

PAGE COUNT OF 50 PAGES

1 MR. FERGUSON: And where is that company located?

2 MR. MOORE: Castle Hayne, North Carolina.

3 MR. FERGUSON: How long have you worked in that capacity?

4 MR. MOORE: The 9th of August, of '71.

5 MR. FERGUSON: Does your wife work outside of the
6 home?

7 MR. MOORE: No, sir.

8 MR. FERGUSON: How old is your child, Mr. Moore?

9 MR. MOORE: He's three years old.

10 MR. FERGUSON: He is a little boy?

11 MR. MOORE: Yes, sir.

12 MR. FERGUSON: What clubs or organizations, if any,
13 do you belong to in the community, sir?

14 MR. MOORE: The church.

15 MR. FERGUSON: Anything else?

16 MR. MOORE: That's all.

17 MR. FERGUSON: Do you hold any office in the church?

18 MR. MOORE: Yes, sir.

19 MR. FERGUSON: What office is that?

20 MR. MOORE: I'm on the Board of Deacons. I'm the
21 Treasurer.. I'm on the Finance Committee. I'm Assistant Direc-
22 tor of the Sunday School; and I teach a class of young people
23 in Training School.

24 MR. FERGUSON: All right. Now, what church is that?

25 MR. MOORE: Rocky Point Baptist Church, in Rocky Point.

1 MR. FERGUSON: Now, have you heard or read anything
2 at all about these cases?

3 MR. MOORE: No, sir, I haven't.

4 MR. FERGUSON: Do you subscribe to a newspaper in
5 your home?

6 MR. MOORE: I subscribe to two papers.

7 MR. FERGUSON: What papers are those?

8 MR. MOORE: I receive the Morning Star, or Sun, and
9 the Pender Chronicle.

10 MR. FERGUSON: The Pender Chronicle?

11 MR. MOORE: Yes, sir.

12 MR. FERGUSON: How often is that paper published?

13 MR. MOORE: Once a week.

14 MR. FERGUSON: And you just get the Morning Star on
15 Sunday, is that correct?

16 MR. MOORE: Yes, sir.

17 MR. FERGUSON: You don't recall ever having read any-
18 thing at all about it in the newspaper or that paper?

19 MR. MOORE: No, sir. I read the paper very little.
20 I don't read the paper very often.

21 MR. FERGUSON: I see. Have you seen any accounts or
22 anything about it on the newspaper (SIC) - I'm sorry - on T.V.?

23 MR. MOORE: I've heard very little on T.V. The onlyest
24 thing I recollect having anything at all to do with the case on
25 T.V. was the night Mr. Chavis was arrested.

1 MR. FERGUSON: You saw that on T.V.?

2 MR. MOORE: I didn't see it. The T.V. was on. I
3 just heard mention of it.

4 MR. FERGUSON: Now, did you form an opinion that
5 night as to the guilt or innocence?

6 MR. MOORE: No, sir, I didn't.

7 MR. FERGUSON: Did you have occasion to discuss the
8 matter with anyone?

9 MR. MOORE: No, sir. I haven't discussed it, but
10 I've heard it discussed.

11 MR. FERGUSON: You've heard it discussed. Have you
12 heard opinions expressed about it?

13 MR. MOORE: I've heard people mention it.

14 MR. FERGUSON: Have any of those opinions caused you
15 to form any opinion or impression about it?

16 MR. MOORE: No, sir, I haven't. I don't form my
17 opinion on the opinion of others.

18 MR. FERGUSON: You form your opinions on the basis
19 of the facts laid before you.....

20 MR. MOORE: Yes, sir.

21 MR. FERGUSON:and what you know yourself?

22 MR. MOORE: That's right.

23 MR. FERGUSON: Have you or any member of your immediate
24 family ever been a member of any law enforcement agency?

25 MR. MOORE: I have an uncle who is a License Examiner

1 for the State of North Carolina.

2 MR. FERGUSON: That's your uncle in Lumber-
3 ton; is that the one you are talking about?

4 MR. MOORE: Yes, sir.

5 MR. FERGUSON: Nothing other than that?

6 MR. MOORE: No, sir.

7 MR. FERGUSON: Do you feel more sympathetic towards
8 the state's case than you do that of the defendants' at this
9 point?

10 MR. MOORE: No, sir, I do not.

11 MR. FERGUSON: If during the trial of this case police
12 officers or members of a law enforcement agency are called to
13 testify on behalf of the state, will you tend to believe what
14 a police officer says more readily than you would what someone
15 else said simply because a police officer said it?

16 MR. MOORE: No, sir, I would not.

17 MR. FERGUSON: You could listen to what a police
18 officer had to say and weigh that along with all the other
19 evidence in the case?

20 MR. MOORE: A police officer is an individual just
21 like anyone else.

22 MR. FERGUSON: I'm sorry?

23 MR. MOORE: A police officer is an individual just
24 like anyone else.

25 MR. FERGUSON: All right, sir. And subject to all

1 the human fallacies and weaknesses and strengths and what-have- 305
2 you that everybody else is?

3 MR. MOORE: That's right. Yes, sir.

4 MR. FERGUSON: If the defendants themselves should
5 decide to testify in this case, would you tend to disbelieve
6 what they had to say simply because they are the ones charged?

7 MR. MOORE: No, sir.

8 MR. FERGUSON: If one or some of them who testified
9 had a prior criminal record, that is, they had been convicted
10 of some other offense having nothing to do with these charges
11 here, would you hold that against them in deciding their guilt
12 or innocence on these charges?

13 MR. MOORE: No, sir.

14 MR. FERGUSON: All right, sir. Now, Mr. Moore, have
15 you ever belonged to any organization which held as one of its
16 tenets the supremacy of the white race or the black race?

17 MR. MOORE: No, sir.

18 MR. FERGUSON: Do you, yourself, have any prejudices
19 against black people?

20 MR. MOORE: No, sir, I don't.

21 MR. FERGUSON: Are you able to fully accept black
22 persons as equals of white persons?

23 MR. MOORE: I do accept them as equal people.

24 MR. FERGUSON: You have no objections to white children
25 and black children attending school together, sitting side-by-side

1 listening in the class rooms?

2 MR. MOORE: No, sir.

3 MR. FERGUSON: You have no objection to social rela-
4 tionships between members of opposite races?

5 MR. MOORE: That is up to the individual themselves
6 I feel.

7 MR. FERGUSON: All right, sir. Do you have any per-
8 sonal objection to it?

9 MR. MOORE: For someone else I do not.

10 MR. FERGUSON: What about for yourself? What about
11 for yourself?

12 MR. MOORE: You will have to clarify that.

13 MR. FERGUSON: Sir?

14 MR. MOORE: What do you mean by that?

15 MR. FERGUSON: Insofar as associating with black
16 persons in your everyday affairs?

17 MR. MOORE: Well, I do that.

18 MR. FERGUSON: You do that?

19 MR. MOORE: Yes, sir.

20 MR. FERGUSON: Have you ever had black persons visit
21 with you in your home?

22 MR. MOORE: Right this moment I can't think of any
23 time that I -- Not right at the present I can't think of any.
24 I have, when I was growing up, had colored people in my house,
25 but I wasn't head of the house at the time.

1 MR. FERGUSON: And have you visited in the homes of
2 black persons yourself?

3 MR. MOORE: I have been in houses of colored people.

4 MR. FERGUSON: Do black persons work at the company
5 where you work at at Castle Hayne?

6 MR. MOORE: Yes, sir.

7 MR. FERGUSON: The ten defendants whom we represent
8 are members of the First Congregational Church of the Black
9 Messiah, in Wilmington, North Carolina. Have you ever heard of
10 that church?

