permitted to explain why he answered that question in those depositions that way on that particular day. Do we understand each other?

Mr. Cody: I think, sir.

Mr. Lockerman: Your Honor, wouldn't that be for the purpose of showing some contradictory statements, and there is no contradiction here.

The Court: I don't know whether there is or not. I don't know what Mr. Frank Childs or Mr. Scoby, I mean, I don't know what the nature of this testimony is, and if you recall I previously asked Mr. Cody was he going to be able to connect it up. Otherwise, I don't think it is admissible. But go ahead.

By Mr. Cody:

Q. Reading further, and I will just read two or three questions and two or three answers, and you make whatever explanation you want. I am trying to establish, Coach Butts, that these questions and answers were submitted to you on that occasion. "When was it you read about it?"

Answer: "I read about it in one of the Macon papers. I don't know when." Let me finish.

[fol. 705] The Court: Yes, sir; go ahead.

By Mr. Cody:

Q. "Could you say approximately when?" Answer: "No, sir; I would not attempt to do that." Question: "Would it be in the year of 1963?" Answer: "I read about it, and I will not try to remember the date." Question: "Could it have been in the year 1962?" Answer: "I don't know. You have got me on that one." Do you recall now whether or not that is a correct transcript of what you said?

A. That is exactly right. May I explain?

Q. Yes, sir.

The Court: Go ahead and explain.

A. (By the witness) When you refer to "it", I was referring to an article about a raid on some kind of a gambling establishment near Gray, Georgia. That still does not mean to me that I at any time thought that Mr. Frank Childs, or that I knew or even thought that he had anything to do with it.

Q. All right, sir; very well. Do you recall in that deposition that I asked you this series of questions and you gave the answers: "Coach, did you resign as athletic director?" Answer: "Yes; I resigned as athletic director." Question: "Effective when?" Answer: "Effective at the end of March." Do you recall giving those answers?

A. The answer is "yes", but I will tell you this, and you know it, at the next deposition I corrected that; I phoned my attorneys right after I thought about it. I got the months mixed up, and I resigned effective at the end of February, and, Mr. Cody, you know that, and you know [fol. 706] that I corrected it.

Q. But it was in—

Mr. Schroder: I might say that is absolutely correct and I think it is unfair.

The Court: Well, let's don't have comments there. I think you can clarify all this by direct examination. I will certainly let Coach Butts explain it as he goes along.

The Witness: Your Honor, sir, though, I don't want it implied that I lied deliberately in a deposition.

By Mr. Cody:

Q. You know, of course, that—

Mr. Schroder: Wait, I didn't hear that?

By Mr. Cody:

Q. —the date does have some bearing in this case?

A. State that again.

Mr. Schroder: What's that?

The Witness: I didn't understand that.

Mr. Cody: I will withdraw the question.

[fol. 707] The Witness: To answer that—

Mr. Schroder: Wait a minute; wait a minute. The question has been withdrawn.

The Witness: I'm sorry.

* * * * *

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

Direct examination.

By Mr. Schroder:

Q. State your full name for the records, please, sir?

A. LeRoy Jordan.

Q. Where is your home, Mr. Jordan?

A. Excel, Alabama.

Q. Is that E-x-c-e-l?

A. Yes, sir.

Q. Excel, Alabama?

A. That's correct.

Q. What is your present occupation?

A. I am employed by the Dallas Cowboys, professional football.

Q. Speak up, please, sir, where we can hear you.

A. Dallas Cowboys, professional football.

Q. Where did you attend high school, Mr. Jordan?

[fol. 708] A. At Excel High School.

Q. Did you or not play football at Excel High School?

A. Yes, sir, four years.

Q. From Excel High School where did you then take up your education?

A. The University of Alabama.

Q. What year did you enter the University of Alabama?

A. In '59.

Q. How old are you, Mr. Jordan?

A. Twenty-two.

Q. At the University of Alabama, did you also or not participate in football?

A. Yes, sir.

Q. How many years?

A. Freshman year and three varsity years.

Q. During the season of 1962, you completed your eligibility at the University of Alabama?

A. Yes, sir.

Q. In order to familiarize the Court and Jury with your accomplishments, could you tell us what honors, if any, you received in football at the University of Alabama in your senior year?

