

Q. And you stayed there five or ten minutes?

A. About five minutes.

Q. Then you left?

A. Then, sir, a barrage of gas was fired, which caught us completely by surprise, and we were not expecting anything of this nature. And I grabbed Miss Skeen and --

Q. Pulled out?

A. No. As I said, I was toward the front, and I had no warning that there was going to be any barrage of gas fired, and the first thing I could think of, there was this tree about six feet behind us, and I pushed Miss Skeen behind the tree, and we ducked to avoid these projectiles which were whistling past our heads fired from these gas guns.

Q. Just a minute. You have told us both on and off the record that you were in the Marines and you had been exposed to this sort of thing before. These gas guns don't fire projectiles, do they? Are you talking about projectiles or grenades?

A. Both. There were grenades thrown and gas guns fired.

Q. Gas guns just fire gas out, don't they?

A. They don't fire a steady stream of gas.

Q. Well, there is no missile; there is nothing to hit you and injure you from a gas gun, is there?

MR. CATES: Ask him whether he knows.

Q. Do you know?

A. Well, the way they were whistling past and landing all around us...

- Q. If they were landing all around you, suppose you just tell me what they looked like?
- A. They were bursting on contact.
- Q. What were they? Did you see any, actually?

MR. CATES: He testified they were projectiles, missiles.

- Q. I want to get a description. What did they look like? Were they going so fast they were like a bullet and you couldn't see them?
- A. I didn't, I wasn't following the trajectory of them. I knew I could see the guns being fired, I could hear some of them going past and see them when they landed and exploded; therefore, it stands to reason if someone was firing one and it was exploding further on down the line that there was a projectile or something which would hit someone if someone got in the way.
- Q. When you took this training in the Marines, did you take any instruction on the use of tear gas guns?
- A. No, sir, I did not.
- Q. You did not. Well, let me ask you this: Did you at any time see the men put on their gas masks?
- A. Yes, I did.
- Q. The marshals?
- A. Yes, sir.
- Q. Did you see that?
- A. Yes, sir.

Q. How long was that before the tear gas was fired?

A. I don't recall.

Q. You don't remember?

A. No, sir.

Q. And the fact that the men put on their gas masks didn't give you any clue, didn't give you a warning, that they were going to fire?

A. No, sir. I had no idea that any gas was going to be fired. I did not think the situation was serious enough to warrant any action of this type. That was my personal opinion, sir. Therefore I did not leave with my date. I stayed there.

Q. At that time you didn't know if any men had been injured by any flying pipes, Coke bottles or —

MR. CATES: We object to that. That assumes a fact.

MR. EARDLEY: I can assume any fact I want on a discovery deposition.

MR. CATES: I still object.

A. I did not see it.

Q. You did not know anything about it?

A. I did not see and did not know. That is correct.

Q. And your testimony is that this all took place when it was still light and it was dusk?

A. Yes, sir.

Q. What did you do then? You pushed the girl behind the tree to get her out of the way?

A. Yes, sir, to avoid these missiles.

- Q. Then did you leave?
- A. Yes, sir. I grabbed her and we ran to the "Y" Building through all the gas. The grove was saturated with gas. Ran to the "Y" Building and immediately washed out our eyes and removed our contact lenses.
- Q. Do you both wear contact lenses?
- A. No, sir, she does.
- Q. Oh, he does?
- A. Yes, sir.
- Q. How long after the tear gas was fired was it before you arrived at the Y.M.C.A.?
- A. We ran immediately to the "Y".
- Q. So it was just a matter of a few minutes?
- A. Matter of a minute.
- Q. Before you got there and washed your eyes?
- A. Yes, sir.
- Q. Well, the headache and nausea didn't occur at this time, did it?
- A. At this time, sir, I was quite upset and excited, and I don't recall the nausea at this particular time, no, sir.
- Q. You were concerned about the safety of the girl?
- A. I was concerned about the safety of the girl and of getting out of trouble.
- Q. She washed out her eyes and you washed out your eyes?
- A. Yes, sir.
- Q. And then you went home?
- A. Then we left the "Y" Building ---
- Q. --Let's fix this time. This must have been about what? Seven?