11 MR. MOORE: Not as such, the way you -- I haven't
12 heard that church named like that before.

13 MR. FERGUSON: Have you heard the names of any of
14 the defendants being associated with any church in Wilmington?

15 MR. MOORE: No, sir.

16 MR. FERGUSON: All right, sir. Does the concept of
17 a black Messiah bother you?

18 MR. MOORE: No, sir.

19 MR. FERGUSON: Do you believe that persons who feel
20 that they are being discriminated against because of their race
21 have a right to protest that racial discrimination and injustice?

22 MR. MOORE: As long as they are within the limits of
23 the law.

24 MR. FERGUSON: And if any of these defendants have
25 been involved in activities protesting racial discrimination and

1 racial injustice, would you hold that fact alone against them?

2 MR. MOORE: No, sir.

3 MR. FERGUSON: Suppose the defendants didn't testify
4 in this trial; would you hold that against them?

5 MR. MOORE: No, sir, I wouldn't.

6 MR. FERGUSON: If one of them testified and the others
7 didn't, would you hold that against the ones who didn't?

8 MR. MOORE: No, sir.

9 ✓ MR. FERGUSON: Mr. Moore, if after hearing all of the
10 evidence in this case you felt like some of the defendants or
11 one of them or all of them might be guilty of any one of these
12 offenses which they are charged, or all of them, or that they
13 were probably guilty, that they had an opportunity to commit
14 whatever crimes the state says they committed, but you had in
15 your mind a lingering doubt about it, a reasonable doubt whether
16 they actually committed the offenses charged, would you be able
17 to acquit them in that instance?

18 MR. MOORE: I would have to be proven to beyond the
19 shadow of a doubt before making a decision of being guilty.

20 MR. FERGUSON: All right. So, I understand, then, as
21 long as you had any doubt in your mind, any reasonable doubt in
22 your mind, you would give the defendants the benefit of that
23 doubt and find them not guilty, is that correct?

24 MR. MOORE: Yes, I would.

25 ✓ MR. FERGUSON: Do you feel, Mr. Moore, that these

1 defendants wouldn't be here on trial if they hadn't done some- 309
2 thing wrong?

3 MR. MOORE: I don't feel that way. I feel they are
4 innocent until proven guilty by the state.

5 MR. FERGUSON: You are able right now to presume that
6 each and every one of these persons on trial here are innocent
7 of all these charges right now?

8 MR. MOORE: Yes, sir.

9 MR. FERGUSON: And nothing that has taken place in
10 the court room since Monday since you have been here causes you
11 to feel any differently about that?

12 MR. MOORE: No, sir.

13 MR. FERGUSON: Have you ever been in the armed forces?

14 MR. MOORE: I was in the Air Force for four years.

15 MR. FERGUSON: You volunteered?

16 MR. MOORE: Yes, sir.

17 MR. FERGUSON: And what was the highest rank you
18 achieved while you were in the service?

19 MR. MOORE: E-4.

20 MR. FERGUSON: Were you ever in the military police
21 while there?

22 MR. MOORE: No, sir.

23 MR. FERGUSON: All right, sir. Now, you know of no
24 reason, then, right now either which you wish to express or not
25 to express why you should not sit as a juror and be completely

1 fair and impartial in the trial of this case?

2 MR. MOORE: Not that I know of.

3 MR. FERGUSON: Mrs. Alford?

4 MRS. ALFORD: Yes, sir.

5 MR. FERGUSON: Could you tell me again whether or not
6 you work outside of the home?

7 MRS. ALFORD: No, sir.

8 MR. FERGUSON: You have children?

9 MRS. ALFORD: I have four.

10 MR. FERGUSON: Do you mind if I ask you their ages?

11 MRS. ALFORD: No, sir; 14, 12, 9, and 6.

12 MR. FERGUSON: How long have you been a resident of
13 the county, Pender County?

14 MRS. ALFORD: All my life.

15 MR. FERGUSON: Excuse me; let me go back to Mr. Moore
16 just for a moment. Do you have any relatives who live in the
17 City of Wilmington?

18 MR. MOORE: I have an aunt; and her son, a first
19 cousin.

20 MR. FERGUSON: Do you visit with them regularly?

21 MR. MOORE: No, sir.

22 MR. FERGUSON: Do they visit with you?

23 MR. MOORE: No, sir.

24 MR. FERGUSON: Do you have any relatives living in
25 Wilmington, Mrs. Alford?

1 MRS. ALFORD: Yes, sir.

2 MR. FERGUSON: Ma'am?

3 MRS. ALFORD: Yes, sir.

4 MR. FERGUSON: Do you visit with them often?

5 MRS. ALFORD: Yes, sir. My brother.

6 MR. FERGUSON: Your brother; and what is your brother's

7 name?

8 MRS. ALFORD: Wilbur Carter.

9 MR. FERGUSON: Ma'am?

10 MRS. ALFORD: Wilbur Carter.

11 MR. FERGUSON: What section of the city does he live
12 in, Mrs. Alford?

13 MRS. ALFORD: He lives in Kings Grant.

14 MR. FERGUSON: Kings?

15 MRS. ALFORD: Kings Grant, on lower Tennyson Avenue.

16 MR. FERGUSON: Ma'am?

17 MRS. ALFORD: Lower Tennyson Avenue.

18 MR. FERGUSON: Did you have occasion to visit with
19 him in February, of 1971?

20 MRS. ALFORD: No, sir. I was working at that time.

21 MR. FERGUSON: You were working at that time?

22 MRS. ALFORD: Seven days a week.

23 MR. FERGUSON: Did you ever have occasion to discuss
24 these charges with your brother?

25 MRS. ALFORD: No, sir.

1 MR. FERGUSON: Did you ever have occasion to discuss
2 with him the events occurring in Wilmington in the early part
3 of February, 1971?

4 MRS. ALFORD: The only thing he ever said was that
5 he was scared to leave the house and he wouldn't leave because
6 he was scared he would get hurt, so he just stayed home.

7 MR. FERGUSON: All right. Now, did you ever hear or
8 read anything at all about any of the defendants?

9 MRS. ALFORD: Nothing but Mr. Chavis, and I saw him
10 on television.

11 MR. FERGUSON: You saw Mr. Chavis on T.V.?

12 MRS. ALFORD: He was on the television during the
13 news.

14 MR. FERGUSON: Do you recall about when that was?

15 MRS. ALFORD: No, sir, I don't.

16 MR. FERGUSON: Without telling me what it was, do you
17 recall what he was doing on T.V.?

18 MRS. ALFORD: I believe he was making a speech. I
19 won't be positive, but I just remember seeing him. I believe it
20 was on the eleven o'clock news.

21 MR. FERGUSON: Did you ever talk to anyone about it?

22 MRS. ALFORD: No, sir.

23 MR. FERGUSON: Did anybody ever talk to you about it?

24 MRS. ALFORD: No, sir.

25 MR. FERGUSON: Were you ever in the presence of anybody

1 who was talking about it?

2 MRS. ALFORD: Well, I've heard it discussed, but, I
3 mean, I haven't discussed it with anybody.

4 MR. FERGUSON: You haven't discussed it yourself.
5 Now, is there anything that you have heard in any of these
6 discussions caused you to form any opinion or impression con-
7 cerning the guilt or innocence of any of these defendants?

