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that they were out. The next thing he recalls is Willie Earl Vereen coming back into the church saying, "I got me one." Then he recalls Chavis coming into the church followed by Patrick and Tyndall and that Chavis talked to Wright and Vereen and told him to get some guys together, they were going to burn Mike's and Chavis went up to the front, started talking over the microphone; that he said, "We are going to burh Mike's store and after we throw the gasbombs we will split up and go between the houses and shoot at the firemen and policemen"; that a George Kirby - that a fellow stood up. He didn't identify him as Kirby - and following that Ann Shephard stood up and said over the microphone, said, "We have got to show these crackers we mean business." He saw the defendants except Epps and McKoy; that he did not see Epps at the church on Saturday night. He didn't know him; that he had seen McKoy when he first came into the church, but did not observe McKoy at this time when Chavis was talking about burning Mike's; that after Chavis and Shephard said, We have got to show these crackers we mean business: then Chavis and all of the defendants except Epps, McKoy and Shephard left the church with guns and he saw them go down the alleyway here toward the back of the church; said it was about this time he got his finger smashed in the door or his

thumb. One of his friends had closed the door on his finger; that Ann Shephard took him over to Rev. Templeton's house and that she and he thought the Reverend's wife looked at his finger, bandaged it up and was sent to the hospital. I don't know where he caught the taxicab, but he went with Kenny McKay, an older boy to the hospital to have his thumb treated. When coming back from the hospital he observed them bringing in the Steve Corbett body on a stretcher; that he had observed Steve Corbett at the church. He got in a taxicab, got back, taxicab put him off at 7th and Ann or 7th and Dock. I can't recall that he was walking down 7th Street. As he crossed the street here he observed Mike's Grocery store on fire. He heard gunshots. He ran all the way back to the church, saying, "Rabbit" and that he spent the night at the church; that he had known some of these defendants before, primarily McKoy, Wayne Moore, Jerry Jacobs and Chili (Marvin Patrick) and Joe Wright; that he had seen the others before except for Ann Shephard; that he had never seen her before that night at the church.

You will recall also that Jerome Mitchell testified that he knew most of these defendants before he went to the church; that he had met a couple of them at meetings over at Molly Hicks and Tom Houston's house in December and January; that is when he first met Chavis.

Hall said he knew some of them before, but Mitchell was the one who had known most of them, most of these defendants fairly close, some of them at least, although he is somewhat younger than they are.

Now just a couple of brief comments on the law and then my closing remarks. We have got Ann Shephard charged with accessory before the fact of burning of Mike's and that, knowing the criminal intentions of these other parties, knowing that they were going to burn Mike's, she encouraged them, incited them, and induced them to do that. They did. She had the intention that they do it at the time or at least that is the State's position. So, therefore, she is an accessory before the fact of the burning of Mikes.

In order to be an accessory before the fact you cannot be present at the scene of the crime, and she was not. She was at the church. So she could not be a party to the crime itself as far as perpetrating the crime. She would be an accessory before the fact in that she encouraged, incited, and induced.

With regard to the conspiracy charge, you have been told that a conspiracy is a meeting of the minds to commit some criminal offense. This is where there is a criminal agreement between parties, an agreement between parties to commit a crime in this case to assault emergency personnel with deadly weapons, firemen and policemen.

Of course, it is the State's position and the law is this. That with regard to a conspiracy you do not have to show that there is a formal agreement of any kind between the parties. Parties can enter into a conspiracy by their acts. By acting in harmony together they can become part of the conspiracy. So the State is not required to prove that all of these defendants came together and said, "Yes, we are all going to go out and shoot at firemen and policemen." If one person suggests the idea and the others go along with the idea their actions then is a conspiracy to assault emergency personnel with deadly weapons at Mike's Grocery store.

The State has gone beyond that. In a conspiracy case you are not required to prove that the crime was actually committed. The crime of conspiracy, conspiring to commit an offense is complete upon all agreeing to do it. So if all of us agree right now to go break into a store, then right now we are guilty of the crime of conspiring to break into a store even though we never take a step toward the store to carry out our intentions. But here we have got more than this. Here we have got a conspiracy to assault emergency personnel by word and acts of the parties, their actions acting in harmony, they go beyond that. They actually go out with weapons to assault emergency personnel and, in fact, assault them.