A. No, sir. We weren't in the "Y" Building more than two minutes.

Q. That was about six-fifty, six-forty-five, or what? When do you place the firing?

A. I place the firing ---

Q. Did you have a watch on you at the time?

A. Yes, sir, but I did not look at the watch. When I placed the event of the firing, my reference point is the time when I was attacked by the Federal marshals in front of Conner Hall, which was at dusk. Everything else I fix relevant to that.

Q. What time was that?

A. What?

Q. The time of the attack. You say that is the point of reference?

A. Yes, sir, that is the reference point. That was just about dusk exactly.

Q. Is that six or what?

A. I don't know.

Q. You don't know whether it was seven or eight o'clock?

A. Well, it wasn't eight. It was probably in the neighborhood of seven, a few minutes before seven.

Q. You went back to the Y.M.C.A. around seven o'clock, a very few minutes after the first tear gas was fired?

A. Yes, sir.

Q. And washed out your eyes; she washed out her eyes, and then what did you do?

A. Then we left the "Y" Building and we walked --

Q. - The "Y" is that building directly across the grove from the Lyceum, is it?

A. Yes, sir.

Q. And you walked where?

A. We walked, our destination was the Student Union Building.

We were heading --

Q. -- I guess I'd better get over there with you. Why was it you went to the "Y"?

A. We went to the "Y" because it was the closest building where we could get the water to wash our eyes, which were severely irritated, and she had contact lenses on which were causing even more irritation.

Q. Why did you ^{not} go to Peabody Hall?

A. To go to Peabody we would have had to go parallel to the gas.

Q. You were escaping the gas.

A. That was the primary objective, to get away from the gas and get our eyes washed out.

Q. In order to get to this Student Union --

A. --Peabody is a classroom.

MR. CATES: A classroom, and everything is closed.

This is Sunday.

MR. EARDLEY: Thank you, Mr. Cates. I know you are being helpful.

MR. CATES: The Y.M.C.A. Building is open 24 hours a day.

Q. If you were to go directly to the Student Union, you would

have to go back in the gas filled area, wouldn't you? University Avenue would take you right back where the marshals were firing?

A. Allow me to show you exactly what I did. I took Miss Skeen, and we went in front of the Fine Arts Building--

Q. -- Let's mark this line. This is the seven o'clock line. We'll mark this one "seven".

A. I took Miss Skeen and we went over to this side as far as possible.

Q. You didn't go on any established road? You cut through?

A. That's correct. Cut through between buildings.

Q. So you escaped the gas area?

A. Yes, sir. To escape the gas area, we went between Peabody and Fulton Chapel, which is here ((indicating)). We swung wide around here and came out over here.

MR. CATES: Behind what building?

A. This is the Commerce Building. We came up between.

Q. You went behind Peabody?

A. Went behind Peabody, yes, sir. We came out over here.

Q. You came out behind the Lyceum?

A. We came out diagonally from the Lyceum.

Q. Were there Federal marshals around the building on that corner where you came out?

A. I don't recall. At the time, as I said, we were walking up toward the Student Union Center. Miss Skeen was quite upset and was crying, as you could well imagine, a considerable amount. We were walking along -- we intended

to walk along here ((indicating), so when we got to this point --

Q. --Let's mark that point. That is very important. This point you have marked with a number of circles is right on the northwest corner of Commerce --

MR. CATES: --Building, which is known as Conner Hall.

Q. All right. What happened at that point?

A. At that point, about six or eight marshals broke from the ranks over here at the Lyceum, somewhere in this vicinity here.

Q. Let's mark that because this is very important to your lawyer. Mark it right here with three parallel lines.

((Witness marks))

Q. And that is on the northwest--

A. -- Northwest corner of the Lyceum.

Q. There were a group of marshals, --

A. -- All shoulder to shoulder.

Q. And when they saw you, they broke ranks?

A. That's correct.

Q. And ran toward you and the girl?

A. And ran toward me, the girl and myself.

Q. And then what happened?

A. She had been crying, and when she turned and she caught them out of the corner of her eye, to the side coming toward us, she almost went hysterical she became so upset, and was trying to run, trying to get me to run with her to escape these people.

Q. You mean they were trying to catch you?

A. Well, from all indications. They were running. There was no one around us. Just the girl and I.

- Q. Well, they ran toward you? Is that it?
- A. That is correct.
- Q. How far away from you were they when they started running?
- A. I don't know how far away they were when they started running.
- Q. Was it a hundred yards?
- A. No, sir, it wasn't that far. As you can see, the Lyceum Building is right here. (Indicating)
- Q. You tell me. I don't know that area. Is it 50 yards?