8 MRS. ALFORD: No, sir. I haven't heard anything
9 about the boys.

10 MR. FERGUSON: You think you can give Mr. Chavis a
11 fair trial?

12 MRS. ALFORD: Yes, sir.

13 MR. FERGUSON: You think you could give Mr. Epps here
14 a fair trial - on the end over here?

15 MRS. ALFORD: I would have to hear what he had to
16 say first.

17 MR. FERGUSON: Suppose he didn't have anything to
18 say; do you think you could still give him a fair trial?

19 MRS. ALFORD: Probably. I feel like if he was inno-
20 cent he would want to express his opinion.

21 MR. FERGUSON: And if he didn't express his opinion,
22 you would think he was guilty?

23 MRS. ALFORD: Well, it might make me think so if he
24 didn't want to say what he hadn't done. I would want to.

25 MR. FERGUSON: All right. Now, you know that our

1 Constitution provides that a man doesn't have to take the stand? 313

2 MRS. ALFORD: I know that.

3 MR. FERGUSON: You understand that?

4 MRS. ALFORD: I know that.

5 MR. FERGUSON: But if any one of these defendants
6 didn't take the stand, you would wonder?

7 MRS. ALFORD: It would put a doubt in my mind.

8 MR. FERGUSON: It would put a doubt in your mind?

9 MRS. ALFORD: That's right.

10 MR. FERGUSON: And that would influence your verdict?

11 MRS. ALFORD: That's right.

12 MR. FERGUSON: If your Honor please, we submit the
13 juror for cause.

14 THE COURT: All right. Ma'am, you may be excused.

15 CLERK: Elber Larkins (WHITE).

16 MR. FERGUSON: Mr. James?

17 MR. JAMES: Yes, sir.

18 MR. FERGUSON: Are you related to the other Mr. James
19 who was on the jury earlier?

20 MR. JAMES: Yes, sir.

21 MR. FERGUSON: What relationship are you?

22 MR. JAMES: Third cousins, I think. His father and
23 my father are first cousins.

24 MR. FERGUSON: First cousins; and if I recall cor-
25 rectly, you said you are a plumber's helper over at Camp Lejeune?

1 MR. JAMES: Yes, sir.

2 MR. FERGUSON: How long have you been a resident of
3 Pender County?

4 MR. JAMES: All my life except for two years I was in
5 service.

6 MR. FERGUSON: What branch of the service were you in?

7 MR. JAMES: The Army.

8 MR. FERGUSON: Did you ever do any active combat?

9 MR. JAMES: No, sir.

10 MR. FERGUSON: Do you right now have an open mind
11 about this case?

12 MR. JAMES: Yes, sir.

13 MR. FERGUSON: Do you feel that each one of these
14 persons on trial here is entitled to a fair trial?

15 MR. JAMES: I do.

16 MR. FERGUSON: Do you think/you as a juror could give
17 them that fair trial?

18 MR. JAMES: Yes, sir.

19 MR. FERGUSON: All right. Now, Mr. James, based on
20 what you said, I take it you do not presently have any opinion
21 about the guilt or innocence of these defendants based on any-
22 thing you have heard or read?

23 MR. JAMES: No, I do not.

24 MR. FERGUSON: Have you -- Strike that. When you
25 were in the service, were you a member of the military police?

1 MR. JAMES: No. I was - about three weeks before I
2 got out, I was a U.P, a gate guard.

3 MR. FERGUSON: A gate guard?

4 MR. JAMES: For about three weeks.

5 MR. FERGUSON: Have you ever been a police officer or
6 anything like that?

7 MR. JAMES: No, sir.

8 MR. FERGUSON: Would you hold it against any of these
9 defendants if any one of them didn't testify?

10 MR. JAMES: No, sir.

11 MR. FERGUSON: You would still be able to look at the
12 state's case and see whether or not the state had proven its
13 case beyond a reasonable doubt?

14 MR. JAMES: Yes, sir.

15 MR. FERGUSON: And if some of them testified and
16 others didn't, you wouldn't hold that against those who didn't,
17 is that correct?

18 MR. JAMES: No, sir.

19 MR. FERGUSON: Do you feel that the fact, the mere
20 fact, that all eleven of these persons who have been charged
21 here means that all eleven of them must have done something
22 wrong together?

23 MR. JAMES: No, sir.

24 MR. FERGUSON: You believe they are all innocent right
25 now?

1 MR. JAMES: That's right.

2 MR. FERGUSON: Would you hold the fact that they may
3 be members of the First Congregational Church of the Black
4 Messiah against them?

5 MR. JAMES: No, sir.

6 MR. FERGUSON: If they have been involved at various
7 times in a racial protest movement, would you hold that against
8 them?

9 MR. JAMES: No, sir.

10 MR. FERGUSON: Do you believe that when persons feel
11 that they have been discriminated against or treated unjustly
12 because of their race that they have a right to protest that
13 unjustness, that unfairness?

14 MR. JAMES: If they want to.

15 MR. FERGUSON: And you would not hold it against them
16 if they did it?

17 MR. JAMES: No, sir.

18 MR. FERGUSON: Do you feel that under certain circum-
19 stances a person has a right to arm himself for his own protec-
20 tion?

21 MR. JAMES: I beg your pardon?

22 MR. FERGUSON: Do you feel that under certain circum-
23 stances a person has a right to arm himself for his own protec-
24 tion?

25 MR. JAMES: Yes, sir. For his own protection, yes, sir.

1 MR. FERGUSON: And the mere fact that a person may be
2 armed would not cause you to convict that person of some crime
3 if the evidence didn't show that he committed a crime, would it?

4 MR. JAMES: No, sir.

5 MR. FERGUSON: Now, you don't feel that the fact that
6 these persons on trial here have been escorted in and out of the
7 court room by deputy sheriffs means that they have done anything
8 wrong?

9 MR. JAMES: No, sir.

10 MR. FERGUSON: Now, Mr. James, if after hearing all
11 of the evidence in this case, whatever it may be, if you felt
12 like the state had not proven its case beyond a reasonable doubt,
13 but at the same time you felt that some or one or all of the
14 defendants might probably be guilty but you were not convinced
15 in your mind beyond a reasonable doubt that they were, would
16 you be able to find them not guilty under those circumstances?

17 MR. JAMES: Yes, sir.

18 MR. FERGUSON: In other words, as long as you have a
19 reasonable doubt in your mind, you would have no hesitation to
20 find them not guilty, is that correct?

21 MR. JAMES: That's correct.

22 MR. FERGUSON: Do you know of any reason why you
23 could not sit as a juror and be completely fair and impartial
24 in the trial of this case?

25 MR. JAMES: No, sir.

1 MR. FERGUSON: If the state failed to prove the guilt 318
2 of these defendants - talking about all of them now - and you
3 felt that a verdict of not guilty was justified in these cases,
4 do you feel that you would be able to face your friends and
5 neighbors the next day having participated in this trial and
6 found them not guilty?

7 MR. JAMES: Yes, sir.

8 MR. FERGUSON: Do you feel you would be able to make
9 up your own mind about the evidence in this case?

10 MR. JAMES: Yes, sir.

11 MR. FERGUSON: All right, sir. Mrs. Eakins, you don't
12 know any of the persons seated at this table?

13 MRS. EAKINS: No, sir.

14 MR. FERGUSON: You don't know any of the witnesses'
15 names that have been called out in the court room?

16 MRS. EAKINS: No, sir.

17 MR. FERGUSON: I believe you told us you saw a sketch
18 or something on T.V. concerning the incidents out of which
19 these cases arose, is that correct?

20 MRS. EAKINS: Yes. I seen a little sketch of it on
21 the television, because I don't take the Wilmington paper; and
22 I just seen a little sketch of it, because a lot of times I
23 don't have time to look at television.

24 MR. FERGUSON: Yes, ma'am. Were any of the names of
25 any of these defendants mentioned in that sketch, if you can

1 recall?

2 MRS. EAKINS: Reverend Chavis.

3 MR. FERGUSON: Reverend Chavis is the only one?

4 MRS. EAKINS: That's right.

5 MR. FERGUSON: Did you see something about it on T.V.
6 more than once or just one time that you can recall?

7 MRS. EAKINS: Well, I seen him on there several times.
8 It seems like making a speech or something; you know, I didn't
9 see the beginning of it, and I reckon I didn't see the end. It
10 seems that he was making a speech or something.

