

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Voting

UNITED STATES v. DALLAS COUNTY

Transcripts

Transcript - U.S. v. Dallas County, Ala
(June 26, 1963) - (July 25, 1963) 1978-15-2
(Dallas County, Ala)

73-3.45

13, 129

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION.

United States of America,

Plaintiff,

vs.

Civil Action

Dallas County, Alabama, et al.,

No. 3064-63.

Defendants.

STATEMENT BY JOHN DOAR, ESQ., OF OFFER OF PROOF,
TO HON. DANIEL H. THOMAS, U. S. DISTRICT JUDGE, AT
SELMA, ALABAMA, ON OCTOBER 15th, 1963.

Mr. Doar: Your Honor, could I make for the record a statement, with respect to our theory of why this evidence is admissible?

Judge Thomas: I think you have that right, yes, sir.

Mr. Doar: Paragraph 19 of our complaint alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint. Under that paragraph of the complaint, we respectfully urge this Court that it is material as to the conduct of the Sheriff right up to the date of this hearing. If the Court were to not consider what has happened in Selma, Alabama, with respect

to the acts of Sheriff Clark, as they are related to efforts by Negroes to register to vote, the Court would be doing an injustice both to the Government and to Sheriff Clark. Because of other business of the Court, the Court was not able to continue to hear the full case that day, and, as a result, two months have expired. What happened within those two months is very material on whether or not the Court should or should not issue an injunction, as a Court of Equity.

We would propose to show to the Court four events that occurred during that time. The first event was the arrest of some twenty-nine people, Negroes, who were at a mass meeting, for improper license tag lights on July 29th. The second would be the arrest of twenty-seven Negroes, who were picketing with voter registration signs in front of the courthouse on September 25th, and the fact that they were charged with unlawful assembly and inciting a riot, and that bond was set for those Negroes at either \$500.00 or \$1,000.00. The third fact we would show is that five Negroes were arrested in front of the courthouse on September 27th, carrying voter registration signs, and they were arrested and charged with inciting a riot and unlawful assembly, and their bonds were set at either \$500.00 or \$1,000.00. The fourth we

would show that Sheriff Clark arrested, on the 1st of October, five Negroes, who were parading or picketing in front of the courthouse, across the street, in front of the federal building, across the street from the courthouse, and charged those Negroes with unlawful assembly and inciting a riot, when they were peacefully carrying signs, urging people to register to vote. We would also show to the Court, if the Court please, that on the 2nd of October, there were two or three Negro students or young people who were carrying signs on federal property, and standing on federal property, either at the old or new postoffice, and were permitted by Sheriff Clark to stand there all day, and they were there a substantial part of the day and were not arrested. On October 7th, at a voter registration date, where over two hundred Negroes lined up to register, Sheriff Clark required those Negroes to stay in line all day and did not permit any Negro to leave the line without losing his place, even if it was to go to the bath room, or get another pair of shoes, or get something to eat. Not one of those Negroes was permitted to leave the voter registration line to exercise and do any act unless they suffered the penalty of going to the rear of the very slowly moving registration line. We would show to the Court that Sheriff Clark and his deputies arrested two Negro students, who tried to bring food to

those people who were standing, waiting to register to vote, and also that on the same date three pickets, three individual Negro students, who were standing on federal property with signs urging all citizens to register to vote, were arrested by Sheriff Clark and charged with unlawful assembly and inciting a riot.

Now, it is that proof that we think is material under paragraph 19 of the complaint, which alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint.

In addition, if the Court please, if the Court feels that the complaint is not broad enough to cover that, I would respectfully ask the Court to take the evidence under Rule 15 (b) of the Rules of Federal Procedure, which provides if evidence is objected to at the time of the trial, on the ground that it is not within the issues made by the pleadings, the Court may allow the pleadings to be amended, and shall do so freely when the presentation of the case will be served thereby, and the objecting party fails to satisfy the Court that the admission of such evidence will prejudice him in maintaining his action in the defense upon the merits. In connection with that, at the conference that we had here in Selma, on the 3rd of October, it is my recollection that I advised the defendants that I would attempt to offer this evidence. The

Court did indicate what his tentative ruling would be. I respect the Court's ruling, but I do urge the Court to reconsider its ruling, in the light of the evidence we would offer. It is all confined to arrests by Sheriff Clark of persons who were carrying voter registration signs out in the immediate vicinity of the courthouse, in a peaceful manner, where there were no crowds and no disturbance whatsoever. It also relates to the conduct of the Sheriff, with respect to Negro citizens, who were trying to register to vote, and what he did to them, and what rules he laid down to them at the voter registration line last Monday.

Judge Thomas: I have re-considered my ruling and I still think it is right.

Mr. Doar: Would the Court permit me a minute to confer with other counsel, please?

Judge Thomas: Surely.

Mr. Doar: I would state to the Court that we have a number of witnesses that we called to prove these items that the Court has ruled on and considered not to be admissible, under the terms and limits of this ruling. If the Court would permit a recess at this time, so we could re-organize the remaining witnesses. I think there are three or four other witnesses we would call

after lunch.

Judge Thomas: You can call them before lunch. I will recess for
five minutes.

Thereupon, a five minute recess was had.

I, Rosa Gerhardt, Court Reporter, hereby certify that the foregoing pages, numbered 1 to 6, both inclusive, constitute and are a true and correct transcript of Statement by John Doar, Esq., of Offer of Proof, to Hon. Daniel H. Thomas, U. S. District Judge, at Selma, Alabama, on October 15th, 1963, in the District Court of the United States for the Southern District of Alabama, Northern Division, in the matter of United States of America, Plaintiff, vs. Dallas County, Alabama, et al., Defendants, Civil Action No. 3064-63.

Dated, this, the 16th day of October, 1963.

Rosa Gerhardt

Court Reporter

THE UNITED STATES OF AMERICA,
Plaintiff

VERSUS

DALLAS COUNTY, JAMES G. CLARK, JR.,
BLANCHARD McLEOD and HENRY F. REESE,
JR.,
Defendants

IN THE UNITED STATES DISTRICT COURT
NORTHERN DIVISION OF THE SOUTHERN
DISTRICT OF ALABAMA
CASE NUMBER 3046-63

Selma, Alabama

July 25, 1963

BEFORE: HON. DANIEL H. THOMAS, Trial Judge

APPEARANCES:

HON. JOHN DOAR and HON. ARVID SATHER, of counsel, Attorneys for the Govern-
ment.

PITTS & PITTS by HON. McLEAN PITTS, and HON. GORDON MADISON and HON. THOMAS G.
GAYLE, Attorneys for the Defendants.