MR. EARDLEY: ...Mr. Cates has been scaling it off, and I heard him mutter "a hundred." Is that what it is, from the Lyceum to the place where he was standing?

MR. GATES: To Conner Hall, yes, sir.

- Q. What did you do when you saw these fellows start running toward you?
- A. Sir, my immediate reaction was to freeze, and I was trying to end so was Miss Skeen. I didn't want to run. I felt that there was no need for me to be running.
- Q. You hadn't done anything wrong?
- A. I had done nothing wrong.
- Q. You didn't throw anything?
- A. I had thrown nothing. I realized - I assumed they were running toward us; there was no one around us. As they were approaching us, I yelled at them and said, "Don't shoot. We don't want any gas over here," or something to the effect, "There's just a girl and myself and we are not doing any harm." Of course, I

was upset at the time. I was yelling.

Q. Were you using any profanity?

A. No, sir, I did not use any profanity. I was in the presence of Miss Skeen.

Q. Were you both very close together?

A. Yes, sir, we were very close together. I was holding Miss Skeen. As I said, she was almost hysterical, and I was trying to keep -- trying to keep her from just darting off wildly in the condition she was in.

Q. You shouted at them, "Please don't shoot"?

A. Yes, sir.

Q. And you were both standing together when you did that?

A. Yes, sir, we were.

Q. And there were no other people present other than the marshals?

A. No, sir.

Q. Was there a lot of noise and confusion and shouting?

A. No, sir, there was not. There was no one around in my near vicinity.

Q. And this event took place how many minutes after the first tear gas had been fired in front of the Lyceum?

A. Five or ten minutes.

Q. And you asked them not to shoot, and did they shoot?

A. Yes, sir, they did.

Q. What did they shoot?

A. They fired with gas guns.

Q. How far away from you were they when they fired?

A. I would say, roughly, ten yards.

Q. Just ten yards?

- Q. Did the gas explode in front of your feet?
- A. Yes, sir, it exploded at our feet.
- Q. What did you do then? Did you run?
- A. Sir, at that time I was even more shocked that they were doing this. I mean, it was hard to realize that this was happening.
- Q. I didn't ask you that. What did you do?
- A. I stepped back a few feet to back off from the gas.
- Q. From the gas?
- A. From the gas, which, as I said, caused temporary blindness, and yelled at them to use their common sense and not to fire at us, that we were doing nothing.
- Q. That is your language as you best remember, "Use your common sense"?
- A. "Use your common sense."
- Q. How many projectiles, or whatever it was -- grenades -- how many were fired, as you remember?
- A. I recall two being fired.
- Q. Did they both land in front of you and Miss Skeen?
- A. They both landed close to us. I don't recall whether it was exactly in front or to the side, but it would have been a few feet.
- Q. You shouted, "Use your common sense," and then did you leave?
- A. Yes, sir.
- Q. And you went to the Student Union?
- A. No, sir. At that time the most important thing after this act was to get off the campus. I thought that if the conditions were such that you couldn't even walk along

there, we had best get off the campus completely.

Q. So you went to get your car?

A. We took off at a fast walk around Corner Hall to look
and went to get my car.

Q. Draw that last line. Just draw your line here and mark that.

/Witness marks/

Q. Now, what time was this?

A. A few minutes later.

Q. Got your car and you left?

A. That's correct.

Q. Where did you go?

A. We went to the Ole Miss Drive-in.

Q. To the Ole Miss Drive-in?

A. Right.

Q. Where is that located? Is that on the campus?

A. No, sir, that is off the campus.

Q. Well, don't bother about that. I guess you were hungry.

A. No, sir, I seemed to have lost my appetite at that particular
moment.

Q. That is where you went to have the soft drink?

A. To have a soft drink, to get out of the gas and to have time
to try and decide what to do and become more aware of
what had happened.