11 MR. FERGUSON: All right. Nothing you saw caused you
12 to feel that he had committed any crime, did it?

13 MRS. EAKINS: No.

14 MR. FERGUSON: You feel, Mrs. Eakins, that you could
15 be fair to each one of these persons on trial, all eleven per-
16 sons?

17 MRS. EAKINS: I do.

18 MR. FERGUSON: Now, you don't feel that any of them
19 have done anything wrong just because they have been charged
20 with these offenses and brought here to court, do you?

21 MRS. EAKINS: No, I don't.

22 MR. FERGUSON: You understand that many times innocent
23 people are charged with crimes, you understand that?

24 MRS. EAKINS: I do.

25 MR. FERGUSON: And if the State of North Carolina,

1 through the solicitor, did not prove to you that these persons 320
2 were guilty beyond a reasonable doubt, would you be able to
3 find them not guilty if the state didn't prove to you that they
4 were guilty?

5 MRS. EAKINS: Repeat that again?

6 MR. FERGUSON: I'm sorry. I don't mean to confuse
7 you by the questions. I realize it gets a little confusing
8 sometimes though. Just let me explain: This is a criminal
9 trial, you understand that?

10 MRS. EAKINS: Yes.

11 MR. FERGUSON: And in a criminal trial the state -
12 when I say the state, I'm talking about the solicitor's side
13 of the table.....

14 MRS. EAKINS: I understand.

15 MR. FERGUSON:they have to prove the case
16 against the defendants beyond a reasonable doubt. If they
17 don't prove their case beyond a reasonable doubt, then the de-
18 fendant is entitled to a verdict of not guilty, you understand
19 that?

20 MRS. EAKINS: Mes.

21 MR. FERGUSON: Now, I'm saying - I'm asking you: If
22 in this case the state did not prove to you beyond a reasonable
23 doubt that these defendants were guilty of the crimes charged,
24 would you be able to find them not guilty?

25 MRS. EAKINS: I would try my best.

1 MR. FERGUSON: You think you could make up your own
2 mind about the evidence in this case as you listen to it from
3 the stand?

4 MRS. EAKINS: I certainly would.

5 MR. FERGUSON: You wouldn't be afraid for any reason
6 to find them not guilty if you felt they were not guilty, would
7 you?

8 MRS. EAKINS: No, sir.

9 MR. FERGUSON: Now, you know sometimes, Mrs. Eakins,
10 circumstances can be such that things might look like a person
11 is guilty of something?

12 MRS. EAKINS: Yes.

13 MR. FERGUSON: But the person may not be guilty; now,
14 even if you felt that some of these defendants, or all of them
15 as the case may be, could possibly have committed a crime but
16 you were not convinced beyond a reasonable doubt that they did,
17 would you be able to find them not guilty?

18 MRS. EAKINS: I would try ~~my~~ best to find them not
19 guilty.

20 MR. FERGUSON: In all circumstances, right? Now,
21 do you have any close relatives who are law enforcement officers?

22 MRS. EAKINS: No, I do not.

23 MR. FERGUSON: Do you have any close friends on the
24 police force or sheriff's department or anything of that sort?

25 MRS. EAKINS: No, sir.

1 MR. FERGUSON: I believe you told us you are a widow;
2 you are not working at the present time, is that correct?

3 MRS. EAKINS: No, only at home.

4 MR. FERGUSON: Only at home; you keep children?

5 MRS. EAKINS: I don't have no children. I mean, I
6 don't keep other people's children. I have a farm, but I don't
7 keep other people's children.

8 MR. FERGUSON: You have your own farm?

9 MRS. EAKINS: That's right.

10 MR. FERGUSON: You work it by yourself?

11 MRS. EAKINS: No. I have a tenant.

12 MR. FERGUSON: I see. So, you feel, then, Mrs. Eakins,
13 you could sit as a juror on this case and be open-minded about
14 the evidence and reach a just verdict in it, is that correct?

15 MRS. EAKINS: I think so.

16 MR. FERGUSON: Mr. Jones, do you presume right now
17 that each of these defendants is innocent of the charges
18 against him?

19 MR. JONES: I don't really know. I don't know whether
20 they are guilty or not guilty.

21 MR. FERGUSON: All right. Do you feel, Mr. Jones,
22 that the fact that these persons have been charged with these
23 means offenses/that they must be guilty of some wrong-doing, the
24 mere fact that they have been charged?

25 MR. JONES: I would say yes. Well, there's two ways

1 to answer that. I don't feel that they -- If it is the way it 323
2 is and the way it happened, it looks like some of them should
3 be guilty.

4 MR. FERGUSON: You think some of them must/be guilty, definitely
5 is that right, or otherwise they wouldn't be here?

6 MR. JONES: Yes, sir, it seems like to me.

7 MR. FERGUSON: And they would have to prove to you
8 that they weren't guilty, is that right?

9 MR. JONES: Yes, sir.

10 MR. FERGUSON: We wold submit the juror or cause, if
11 your Honor please.

12 THE COURT: Yes. You may be excused.

13 CLERK: Betty Bland (BLACK).

14 MR. FERGUSON: For the purposes of this trial, the
15 defendants will excuse you, Mr. Moore.

16 CLERK: LeRoy Kennedy (BLACK).

17 MR. FERGUSON: If your Honor will indulge me just a
18 moment. (CONFERS WITH CO-COUNSEL). May I proceed, your Honor?

19 THE COURT: All right.

20 MR. FERGUSON: For those persons I have not questioned
21 before, I'm going to ask you some general questions, and then
22 I'll ask you some individual questions. I'm speaking now to
23 Mrs. Watkins, Mr. Bryant, Mr. Tew, Mr. Bland, -- I'm sorry; I
24 didn't get the name of the last gentleman who was called.

25 CLERK: LeRoy Kennedy.

1 MR. FERGUSON: Mr. Kennedy, Mr. Larkins, and Mrs.
2 Bland. The defendants involved in the trial of this case are
3 the young men seated inside the bar here, the ones seated at
4 this table and also MRS. Shepard. Do any of you know any of
5 them?

6 (NO RESPONSE FROM THE JURY.)

7 MR. FERGUSON: You do not. I am James Ferguson, from
8 Charlotte, representing the ten young men on trial here. This
9 is Frank Ballance, an attorney in Warrenton, North Carolina,
10 who is also representing those ten defendants. You may have
11 seen Mr. Harmon, the gentleman seated immediately behind Mr.
12 Ballance, earlier today; he is also representing the ten persons,
13 the ten young men on trial here. Do either - any of you know
14 either myself, Mr. Ballance, or Mr. Harmon?

15 (NO RESPONSE FROM THE JURY.)

16 MR. FERGUSON: Mrs. Shepard is represented by Mr.
17 Mathais Hunoval, the gentleman seated here, of Wilmington,
18 North Carolina. Do any of you know Mr. Hunoval?

19 (NO RESPONSE FROM THE JURY.)

20 MR. FERGUSON: The prosecution in this case is being
21 handled by Mr. James T. Stroud, of Wilmington, North Carolina,
22 who is an Assistant Prosecutor in this District. Mr. Stroud
23 is the young man seated at this end of the table closest to the
24 jury. Do any of you know Mr. Stroud?

25 (NO RESPONSE FROM THE JURY.)

1 MR. FERGUSON: Have all of you been present in the
2 court room since Monday?

3 (NO NEGATIVE RESPONSE FROM THE JURY.)

4 MR. FERGUSON: You have heard, then, a list of poten-
5 tial witnesses for the state that was called out. It has been
6 some time since you heard that, and maybe we better just run
7 through it right quickly. If you know any of these persons,
8 to me just indicate it/by raising your hand as I call the name, okay?
9 Do any of you know Allen Hall?

10 (NO RESPONSE FROM THE JURY.)

11 MR. FERGUSON: Jerome Mitchell?

12 (NO RESPONSE FROM THE JURY.)