A. I was selected on some All-American teams.

Q. Some?

A. Yes, sir.

Q. Don't be modest.

A. Well, I was selected on some All-American teams, and I was chosen as lineman of the year by the Ohio Quarterback Club and SEC; I was on the SEC team.

Q. Who was captain of the Alabama football team?

A. I was captain.

Q. During the summer, this past summer, 1963, Mr. Jordan, did you play in any All-Star games?

A. Yes, sir; I played in two of them.

[fol. 709] Q. Were these college All-Star games?

A. Yes, sir.

Q. Name the two of them, please, sir?

A. One was the East-West All-Star game in Buffalo.

Q. Now, what personnel were playing on those two teams?

A. Well, it was East-West All-Stars, I mean, college All-Stars.

Q. College?

A. Yes, sir.

Q. Were you or not a part of the East All-Stars?

A. Yes; I was.

Q. Did you play any other all-star game during this past summer?

A. Yes, sir; I played in the All-Star game against the Green Bay Packers August 2nd.

Q. Was that game in Chicago?

A. Yes, sir.

Q. Were you or not co-captain of the college All-Stars in that game?

A. Yes, sir; I was.

Q. How did you all come out with the Green Bay Packers?

A. We won 20 to 17.

Q. Mr. Jordan, how long have you known Wallace Butts?

A. Well, I have been knowing him in football since my freshman year.

Q. Speak up, please.

A. Knowing him in football since my freshman year.

Q. At Alabama?

A. Yes, sir; at Alabama.

Q. Have you ever met or talked with him?

A. Well, I saw him last night for the first time and was introduced.

[fol. 710] Q. Last night is the first time you have ever been introduced to him?

A. Yes, sir.

Q. How long have you known Paul Bryant?

A. Well, since I came to the University my senior year in high school and met him there.

Q. You are here today, having traveled from where?

A. Los Angeles.

Q. And when did you arrive?

A. Last night.

Q. Your plans call for you to return to Los Angeles when?

A. Tonight.

Q. During the fall practice at Tuscaloosa prior to the game between the University of Georgia and Alabama, what particular offensive formations, if any, was the Alabama team coached to expect?

A. Well, I think it was four formations that Georgia has used in the previous years that we had played them and we had seen films. They were slot formations and an unbalanced line formation, and a regular "T" formation, and slot with motion formation.

Q. Were those or not the four formations that you were coached or the team was coached to expect the University of Georgia to specialize in?

A. Yes, sir.

Q. What special defense or what defense, if any, was the Alabama team put in, so to speak, that might be different from their regular defenses in order to make preparations for that game?

A. Well, we had put in what we call a rover defense which we had used before, and the only difference was we had moved me to the side away from the formation where we thought I'd go in on more plays that way.

Q. You were playing in what position as defender?

[fol. 711] A. I was linebacker, and was playing guard sometimes, and we had a defense we called a 'Bama defense. It was the same thing, only we would move the tackle in and I move outside further.

Q. Do you understand the formation—I may not describe it in the parlance that you might use—known as the pro-

seat, or let me more or less try it this way. Does the regular slot formation with the weak end out, the end away from the slot out fifteen yards, mean anything to you?

A. Yes, sir; that is our formation we run.

Q. Was that formation employed by the University of Georgia against the University of Alabama in Birmingham on September 22, 1962?

A. Yes, sir; it was.

Q. What effect, if any, upon the defenses that Alabama had prepared did the use of Georgia of that formation have?

A. Well, the defenses we had prepared when they went into this formation, it took me completely out of where the action would be, the running plays, because the way we had to adjust for the split end was I would have to move completely out on him, and therefore trying to play for the pass, and it took me out of their running game or any plays that I usually play, because I play that better than I do the pass.

Q. Was it or not to you a surprise when the University of Georgia went into the formation, regular slot with the left end out fifteen yards?

A. Yes, sir; it was.

Q. What success, if any, did the University of Georgia have with that formation before Alabama adjusted its defenses, if Alabama did adjust its defenses?