Gertrude M. Bailey,
Official Court Reporter
for the Fourth Judicial
Circuit of Alabama

GERTRUDE M. BAILEY
Official Court Reporter
FOURTH JUDICIAL CIRCUIT OF ALABAMA

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The Court: What says the Government? 1
Mr. Doar: The Government is ready. 2
The Court: What says the defendants? 3
Mr. Pitts: We are ready. 4
The Court: The defendants are ready? 5
Mr. Pitts: Yes, sir. 6
The Court: All witnesses in this case please stand where you 7
are and raise your right hand and be sworn. 8
(Witnesses stand and are sworn by the Clerk) 9
The Court: Does either side ask for the rule? 10
Mr. Pitts: Yes, sir. 11
The Court: All witnesses please go out in the hall and remain 12
there until we call you. We will get to you as quickly as we 13
can and we will excuse you as quickly as we can. 14
(Witnesses leave the court room) 15
Mr. Doar: We have a request from a newspaper reporter and we 16
are trying to work that out now. 17
Mr. Pitts: We have no objection to that. 18
Mr. Pitts: Judge, we would like to excuse Mr. Atkins and Mr. 19
Bibb from the rule. They are the Dallas County Board of Regis- 20
trars. 21
The Court: Are they subpoenaed as witnesses? 22
Mr. Pitts: Yes, sir, subpoena duces tecum. 23
The Court: Do you have any objection? 24
Mr. Doar: No, we have no objection. 25
The Court: All right. You may proceed. 26
Mr. Pitts: What I want to know now, are we proceeding on the 27
motion to dismiss? 28
The Court: Do you wish to proceed on the motion to dismiss? 29
Mr. Pitts: Yes, sir. 30

The Court: We will take it up first then. There is no need for the reporter taking this down. All right, proceed.

(Attorneys for both sides address the Court)

The Court: The Court reserves its ruling on the various motions to dismiss.

Mr. Pitts: In this case you denied the temporary restraining order and it has been affirmed by the Fifth Court of Appeals.

The Court: That is correct.

Mr. Pitts: What we are here today on is a motion for a temporary injunction.

The Court: That's my understanding.

Mr. Pitts: We are not trying the case as such. We are just trying it on a motion for a temporary injunction.

The Court: That is my understanding. All right.

Mr. Pitts: It is our contention then --- it is two things I want to straighten out first. The first is that I understand the Court is going to leave about five o'clock.

The Court: I am going to hear this case today.

Mr. Pitts: Yes, sir. What I want some understanding with the Court is, that Mr. Doar wont take all of the day and then leave the defendants no time for their case. That's the first thing I want to straighten out.

The Court: I'm going to give you time to put your case on.

I've got to go to Mobile tomorrow. Wont be back here tomorrow. If I have to I will come back another day to wind it up, but there is no reason for this case to take more than a day.

Mr. Pitts: Judge, the other thing I want to straighten out with the Court is, it is our contention that this motion for a temporary injunction can be tried solely on affidavits, or can be tried on affidavits and oral testimony, or it can be tried

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on oral testimony.

The Court: I think you are correct. What is your thought as to affidavits, or partially affidavits and partially live witnesses?

Mr. Doar: My thought is, your Honor, that these things are not a disputed question of facts, that the Court should require in cases of temporary injunction that affidavits be submitted.

Number two, with respect to certain of the witnesses, where affidavits have already been filed by both parties, that the Court can consider the affidavits but that the person also be present here for cross-examination, if the other side desires it. Now, with respect to the people that made affidavits for us, we have them present. I don't think it is necessary that the Court require the attorneys to ask all of the same questions in the affidavit, if he is here available for cross-examination for either side. And on the other hand, where there is a disputed question, particularly with respect to the purpose, of course I feel that we should take some oral testimony. And we propose to keep it as brief as possible.

The Court: Now, attached to your petition are numerous affidavits.

Mr. Doar: Four, your Honor.

The Court: Now, as to those parties, you have them available for cross-examination if the other side wishes it?

Mr. Doar: They are.

The Court: In the absence of the other side wishing to cross-examine, you would not put those witnesses on. Is that right?

Mr. Doar: There may be several questions I want to ask one or more of the witnesses, but not all of them.

The Court: Well, I would suggest that we do it this way --- I

think it is discretionary, and I think you can do it either way.

I think it would stand up either way. Use the affidavits as much as you can, and in instances in which you cannot use affidavits please confine the testimony as compactly as you can.

Now, Mr. Pitts, I understood from you over the phone and I understand it from you this morning that you do have numbers of affidavits.

Mr. Pitts: Yes, sir, I think we have twelve or fourteen.

The Court: Are those parties here?

Mr. Pitts: Judge, my information is this morning --- I haven't checked, but my information is most of those parties are here. We issued subpoenas for them yesterday.

The Court: You do not intend using them unless --- you just intend using the affidavits?

Mr. Pitts: I intend just using the affidavits.

The Court: Or unless Mr. Doar wishes to cross-examine those parties. All right, let's proceed.

Mr. Doar: Sometime, at the first recess, may we study them?

The Court: Yes.

Mr. Doar: We haven't seen them.

The Court: Will you furnish the other side with copies of the affidavits during recess?

Mr. Pitts: We prepared copies of all those affidavits for the other side.

The Court: Put on your case, Mr. Doar, and you will have opportunity to look them over before proceeding.

Mr. Madison: Let the record show that all of the defendants deny the allegations of the injunction.

The Court: All right.

Mr. Doar: Let the record show that the plaintiff is calling this witness as an adverse witness.

The Court: Yes, sir.

JAMES G. CLARK, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you state your full name, please? A James G. Clark, Jr.

Q How old are you? A Forty.

Q What is your education? A Beg pardon?

Q What is your education? A I have a high school education, six years college.

Q Where is your home? A Browns, Alabama.

Q Is that within Dallas County? A It is.

Q How long have you lived in Dallas County? A Sixteen years.

Q How long have you been in the State of Alabama? A Forty years.

Q What is your race? A White.

Q Are you a registered voter? A I am.

Q What is your occupation? A Sheriff.

Q How long have you been sheriff of Dallas County? A It will be eight years next November.

Q Prior to becoming sheriff of Dallas County, did you have any prior law enforcement experience? A I did.

Q Will you tell us briefly what that law enforcement experience was?

A I was assistant commissioner of revenue for the State of Alabama.

Q Will you just briefly indicate what your duties were in that job?

A It was of an investigative nature.

Q Were you investigating probable violators of some of the criminal statutes of the State of Alabama? A When they pertained to the revenue laws

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of the State of Alabama.

Q How long did you hold that job? A Ten months.

Q Are you an elected official of Dallas County? A I am.

Q Is the sheriff's job of Dallas County a full time job? A It is.

Q Tell me how many deputy sheriffs did you have during the months of May, June and July of this year, please. A What kind of deputies do you mean?

Q I mean your full time deputies. A Well, I have eight field deputies; two in the office, who have deputy powers; also three jailers, who also have deputy sheriff powers.

Q Will you tell the Court, for the record, the names of those deputy sheriffs? A Chief Deputy L. C. Crocker, and ---

Q (Interrupting) That's C-r-o-c-k-e-r? A Yes. Assistant Chief Deputy M. F. Suther, J. E. Houston, H. L. Nichols, Charles Weber, William Averette, Doyle Wright--- I've lost count.

Q Are those the ones that you can remember at this time? A That's all of the field deputies that I can remember at this time. I'm sure there're more, but I've lost count. And Virgil Bates, yes.

Q Thank you. Are these deputies that you say are full time deputies? A Yes.

Q Are they uniformed law enforcement officers? A The field deputies are.

Q In connection with your work as sheriff of Dallas County have you attended any schools with respect to law enforcement? A Yes.

Q Tell the Court briefly what schools you have attended. A I have attended the Police Academy in Montgomery, attended various civil defense schools, various traffic schools, Jones Law School in Montgomery.

Q Are you a graduate of Jones Law School of Montgomery? A Yes.

Q Are you a lawyer? A No, I am not.