13 MR. FERGUSON: Mike Poulas, who owns Mike's Grocery,
14 in Wilmington?

15 (NO RESPONSE FROM THE JURY.)

16 MR. FERGUSON: Father Jones, of Wilmington?

17 (NO RESPONSE FROM THE JURY.)

18 MR. FERGUSON: Assistant Chief Glisson, of the Wilming-
19 ton Fire Department; do any of you know him?

20 (NO RESPONSE FROM THE JURY.)

21 MR. FERGUSON: Patrolman Chips and Sgt. Blooman, of
22 the Wilmington police force?

23 (NO RESPONSE FROM THE JURY.)

24 MR. FERGUSON: Tony Williams, of Wilmington, North
25 Carolina?

1 (NO RESPONSE FROM THE JURY.)

2 MR. FERGUSON: Merton ~~Weirs~~, of Wilmington, North
3 Carolina?

4 (NO RESPONSE FROM THE JURY.)

5 MR. FERGUSON: Sgt. Hobbs, Lt. Lewis, Detective Fredlaw,
6 Detective Hollifield, of the Wilmington Police Department? Any
7 of you know those persons?

8 (NO RESPONSE FROM THE JURY.)

9 MR. FERGUSON: Agent Campbell, of the Alcohol, Tobacco,
10 and Firearms Division of the Internal Revenue Service? Any of
11 you know those gentlemen (SIC)?

12 (NO RESPONSE FROM THE JURY.)

13 MR. FERGUSON: Mr. Herbert Howell, of Wilmington,
14 North Carolina? Do any of you know Mr. Howell?

15 (NO RESPONSE FROM THE JURY.)

16 MR. FERGUSON: You may have heard while sitting in
17 the court room a list of potential witnesses that the defense
18 may call in the trial of this case; and I want to ask you if
19 you know any of these persons, and if you do, indicate that to
20 me by raising your hand when I call a name that you know.

21 Annie McLain, of Wilmington, North Carolina?

22 (NO RESPONSE FROM THE JURY.)

23 MR. FERGUSON: Roderick Kirby, of Wilmington, North
24 Carolina?

25 (NO RESPONSE FROM THE JURY.)

1 MR. FERGUSON: Reverend and Mrs. Eugene Templeton, now 327
2 of New Jersey, formerly of Wilmington, North Carolina?

3 (NO RESPONSE FROM THE JURY.)

4 MR. FERGUSON: Mr. Hugh Jones, of Wilmington, North
5 Carolina?

6 (NO RESPONSE FROM THE JURY.)

7 MR. FERGUSON: Mr. John Green, of Wilmington, North
8 Carolina?

9 (NO RESPONSE FROM THE JURY.)

10 MR. FERGUSON: Mrs. Stephanie Green, of Wilmington,
11 North Carolina?

12 (NO RESPONSE FROM THE JURY.)

13 MR. FERGUSON: Mrs. Minnie Monroe, of Wilmington?

14 (NO RESPONSE FROM THE JURY.)

15 MR. FERGUSON: Reverend Leon White, of Raleigh, North
16 Carolina?

17 (NO RESPONSE FROM THE JURY.)

18 MR. FERGUSON: None of you know any of the names of
19 the persons I called I take it, then, is that correct?

20 (NO NEGATIVE RESPONSE FROM THE JURY.)

21 MR. FERGUSON: Those of you who have served on a jury
22 before, would you indicate that to me by raising your hand,
23 please?

24 (RESPONSES FROM THE JURY.)

25 MR. FERGUSON: I see three of you have. That's Mr.

1 Bryant, Mr. Bland, and Mr. Kennedy who have served on the jury? 320

2 MR. BLAND: I was never in the jury box; they called
3 me, but they turned us aloose before we got started.
4 to court

5 MR. FERGUSON: You were called/to serve on the jury,
6 but you never served on a case?

7 MR. BLAND: Yes. They had three or four divorce
8 cases, and they let everybody go at about eleven o'clock.

9 MR. FERGUSON: Was that the only time you served?

10 MR. BLAND: Yes, sir.

11 MR. FERGUSON: Mr. Bryant, when you served was that
12 in a criminal jury or a civil jury?

13 MR. BRYANT: A bunch of bad checks.

14 MR. FERGUSON: A bunch of bad checks; that sounds like
15 criminal. And, Mr. Kennedy, was it criminal or civil when you
16 served?

17 MR. KENNEDY: Criminal.

18 MR. FERGUSON: Let me ask you, Mr. Bryant and Mr.
19 Kennedy, if there was anything in your experience while serving
20 as a juror which causes you to favor the state in the trial of
21 a case?

22 MR. BRYANT: No.

23 MR. KENNEDY: No.

24 MR. FERGUSON: There was nothing about that experience
25 which led you to believe that everybody brought into court and
charged with something is guilty?

1 (NO ANSWER HEARD.)

2 MR. FERGUSON: Have any of those persons who I'm now
3 talking to now, have you served as a witness for the state in the
4 trial of a criminal case before?

5 (NO RESPONSE FROM THE JURY.)

6 MR. FERGUSON: You have not. How many of you had
7 heard or read something about this case or these cases on trial
8 here before coming to court on Monday?

9 (RESPONSES FROM THE JURY.)

10 MR. (?): I've heard a little news over the television
11 and the radio, but that's about as far as I've heard.

12 MR. FERGUSON: All right. Mr. Bryant, I believe you
13 indicated that you had heard something. Was it the same thing;
14 news, radio reports and the newspaper?

15 MR. BRYANT: Yes, sir.

16 MR. FERGUSON: And who else heard?

17 MR. TEW: The newspaper.

18 MR. FERGUSON: The newspaper; and did you indicate
19 the newspaper, Mr. Bland?

20 MR. BLAND: Yes, sir.

21 MR. FERGUSON: And your name is Mrs. Bland?

22 MRS. BLAND: T.V.

23 MR. FERGUSON: T.V.; Mr. Larkins, you hadn't heard
24 or read anything at all about it before coming up here?

25 MR. LARKINS: I heard it discussed down there in

1 Wilmington. I work down there in Wilmington.

2 MR. FERGUSON: You work down there?

3 MR. LARKINS: Yes.

4 MR. FERGUSON: Now, let me ask just generally if any
5 of you right now know of any reason why you couldn't be fair
6 and impartial? If any of you have a pre-conceived opinion
7 about the case that would have to be erased from your mind by
8 the evidence in this case?

9 (RESPONSE FROM THE JURY.)

10 MR. LARKINS: Yes.

11 MR. FERGUSON: You do, Mr. Larkins?

12 MR. LARKINS: Yes.

13 MR. FERGUSON: You don't think you could hear the
14 evidence and reach a fair and impartial -- You have your mind
15 already made up?

16 (NO ANSWER HEARD.)

17 MR. FERGUSON: Sir?

18 MR. LARKINS: No.

19 MR. FERGUSON: All right. Let me be sure I understand
20 you: You say you do have some feeling about the case now?

21 MR. LARKINS: (NO ANSWER HEARD.)

22 MR. FERGUSON: I'm sorry; the court reporter is going
23 to have to hear you; she has to know what your answer is. Are
24 you saying that you do have some feeling about the case now
25 which might influence your verdict in the case should you serve

1 as a juror?

2 MR. LARKINS: Yes.

3 MR. FERGUSON: And that's based on what you heard
4 down in Wilmington you were talking about while working down
5 there?

6 MR. LARKINS: Yes.

7 MR. FERGUSON: All right, sir. We submit Mr. Larkins
8 for cause, your Honor.

9 THE COURT: All right. You may be excused.

10 CLERK: Margaret Smith (BLACK).

11 THE COURT: We will be in recess. Let's everybody
12 take a break.

13 (AFTERNOON BREAK.)

14 (THE DEFENDANTS IN CUSTODY TAKE THEIR SEATS IN OPEN COURT.)