So there is no question as to all of these defendants being a party by their actions and words to conspiring to assault emergency personnel with deadly weapons.

Now let me just make a couple of brief closing remarks and I will have a seat and turn the floor over for his remarks. During the summation of the defense, Mr. Ballance brought out that these were students with grievances; that they came together to do something to come together with a course of action; that they met with Dr. Bellamy. Of course, that was on Monday. Dr. Bellamy wasn't at the church on Friday and Saturday. He was there on Monday. I want to point out there may be room for change. There may be need for change, but there are constructive ways to bring about change. You don't make demands on people, don't put deadlines on people, you don't burn and shoot in order to get what you want. You have to follow constructive channels. There is a right way and a wrong way to approach problems and grievances. The defendants chose the wrong way.

Mr. Ballance said that young people have a right to their own opinions and have a right to speak out and they do. Not one of us here would deny people with that right. If these defendants had just expressed opinions they wouldn't be here on trial today.

You recall that Ann Shephard testified that there had been phone calls and threats on the church; that,

in fact, there had been sniping at the church and Mr. Ballance used the photographs and the students decided to stand at the door of the church.

You will recall that on cross examination I brought out through Mrs. Shephard that she did not receive any phone calls or threats; that of her own personal knowledge she was not aware of any sniping at the church; that she was told this; that she could hear gunshots in the distance and she admitted on cross examination that it had never occurred to her that it could have been people from the church out there shooting. And I contend that that is who it was out there shooting.

On cross examination she stated she never saw any damage to the exterior ^{of} the church which there obviously would have been if the church had been being sniped. The doors, the windows were intact; door frames and everything else intact. This is again propaganda that the place had been sniped at. Phone calls and threats, that is propaganda that Chavis and others spread just like the propaganda about Steve Corbett not having a gun when he was killed.

When you want people to do something the way you want to do it, then what you have to do you fill them with hate. You lie to them so that they can then rationalize their otherwise irrational actions. Hitler did it, and

the world saw the results of that and I contend that Chavis, And Shephard and others at the church did it, and that we have seen the results of it here. If she had just stayed at the church door Mike Poulos would still be doing business at 302 S. 6th Street. Mrs. Jackson would still be living at 308 S. 6th Street and Mrs. McKeithan would still be living at 306 S. 6th. She didn't just stand at the door. She went out and shot at firemen and policemen to prevent them from being able to save these houses.

Mr. Ferguson in his argument talked about the awesome power of the State against the poweless individual sitting here. But you tell me how awesome was the power of the State against these powerless individuals when they were' burning Mike's and shooting at firemen and policemen on the 6th of February.

Mr. Ferguson said that these defendants walked into this courtroom innocent. And I say God forbid that you let them walk out innocent. That in itself would be a mockery of justice. It was brought out by Mr. Ferguson that you are going to have to consdier their loved ones, their parents, their families, their children. Did they consider them when they were out there burning Mike's Grocery Store and shooting at police officers and firemen? Were they thinking about their loved ones? Were they

thinking about anything except this misconceived and illformed hatred that they had in their minds and how they wanted to express it? I contend they didn't consider their loved ones then in February and you shouldn't consider their loved ones now.

I, like Mr. Hunevol, felt that Mr. Harmon's expression about the fork in the road was a rather catchy one. Mr. Harmon said if there is a question in your mind when you get to this point in the road, if there is a question in your mind, then you must take the not guilty road. I contend that it's been a long road and we are now at the fork and there should be no question in your mind at this point. The State has not only proved the guilt of each of these defendants beyond a reasonable doubt but has proved it beyond any doubt. So you must take the guilty road and it is funny and it is ironic in a way that this is also a symbol for peach. In order to have peace you have got to have law and order and in order to have law and order we have got to have people sitting on juries who will bring us that law and order, and you are in that position now. You, when you return your verdict will be deciding whether or not there will be law and order and peace in this County, in this State, in this country. Thank you.