Mr. Madison: I'd like to have this in the record. Can your Honor see and observe the sheriff who is testifying? From

where he is and where you are?

The Court: Yes, sir.

Mr. Madison: Let the record show that.

Q Do you also have, to aid you in law enforcement with the law enforcement problems in Dallas County, a sheriff's posse? A Yes.

Q Could you briefly tell the Court when that was organized, and the number of persons in it, and how that operates? A It was --- or --- I don't remember the exact date, about three years ago. It operates upon call of the sheriff to help out ⁱⁿ any situation that we don't think we, that I, don't think we have enough deputies to handle. Any situation that might arise.

Q How many people are on this posse? A I couldn't tell you.

Q Could you give us an approximate number? A Well, there are several hundred.

Q Let me ask you this: are all of your field deputies of the white race? A Yes.

Q Are all of your office deputies of the white race? A Yes.

Q Are all of your jailers of the white race? A Yes.

Q Are all of the members of the posse of the white race? A Yes.

Q Sheriff Clark, were you aware of the fact that the Federal Government in 1961 filed a suit against the Board of Registrars of Dallas County?

A I was.

Mr. Pitts: Now we object to that. We object to going into that field. We object to any reference to the suit of the United States of America versus the Dallas County Board of Registrars.

The Court: Overrule the objection.

Mr. Pitts: We except.

The Witness: Repeat the question, please.

Q Were you aware of the fact that there was a suit filed by the United States of America in April of 1961 challenging the operation of the Dallas

County Board of Voting Registrars? A Indirectly, yes.

Q You say indirectly. What do you mean? A Well, primarily, hearing conversations, and reading the newspapers.

Q Now, in connection with your law enforcement duties as sheriff of Dallas County, do you from time to time serve as a law enforcement officer outside of Dallas County? A Yes.

Q Did you this spring serve as a law enforcement officer in Birmingham, Alabama? A Yes.

Q For how long were you there? A Off and on for three weeks.

Q Did you have any of your men there with you? A Yes.

Mr. Gayle: Your Honor, I object.

The Court: Sustain the objection.

Q Where is your office located? A In the Dallas County court house, Selma, Alabama.

Q On which floor of the Dallas County court house is it located? A First floor.

Q Is that on the same floor that the office of the Dallas County Board of Registrars is located? A It is.

Q How far is your office from their office? Approximately. A Approximately 100 feet.

Q Were you aware of the fact that registration by negroes to vote picked up during the spring and early summer of 1962 here?

Mr. Gayle: We object to that. It is immaterial. This is an injunction suit.

The Court: I don't think it makes any difference. It is immaterial, but let him answer.

Mr. Pitts: I didn't hear what the question was.

The Witness: "Picked up", I don't understand the question.

Mr. Doar: I will rephrase the question.

Q I direct your attention to the spring and early summer of 1963, not

'62, and asking you whether or not you observed more negroes going into the registrar's office during the spring and early summer of 1962 than theretofore during your term of office as sheriff? A I was not aware of it.

Q Did you know that there was a Dallas County Voters' League organized by negro citizens in Dallas County? Were you aware of that?

Mr. Pitts: We object to that.

The Court: I think that's material. Overrule.

The Witness: That I was aware of what?

Q Were you aware of the fact that there was a Dallas County Voters' League organized by negro citizens in Dallas County? A I had heard the name.

Q When had you first heard the name? A I don't remember the exact time.

Q Was it before this year or during this year? A During this year.

Q Are you able to fix the time at all? A No, not exactly.

Q Did you know that there were certain negro citizens from outside of Dallas County who have come in here to work on voter registration among negroes of Dallas County? A Yes.

Q When did you first know that? A I don't remember exactly.

Q Sheriff Clark, there have been a number of so-called mass meetings by negroes of Dallas County this spring and early summer. Is that correct? A Yes.

Q And the first one of those meetings was on the 14th, of May, 1963. Is that correct? A I don't know the exact date.

Q Would you say that wasn't the exact date? A I wouldn't say it wasn't the exact date.

Q Now, you were subpoenaed to bring with you your records with respect to these meetings by negroes. Did you bring any records with you? A No, I did not.

Q Did you go through your files to see whether or not you had any records that were asked for? A I don't have them.

Q Did you ever have any such records? A Yes.

Q Where are the records now? A My attorney has them.

Mr. Doar: Your Honor, I'd like to have the witness make available to us those records which his attorney has now, the records in connection with these mass meetings.

The Court: Do you have them, Mr. Pitts?

Mr. Pitts: Yes, sir, I've got them. They are notes made by different deputies.

The Court: Will you furnish them to Mr. Doar?

Mr. Pitts: I'd like for them to be returned. If he'd like to have them copied ---

The Court: That's quite all right.

Mr. Pitts: I have no objection to him seeing them here now, and I am handing Mr. John Doar, attorney for the Department of Justice, four yellow sheets of transcript.

The Court: All right.

Mr. Pitts: Now, Judge, I have here some typewritten sheets that are mine. My information is they are not originals, but I don't know. See what I'm getting at?

The Court: Are they exact copies of what Mr. Doar has?

Mr. Pitts: I don't know.

The Witness: They were just filed. Information. We haven't checked to see if they are exact copies.

Mr. Pitts: I don't have any objection to handing him these four typewritten copies. I'll hand him now four typewritten transcripts, and I'd like all of these returned to me. I will be glad to furnish him with photostatic copies. And if any of those are offered in evidence I'd like to substitute photostatic copies.

The Court: You may substitute certified copies.

Q Sheriff Clark, the documents which were just furnished to me by your

attorney indicate that they deal with certain activities on May 14th., June 24th., July the 8th., and July 15th. of this year. A Yes.

Q And they also reflect that two of them deal with May 14th., three of them deal with July 8th., and that there are a total of eight separate documents in all. Is that correct? (Hands said documents to witness, and witness counts same) A Eight.

Q Now, I'd like to ask you whether or not you have any notes or memorandums dealing with a mass meeting by negroes at the First Baptist Church in Selma on June 17, 1963? A June 17th.?

Q Yes. A That is all I have there (indicating above referred to eight documents). As far as I know. Is anything on there on June 17th.?

Q There is nothing here on the 17th. A Then I don't have anything.

Q Can you tell me whether or not you had persons at the meeting of June 17th. covering the meeting? A We had people at every meeting that I was aware of.

Mr. Doar: I want to say to the Court that one of the witnesses that we propose to subsequently call is an FBI agent, who furnished information from the sheriff's department with respect to the June 17th. meeting. Now, if there was such a report it would just shorten the testimony.

Mr. Pitts: I also want to point out to the Court, if he has it it has been misplaced somewhere. The sheriff delivered to me at my request all of the notes that he had of any kind that were in the file. He brought the entire file to my office and handed it to me.

The Witness: There are some that my deputies have not turned in to me.

Mr. Pitts: Your Honor, if there are some notes that he didn't have in this file, I don't know about it.

Q Your testimony is that you had deputies of yours at all of the meet-

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ings, mass meetings by negroes that have been held this spring and summer that you knew about? A That's right.

Q Did you have them there whether or not they were held for religious purpose? A Beg pardon?

Q How did you decide whether to send a deputy to the meeting or not? A Well, my job is to preserve the peace of Dallas County, and I observed the first meeting, the unrest that was there around the church, and I decided it would be a good idea to have somebody there to observe them all.