15 THE COURT: You may proceed.

16 MR. FERGUSON: Thank you, your Honor. Now, is there
17 anyone else on the jury who knows as of this time that you
18 could not be fair and impartial or who has a preconceived opinion
19 about these cases which might affect your verdict?

20 (NO RESPONSE FROM THE JURY.)

21 MR. FERGUSON: All right. Mrs. Smith, I believe you
22 just came up before the break, before we went out. You've
23 heard me introduce myself and Mr. Ballance and Mr. Harmon and
24 the defendants? You've been in court this week?

25 MRS. SMITH: Yes, sir.

MR. FERGUSON: Do you know either me or Mr. Ballance.

1 or any of these persons seated at the table here?

2 MRS. SMITH: No, sir.

3 MR. FERGUSON: You don't know Mr. Hunoval?

4 MRS. SMITH: No, sir.

5 MR. FERGUSON: Do you know Mr. Stroud?

6 MRS. SMITH: No, sir.

7 MR. FERGUSON: Have you ever served on a jury before?

8 MRS. SMITH: No, sir.

9 MR. FERGUSON: Have you ever appeared as a witness
10 for the state in a criminal trial before?

11 MRS. SMITH: No, sir.

12 MR. FERGUSON: Nothing you know of, then, at this
13 time which would prevent you from being a fair, impartial juror
14 if you were seated on this case?

15 MRS. SMITH: No, sir.

16 MR. FERGUSON: All right. I'm going to ask you now
17 jurors some questions at this time, and again I want you to
18 understand I am not out to embarrass you or anything of that
19 sort, but we have to do this in order to try to get a fair
20 trial for everybody involved and that's the reason for it. Now,
21 is that Miss or Mrs. Watkins?

22 MRS. WATKINS: Mrs.

23 MR. FERGUSON: Miss?

24 MRS. WATKINS: Mrs.

25 MR. FERGUSON: Are you married?

1 MRS. WATKINS: I was.
2 MR. FERGUSON: You were?
3 MRS. WATKINS: Yes.
4 MR. FERGUSON: You are divorced or separated?
5 MRS. WATKINS: Separated.
6 MR. FERGUSON: Separated?
7 MRS. WATKINS: Yes.
8 MR. FERGUSON: Do you have children, Mrs. Watkins?
9 MRS. WATKINS: Yes.
10 MR. FERGUSON: How many?
11 MRS. WATKINS: Three.
12 MR. FERGUSON: May I ask what ages they are?
13 MRS. WATKINS: Nine and six and (?).
14 MR. FERGUSON: Do you work outside of your home?
15 MRS. WATKINS: Yes.
16 MR. FERGUSON: And where are you employed?
17 MRS. WATKINS: Southern Cleaning, in Jacksonville.
18 MR. FERGUSON: Southern Cleaning, in Jacksonville?
19 MRS. WATKINS: Yes.
20 MR. FERGUSON: How long have you been employed with
21 them?
22 MRS. WATKINS: About seven or eight years.
23 MR. FERGUSON: Seven or eight years?
24 MRS. WATKINS: Yes.
25 MR. FERGUSON: And what kind of employment is that?

1 MRS. WATKINS: Presser.

2 MR. FERGUSON: You are a presser. How long have you
3 been a resident of Pender County?

4 MRS. WATKINS: Twenty-six years.

5 MR. FERGUSON: Is that all of your life?

6 MRS. WATKINS: Yes.

7 THE COURT: Speak just a little louder, please.

8 MR. FERGUSON: This young lady here who is the court

9 reporter is trying to take down everything that everybody is

10 saying, so you will have to speak loud enough so that she can

11 understand whatever it is you have to say. Let me ask -- Well,

12 let me just ask all of those persons who are on the jury - I'll

13 come back to you in a minute, Mrs. Watkins - did all of you hear

14 the charges which were read in court here on Monday so that you

15 know now what the persons are charged with who are on trial

16 here? All of you know what they are charged with?

17 (NO RESPONSE HEARD FROM THE JURY.)

18 MR. FERGUSON: I'll tell you briefly because I don't
19 want to go back and read the whole bill - the bills of indictment.

20 All eleven of these persons are charged with a conspiracy to

21 burn a place called Mike's Grocery; and all eleven are charged

22 with a conspiracy to assault emergency personnel at Mike's

23 Grocery with firearms on February 6th - February 5th and 6th,

24 1971, in Wilmington. All of the defendants except Mrs. Shepard

25 and Mr. Kirby are charged with the actual burning of Mike's

Grocery on the 6th of February, 1971. So, we are all straight

1 on that; you understand that?

2 (NO RESPONSE HEARD FROM THE JURY.)

3 MR. FERGUSON: Mr. Harmon, Mr. Ballance, and myself
4 are representing ten of the defendants. Mr. Hunoval is repre-
5 senting one of the defendants. All right. Now, coming back
6 to you, Mrs. Watkins, do you know anything at all about the
7 specific charges against the defendants?

8 MRS. WATKINS: No.

9 MR. FERGUSON: Did you hear or read anything in the
10 paper about it that you can recall?

11 MRS. WATKINS: I heard it on the television.

12 MR. FERGUSON: You heard it on the television?

13 MRS. WATKINS: Yes.

14 MR. FERGUSON: Did you discuss it with anybody?

15 MRS. WATKINS: No.

16 MR. FERGUSON: Did you read anything about it in the
17 paper?

18 MRS. WATKINS: Just on the television.

19 MR. FERGUSON: Do you remember about when it was that
20 you heard or read something about it on television?

21 MRS. WATKINS: It seems like it was one Sunday evening.
22 I came home from church, and it was on television. I don't
23 remember when it was.

24 MR. FERGUSON: Do you remember anything definite or
25 specific about what you saw at that time?

1 MRS. WATKINS: No, I do not.

2 MR. FERGUSON: Is that the only occasion you remember
3 seeing it on the news?

4 MRS. WATKINS: Yes.

5 MR. FERGUSON: Were any of the names of the defendants
6 mentioned in that newscast to you knowledge?

7 MRS. WATKINS: Reverend Chavis.

8 MR. FERGUSON: Reverend Chavis?

9 MRS. WATKINS: Yes.

10 MR. FERGUSON: Is he the only one whose name you
11 recall?

12 MRS. WATKINS: Yes, that I remember.

13 MR. FERGUSON: Now, was there anything about that
14 newscast that caused you to develop an opinion about the case?

15 MRS. WATKINS: No.

16 MR. FERGUSON: Has anything happened since then to
17 cause you to develop an opinion about the case?

18 MRS. WATKINS: No.

19 MR. FERGUSON: So, right now you are open-minded
20 about it?

21 MRS. WATKINS: Yes.

22 MR. FERGUSON: Now, Mrs. Watkins, the state in a
23 criminal trial is required to prove its case beyond a reasonable
24 doubt; you've heard us talk about that this week?

25 MRS. WATKINS: Yes.

1 MR. FERGUSON: You think you understand what we are 33
2 talking about now generally when we say that, right?

3 (NO ANSWER HEARD.)

4 MR. FERGUSON: The defendant in a criminal case is
5 not required to prove anything. A person on trial is not re-
6 quired to prove his innocence, you understand that?

7 MRS. WATKINS: Yes.

8 MR. FERGUSON: Now, are you able at this time - first
9 of all - to presume each of these eleven persons on trial inno-
10 cent of the charges against them?

11 MRS. WATKINS: Yes.

12 MR. FERGUSON: You don't feel like the mere fact they
13 have been charged with these offenses means they committed
14 them, do you?

15 MRS. WATKINS: Repeat that again?

16 MR. FERGUSON: You don't feel like the mere fact that
17 they have been charged with these offenses means that they did
18 something, that they committed them, do you?