THE COURT: Members of the jury, we'll take about a 10 minute recess.

(The Court recessed from 3:30 until 3:45 P M.)

THE COURT: Let the jury come back.

(The jury returned to the courtroom.)

(Mr. Johnson summed to the jury on behalf of the State of North Carolina as follows:)

May it please the Court, ladies and gentlemen, I assure you I am going to set the record. I am going to be shortest of all.

I am going to talk to you about some things that have not been mentioned. That is the strategy, theory and philosophy that the defendants used on Friday and Saturday night, along with the strategy and philosophy that the defendants used at the trial of the case.

Did you examine what went on down subsequent and during the period of time in February 1971? You will see that the strategy the defendants were using was based on thoughts, pretenses. It was based on lies. It is based on deception and it is based on hypocrisy. If you don't know what a hypocrit is, a hypocrit is what Bre'r Rabbit is to the old Tar Baby. He said, "Please don't throw me in the briar patch." But he wanted to get thrown in the briar patch. A hypocrit is the one who plays the Country Club set who can't afford to play with the Country Club set. It is based on appearances.

To these defendants appearances were very important. They wanted things to appear one way when, in fact, they weren't that way. They wanted to say one way when, in fact, they weren't that way. It was, "Say as I tell you, but it is not like I do tell you."

Now out of all this who do you think has really won? When you come back with a guilty verdict, who do you think has really won? Nobody's going to win in this case. Allen Hall told you some things in his own way. He said we can't build up Wilmington by tearing it down, and when you leave here tomorrow probably you will leave here tomorrow. We'll be through with this case tomorrow. There are things going to live on in Wilmington for many, many years as a result of this case.

Nobody wins in riot, and this was worse than a riot. It was a war.

Let me ask you this. You know Ben Chavis is from Oxford. You have heard people testify that. What was Ben Chavis doing in Wilmington? Who invited Ben Chavis to Wilmington? Who needed Ben Chavis in Wilmington? What did Ben Chavis or any of these defendants know about the school problems in Wilmington?

You saw these photographs. This is on Friday. This is on the next week. Now I want to ask you. Here is old Motor Mouse in this picture filled with the spirit. What does Motor Mouse know about school problems? What

does Connie Tyndall know about school problems? What does he know about how to solve them? Or Jerry Jacobs? Or any of them?

The strategy behind this, ladies and gentlemen, the demonstration of numbers of small kids is that:

1. That there is safety in numbers. Like Mr. Stroud told you, you can get them intoxicated with their own emotion like going to a ball game. Get the spirit and you get that spirit going and you feed them deceit and you know as well as I do that little Motor Mouse didn't know why in the world he was there. He didn't realize what he was doing like the rest of the little kids what they were doing. They were being used by little pawns to accomplish egostistical purpose. Like Allen Hall said, "As long as we got all the little kids it looks like all the mommies and daddies support us." Don't you know if the mommies and daddies knew what was going on their little kids wouldn't ever been there? You know as well as I do they wouldn't have been there.

And they tell you there were sniping and bomb threats. Why in the world would they keep all the little kids down at the church on Saturday night and Friday night and make them spend the night or let them spend the night if there were indeed bomb threats and indeed were sniping? We say ot you that the sniping and bomb threats were all

deceit to take a little trouble here and build it to keep it going.

You know as well as I do if these kids were really subjected to any terror by any outside people they would have never been at that church. The only terror they really were subjected to was by their own people.

Another reason, ladies and gentlemen, do you think it was just chance that they were in a church? This is a well thought out thing. It is well thought out. You might have wondered why did the police wait so long to go into that church? Why did the National Guard wait so long to go into this church? You know why. Because they kept kids around there all the time.

You might be wondering why in the world did the policemen ride up and down this area being shot at wait so long. You see if they had gone in there and a couple of kids had gotten hurt? Can't you see that "Wilmington police attack church"? What they were doing, ladies and gentlemen, was hiding behind the dignity of the church and at the same time taking their own people and using them as a shield. If they cared about those little kids, those little kids never would have been there. People like Motor Mouse.