A. Well, we had some good success. I think they had a penalty one time. It brought back a real good game that they had against us, and again they completed a couple of [fol. 712] passes. I know one of them was better than ten or twelve yards or more, and they ran that, I think, I don't know how many times they ran the first half, but they used that with their regular slot formation.

Q. During the halftime when the players went to their respective—excuse me—dressing rooms, was there or not any adjustment made in the Alabama defenses against that formation known as the regular slot with the weak end out fifteen yards?

A. Yes, sir. We used a type—a split six defense, we called it. It is a six-man line with the two linebackers more or less in the middle, and therefore we could adjust with our ends going out to the split end, and it would not take our linebackers out of place.

Q. The effect of the adjustment then was to bring you where, or to put you where?

A. Back in the middle of the formation.

Q. And instead of having you out defending or—defending against or guarding the split end, who, during the second half, was assigned to that function?

A. Well, it was the end to the way he was split, I mean, if he was split left, it would be the end to his side that would be covering.

Q. In your opinion, or do you have any opinion, as to the reasons for the thirty to nothing score of the Alabama-Georgia game?

A. Well, yes, sir. I think our passing game was a success. I mean we didn't know how good our quarterback was, and I don't think Georgia did either.

Q. The passes that were thrown in that game by Alabama were thrown in what area of the football field?

A. You mean where we were located on the field when we started out?

[fol. 713] Q. No, sir. Were they thrown side line passes or down-the-center passes—

A. Well, as I remember—

Q. —over the flat, I mean, rather than sidelines; excuse me.

A. As I remember, our first touchdown came on long pass down the side line and our end ran a pass down the side line, and it was completed for a touchdown.

Q. In your opinion, having played the game of football as long as you have testified you have played, in preparing to play a given game, would it mean anything to you as the coach to know what formations were going to be employed by the offensive team?

A. No, sir; I don't think so; because we always have the films, and we always see what every person does, I mean, all the formations used in the past.

Q. What is the type of information which the coach of the defensive team wants to know from scouting reports, from films, from watching the team he is going to play in previous games, what is it he is looking for primarily?

A. When he is going to run a play.

Q. Looking for what, sir?

A. Well, say the tendencies of a team on third down they are going to run so-and-so. They run it in every film we see. That is the only thing a defensive coach, I think, really looks for and works toward, is finding the trend of a team, and then you more or less have to go with what they have been doing.

Q. Is what you are saying that what the defensive coach wants to know is when the team he is going to play uses a particular play for formation?

A. That's right.

[fol. 714] Q. And that is established by the defensive coach from what information?

A. From scouting reports and films, breakdown of films.

Q. What was your weight when you started the Alabama-Georgia game that night?

Mr. Cody: Your Honor, I don't see what that's got to do with it.

The Court: No, sir; that is getting far afield. Let's get down to the issues. I sustain the objection to the question.

Mr. Schroder: Hand the witness the notes, please.

The Clerk: I will have to get it.

Mr. Schroder: I can use these copies; that's all right.

By Mr. Schroder:

Q. Mr. Jordan, have you reviewed before now the so-called Burnett notes?

A. Yes, sir; I have seen quite a bit in the paper.

Mr. Cody: May I see what you are showing him?

Mr. Schroder: I am showing him a copy of them, because we do not have the originals. The Clerk has gone to get them.

[fol. 715] Mr. Cody: Do you mind using a copy without your memo on it? I think it would be better, because it might suggest things to the witness, Your Honor.

The Court: Yes, sir. Where are the originals?

Mr. Schroder: The Clerk went to get them.

Mr. Cody: I see voluminous notes on them somebody has made.

The Court: I sustain your objection; I sustain your objection. Could you go on with him until the Clerk returns with the original notes?

By Mr. Schroder:

Q. Have you reviewed the notes which I have shown you here or other copies that you saw? I haven't gone over these notes with you, have I?

A. No, sir.

Q. All right, sir. Will you take a few minutes and thumb through those notes, and I believe I can save time in going over them note by note. Now, Mr. Witness, you have reviewed the original to the document to which I—or documents to which I have just referred?

A. Yes, sir.

Q. Will you please state to the Court and Jury whether there is anything in those notes which the University of [fol. 716] Alabama specialized in before its game with the University of Georgia in defending?