19 MRS. WATKINS: No.

20 MR. FERGUSON: Has anyone in your immediate family,
21 Mrs. Watkins, ever been a law enforcement officer, such as a
22 policeman, sheriff, or anything of that sort?

23 MRS. WATKINS: No.

24 MR. FERGUSON: In the trial of a criminal case would
25 you tend to believe what a police officer said more quickly

1 than you would what somebody else said simply because it was an
2 officer saying it?

3 MRS. WATKINS: No, I would not.

4 MR. FERGUSON: You would be able to listen to what
5 they said and weigh it along with all the other evidence in
6 this case?

7 MRS. WATKINS: Yes.

8 MR. FERGUSON: Now, Mrs. Watkins, you heard me men-
9 tion that there are eleven people on trial, and they are all
10 charged with conspiracy. Would the mere fact that there is a
11 large number of people charged doesn't create an impression in
12 your mind that all of them or some of them must be guilty, does
13 it?

14 MRS. WATKINS: No, it wouldn't.

15 MR. FERGUSON: Now, each of these persons is entitled
16 to be judged individually in the trial of these cases. Would
17 you be able to listen to the evidence in this case and make an
18 individual judgment as to each one of these defendants, make
19 up your mind about each one of them in the cases?

20 MRS. WATKINS: Make up my mind?

21 MR. FERGUSON: Yes, ma'am; /about each person charged?
make up your mind

22 MRS. WATKINS: Yes.

23 MR. FERGUSON: Mrs. Watkins, the defendants, the ten
24 defendants we represent, are members of the First Congregational
25 Church of the Black Messiah, in Wilmington, North Carolina. Have

1 you heard of that church?

2 MRS. WATKINS: No, I haven't.

3 MR. FERGUSON: Mr. Kirby, George Kirby, is an organizer
4 for the Southern Christian Leadership Conference. Is there
5 anything about his association with that organization that
6 would cause you any feelings against him?

7 No,
8 MRS. WATKINS: /it would not.

9 MR. FERGUSON: And Reverend Chavis is an organizer
10 or field representative for the North Carolina-Virginia Commission
11 on Racial Justice; that's an organization affiliated with the
12 United Church of Christ. Would his activities with that organi-
13 zation cause you any feelings against him?

14 MRS. WATKINS: No, it would not.

15 MR. FERGUSON: During the first week in February,
16 1971, there were various protests of a racial nature going on
17 in the City of Wilmington; some of the defendants were involved
18 in that racial protest movement. Will you hold that fact
19 against them in the trial of this case?

20 MRS. WATKINS: No, I will not.

21 MR. FERGUSON: Do you feel a person is free to follow
22 his own mind and conscience in that matter, is that correct?

23 MRS. WATKINS: Yes.

24 MR. FERGUSON: Now, Mrs. Watkins, in the trial of a
25 criminal case a defendant is not required to take the witness
stand. Our law provides that he has the right, a Constitutional

34
1 right, to remain silent if he chooses to do so. Now, if these
2 defendants should exercise their right to remain silent in the
3 trial of this case and to rely on the weakness of the state's
4 case, would you hold that fact against them if they didn't take
5 the witness stand?

6 MRS. WATKINS: No, I would not.

7 MR. FERGUSON: You would still be able to judge the
8 state's case and make up your mind as to whether or not they
9 had proven guilt beyond a reasonable doubt, is that correct?

10 MRS. WATKINS: Yes.

11 MR. FERGUSON: If after hearing the evidence in this
12 case, Mrs. Watkins, you felt in your own mind, say, that the
13 defendants - any of them or all of them - were probably guilty
14 or might have been guilty of something but you had a reasonable
15 doubt in your mind about their guilt, you weren't satisfied
16 beyond a reasonable doubt that they were guilty, would you be
17 able to find them not guilty because of that doubt in your mind?

18 MRS. WATKINS. No. Repeat that again?

19 MR. FERGUSON: Ma'am? Do you understand my question?

20 MRS. WATKINS: Repeat the question.

21 MR. FERGUSON: I'm asking you if you felt they were
22 probably guilty or if something was shown which made you feel
23 they might have done something, that they might have violated
24 the law, but you were not convinced beyond a reasonable doubt
25 that they did in fact violate the law - in other words, you had

1 a reasonable doubt in your mind after hearing the state's case
2 or after hearing all of the evidence - would you be able to
3 give to the defendants the benefit of that doubt and find them
4 not guilty as long as you have a doubt in your mind?

5 MRS. WATKINS: Yes.

6 MR. FERGUSON: Ma'am?

7 MRS. WATKINS: Yes.

8 MR. FERGUSON: You didn't understand my question
9 before, then, is that correct?

10 MRS. WATKINS: Yes.

11 MR. FERGUSON: Now, Mrs. Watkins, if you were seated
12 as a juror in this case and after hearing the evidence you felt
13 like they ought to be found not guilty, would you hesitate to
14 find them not guilty because of what you felt somebody else
15 might think about it or what people might say to you about it?

16 MRS. WATKINS: No. I would use my own opinion about
17 it.

18 MR. FERGUSON: You would use your own opinion?

19 MRS. WATKINS: Yes, I would.

20 MR. FERGUSON: Is there any reason, Mrs. Watkins,
21 that you know of why you could not sit as a juror in this case
22 and be completely fair and impartial and open-minded about it?

23 MRS. WATKINS: No, I don't.

24 MR. FERGUSON: Mr. Bryant, what kind of work do you
25 do, sir?

1 MR. BRYANT: Operate a service station.

2 MR. FERGUSON: I'm sorry.

3 MR. BRYANT: I operate a service station.

4 MR. FERGUSON: You operate a service station?

5 MR. BRYANT: Yes.

6 MR. FERGUSON: What kind of station is it?

7 MR. BRYANT: Texaco.

8 MR. FERGUSON: Texaco. Where is it? Here in Burgaw?

9 MR. BRYANT: Rocky Point.

10 MR. FERGUSON: Rocky Point?

11 MR. BRYANT: About six miles out.

12 MR. FERGUSON: I'm going to have to ask/^{you}to speak up

13 just a little bit, sir, so we can all hear you.

14 MR. BRYANT: About six miles from here.

15 MR. FERGUSON: Are you married, sir?

16 MR. BRYANT: Yes, sir.

17 MR. FERGUSON: Do you have children?

18 MR. BRYANT: Two married.

19 MR. FERGUSON: Do you operate your service station
20 yourself, or do you have some help there?

21 (NO ANSWER HEARD.)

22 MR. FERGUSON: You do it yourself?

23 MR. BRYANT: Yes.

24 MR. FERGUSON: Do you have any restaurant or snack bar
25 there in the service station?

1 MR. BRYANT: No.

2 MR. FERGUSON: Now, how long have you been a resident
3 of Pender County, Mr. Bryant?

4 MR. BRYANT: About 22 years.

5 MR. FERGUSON: And where did you live before you came
6 to Pender County?

7 MR. BRYANT: Bladen.

8 MR. FERGUSON: Bladen County; you left Bladen County
9 to come here, is that correct?

10 (NO ANSWER HEARD.)