Q. Did you get out of your car at the Ole Miss Drive-in?

A. Yes, sir.

Q. And went inside?

A. Yes, sir.

Q. And sat down?

A. Yes, sir.

- Q. And ordered a drink?
- A. Yes, sir. And washed our eyes out.
- Q. Washed your eyes out at the drive-in?
- A. Yes, sir.
- Q. Then did she order a drink too or did she have something to eat?
- A. She had something to drink also.
- Q. What did she drink?
- A. Just Coke.
- Q. How long did you stay there?
- A. I don't recall exactly how long we stayed there. We stayed there for a while.
- Q. Did you meet anybody there, of your pals, any of your friends?
- A. None of mine. I believe Miss Skeen may have known a girl or two there.
- Q. Did you sit with anybody besides Miss Skeen?
- A. No, sir, we sat by ourselves. We stayed there a half hour or forty-five minutes or so. Then we still weren't -- We drove around, --
- Q. Did you go back onto the campus?
- A. No, sir, not at this time. We drove around and tried to get some fresh air and clear our lungs of the gas and just stay out of ^{the}trouble that had happened.
- Q. Well, how long did you drive around, and when did you finally get home?
- A. I brought Miss Skeen back around ten-thirty or eleven o'clock, something like that, that night.

- Q. In other words, you were in the drive-in about seven-fifteen, I guess. Right?
- A. Approximately.
- Q. Seven-fifteen to eight o'clock?
- A. Perhaps.
- Q. I'm just trying to -- You said thirty to forty-five minutes?
- A. Yes, sir.
- Q. About eight o'clock, and then you drove around town or the campus or what for two hours and a half?
- A. We drove up and down the highway there, and then we stopped at another drive-in.
- Q. You stopped at another drive-in and had something to eat this time?
- A. No, sir, not that I recall.
- Q. What did you do? Again have another Coke?
- A. I believe at that time we stopped and attempted to call her parents.
- Q. You both tried to call home?
- A. Yes, sir.
- Q. Did you have anything to drink there?
- A. Not that I recall.
- Q. What was the name of this drive-in?
- A. Kaimie's. K-a-i-m-i-e-s.
- Q. Did you make your calls?
- A. No, sir, we couldn't get a call through.
- Q. Couldn't get them through?
- A. No, sir.

Q. Neither one of you?

A. No, sir.

Q. Then you got out, and what time was this you were calling?

A. We stayed at Kaimie's about an hour and a half.

Q. An hour and a half?

A. Yes, sir.

Q. You were engaged all that time in trying to get a call through?

A. Trying to get a call through and just sitting in the car in front of Kaimie's.

Q. Talking?

A. Talking.

Q. Then you got in your car and drove her to her dormitory?

A. Yes, sir.

Q. About 10:30?

A. About 10:30, yes, sir, or 11:00.

Q. Do these girls have to check in when they come in?

A. Yes, sir.

Q. Did she check in there?

A. I would assume she checked in.

Q. You let her out and she went in the building?

A. Yes, sir.

Q. And then did you go back to your dormitory?

A. Yes, sir, I did.

Q. And you didn't leave the dormitory that night?

A. I went into the dormitory, I took off my -- undressed and showered, and I left the dormitory again for a short period that night.

Q. When was this? What time?

- A. Must have been around midnight.
- Q. In other words, you didn't go to bed?
- A. No, sir. There was gas all over, and I was still quite excited and upset, and it was almost impossible to go to sleep.
- Q. So you got up and where did you go this time?
- A. I walked down Fraternity Row and across.
- Q. Let's mark that. This is around what? Midnight?
- A. Yes, I believe it is.
- Q. Just mark it.
- A. I walked around over here and came on down around through here. /Witness marks/
- Q. Let's mark that "12 Midnight." You didn't stop there, did you? What building is this?
- A. Fine Arts Center.
- Q. Was anybody with you on this walk?
- A. I met Carl Godchaux.
- Q. Where did you meet him?
- A. Over here.
- Q. At the Fine Arts Building?
- A. Yes, sir.
- Q. All this long walk you put down here from the dormitory to the Fine Arts Building was alone?
- A. A friend accompanied me this far, and then he went in the fraternity house.
- Q. What's his name?
- A. Glenn Blackwell.
- Q. Oh, your roommate. He accompanied you down to one of the

fraternity houses?

A. Yes, sir.

Q. And left you?

A. Yes, sir.

Q. And you continued alone to the Fine Arts Building?

A. There was someone else with me, and I don't know his name.

Q. Some student you met walking?

A. He was a pledge. He was one of the fraternity pledges, and he was over at the house with the students, and he walked with me.