Q Did you have law enforcement officers inside of the meetings from that night on? A Yes.

Q Was he there with any kind of radio equipment? A Yes.

Q What kind of radio equipment did he have? A They had walkie-talkies.

Q Were these particular deputies instructed to make notes of what took place at the meetings? A Yes.

Q And were those instructions given to them by you? A Yes.

Q And are these documents which you have handed to me the notes that your deputies made at these meetings? A Yes.

Mr. Doar: With the Court's permission, I'd like to give these notes to one of the attorneys who is assisting me, so he can run through them while the witness is testifying, so that we can shorten things.

The Court: That's all right. He is an attorney with the Department of Justice?

Mr. Doar: Yes, sir.

The Court: Wait just a minute. Are you going to offer these documents?

Mr. Doar: We'd like to offer them ---

Mr. Pitts: (Interrupting) Just a minute. Judge, we want to substitute photographic copies of them.

The Court: That is all right. That's perfectly all right.

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Mr. Madison: I object to his offering those reports. I haven't
seen them.

The Court: I haven't seen them either. I reserve my ruling.

Mr. Pitts: I object to them on behalf of the defendant, Jim
Clark. These are confidential records of the sheriff's office
and of law enforcement. And what these records are, they were
measures taken by the sheriff's officers, and information obtain-
ed by the sheriff's officers, to preserve the peace of Dallas
County, and the source of some of this information we have is
confidential, and the contents of some of this stuff is confiden-
tial. And it is notes made by these deputies and reports to the
sheriff's office. And I object to the introduction of those on
that basis; and further, I would like the Court not to allow
these records to leave this court room.

The Court: I think the documents are admissible, and I think the
contents of them should not be made public. But I do think they
are admissible.

Mr. Pitts: That's all right, that is my opinion.

The Court: I do not think the information in there is public in-
formation. Where is the gentlemen who is going to peruse them?

Mr. Pitts: One other objection I'd like to put in there -- these
notes that are offered in evidence are made by deputy sheriffs,
persons who attended these meetings on behalf of the sheriff's
office, but the contents of those are not binding on the sheriff.

The Court: All right.

Q After these reports were delivered to you, did you read them? A

Yes.

Q Did you receive any reports from any other law enforcement officers
or agency prior to the 18th. day of June pertaining to Bernard LaFayette? A

Yes.

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Q From whom did you receive those reports? A FBI and our State Department of Investigation.

Q When were you first advised by the FBI with respect to Bernard LaFayette? A I can't tell you the date.

Q What was the substance of what they advised you? A He just said that he was here for the purpose of --- I don't remember now. I think he said he represented the Student Non-Violence Co-ordinating Committee.

Q Did you inquire of the FBI as to what that organization was? A I don't remember too much about the conversation.

Q But it was before the 17th. of June, this year? A To the best of my knowledge.

Q What reports did you receive from the State of Alabama with respect to Bernard LaFayette? A That he was working. That's all I know. Trying to organize the niggers, I believe he said.

Q This report that you got from the State, was it in writing or oral?

A It was by telephone conversation.

Q Could you give us the date on that, when you were so advised? A No, I couldn't.

Q Did you ever get any reports from the City of Selma about Bernard LaFayette? A There was some conversation pertaining to him, but I couldn't say whether they advised me or I advised them. They were aware of him at the time I talked to them.

Q Now, are you a member of the White Citizens Council of Dallas County?

A No, I am not.

Q Do you know a negro by the name of Bosie Reese? A Yes.

Q Did you arrest him on the 17th. day of June, 1963, at the court house in Dallas County? A I arrested him. I don't remember the date.

Q If your warrant of arrest reflects the 17th. day of June, would you challenge that? A No, not at all.

Q What was the initial charge that you placed against him? A Failure

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to obey the lawful order of an officer.

Q What was the order of the officer that he failed to obey? A He was loitering in the court house and I ordered him to leave.

Q You are the person that ordered him to leave, is that correct? A I'm one of them, yes.

Q Do you have a --- strike that. Are you in charge of maintaining order in the court house at Dallas County? A Yes.

Q Do you have any rules or regulations with respect to who may come and go in the court house? A Well, we have a rule over there than any time there is a line there that there be no one molesting that line.

Q Is that rule written or is it unwritten? A It's an unwritten rule, but it's a rule that has been standing for years when tag lines are in the hell. We have long tag lines and we have that rule --- that any time there is a line that there be no one that molests it.

Q Are there any signs in the court house advising the public of this rule? A No, there's not.

Q Can you recall any persons that you have ever arrested for violating that rule prior to the time that Bosie Reese was arrested?

Mr. Pitts: We object to that. He's trying to ---

The Court: Sustain the objection.

Mr. Doar: Your Honor, I would like to ask the Court to permit

the witness to answer under Rule 45, for the reason I respect-

fully feel that this answer is relevant. I understand the

Court's ruling, but under Rule 45 in the absence of the jury,

in order that the parties may make a full record of this case,

the Court has discretion to permit the counsel to pursue the

line of questioning, after the Court has sustained the objection.

The Court: Sustain the objection.

Mr. Doar: Does the Court by that mean that I could not pursue the question?

The Court: Yes, I sustain the objection.

Mr. Doar: Your Honor, I apologize, but I don't understand if you mean I cannot go on, or ---

The Court: (Interrupting) I don't think the question is relevant.

Mr. Doar: Does the Court also decline to permit me to proceed under Rule 45?

The Court: Let me see Rule 45.

Mr. Doar: Not Rule 45. It is Rule 43-C.

(Mr. Doar hands book to the Court and the Court reads silently)

Mr. Doar: Rule 43-C.

The Court: I will let him answer.

The Witness: Will you repeat the question, please?

Q Do you recall having arrested any other person for violating this unwritten rule for molesting the line in the court house prior to the arrest of Bosie Reese? A No, they always left when I told them to.

Q Subsequent to Bosie Reese's arrest, is it not a fact that the warrant for arrest was changed? A Yes.

Q Who made that change? A Judge Mallory.

Q What was the --- how was the warrant for arrest changed?

Mr. Gayle: Your Honor, the warrant is the best evidence.

Mr. Doar: According to the warrant, it was changed so that Bosie Reese was charged with conduct likely to provoke a breach of the peace.

Mr. Pitts: The warrant is the best evidence.

The Court: The warrant is the best evidence. If that's what it says, it will show it.

Q What was the conduct --- strike that. Was the conduct that Bosie Reese engaged in likely to cause a breach of the peace for failure to obey your lawful order? A That was part of it, yes.

Q What was the other part of it? A The fact that he was standing close to the line.

Q Did you see him standing close to the line? A Yes.

Q What did you see? A I saw him standing there with a pad and a camera.

Q Was that at the time that you made the arrest? A No.

Q When you saw him standing there with a pad and a camera, what did you do? A I went up and asked him what he was doing there, and he said he was waiting for a friend.

Q Then what happened?

Mr. Pitts: I'd like for him to prove at this time by the sheriff that that was a voter registration line.

Q Do you know what that line was waiting for? A To go in the Board of Registration office.

Q How many persons were in that line that you recall? A Ten or twelve --- I don't remember exactly.

Q And did you ask him to leave? A Yes.

Q Did he leave? A I'm not sure. He went toward the front entrance of the court house on the Lauderdale side.