11 MR. FERGUSON: Have you spent any time in the military
12 service?

13 MR. BRYANT: No.

14 MR. FERGUSON: Have you ever been a member of any
15 law enforcement agency?

16 MR. BRYANT: No.

17 MR. FERGUSON: Has any member of your family ever been
18 a member of a law enforcement agency of any kind?

19 MR. BRYANT: My daddy used to be a policeman in
20 Lumberton.

21 MR. FERGUSON: Sir?

22 MR. BRYANT: My daddy was a policeman a while in
23 Lumberton.

24 MR. FERGUSON: In Lumberton?

25 MR. BRYANT: That was years ago.

1 MR. FERGUSON: A long time ago?

2 MR. BRYANT: Back in the '20's.

3 MR. FERGUSON: Is he the only one in your family who/ had been
4 associated with law enforcement as far as you know?

5 MR. BRYANT: Yes.

6 MR. FERGUSON: Now, have you read or heard anything
7 at all about these cases?

8 MR. BRYANT: Only what I read in the newspaper and
9 saw on the television.

10 MR. FERGUSON: Do you recall what it was you read or
11 heard about it?

12 MR. BRYANT: No. It was in sketches.

13 MR. FERGUSON: Have you read or heard anything about
14 it recently, during the last two or three months?

15 MR. BRYANT: No, I don't believe I have.

16 MR. FERGUSON: Do you have any relatives living in
17 Wilmington?

18 MR. BRYANT: No.

19 MR. FERGUSON: Have you had occasion to talk about
20 these cases with anyone?

21 MR. BRYANT: (NO ANSWER HEARD.)

22 MR. FERGUSON: Do you recall hearing the names of any
23 of the defendants associated with what you heard or read about it?

24 MR. BRYANT: Nothing only I've heard his name before,
25 Chavis.

1 MR. FERGUSON: You are talking about the Reverend
2 Chavis here. Anybody else?

3 MR. BRYANT: No.

4 MR. FERGUSON: Have you formed any opinion in your
5 mind about the guilt or innocence of any of these persons
6 charged here?

7 MR. BRYANT: (NO ANSWER HEARD.)

8 MR. FERGUSON: Do you think you could be fair to
9 all of them?

10 MR. BRYANT: Until they are proven guilty.

11 MR. FERGUSON: And if they are not proven guilty,
12 could you render a verdict of not guilty?

13 MR. BRYANT: Yes.

14 MR. FERGUSON: Sir?

15 MR. BRYANT: Yes.

16 MR. FERGUSON: Do you belong to any clubs or organi-
17 zations in the community, Mr. Bryant?

18 MR. BRYANT: No, sir. No, sir.

19 MR. FERGUSON: Have you ever belonged to any clubs
20 or organizations which held as one of its tenets the supremacy
21 of the white race?

22 MR. BRYANT: No.

23 MR. FERGUSON: Your answer to that was "no", was it
24 not?

25 MR. BRYANT: Yes.

1 MR. FERGUSON: If you will, try to speak up so that
2 we can all hear you; she has to take down everything that is
3 said, the court reporter does. Now, Mr. Bryant, there are
4 eleven people on trial here this week, and you heard me mention
5 just a moment ago what they are charged with?

6 MR. BRYANT: Yes.

7 MR. FERGUSON: Do you feel, sir, that the mere fact
8 that eleven people are charged with these offenses means they
9 have done something wrong otherwise they wouldn't be here on
10 these charges?

11 MR. BRYANT: Well, they must be. They must have.

12 MR. FERGUSON: You feel like they must have done
13 something elsewise they wouldn't have them up here, is that
14 right?

15 MR. BRYANT: Yes.

16 MR. FERGUSON: I take it, then, that you would feel
17 that they had to prove to you that they didn't do anything, is
18 that correct?

19 MR. BRYANT: Yes.

20 MR. FERGUSON: And unless they proved that to you,
21 you would be inclined to find them guilty of what they are
22 charged with, is that right?

23 MR. BRYANT: Yes.

24 MR. FERGUSON: If your Honor please, we will challenge
25 the juror for cause. Yes.

1 THE COURT: He will be excused.

2 CLERK: Stewart Devane (WHITE).

3 MR. FERGUSON: Mr. Tew?

4 MR. TEW: Yes, sir.

5 MR. FERGUSON: What kind of work do you do, sir?

6 MR. TEW: I'm a chemical processor for Diamond

7 Shamrock.

8 MR. FERGUSON: I'm sorry; there were papers rattling,
9 and I couldn't hear you.

10 MR. TEW: I'm a chemical processor for Diamond Sham-
11 rock, at Castle Hayne.

12 MR. FERGUSON: And how long have you been engaged in
13 that employment, sir?

14 MR. TEW: Since September, of 1971.

15 MR. FERGUSON: September, of '71?

16 MR. TEW: Yes, sir.

17 MR. FERGUSON: How long have you been a resident of
18 Pender County?

19 MR. TEW: Eight years.

20 MR. FERGUSON: And where did you live prior to that?

21 MR. TEW: Sampson County.

22 MR. FERGUSON: Sampson County; is that where you were
23 born and reared, in Sampson County?

24 MR. TEW: (NO ANSWER HEARD.)

25 MR. FERGUSON: How old are you, Mr. Tew?

1 MR. TEW: Twenty-three.

2 MR. FERGUSON: Have you been in the military service?

3 MR. TEW: No, sir.

4 MR. FERGUSON: Are you married?

5 MR. TEW: Two years and two days.

6 MR. FERGUSON: Two years and two days?

7 MR. TEW: Two years and two days.

8 MR. FERGUSON: I see. This is not a great place to
9 be on an anniversary, is it?

10 MR. TEW: No.

11 MR. FERGUSON: Do you have any children?

12 MR. TEW: I have one on the way, due the 15th of this
13 month.

14 MR. FERGUSON: You wouldn't be too happy if this trial
15 were going on on the 15th and you were a member of the jury,
16 would you?

17 MR. TEW: Not very.

18 MR. FERGUSON: I believe the defendants will excuse
19 you, Mr. Tew.

20 CLERK: Linda K. Paluk Uttke. (WHITE).

21 MR. FERGUSON: Mr. Bland, what kind of work do you
22 do, sir?

23 MR. BLAND: I work for Myers (PHONETIC) Craft, in
24 Burgaw.

25 MR. FERGUSON: I'm sorry.

1 MR. BLAND: Myers Craft, in Burgaw.

2 MR. FERGUSON: Myers Craft, in Burgaw; what do you
3 do?

4 MR. BLAND: It's making easels, springs, and oil.

5 MR. FERGUSON: Easels for painting, doing art work
6 and that kind of thing?

7 MR. BLAND: Yes, sir.

8 MR. FERGUSON: How long have you been working with
9 them, Mr. Bland?

10 MR. BLAND: For about ten years.

11 MR. FERGUSON: How long have you been a resident of
12 Pender County?

13 MR. BLAND: Fifty-one.

14 MR. FERGUSON: Are you saying since '51 or 51 years?
15 since 1951?

16 MR. BLAND: Yes, sir. I'm not that old.

17 MR. FERGUSON: Are you married, sir?

18 MR. BLAND: Yes, sir.

19 MR. FERGUSON: Do you have children?

20 MR. BLAND: Two; a boy and a girl.

21 MR. FERGUSON: You don't mind my asking the ages of
22 your children, do you?

23 MR. BLAND: No, sir.

24 MR. FERGUSON: What ages are they?

25 MR. BLAND: The boy is eight, and the girl is three.

1 MR. FERGUSON: Where did you live before coming to 350
2 Pender in '51, Mr. Bland?

3 MR. BLAND: Baltimore, Maryland.

4 MR. FERGUSON: Have you spent any time in the military
5 service?

6 MR. BLAND: No, sir.

7 MR. FERGUSON: I believe you indicated you had heard
8 or read something about the case, didn't you?

9 MR. BLAND: Just on T.V.

10 MR. FERGUSON: Just on T.V.; do you remember about
11 when that was?

12 MR. BLAND: No, sir.

13 MR. FERGUSON: Were the names of any of the defendants
14 associated with what you heard or read?

15 MR. BLAND: No, sir.

16 MR. FERGUSON: Is there anything that you heard or
17 read which might influence you against the defendants in the
18 trial of this case?

19 MR. BLAND: No, sir.

20 MR. FERGUSON: You have an open mind about it right
21 now?

22 MR. BLAND: Yes, sir.

23 MR. FERGUSON: Have you discussed the cases with
24 anyone?

25 MR. BLAND: No, sir.