Now what in the world does Motor Mouse know about anything about solving any problems? Little Motor

Mouse didn't know what the year was. Mr. Stroud said, "Show the jury this picture." He said, "What is that?" They were being used like the rest of these defendants were being used.

I can't help thinking about how egotistical it must be for one man to be always at the head of the line. Yes, sir; Ben Chavis forward marching at the head of the funeral procession of Steve Corbett from Wilmington. Was it to keep the emotion going? Was it to tell his own people that Steve Corbett had been killed by a policeman without a gun? Was it to make Steve Corbett a martyr and hero when they really knew the truth?

And it flashes back through my mind every time I think about the moments Steve Corbett was killed. Where was the defendant Chavis? Back in the sanctity of the church looking at T V. Going out and stirring up trouble and running back to the T V to see what the news casters were going to say about it.

And I think about Allen Hall and I think about all of these other little kids that never probably had the opportunity to meet a W C Brown, never had the opportunity to meet a Clarence Fredlaw policeman. Allen Hall had never been in a day of trouble in all his life. He didn't know what a policeman was like. And these barriers all around this church just remind me of the strategy they

used. They wanted to create a barrier between them and the police. They didn't want these kids to ever learn what policemen are really like. The strategy was to put that in their minds before they get to know anybody; before they get to know W. C. Brown and Clarence Fredlaw to learn that they are really good men. They have got families and a job to do.

And Allen Hall fell for it. And let me ask you this now. You have seen Allen Hall march in this courtroom I bet 50 times with these two men. What do you think Allen Hall thinks of these two men now that he's gotten to know them? Don't you know he respects those men now? Don't you know he knows now that he was told a big lie about what the police are; that they deserve to be assassinated, they deserve to be killed, that they are the pigs, that they are the ones in authority? Don't you know he knows now he was being used? He was being fed deceit? And he never had the opportunity before to meet a policeman and get to know one of them.

How do you think that Allen Hall felt the first time he sat across the table and looked W. C. Brown in the eyes and had to say, "Mr. Brown, I tried to kill you one night. Mr. Fredlaw, I tried to kill you one night, too." That must have been awfully difficult.

Yet here is a young man, Allen Hall, that ob-

viously felt a tremendous amount of guilt for what he had done because the time he confessed it the State of North Carolina had no case against him whatsoever, none whatsoever; couldn't put him there for love or money; nobody; no other witness. He felt a tremendous amount of guilt. And yet think about it. He is having to sit across the table from the officer who just a few months ago he was told he was to hate, he was to kill them, they were sorry people in the world, the pigs. How do you think he felt? I think he felt a tremendous amount of mixed emotions. He felt guilty and he wanted to tell them the truth and in a short period of time, if you will notice, obviously, these officers gained his confidence. He learned they are human beings like you and me. They have got a job to do and Allen Hall had no idea the night he was shooting at two black men or black officers all around there. It didn't make any difference. Then he was filled with the spirit.

I can understand how he feels. Nobody, none of these lawyers explained to you why Allen Hall would come into court in Superior Court in Wilmington after having confessed it all, accepting all the burden on himself for things happening in Wilmington that weekend. Why would he do it? If he didn't do it and he wasn't there, why would he subject himself to 12 years in prison if

he didn't do it and he wasn't there, there is absolutely no doubt, and they can't explain that to you, why a young man would do that. He told you his mother told him, "Allen Hall, please tell the truth." And they say to you, "Well he's got it all confused about the liquor and the chicken and his girlfriend and his uncle." I heard more of that on corss examination about liquor, chicken and his girlfriend than I did about the case.