Q You did not arrest him at that time? A No, I did not.

Q Now, did you ever see him standing around the line again? A I saw him near the line, yes, a few minutes later.

Q What was he doing when you saw him the second time? A He was standing outside of the door of my office.

Q How far was the line from outside door of your office? A I'm not sure at that time.

Q What was he doing when he was standing outside of the door of your office? A He was just standing there.

Q Is that when you arrested him? A Yes.

Q Who set the bond on Bosie Reese, the appearance bond? A Judge Mal-

lory.

Mr. Doar: Your Honor, I have marked for identification as Plaintiff's Exhibits 1 and 2 the affidavit and warrant for arrest and the docket sheets in the cases involving Bosie Reese, which have been served on him, and I offer them in evidence. Mr. Pitts: That will be perfectly all right, provided --- I want to see that certificate of Judge Mallory. I want to see nothing has been taken out (examines said exhibits). I don't see any change. There are two warrants. Talking about a change in them, I don't see any change in them.

The Court: All right. Proceed.

(Above described Plaintiff's Exhibits 1 and 2 admitted in evidence without objection)

Q When you went up to talk to Bosie Reese the first time and he was standing by the line of persons waiting to enter the Board of Registration office, were some negroes standing in the line? A Yes.

Q And he told you that he was checking on the line, didn't he? A Said some negroes in the line?

Q You said there were some negroes standing in the line? A Yes.

Q And he told you he was checking on the line. Did he tell you that?

A No.

Q Are you sure of that? A I don't remember his telling me that.

Q Well, would you deny that he told you that? A All I remember was he told me he was waiting for a friend to come back.

Mr. Pitts: Your Honor, if he is reading from any transcript there to Sheriff Clark, I think that Sheriff Clark ought to have an opportunity of reading the transcript. It's an unfair attack.

Q I'd like to direct your attention to page 52 of the transcript of the proceedings before Judge Mallory, in which you testified as a witness, do

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you remember that, sir? A Yes.

Q This proceeding took place July 11, 1963, 11:50 a. m. A Yes.

Q And on page 52 of the transcript, I direct your attention to one of your answers in the middle of the page. A Well, that was nearer the time that it happened, and my memory was better then I'm sure.

Q At any rate, what your testimony was on the 11th. of July in regard to what you asked him and what he said to you is correct? A Yes.

Q Now, Mr. Clark, the warrant in this case, in these cases against Bosie Reese reflect that H. H. Houston signed the warrants. Did you go before Mr. Houston to have the warrants signed? A No, I did not.

Q Do you know how Mr. Houston happened to sign the warrants? A Mrs. Houston happens to be the Circuit Clerk.

Mr. Pitts: Judge, Mrs. M. H. Houston is clerk of the Circuit Court of Dallas County, and she is also the clerk of the Dallas County Court.

Mr. McLeod: Your Honor, I'd like to say that this is not the warrant he was arrested on. As solicitor of the Fourth Judicial Circuit --- these sheriffs are not lawyers, the deputies are not lawyers --- and when warrants come before me then I prepare it in a legal form, and I take it to the clerk to be signed. And that is what happened in that case. That is a substitute warrant of the register.

Mr. Doar: Do you have the original warrant of arrest?

Mr. McLeod: No. I did have it.

Mr. Doar: I would like to have the original warrant of arrest to be made a part of the record in this case.

The Court: All right.

Q Do you recall signing an affidavit on June 19th. charging Bernard LaFayette with the crime of vagrancy? A Yes.

Q When did you sign that affidavit? What time of day? A I don't re-

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member.

Mr. Pitts: Now, your Honor, we object to any testimony about Bernard LaFayette. He was tried in the Dallas County Court and he was acquitted. And the Government is not in any position to say he didn't get a fair trial.

The Court: I don't see any connection with the trial of this case. Was LaFayette tried and was he acquitted?

Mr. Pitts: He was acquitted, yes, sir. He was acquitted by Judge Mallory. Bernard LaFayette is in no position to attack or say he didn't get a fair trial.

The Court: I'm not going to re-try it. Go ahead.

Mr. Doar: My question was when on that date did he sign the affidavit charging Bernard LaFayette with vagrancy.

Mr. Pitts: I object.

The Court: Sustain the objection.

Mr. Doar: Will the Court permit me to continue the question under Rule 43-C?

The Court: The time of day that he signed the affidavit has absolutely no connection.

Q Did you, at the time you signed the affidavit, have a report from your deputies with respect to what happened at the meeting on the previous night?

Mr. Pitts: We object.

The Court: I can't tell at this time. Go ahead. Overrule.

Q When you signed the affidavit charging Bernard LaFayette with the crime of vagrancy, had you received a report from your deputies as to what had taken place at the mass meeting of negroes on the previous night?

Mr. Pitts: Now, we object to that, your Honor. It ^{not} is relevant here. He was charged with vagrancy.

The Court: Overrule. Go ahead.

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Mr. Pitts: We except.

Mr. Gayle: That is hear-say evidence, your Honor.

The Court: Overrule.

The Witness: I was not even aware before or after the meeting.

Q What was the basis for the charge against Bernard LaFayette for vagrancy?

Mr. Pitts: Now, we object to that. It's incompetent, irrelevant, immaterial. And it is a charge in the State of Alabama, it's numerous items of vagrancy in the State of Alabama --- that a man or woman can be a vagrant. And he was acquitted of the charge.

The Court: I understand that. Overrule.

Q You may answer. A I had reports, numerous reports, that he was not gainfully employed.

Q And from whom did you get those reports?

Mr. Pitts: We object.

The Court: Sustain the objection.

Mr. Doar: May I make inquiry under Rule 43-C for information given law enforcement officer?

The Court: From time immorial it is confidential. Overrule.

Mr. Doar: Would the Court permit me to state the Government's position?

The Court: I sustain the objection. Go ahead.

Q Isn't it a fact that you have official reports from your deputies, Mr. Bates and Mr. Suther, that he was at the meeting soliciting funds on the previous night?

Mr. Pitts: Now we object to that.

The Court: Sustain the objection.

Mr. Doar: Will the Court allow me to pursue this line of questioning under Rule 43-C?

The Court: Mr. Doar, if it has anything to do with this, all right; but if it hasn't I don't see any reason to spending all that time. Now, the man was arrested, was acquitted, and I can see no relevancy here. If you insist that we hear it, go ahead.

Mr. Madison: Your Honor, I'd like for counsel to point out the relevancy of the testimony. If he is proceeding on the theory that the sheriff knew about this meeting, and knew that this particular witness was participating in the meeting, and that knowing that, knowing that he was a leader of some kind, he then swore out a warrant attempting to make him cease his activities and thereby intimidating in some way the other negroes who might have wanted to register, if that is the purpose of it then I state to the Court that we think it is objectionable.

The Court: Go ahead, Mr. Doar.

Mr. Doar: Did you say go ahead with the questioning, or go ahead?

The Court: Is it relevant or not?

Mr. Doar: Yes, your Honor, we feel it is very relevant to the facts and questions at issue in this case, whether or not this was a baseless arrest for the purpose of interfering with the right of unregistered negroes to register to vote. And what information and what facts this man had in swearing out that warrant, we believe is very relevant. We really think it is very relevant.