Q. Did you go to the fraternity house?

A. Just in front of the house.

Q. And one of them joined you?

A. Yes, sir.

Q. And you don't know his name?

A. No, sir.

Q. Wasn't he a fraternity brother?

A. Not my fraternity.

Q. Oh. You walked with him down to the Fine Arts Building?

A. Yes, sir, out of curiosity to see what was still happening.

Q. How long did you stay there?

A. I stayed there, I suppose, about 20 minutes or so.

Q. What was going on at that time?

A. Well, there was --

Q. There was gas all over, wasn't there?

A. Gas was getting worse, and a lot of gas was still being fired, so I left and came back to my dormitory.

Q. Did you follow the same route as you went?

A. No, sir, I didn't follow the same route I went.

Q. You took a more direct route back, I presume?

/Witness marks exhibit/

Q. All right. Were you on that walk alone back to the dorm?

A. Yes, sir, I went back by myself.

Q. What happened to Mr. Godchaux?

A. I don't know. I left him.

Q. Where does he live?

A. He lives in Hill-B Dormitory.

Q. Another dormitory.

A. Yes, sir.

Q. Did you see Federal marshals on this tour?

A. Yes, sir.

Q. Were they still around the Lyceum Building?

A. Yes, sir.

Q. Did you ever go to Baxter Hall?

A. No, sir.

Q. Did you see any firing of gas at this time?

A. Where? You mean down here?

Q. Yes, down here at the Lyceum Building.

A. Yes, sir, I did.

Q. There was still firing?

A. Yes, sir.

Q. Were there still crowds there?

A. It was very dark at this time, and there was still --

There wasn't a big crowd like in the afternoon.

Q. Did you see a lot of people?

A. Yes, sir, I saw a lot of people.

Q. Did you see anything being thrown this time?

MR. CATES: I object. I think we have gone beyond what our claim is.

MR. BARDLEY: There may have been gas this time.

A. No, sir, I wasn't gassed this time.

Q. You didn't see any gas at all even walking around in this gas area?

A. Oh, only the gas that was in the area. The whole campus was saturated with gas.

Q. So you may have inhaled gas on this long walk.

A. I'll say I inhaled gas all over the entire campus, but not in the quantity that I did when it was fired directly at my feet.

Q. But on this walk, you just got through stating the campus was saturated with gas and you, therefore, were breathing in gas, weren't you?

A. Yes, sir.

Q. Then when you got home, it was about what time? I mean back to the dormitory.

A. Must have been around one o'clock, I suppose.

Q. Close to one o'clock?

A. Yes, sir.

Q. Did you go to bed this time?

A. Well, I changed my clothes again and took another shower.

Q. Because of the gas clinging to your clothes?

A. Yes, sir. And I believe I may have taken some aspirin then and some cough syrup.

Q. When was it you had your nausea?

A. I've forgotten.

MR. CATES: He testified it was the next morning.

MR. HARDLEY: Okay.

Q. Go ahead.

A. And at that time my roommate was back, and I talked to my roommate for a little while, and we went to bed.

Q. What happened the next day? Did you get up?

A. Yes, sir. I got up.

Q. But there were no classes?

A. I didn't attend any of my classes.

Q. What did you spend the day doing?

A. Well, --

MR. CATES: We object to that. It is beyond the scope of what his claim is.

Q. Go ahead. What did you do the next day?

A. The next day I got up and dressed and probably took some more cough syrup and aspirin, because the next day I felt pretty bad from the night before, and I called Miss Skeen at that time to see how she was and to tell her not to leave the dormitory without my going over there to get her, to eat, which I did. I went over there and got her.

Q. She is not your fiancee, is she?

A. No, sir, she is not.

Q. And then during the day, did you spend the day on the campus?

A. There was as little time as possible spent on the campus.

We drove off the campus.

Q. And that's you and Miss Skeen?

A. That's correct.

Q. So she didn't attend any classes either, to your knowledge?

A. To my knowledge -- I don't know. She may have attended some
in the afternoon.

MR. CATES: I am going to object and direct him not to answer anything else on the 1st of October unless it has anything to do with injuries. In other words, I don't see the relevancy of what happened on Monday, Tuesday, and so forth, because, as our claim very clearly stated in Paragraph 10, we are claiming injuries only for the 30th of September. I think this is beyond --

MR. EARDLEY: These headaches are supposed to have continued the next day.

MR. CATES: If you want to ask questions about injuries, I think it is proper.

MR. EARDLEY: What he was doing the next day bears on what his injuries were, and that he wasn't hospitalized, but in any event --

MR. CATES: --We've already answered that.