A. No; there is nothing there.

Q. Is there or not anything in those notes other than the names of players that would remind you of the University of Alabama?

A. Well, it only has "slot"; it has "slot" in here several times, and that is what we used, and everybody else, I guess.

Q. What sort of a slot does Alabama use?

A. Well, we use a slot with the end out on the other side.

Q. That is the pro formation we are talking about?

A. Yes, sir.

Q. How about your regular slot or your normal slot?

A. We use the normal slot with the end in tight.

Q. During the week of the game that was played on September 22, were there any changes in the defenses which the coaching staff at the University of Alabama had prepared for the Georgia game?

A. No, sir.

Q. During the week preceding or during which the game in Birmingham was to play against the University of Georgia, were any of the names that you see on those notes emphasized with respect to Alabama defensive.

A. No, sir; no more than we emphasize anybody else on the team.

Q. In your opinion, as a football player during the years—I mean, during the years that you have played, is there any way in which the outcome of a football game can be rigged or fixed without participation of the football players themselves in it?

A. No, sir. It couldn't be done.

[fol. 717] Q. In your opinion, is there any way that two coaches could rig or fix the outcome of a football game without the players' knowledge?

A. No, sir.

Mr. Schroder: Just a moment, Your Honor, let me confer. That's all, your Honor.

Cross examination.

By Mr. Cody:

Q. Mr. Jordan, are you familiar with the statistics of this game?

A. No, sir; I am not; I don't remember them.

Q. If the statistics should show that Georgia gained only thirty-seven yards on the ground, that is, running with the ball, would you, as an expert, say that that indicated any surprise to Alabama?

A. Well, it surprised us on the part that they didn't make good against the first of the ball game until we adjusted.

Q. If the total gains were thirty-seven yards, the surprise would be that they didn't gain, wouldn't it?

A. Well, I believe that their gains were of somewhat a passing nature the first of the game.

The Court: That was thirty-seven yards total offense?

Mr. Cody: Total offense on the ground. That is not the—not the—

[fol. 718] Mr. Schroder: There is a difference in total offense and total offense on the ground.

The Court: Offense on the ground; that is what I was asking.

By Mr. Cody:

Q. Do you know what the statistics show as to the gains made by Georgia on passes?

A. No, sir; I don't.

Q. I see. Do you know—do you know the personnel, entire personnel of the Alabama coaching staff now?

A. Yes, sir; I think so.

Q. Could you name those for us? I'd like to get it in the record in this case.

A. Well—

Q. If you don't want to trust your memory—

A. As it stands now?

Q. —you might want to use this. Read those names. Start with Coach Bryant's. I just want to get those names in the record.

A. Head coach, Paul Bryant.

Q. Speak out loud where we can hear you.

A. Paul Bryant, Pat James, Sam Bailey, Carney "Dude" Hennessey, Jim Blevens, Ken Myer, Clem Grisco, D. Powell, Jimmy Sharp, Charles Pell.

Q. Last two are Sharp and Pell?

A. They were guard and tackle on our 1962 team.

Mr. Cody: You can come down.

[fol. 719] Mr. Schroder: Just a minute.

The Court: Just a moment. I think Mr. Schroder wanted to ask you some more questions.

Mr. Schroder: If the Court please, there was a question I overlooked on direct.

The Court: All right, sir, go ahead, sir.

Redirect examination.

By Mr. Schroder:

Q. Mr. Jordan, it is stated in the Saturday Evening Post article published March 23rd, 1963, that the University of Georgia football players were complaining or stating that it looked like the Alabama team knew their plays. Let me ask you in connection with that, when a team is losing and the players are not carrying out their assignments, is that or not a common thing in football?

A. Yes, sir; that is real common. I know we had several in the Georgia Tech game last year.

* * * * *

CHARLES LOUIS TRIPPI called as a witness by the Plaintiff, after having first been duly sworn, testified as follows:

[fol. 720] Direct examination.