Mr. Gayle: There is no charge against this boy for registering and there is no interfering with the voting. It is not shown he was in the court house. No allegation set out in here. You have to interfere in some way with registration at the time. And furthermore he is not even a resident of Alabama, he couldn't register.

The Court: Overrule.

Mr. Pitts: We except.

Q Sheriff Clark, at the time that you sworn out this warrant for Bosie Reese you'd had reports that he'd been begging for money. Isn't that true? A Yes.

Mr. Pitts: We object to that. We object to that. I couldn't understand.

Mr. Doar: That he was begging for money.

Mr. Pitts: Is that Bosie Reese or Bernard LaFayette? I object.

Mr. Doar: Excuse me.

Q When you swore out the warrant for the arrest of Bernard LaFayette you had reports that he was begging for money? A Yes.

Q And those reports were official reports from your deputies?

Mr. Pitts: Now we object to that, where those reports come from.

The Court: I think it is confidential, and I think it is objectionable. Anyway you had reports.

The Witness: Yes, sir.

Q And these reports came from your deputies Suther and Bates?

Mr. Pitts: Now we object to that, as to where the reports come from.

The Court: Well, if they came from a deputy I think they probably are admissible. If they came from an informer they would not be.

The Witness: Came from an informer.

The Court: All right. Sustain the objection.

Q I want to show you your testimony before the justice of the peace --

Mr. Pitts: (Interrupting) We object to that.

Mr. Doar: Excuse me, before Judge Mallory.

The Court: Go ahead.

Q In the case of the State of Alabama versus Bernard LaFayette, and I

direct your attention to the questions on page 21 of that hearing. A May I read back a little bit?

Q Yes, sir, you may. A (Witness turns back several pages in said transcript and silently reads) On page 15 it says there have been numerous reports.

Q I know, but I'm asking you about the report that he had been begging on Monday. Hadn't that report come from your two deputies, Suther and Bates? A They were two of the ones that reported, yes.

Q Had you ever talked to Bernard LaFayette before you swore out the warrant for his arrest? A I'm not sure whether it was before or after I talked to him.

Q To refresh your recollection I will ask you whether or not you had a conversation with him in your office sometime shortly after you arrested Bosie Reese on the 17th? A Yes.

Q And he told you what his name was at that time? A Yes.

Q And you knew who he was at that time? A I didn't know him by sight.

Q You knew he was LaFayette --- you knew his name was Bernard LaFayette?

Mr. Pitts: We object to that, your Honor. He is arguing with the witness.

Q You knew the name Bernard LaFayette? A Yes.

Q And you knew that he was connected with the Student Non-Violence Co-ordinating Committee? A Yes.

Q And you knew that he was here working on the voters registration?

A I don't know whether I knew it at that time or not.

Q Had you been advised that prior to the 18th. of June that some unknown persons had committed an assault --- an alleged assault --- upon Bernard LaFayette?

Mr. Gayle: We object to that question.

Mr. Doer: Let me finish the question.

Q Were you aware that prior to the 18th. day of June that Bernard LaFayette made a complaint to the City police alleging that some unknown persons had assaulted him on the streets of Selma on, I believe, the 11th. of June?

Mr. Gayle: We object to that.

The Court: Sustain the objection.

Mr. Doar: Will the Court permit me to continue under Rule 43-C?

The Court: I sustain the objection.

Q After you swore out the warrant for the arrest of Bernard LaFayette, tell me whether or not he was picked up about 10:30 that night by one of your deputies.

Mr. Gayle: We object, your Honor.

The Court: Go ahead. Overrule.

The Witness: Will you repeat the question, please?

Q After you swore out the warrant for the arrest of Bernard LaFayette on the 18th. day of June, 1963, can you tell me whether or not Bernard LaFayette was picked up by one of your deputies about 10:30 that night?

Mr. Gayle: We object, may it please your Honor, unless he knows of his own knowledge.

The Court: Technically you are correct, but I will let him answer.

The Witness: It was reported to me that he was.

Q Did you have any interview with him after he was arrested and before he was tried? A No, I did not.

Q Did you make any further investigation of his background before he was tried? A Did I make what?

Q Any further investigation of Bernard LaFayette before he was tried before the County Judge?

Mr. Pitts: Now your Honor, I'm objecting to that question.

The Witness: Yes, I did.

Q What was your investigation? A Inquiries to people.

Q What did you find? A I could find no evidence that he was gainfully employed.

Q Did you find any evidence that he was here working on the voter registration? A I don't remember.

Q On the Voters League? A I don't remember that.

Q Did you have any evidence that he was here working with the Dallas County Voters League? A I don't remember at this time.

Q Did you ask any negro citizens of Dallas County what Bernard LaFayette was doing in this county? A No, I did not. I thought it would be a waste of time.

Q Did you make an arrest of a negro named Alexander Brown on the 22nd day of July, 1963? A That's what he told me his name was.

Mr. Pitts: What date was that now?

Mr. Doar: July 22, 1963.

Q Did you know Alexander Brown before he was arrested? A I had heard the name.

Q Did you know that he was working with Bernard LaFayette in Dallas County? A It was reported to me.

Q You were aware of the fact that he testified at the Bosie Reese trial on the 11th. of July? A Yes.

Q You were aware of the fact that he was the other person who was in the court house with Bosie Reese on the day that you arrested him? A I don't know that, except through his testimony.

Q You did hear his testimony in the County Court? A No, I did not.

Q Did you hear any of his testimony? A I was in and out of the court room, and I don't remember now.

Q But you did know that he did testify? A Yes.

Q As one of the defense witnesses? A Yes.

Mr. Doar: That's all of the questions I have at this time. I'd like to have an opportunity during the noon recess to consult

with whoever is examining the reports and if necessary to recall the sheriff back.

Mr. Pitts: I want to ask the sheriff some questions.

CROSS EXAMINATION BY MR. PITTS:

Q Did you testify to your experience, Sheriff Clark, the question you were asked about did you attend any schools --- did you attend the local FBI school that they have here? A Several of them, yes.

Q And you said that you organized the sheriff's posse. A Yes.

Q That was some three years ago, is that correct? A About that time.

Q And at that time did you deem that it was necessary to have an auxiliary force of the sheriff's department in the event of any riot or demonstrations here? A Yes.

Mr. Doar: We object to leading.

Mr. Pitts: All right, sir. You put him on the stand.

Mr. Doar: Well, I think ---

Mr. Pitts: If the Government didn't lead this witness, Judge, I never heard one led.

Mr. Doar: He is an adverse witness, so far as the Government is concerned.

Q And what was the necessity of the sheriff's posse in your opinion?

A It was --- or --- any demonstration or riot or floods or any emergency that would arise.

Q From time to time have they been called out by the sheriff's office to help in emergencies in Dallas County? A Yes.

Q Has it all been in riot or demonstration? A No, they helped about thirty days during the big flood here.

Q The big flood here. A That's right.

Q All right, sir. Now, I'll ask you, Sheriff, what was the reason that you have had officers at these meetings? A I was informed by the FBI and also by leaflets that there would be a mass meeting of negroes for the purpose of urging voters registration at the church. I went down with the regular deputies to observe the meeting, to see what was going on, and to see if there was any need for any of our surveillance or any protection whatsoever. And we went down, and at that time we spotted quite a few cars with out-of-county tags, and also about six cars with unknown people in them parked in the vicinity. And there was quite a few people there that I didn't know. And that was when I called the posse to the scene.