Q. You took Miss Skeen, and you were off the campus most of the day?

A. Yes, sir.

Q. When did you last see a doctor?

MR. CATES: Tie that down. Before --?

MR. HARDLEY: I don't know. Maybe he has never seen a doctor. I don't know.

Q. Have you seen any doctor since September 30th?

A. Yes, sir. I saw a doctor last Friday afternoon.

Q. Last Friday?

A. Yes, sir.

Q. Which would be December 7th. Is that the first time you have seen a doctor since September 30th?

A. No, sir, it is not.

Q. How many times have you been to see doctors since September 30th?

A. I went to see a doctor the second week in October.

Q. Second week? Sometime between the 7th and the 14th?

A. Second weekend in October.

Q. Second what?

A. Second weekend of October.

Q. Monday was the 1st, so that means about the 13th?

A. He gave me ---

Q. What was the name of the doctor?

A. Dean.

Q. D-e-e-n?

A. D-e-a-n.

- Q. Of Oxford?
- A. No, sir, Gulfport.
- Q. Why Gulfport? Is that where you live?
- A. Yes, sir.
- Q. And is that your family doctor?
- A. We don't really have a family doctor.
- Q. I mean, have you been to him before?
- A. Yes, sir, I've been to him before.
- Q. What is his first name?
- A. I don't recall.
- Q. Why did you go?
- A. To get something to calm my nerves, and he prescribed a sedative.
- Q. This is for your high blood pressure condition?
- A. Yes, sir, my nerves.
- Q. You have suffered from this long before September 30th? Isn't that correct?
- A. Never before that I had to take anything for my high blood pressure.
- Q. This was the first time you ever took any pills?
- A. Yes, sir, for high blood pressure.
- Q. Did he prescribe for you?
- A. Yes, sir.
- Q. Are you still taking pills?
- A. No, sir, I'm not.
- Q. When was the next time that you saw a doctor after that?

A. Last Friday, I believe.

Q. Last Friday was the next time, and you haven't seen one since then, have you?

A. No, sir.

Q. So we had two occasions?

A. Yes, sir.

Q. Was this Dr. Dean too?

A. No, sir.

Q. Who was this?

A. This was the physician in the infirmary. --Oh, I have to clarify that.

Q. Okay.

A. The nurse took my high blood pressure. I saw the doctor, and he directed the nurse to take my high blood pressure.

Q. You mean take your pressure?

A. Check my pressure.

Q. And your pressure was normal?

A. Yes, it was.

Q. And you haven't taken any pills since then?

A. I have not.

Q. So this was a mere check-up?

A. Yes, it was.

Q. Have you had any eye examinations since September 30th?

A. No, I have not.

Q. You don't wear glasses?

A. Yes, I do.

Q. You wear glasses for reading?

A. Yes, sir.

- Q. Were you wearing them before September 30th?
- A. Yes, sir, I was.
- Q. Is Miss Skeen a resident of Mississippi?
- A. No, sir, she is not.
- Q. Where is she from?
- A. Virginia.
- Q. State of Virginia?
- A. That's correct.
- Q. And attending Ole Miss?
- A. That's correct.
- Q. Still in attendance?
- A. Yes, sir.
- Q. And where is Mr. Godchaux from?
- A. Mississippi.
- Q. And still in attendance at Ole Miss?
- A. That's correct.
- Q. And then Mr. Blackwell. Is he from Mississippi?
- A. Yes, sir.
- Q. And still in attendance at Ole Miss?
- A. Yes, sir.
- Q. Did you join in any demonstrations against Meredith?
- A. No, sir.
- Q. At any time?
- A. No, sir.
- Q. With respect to your testimony about these fellows firing at you when you asked them not to, have you given us the full conversation?

MR. CATES: Explain what you mean. You mean between him and --

MR. BARDLEY: No --

Q. --I gather they were in gas masks, weren't they?

A. Yes, they were.

Q. So they weren't talking?

A. I didn't hear them.

Q. You were the only one who was talking?

A. Miss Skeen was talking.

Q. Was she talking?

A. Yes.

Q. To the marshals?

A. No, sir.

Q. Talking to you?

A. Yes, sir.

Q. Did you direct any conversation at the marshals other than what you have related here?

A. Let's see. Exactly what have I related?

Q. You said you asked them not to fire and to use their common sense.

A. I said, "Please don't shoot. We don't want any gas here. Use your common sense." And then after they fired I said, "You all are very brave to have fired on a girl."