They went through a long preliminary hearing, I believe it was two days long. Allen Hall sat on that stand on two and a half days on direct examination in the trial of this case and two days on cross examination and yet they want you to believe that everything he's ever said has to be contained within that 9 page statement. And yet after he sat up here 2 and a half days I guarantee he could come back and tell you more. Have you ever tried to reconstruct a basketball game or something of which there is no chronology. Time is not of the essence. But yet there is one thing you remember and I remember. They are traumatic, emotional events. You remember love, when it died close to you. You remember the funeral, and I am sure you can remember the people there. You can remember the birth of your child, the first pains, where you were when you went to the hospital, first look at your child. You can remember emotional moments.

when Allen Hall went off that stand because they are things that make a difference to you. They are things aroused in your emotional minds that you don't forget.

Yet you do forget routine things. I couldn't tell you where I was February 6, 1971, but I know where I was June 30, 1969. I was entering the U S Army, and I had a lot of emotion in my mind. I'll never forget that day as long as I live. I can't tell you what time it was. I know everything I did that day. First time I saw a drill sargeant. I can close my eyes and tremble sometimes when I remember.

Motor Mouse is not going to forget it. Allen Hall is not going to forget it. Jerome Mitchell is not going to forget it.

You can call this a political prosecution, but if you mean by political prosecution that political means or is firebombing and attempted assault , then it is political prosecution. If you were Solicitor or Assistant Solicitor of this District and you heard all of this mass of evidence what would you think? Would you proceed? It's almost ridiculous to even talk about it.

The fact that Allen Hall has been convicted. Jerome Mitchell had been convicted and Motor Mouse has been convicted of some offenses - I want^{you}/to keep in mind something Mr. Stroud mentioned to you briefly, ladies

and gentlemen, iIn this type of case if the defendants had come out in the open and faced the officers eye to eye, then we would have some officer eye witness testimony. But how in the world do you recognize somebody that is hiding down in the bushes on the corner of a house shooting at you with a gun or back in the bushes? You think Billy Graham or the Mayor of Wilmington or anybody else is going to be down at the church?

Arsonist, murderer. That is what they called Jerome Mitchell. And the little armed robber, little Motor Mouse. Why would they be at the church? Birds of a feather flock together. Butler wasn't there. The people who owned taht church, the people responsible for that church weren't there. None of these people over here are members of Gregory Congregational Church. They were trespassers against that church once Mr. Butler asked them to leave. And if you think for a minute that anybody will do that to a church or a house of the Lord - do you think they will have any hesitation whatsoever to go out and shoot at any other authority? I don't think so.

One of the lawyers said anybody that would shoot into a church would shoot into your home. Anybody that would shoot at a church would shoot at policemen, too. You don't have good people doing this type thing. That is why you can't bring good people in to testify. There are none. Absolutely none.

It took guts to do what Mr. W. H. Butler did, and I'll never forget as long as I live one sentence he said. He said he faced Ben Chavis face to face for the first time and he said, "Mr. Chavis, you know this is wrong. You know you are destroying the church." And Ben Chavis looked at him and said, "Man, you don't know what it's all about." "Man, you don't know what it's all about." Mr. Butler knows what it's all about. What do you think he thinks?

On cross examination of Allen Hall you heard a lot about the statement he wrote and signed. Not he wrote, but the statement he signed. Did you hear any one of these attorneys say, "Mr. Hall, won't you just read the statement in full to the jury?" Did you ever hear one of them ask him to do that? Or was it because they didn't want you to hear the other 95 percent of the statement?

Liquor, fried chicken and what time was it and what was not in the statement.

And then Allen Hall is questioned about this. "Where does your uncle live?" And Allen Hall hesitated. "Where does your uncle live, Allen Hall?" "Where does your girlfriend live?" "Where does your cousin live?" And Allen Hall hesitated everytime.

Why do you think Allen Hall hesitated? Is it

because he knew these defendants were out on bond and he is not? Is it because if he had known these people were peaceful, peace loving people that they wouldn't bother his kin folks? But he has seen the tears and the horror that these defendants do and have done; and that is why he hesitated, and he hesitated a long time before he told anyone of these attorneys who his girlfriend was and where his uncle lived. If he hadn't seen these defendants do something wrong he would not have hesitated one instance to tell them who his girlfriend was and where she lived and everything.