Q Were those white people you saw? A Yes.

Q In that vicinity? A Yes.

Q And that was out here on Broad Street? At the church on Broad Street right across from the fire station? A Yes.

Q And that was the first meeting that they had that you know of? A Yes, sir.

Q And at that time did you call the posse out? A Yes.

Q And what was the purpose of calling the posse out at that time? A To protect the people inside the church.

Q And to prevent violence? A Yes, to prevent violence.

Q All right, sir. Now, what has been the purpose of you having your officers inside these meetings at the church? A To see if they were going to start any demonstrations or riots in the church and come outside. To work up in the church and violence outside.

Q Did you have any purpose in protecting these people, too, that was in the church? A Yes.

Q And I will ask you, is it important for law enforcement to know in advance of any demonstrations or any --- that may take place? A Yes. I have been advised by the FBI on each one of these meetings and asked to have protection.

Q On each one of them. A Well, I wont say on each one of them, but I have been advised of several of them, and I have been advised to have protection there.

Q And is it important that law enforcement know where and when demonstrations may take place? A Yes.

Q All right, sir. Now, Sheriff, to your knowledge at any of these meetings that have been had that Mr. Doar was talking about, where your officers were present, have any of those officers by your instructions intimidated or threatened anybody at any of those meetings? A Definitely not.

Q Did you instruct them to intimidate or threaten anybody? A Definitely not.

Q Did you instruct them to interrupt those meetings in any way? A I did not.

Q Now, Sheriff, have you yourself intimidated or threatened any citizens of Dallas County, white or black, for the purpose of preventing him to register to vote? A No, I have not.

Q Now, let's get to Bosie Reese. In the Dallas County court house after it was rebuilt, do all of the offices, such as the tax assessor's office and the tax collector's office and the Probate office, license department, do they have counters with windows that open out into the hall of the court house? A Yes.

Q Do lines form there at various times? A Yes.

Q Do they have long lines at times? A Sometimes they wrap completely around the hall.

Q And has it been the practice of the officials of Dallas County to have a deputy in the hall during the time that there is a line out there? A At all times.

Q And has that been going on for sometime? A Yes.

Q And on this occasion that ---. Now the registration office doesn't have a window that opens out in the hall, do they? A No.

Q On this occasion that Bosie Reese was there, was there a line there? 1

A Yes. 2

Q Was there white people in that line? A Yes. 3

Q Did you know some of those people? Did you know some of them? A 4

Yes. 5

Q Was Mrs. Tom Rives in that line? A Yes. 6

Q And was this negro, Bosie Reese, there with a camera? Or Alexander 7

Brown. Did they have a camera? A I saw Bosie Reese there. 8

Q Did he have a camera? A Yes. 9

Q Was there some other negro there with him? A Not at the first time. 10

Q All right. Now, was anyone else talking to anybody in the line there? 11

A No, sir. 12

Q Do you know whether any pictures were made of that line? A It was 13
reported to me. 14

Q It was reported to you that pictures were made of that line. A Yes. 15

Q All right. Had you had a complaint that caused you to leave your 16
office? A Yes. 17

Q Now, after you told Bosie Reese to leave the corridor of the court 18
house, did he leave? A I am not sure whether he did or not. He went toward 19
the front entrance of the court house. 20

Q Now, I'll ask you this: the only seats in the court house are the 21
seats at the main entrance? A Ask that again, please. 22

Q The only seats in the hall of the court house are the seats in the 23
main entrance. Is that correct? A Yes. 24

Q And some seats near the Probate Office? A Yes. 25

Q Are those seats at the Probate Office retained for people that are 26
attending the Probate Court? A Yes. 27

Q And Bosie Reese was up and down that hall, do you know? A I saw him 28
there twice. 29

Q Now the second time he come in, did you arrest him? A The second 30

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time I saw him I arrested him.

Q And you had previously told him to leave the hall of the court house.

A Yes.

Q All right. Now, what name did he give you as his name? A Bosie Reese.

Q And how old is Bosie Reese? A Nineteen.

Q Nineteen years old. A Yes.

Q Do you know where he lives, or where he told you he lived? A In Selma.

Q In Selma. Did he tell you he was attending any school? A No.

Q All right. So you arrested Bosie Reese at that time, is that correct? A The second time I saw him.

Q All right. Now, he was tried subsequently in the Dallas County Court, is that correct? A Yes.

Q Now after that on July 22, 1963, just a few days ago, did you arrest a man named Alexander Brown? A That was the first name he gave me.

Q All right. Had he been previously arrested? A No.

Q Had you seen him previously in the court house? A Yes.

Q Where was he arrested at? A He was arrested in the alley back of Roland Jordan's filling station on Broad Street.

Q Was it day time or night time? A Night time.

Q Were you the arresting officer? A Yes.

Q What did you stop his car for? A Having one headlight.

Q One headlight. Is that what attracted you to that car? A Yes.

Q Did you know that Alexander Brown was driving that car when you stopped it? A No, I did not.

Q But you stopped it because of one headlight. A That's right.

Q All right, now. When you stopped it what did Alexander Brown do? A The car pulled up and stopped, and I asked the guy on the right-hand side who was driving and he said, "Him". And I went around and he was getting out of

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the driver's side, and I asked him, "Were you driving the car?" And he said, "Yes," and I said, "What is your name?" And he said, "Alexander Brown".

Q Did you tell him he had only one headlight? A I told him, I said, "Well, I'm the sheriff and you have only one headlight." And I said, "Turn the lights on and come around and look."

Q Did he do that? A He went around and looked, and he hit the dimmer switch and there were two.

Q All right. Now, did you ask him for his driver's license? A Yes.

Q Did he give it to you? A Not at first.

Q What did he say? A I told him, I said, "I am the sheriff. I am checking the driver's license. You were driving the automobile."

Q What did he say then? What did he say to you about his driver's license? A He reached and pulled out his billfold and handed me his billfold, and I said, "I want your driver's license, not your billfold."

Q And did he pull his driver's license out? A He pulled his driver's license out and handed it to me then.

Q All right. Now, that driver's license that he handed to you, did it give the name of Alexander Brown --- issued in the name of Alexander Brown?

A No, sir.

Q Who was it issued to? A Alexander Lionel Love.

Q Alexander who? A Lionel Love.

Q Alexander Lionel Love. What was the address? A Birmingham, Alabama.

Q Birmingham, Alabama. Did he ever present any driver's license issued in the name of Alexander Brown? A No, he did not.

Q Did you arrest him? A Yes.

Q Did he tell you at that time his name was Alexander Brown? A He told me his name. Later on he said his name was --- he told me at first his name was Alexander Brown, and then after he gave me his driver's license he told me that his name was Alexander Lionel Love.

Q Now, the alley behind the Gulf Service Station, now is that a very

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secluded part of town? Is there any reason for cars to be going up and down that alley? A I could see no reason.

Q And it is in the back of business, isn't it? A That's right.

Q On that alley, is that right? A Yes.

Q And houses back on that alley, too. Is that correct? A Yes.

Q Now, And he finally told you his name was Alexander Love. A Yes.

Q Is that the first time that you knew his correct name? A Yes.

Q Is that the first time that you knew that he went by the name of Alexander Love? A That's right.

Q Did you make a charge against him? A Yes.

Q And what did you do with him? A Charged him with improper lights on an automobile, and also concealing his identity.