By Mr. Schroder:

Q. For the record, will you please state your full name.

A. Charles Louis Trippi.

Q. Where is your home?

A. Athens, Georgia.

Q. Where did you receive your education, Mr. Trippi?

A. At the University of Georgia.

Q. What year did you finish at the University of Georgia?

A. 1947.

Q. While at the University of Georgia did you play football?

A. I hope I did; yes, sir.

Q. Since your—did you receive any honors upon your graduation from the University of Georgia, in football?

A. That, I did.

Q. Would you, without being too modest, explain or describe for the Jury that, in order to prove your qualifications?

A. Well, I received several honors, I guess. I was an All-American, I guess, in 1946; made All-Southeastern Conference '45-'46 received the Maxwell Award in, I believe it was in Philadelphia, and I received an award in Washington as the Outstanding Ball Player in the country that year; and a few other things I don't believe it's important to mention.

Q. All right, sir. Upon your graduation from the University of Georgia, did you continue your football playing?

[fol. 721] A. Yes, sir; I played for nine years with the Chicago Cardinals.

Q. During that nine-year period, did you receive any distinctions as a football player?

A. That, I did.

Q. Just name a few of them for me.

A. Well, I was selected to the All-Pro team my first two years with the Cardinals.

Q. Now, in 19—did you subsequently—did you ultimately retire as a player in pro football?

A. Yes, sir; I retired in the year 1955, and the following year I was an assistant coach with the same organization for two years.

Q. Did you subsequently return to the University of Georgia?

A. That, I did. I returned in the year '59, and worked there until recently, when I accepted a new position with the St. Louis Football—St. Louis Cardinals.

Q. Well, the St. Louis Cardinals is the same organization that you have the franchise with?

A. Yes, it is; formerly the Chicago Cardinals.

Q. And you are now employed in a coaching capacity?

A. Yes, I am; I am offensive backfield coach with the St. Louis Cardinals football team.

Q. Mr. Trippi, you were on the coaching staff at the University of Georgia during the football year of 1962?

A. Yes; I was.

Q. In what capacity?

A. As offensive backfield coach in charge of offensive planning.

Q. In 1961 were you also with Georgia in the same capacity?

[fol. 722] A. Yes, I was.

Q. During the Alabama-Georgia game in 1962, did you attend the game?

A. Yes, I did.

Q. What was your function, if any, during the game?

A. Of course, I was in charge of offensive operation. I sat in the press box and called the action from there; whatever was necessary to be done offensively.

Q. What are the mechanics in calling whatever needs to be done offensively from the press box?

A. Well, many things determine what you do up there. Of course, position. field position determines a great deal; the hash mark; and the score.

Q. How do you get that information relayed to the football team?

A. How do I get it relayed to them?

Q. Yes, sir.

A. I phone it down on the field, and in turn they send it in to the quarterback.

Q. In the Alabama-Georgia game that we are discussing, about how many plays did you call offensively, using the system that you have just described?

A. Well, I would say that I called in the area of ninety per cent of the plays that were used against Alabama in 1962 from the press box.

Q. Who was the chief defensive coach at the University of Georgia during that game?

A. Coach John Gregory.

Q. And he remained in that capacity throughout the year?

A. Yes; he did.

Q. Is he still the chief defensive coach at Georgia?

A. Well, as of the day I left, he was.

[fol. 723] Mr. Schroder: The notes again, please.

The Clerk: All right, sir.

Mr. Schroder: Thank you. Let the record show, please, I am handing Defendant's Exhibit No. 12 to the witness.

By Mr. Schroder:

Q. Coach Trippi, will you please examine the document which I have just shown to you?

Mr. Schroder: And in order to conserve time, Your Honor, I don't plan to go over it one-by-one. I think we have done enough of that, but I want him to take his time and examine it and be prepared to answer some questions.

The Court: All right, sir.

By Mr. Schroder:

Q. Just go through it, please, sir, those sheets, and I want to ask you a couple of questions after you have finished with them.

A. Mr. Schroder, I am well aware of these notes, so ask any question you may.

Q. All right. Coach Trippi, if, as a coach, you had to formulate your offense or defense from the information contained in those notes, assuming that those notes had to do with a team you were preparing to play, what, in effect, would you do or where would you start?