And about Chicago Strategy. When Allen Hall was first being cross examined, if you will recall this, Mr. Ferguson started cross examining him. "What is you I Q? What grade did you go to? 9th grade?" Trying to show you he was dumb.

And do you recall this statement or this question by Mr. Ferguson? "Allen Hall, isn't it true that you were down on Castle Street drunk and you weren't even at that church?" Do you recall that question? I recall it very vividly.

And then Mr. Ferguson got up here Friday or whenever it was and he told you that an attorney is the reflection of his client. Well I want to know did his clients tell him that Allen Hall was not there. But yet

when all the State's evidence is in and we have this photograph showing Allen Hall with Ben Chavis, the cross examination has changed the argument, has changed. Now they accept his being there, but he is lying. "Allen Hall, you weren't even at that church. You were down on Castle Street drunk, weren't you?"

And on cross examination of Mr. Weiss, Mr. Weiss said - one of the attorneys asked him, said, "Mr. Weiss, did you tell the policeman the first time you talked to them about talking to Mrs. Decker?" And he said, "No, I didn't." Well you see an intelligent man just like Mr. Weiss, and he was obviously intelligent, and crucial as that piece of evidence was he didn't even tell the police everything the first time they talked to him.

And Father Jones got on the stand and they handed him a statement that he had signed and Father Jones made this statement. "All my additions and statements aren't in that statement, Mr. Ferguson." And they didn't ask him one word about his additions and statement in that statement. An intelligent man like Father Jones still had some matters he wanted to say and yet they won't allow Allen Hall to leave something out of his statement.

Where do you think Allen Hall learned the Chicago Strategy? Where do you think Allen Hall learned how to

light a firebomb and throw it underhanded as opposed to overhanded so the gasoline wouldn't drip on the shoulder and burn your hair? Where do you think Allen Hall learned the words? In the 9th grade? Where do you think Allen Hall learned that Miek Poulos ought to contribute some of his profit to the black community? Do you think Allen Hall is imaginative and smart enough to do all that? I don't.

And I'll tell you right now. I read this preliminary hearing transcript and I have sat through this trial just like you have, and I can't get up there and tell you chronologically how this case happened, and I don't believe a one of you can either; not a siggle one of you. Down in the preliminary hearing they didn't have the benefit of all they have - diagrams and all the photographs sitting in front of us. Allen Hall and a blackboard and that was it.

Another thing that I noticed about Allen Hall and Jerome Mitchell, if they had needed the statement to testify to about, why didn't they keep them up here to think about it and read them off of it? Everytime they read it and put it down. If it was such a big lie why didn't they keep it in front of them to refresh their recollection? Everytime they'd put it down.

On cross examination of Allen Hall you saw something highly unusual in the courtroom. You saw a young

man up here get mad. But I say to you that the cross examination had it's motive. You see Mr. Ferguson and these defense attorneys knew what the rest of the State's evidence was going to show. They knew that they had to ctack Allen Hall and get him mad because they never wanted this case to get to you. They never wanted a jury to pass on this case.

MR. FERGUSON: Objection, your Honor.

MR. HUNEVOL: Objection, your Honor.

THE COURT: Objection sustained.

MR. JOHNSON Continues: I contend to you that it was not Allen Hall getting mad, but it was Mr. Ferguson wanting him to get mad. A mistrial. And go back through this expensive process all over again. That is what they want.

And in their arguments did you hear anyone of these defense attorneys mention Mr. W. H. Butler, the Chairman of the Board of Trustees? Mr. Hunevol was the only one who mentioned Mr. Butler. They avoided Mr. Butler like the taboo, the plague.

Did you hear anyone of these attorneys explain to you about the dynamite? Did you hear anyone of them explain the medical supplies or why there were so many shotgun shells or bullet shells, blasting caps? Did you hear anyone of them explain to you about the concrete

barricades? They couldn't give you a reasonable explanation. They couldn't even give you an explanation because it is just exactly like we have told you it is.