Q Was any charge made about his driver's license? A No.

Q Now, was he carried to the jail? A Yes.

Q Was he booked? A Yes.

Q Did he make any statement or say anything to the officers that were at the jail? A I don't know. I didn't take him to the jail.

Q You didn't take him to jail. All right. Is that case now pending in the Circuit Court? A In the Dallas County Court.

Q Dallas County Court. And is that the same Alexander Brown, alias Alexander Love, that you saw over here in the Dallas County court house? A Yes.

Q And he is the man down here with the Coordinating Committee or something? A It was reported to me he was.

Q I'll ask you one more time, did you know who was in that automobile when you stopped it? A I did not.

Q Would you have stopped that car regardless of who was in it, or who was driving it?

Mr. Doar: Objection, please. We object to leading.

The Court: Sustain the objection.

Q All right. Now this man, Bernard LaFayette. I'll ask you one other question. Sheriff, back to the court house. You are custodian of the court house, is that correct? A Yes.

Q And it has been the policy of the sheriff's department to prevent anybody from interfering with any line in the court house. Is that correct?

A Yes.

Q Have you ever intimidated any person in the Board of Registration line? A No, I haven't.

Q Have you ever attempted to prevent any person, white or negro either, from getting in the Board of Registration office? A No, I haven't.

Q Have any of your officers done it? A Not to my knowledge.

Mr. Pitts: That's all.

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CROSS EXAMINATION BY MR. MADISON:

Q Sheriff, I believe you testified that there were ten or twelve people in the line at the time Bossie was arrested --- Bosie Reese? A I'm not sure about the time he was arrested. There were ten or twelve at the time I talked to him the first time.

Q Did you see anybody in that line leave on account of your dealings with Bosie Reese? A I did not.

Q As far as you know, all that were in line went on in and registered as usual? A Yes.

Q Do you have any recollection of anyone in that line, either white or black, complaining to you about his presence there and pictures being taken and didn't want it taken? A Yes.

Q Do you know who that was? A Caldwell Cook spoke to me in the line (Interrupting)

Mr. Doar: Your Honor, I object. The witness testified that a complaint was not made to him, and unless the witness has per-

sonal knowledge of the complaint I object to it on the grounds
it is hear-say.

The Court: Was the complaint made to you or to your officer,
Sheriff?

The Witness: Made to my officer.

The Court: Sustain the objection.

Q Did you have any prior knowledge of Bosie --- by the way, was Bosie
Reese convicted or not when he was tried? A He was convicted.

Q And who tried him? Judge Mallory? A Yes.

Q Had you had any prior knowledge of Bosie in any way before he was in
the line at that time? Did you know about any of his previous convictions, if
he had any? A I had never seen or heard of him before.

Q Do you know now? A Yes.

Q Well, what do you know now about Bosie Reese's convictions?

Mr. Doar: Objection, it is immaterial.

The Court: Sustain the objection.

Mr. Madison: Will your Honor permit me to proceed under Rule
43 and state what I'd like to show by this witness? I'd like
to show, if your Honor will permit, and state for the record
that Bosie had been convicted of stealing a watch and also con-
victed of stealing a bicycle.

The Court: I still can see no relevancy on this. The sheriff
has testified that at the time he made this arrest he had no
knowledge of this man or of his previous convictions.

Mr. Pitts: The purpose of that testimony is to show the type
of man that is down here and dealing --- that Mr. Doar is trying
to back up.

The Court: I still see no relevancy.

Mr. Madison: Now, I'd like to give your Honor my idea of the
relevancy. I don't think that my client or these other clients

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who are charged with arresting persons for the purpose of intimidation would pick out twice a convicted person of grand larceny in order to bring about such intimidation.

The Court: Go ahead. Anything further?

Mr. Madison: Would you stipulate what this man's criminal record is?

The Court: I can see no relevancy.

Mr. Doar: I object to that stipulation.

The Court: Sustain the objection.

REDIRECT EXAMINATION BY MR. DOAR:

Q You were asked on direct-examination by your counsel if you had a walkie-talkie in these meetings ---

Mr. Madison: I did not ask him that question. That was asked by Mr. Doar himself.

Mr. Doar: Well, I'd like to ask him a little bit more about that.

Q You did have a walkie-talkie in each one of these meetings, reporting back to you what was going on. A At each meeting that I was there.

Q Did you have any tape recording device to take down exactly what was said at the meetings? A No, I did not.

Q Did any of your deputies? A There was a tape recording made, but it was illegible.

Q Served no useful purpose? A That's right. Couldn't understand a word on it. Too much background noise.

Q Did you instruct your deputies to take license numbers of cars that were parked around the places where these meetings were held?

Mr. Pitts: We object. Incompetent, irrelevant, immaterial.

The Court: Overrule.

Mr. Pitts: We except.

Q Answer. A I did.

Q Did you receive from them a number of license plates at these meetings? A Yes, we took down the tag numbers of some white men from Chilton County, who were there observing.

Q Did you take down any license numbers of persons attending the meetings? A I don't know whether they were attending the meeting or not. We took down all the tag numbers in the vicinity of each place.

Q Have you done anything with those tag numbers since you took them down? A We looked up to see who they belonged to.

Q Do you have a record of that in your office? A I don't know.

Q Will you check on that during the noon hour to see if you have that record over there? A We could see no purpose in it. I'm not even sure we have it now.

Q But will you check and see whether you have that record, whether it is available? A I will be glad to.

Q And if you have it, will you bring it over here? If you have it? A I will be glad to.

Q Thank you. Now, when you testified that you had seen Alexander Brown in the court house before you arrested him on the 22nd. of July --- is that right? A Yes.

Q Was he in the court house near the registration line? A Not to my knowledge.

Q Where was he? A In the court room --- Dallas County Court room.

Q Was that at the trial of the case of Bosie Reese? A Yes.

Q Did you see him in the court house when you arrested Bosie Reese?

A I don't remember seeing him.

Q Do you know whether or not Alexander Brown had a birth certificate with him at the time that he was arrested? A No, I do not.

Q Did you ask to see his birth certificate? A No, I did not.

Q Did you ask to see any other identification card besides his driver's license? A No, I did not. The driver's license as far as we are concerned is identification.

Q Did Alexander Brown do anything else to conceal his identity other than not disclosing to you at the time you arrested him, and not disclosing at the time he testified in the Bosie Reese case, that he was going under a different name than on his driver's license? A He told me his name was Alexander Brown and gave me proof that he was named different.

Q Did you inquire how that came about? A No, I was not concerned with it. It was two different names and that was all I was concerned with.

Q You weren't concerned at all about how he happened to be going under one name and had a driver's license under another? A No, I didn't see any reason to be.

Mr. Doar: That's all, your Honor.

The Court: Sheriff, what time of night was that, that the arrest was made?

The Witness: Approximately between nine and ten o'clock. I am not quite certain.

Mr. Doar: Your Honor, can I ask one more question?

The Court: All right.

Q Sheriff, at the time of the arrest, was that near the First Baptist Church? A It was in front of --- er --- what do you mean, "near"?

Q Was it close to the Baptist Church, the negro Baptist Church? A It was in the next block.

Q And were you out at that place near the Baptist Church for the purpose of observing a mass meeting that was being conducted at that church? A Yes.

Q And did you have other law enforcement officers on duty out there at the same time? A Yes.