[fol. 724] A. Well, speaking offensively, the first thing I would do is tear them up because they are baseless; there is nothing in here that indicates any tendencies. When I

coach offensive football, I have to know tendencies. By that, I have got to know what a team does on first down and short yardage, or first down and long yardage; I've got to know second down and short yardage, or second down and long yardage; and I've got to know the same thing on third down. That is what indicates to me my offensive planning.

Q. Ordinarily, would that information be sought by teams scouting others and exchanging film?

A. Will you rephrase that question again?

Q. How is that information ordinarily made available to opposing coaches?

A. Of course, we exchange films, and we get all that from films, and scouting, prior to playing the team, and a lot of times we are not quite sure. We watch who plays a football game; we watch films to find out and be exact what's going on because the action happens so fast.

Q. In the plans being formulated by the University of Georgia in the days preceding the Alabama game, what particular offensive formations were being stressed, if any?

A. Of course, we have always been a slot team. We have used that for five years at Georgia, and we, seems like we have got the best out of our football from the slot. You don't like to change your formations too much, because it changes responsibilities, and once a team learns to block a slot offense and has confidence in it, which you have got to put into a football team, you have got to make them believe that is the best thing for them, and when that [fol. 725] occurs, you had better stick with it, and what you can do the best.

Q. It has been testified here that in the Alabama game, in addition to the slot, which you say Georgia had been using for years, Georgia employed a formation described as normal slot with weak side end out fifteen yards. Now, was that anything—was that formation new for the University of Georgia, or had it used it before?

A. Oh, I'm sure it's been used before, and I have used it before with the University of Georgia, and it's been one of our basic offensive sets, especially when we like to throw the football.

Q. You say you were at the game in Birmingham when the University of Georgia went into that formation during that time, that game, during the first half. Was it or not successfully employed?

A. Yes, it was.

Q. During the second half of that game, you being in the press box, again charged with the responsibility of watching the Alabama defenses, did you notice changes being made, or having been made in the Alabama defenses when that formation was employed?

A. Yes, they did. They changed their defensive structure; they came out with an entirely different defense to defend the split inside.

Q. When you refer to Georgia being a slot formation team, would you please describe to the Jury and the Court what distance you coached the ends to play from the tackle?

A. Well, we have coached them to play different distances from the tackle. It all depends on who we are playing, and we have always told our ends, you might go into a game maybe with a two-three yard split, and a lot of [fol. 726] times we have trouble getting out, and we always tell them to take the split that is necessary to get the job done, whatever split is necessary to take you to get the job done.

Q. Then the end is not always told to go just three yards from the tackle?

A. No, sir. Our whole backfield plan is that way. We tell our boys to line up and chest forward, and wherever the game is going, and take advantage of the situation. We cheat them over on wide plays.

Q. I don't like that—what do you mean "cheat"?

A. I mean, if they ordinarily line up four yards on certain plays, we tell them to move up to three and a half

yards; or if they line up behind their tackles, if they are going to sweep to the left half, we tell them to split the tackle. We always tell them to get in a position where you are at the advantage. That's football.

Q. What, if anything, do situations have to do with determining how wide the end is to play?

A. Well, I believe the type of play you are calling a lot of times determines the split.

Q. And what you have just said a moment ago was, I believe, that you leave that up to the ends—

A. Ends—

Q. —discretion.

A. They use their own discretion to play their position, because they are coached that way.

Q. In the Alabama-Georgia game that we are talking about, state whether or not there was anything that you saw that indicated that Alabama knew anything about what Georgia was going to do that had been prepared solely for that game?

A. There was nothing to indicate that. The only thing that was indicated to me was that Alabama blocked, tackled and ran harder than we did.

[fol. 727] Q. What effect, if any, do those basic fundamentals have upon the outcome of a football game?

A. Well, unless you do those things, you don't win in football.

Mr. Schroder: Let me check a minute, Your Honor.

By Mr. Schroder:

Q. Coach Trippi, based upon your experience as a college football player, as well as a professional football player, and also upon your experience as a college football coach and a professional football coach, I have this question to ask you: applying that experience and knowledge to the question, in your opinion can the outcome of a college football game be pre-arranged, fixed, or rigged with-