Q. And then you left?

A. Yes, sir.

Q. But you said nothing to them at all prior to their advancing on you?

- A. No, sir. I did not say anything to them at all.
- Q. Nor did you throw anything?
- A. Nor did I throw anything, so I was not engaged in any act of provocation.
- Q. Of course, you couldn't identify those people, because they were all masked up?
- A. They were all masked, and for the most part they all had suits on.
- Q. Were they wearing these orange vests with white helmets?
- A. White helmets, yes, sir.
- Q. And all in gas masks?
- A. Yes, sir.
- Q. Did you at any time -- At the time that you were approached by these fellows, were there any state police around?

MR. CATES: Wait a minute. He didn't testify they "approached" him.

- Q. At the time they came toward you --

MR. CATES: Attacked him.

MR. EARDLEY: I'm not going to use that word.

- Q. At the time they came toward you, were there any state police around?
- A. When the marshals attacked me, I did not see any state troopers.

Q. When was the last time you saw state troopers on the campus?

MR. GATES: Object, unless you pin it down to some particular time.

MR. BARDLEY: Well, the last time he saw them.

MR. GATES: You mean that day?

Q. That day, September 30th, you saw them. You testified they were lined up in front of the Lyceum facing the marshals with the crowd behind them at one time. That was seven o'clock. Now, we haven't discussed their whereabouts, if there were any, later. Did you see any of them later?

A. Yes, sir, I did.

Q. When was this?

A. At one of the exits to the campus when I drove to the Ole Miss Drive-in.

Q. They were at the exits?

A. Yes, sir.

Q. What? In a police car?

A. They had check points out.

Q. Did you see any at this twelve o'clock walk you had?

MR. GATES: We object to that. We don't see that has any relevancy at all.

Q. Did you?

A. Not that I recall.

Q. When you brought the girl back to her dormitory at ten, did you see any state police at that time?

MR. CATES: We object.

A. There may have been some state police at the entrance coming on the campus.

Q. But that's all you remember?

A. Yes, sir.

Q. Do you know Mr. McShane?

A. Do I know him or know of him?

Q. Would you recognize him if you saw him?

A. I believe I would.

Q. Did you see him that night?

A. Not that night, no, sir.

Q. Did you see Mr. Katzenbach that night?

A. I don't know Mr. Katzenbach.

Q. So you wouldn't know whether you saw him.

A. No.

Q. All right. In your complaint, you allege that the deputy marshals and the border patrolmen were "immature, nervous, or unseasoned in the use and operation of said gas projectiles." Is that statement based on the fact that these six or eight marshals came at you and fired these guns despite your protest?

MR. CATES: No, sir. It's based on what he said

earlier --

MR. EARDLEY: --Let him answer the question. He is the plaintiff.

A. Sir, as I stated before, this is my observation. The marshals appeared nervous when I saw them before they had put on gas masks. They seemed, just looked nervous.

Q. They were nervous even though this was a festive occasion with everybody singing and no violence?

A. I would assume the fact they were inexperienced -- as I said before, I did not believe the situation warranted the initial barrage of gas that was used, and that in itself, in my opinion, would be indicative of the fact they were inexperienced and green; and also their attack on me was unwarranted.

Q. Let's get it straight. Your allegation that these people were "immature, nervous or unseasoned" is based on your opinion that there was no need for tear gas, and upon the fact that later in the evening they fired upon you when you were trying to get back to your dormitory?

MR. CATES: And subsequent evidence to be produced at trial.

MR. EARDLEY: Let him testify.

Q. Is that what your statement is based on?

MR. EARDLEY: -There may be something else, but as far as he is concerned.

MR. GATES: You are talking about the case, Mr. Eardley.

MR. EARDLEY: Well, he signed the Complaint.

MR. GATES: No, sir. I signed it.

MR. EARDLEY: All right. Maybe I should ask you.

MR. GATES: Yes, sir, that is exactly right. In other words, his lawyer drew that; not him.