What did Gregory Contregational Church need dynamite for? What did they need blasting caps for? Or medical supplies or shotgun shells?

If there was sniping going on the police were all over everywhere. The only thing they had to say was, "Mr. Brown, come in here. Help us out and protect the church." "Mr. Fredlaw, come on in here." "Mr. Hollifield, come on in here." They were all over the place.

Standing on Holy ground. Standing on Holy ground because they had been fed lies about what was going on.

The National Guard would have been delighted to come into there and to this day Gregory Congretational Church still stands. C

Brave, brave defendants. Cantt you see them sneaking in the bushes and hiding in the bushes with their guns back in the dark? Crawling under the houses? The wouldn't come out and face these officers face to face for anything in the world. When the National Guard came in where were they? There was a curfew on. That didn't mean they had to leave the church. Rev. Templeton went to New Jersey, and I know he's got his head hung

in shame.

Mr. STroud mentioned to you something we noticed. Mr. Fredlaw took the stand three times and sat there, said - Mr. FERGuson asked him what happened. Allen Hall said, "I talked to Brown. I talked to Monroe. I talked to Fredlaw."

Mr. Hunevol asked him what Allen Hall told him. They wouldn't have touched it with a 10 foot pole. And Ann Shephard took the stand. And she admitted she made firebombs on Tuesday. She admitted on Sunday night she stayed at Allen Hall's uncles.

Mr. Harmon gets up here, says, "Where does Allen Hall's uncle live? He doesn't exist." Ann Shephard said she spent the night there. Mr. Harom, Mr. FERGuson or any of them didn't ask Ann Shephard a question. Were they scared of what she might say about them? Not one question.

Benjamin Wonce said they weren't there or they were in and out. I can't figure out what they are trying to say. I can't imagine Benjamin Chavis coming from Oxford, spending the weekend at the church, not doing anything. Where was he? He is more elusive than the statement you have heard about. There have a lot of them testified about what went on in that church. Have you heard a one of them say anyting about anybody discussing any school problems in the church Thursday, Friday, or

Saturday or Sunday? Not a one said anything about discussion of school problems in the church. What in the world were they doing?

You know, like a dog runs through a mudhole he leaves tracks. I'll tell you when the National Guard went in there on Monday morning they found the tracks of what they had been doing. They found the dynamite and medical supplies and the gas mask and the shotgun shells. There must have been a lot of sniping going on in the church.

I realize this, too. You have heard a lot of lawyers get up here and talk a heck of a lot and the facts stated as I and the attorneys for the 9 defendants have done. When you go back there you do like you do in your ordinary business. You think about this thing with a little common sense.

I am reminded of the story about looking down at something. It is white it looks like (didn't get all of this story) And it goes quack. The chances are it is a duck. It ain't a crow. When you come to the fork in the road and it looks like a duck you vote for a duck because that is what it is.

When you go back to deliberate it takes all 12 of you to say guilty against each of the defendants on every charge. It takes a unanimous verdict of guilty.

It also takes a unanimous verdict of not guilty. If you come back in here with not guilty the State does not have the opportunity to try these men again on these charges. They are free men. They walk out of this courtroom. That is it. So you think a long, long time before you come back in here with not guilty.

Now I am just like Allen Hall. I told you I was going to be short and sweet, but the Gettysburg Address was, too. You think about it a long time. When you go back out there you give it a long consideration before you come back into the courtroom with not guilty.

I am like Allen Hall. I have got a lot I could say. I am going to roll over in the bed tonight and say, "O, my Lord, why didn't I tell them that?" But I am going to quit. I appreciate your attention and I think in all sincerity we'll be through tomorrow.

THE COURT: Members of the jury, do not discuss this case with anyone. Do not allow anyone to discuss it with you or in your presence. Do not discuss it among yourselves until you have it for your consideration. When you leave please go to your destination. When you return tomorrow morning at 9:30 come to your juryroom and there remain until court. May I instruct you not to read, view or listen to any account of this trial if such should appear on Press, radio or television. Go and come back tomorrow morning at 9:30.

(Court recessed at 1.24 P.M.)