- Q. Well, what do you know about their nervousness, immaturity or unseasoned --
- A. I know what I saw.
- Q. It was your opinion they shouldn't have fired tear gas at all?
- A. It was my opinion. That is correct. It was my opinion it could have been handled in a much more competent manner.
- Q. Have you had any experience whatsoever in riot control?
- A. No, sir, I have not.
- Q. Do you know a Mr. William Tucker?
- A. William Tucker?
- Q. Yes. Do you know him?
- A. No, sir, I don't believe I do.
- Q. Do you know who Russell Moore is?
- A. No, sir.
- Q. Did you see Mr. Gwin Cole on the campus that night?
- A. I don't know Mr. Gwin Cole. I wouldn't know him if I saw him.

Q. Did you see General Walker on the campus that night?

MR. CATES: We object to that unless it is tied in some way with what his activities were.

MR. EARDLEY: I have a right to explore that whole evening.

Q. Did you see him on the campus that night?

A. I don't even know that he was on the campus that night.

Q. Do I gather from your testimony that you didn't see at any time anything other than cigarette butts being thrown toward the marshals? Is that right?

A. No, sir. When I went back about twelve o'clock I saw things being thrown.

Q. Things were being thrown then?

A. Yes, sir.

Q. What sort of things?

MR. CATES: I'm going to object to that because that has no relevancy to his injuries that he received.

Q. What did you see thrown?

MR. CATES: I'm going to direct him not to answer any of that.

Q. You have already said you threw nothing yourself that night. Is that right?

A. That's correct, sir.

Q. Other than missiles of some kind being thrown, did you see any other violence at any time?

MR. CATES: Name your time.

MR. BARDLEY: Any time that evening.

MR. CATES: Before or after?

MR. BARDLEY: Any time.

Q. Did you see any violence that night?

MR. CATES: Unless you pinpoint it, I'm going to direct him not to answer that.

Q. Did you discuss with anybody that evening what they were there for?

MR. CATES: Clarify that, please. "They."

Q. The crowd, the people there. Did you have any discussion with any of the people in the crowd as to why they were there?

MR. CATES: At what time, Mr. Bardley?

Q. At any time you were there. Six on to midnight.

A. I don't believe I asked anyone why they were there.

Q. And the only reason you were there was more from curiosity than anything else?

MR. CATES: He testified earlier that was the reason he was there.

MR. EARDLEY: Let him answer.

MR. CATES: It is beginning to be repetitious.

Q. You were curious, and that is why you went there? Isn't that so?

A. Yes, sir, I was curious. I mean, I do live on the campus.

Q. Did anyone give you any orders to leave the campus?

A. No, sir, no one gave me any orders to leave the campus.

Q. Was there any place on the campus that you were prevented from going that you wanted to go that night?

A. Well, I was prevented from going -- I was just trying to walk along in front of Conner Hall in a normal everyday manner, minding my own business, when I was attacked by the marshals.

Q. You are talking now about the time you were trying to get back to --

A. -- Trying to get to the Student Union Building.

Q. And is that the incident upon which you base your contention that your constitutional rights were violated?

A. That is the incident, sir.

Q. Thank you very much, Mr. Faneca. That's all.

MR. CATES: We don't have any questions.

IN THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, BILOXI, DIVISION

CYRIL T. FANECA, JR.

VS.

NO. 2604

UNITED STATES OF AMERICA

COURT REPORTER'S CERTIFICATE

I, D. B. JORDAN, Official Court Reporter for the Southern District of Mississippi, do hereby certify that the foregoing seventy-four pages constitute a true and correct transcript of the testimony of CYRIL T. FANECA, JR., had upon the taking of HIS DEPOSITION by the defendant in the above-entitled cause, on the 12th day of December, 1962, in the Grand Jury Room of the Post Office Building in Biloxi, Mississippi.

WITNESS my signature, this the 7th day of January, 1963.


D. B. JORDAN

CERTIFICATE UNDER RULE 30(f)

The undersigned officer hereby certifies that upon the taking of the foregoing deposition at the time and place mentioned above, the witness, Cyril T. Faneca, Jr., was duly sworn by me and that the deposition is a true record of the testimony given by the witness in accordance with the certificate of the court reporter taking the same, D. B. Jordan, the presence of the undersigned being waived during the taking thereof.

This the _____ day of January, 1963.

Mrs. Irene Humphreys,
Chief Deputy Clerk,
U. S. District Court,
Biloxi, Mississippi

I have read the foregoing pages and find them to be true and correct.

This the _____ day of _____, 1963.

Cyril T. Faneca, Jr.