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1 MR. FERGUSON: Do you subscribe to a newspaper
2 regularly in your home?

3 MR. BLAND: Just the Pender Chronicle.

4 MR. FERGUSON: You don't recall reading anything in
5 the Pender Chronicle about it?

6 MR. BLAND: No, sir.

7 MR. FERGUSON: When did you first find out what these
8 cases were all about, if you recall, Mr. Bland?

9 MR. BLAND: When I got here Monday.

10 MR. FERGUSON: When you got here Monday?

11 MR. BLAND: Yes, sir.

12 MR. FERGUSON: You don't know anybody seated at this
13 table over here?

14 MR. BLAND: No, sir.

15 MR. FERGUSON: Or any of the witnesses I called out?

16 MR. BLAND: No, sir.

17 MR. FERGUSON: What clubs or organizations, if any,
18 do you belong to in the community?

19 MR. BLAND: None.

20 MR. FERGUSON: None?

21 MR. BLAND: No.

22 MR. FERGUSON: Have you or any member of your family
23 ever been associated with law enforcement agencies?

24 MR. BLAND: No, sir.

25 MR. FERGUSON: Do you have any law enforcement people

1 who visit you regularly in your home or you regularly in theirs? 35

2 MR. BLAND: No, sir.

3 MR. FERGUSON: Would you tend to believe a police
4 officer should one testify more quickly than you would other
5 persons just because it is a police officer saying something?

6 MR. BLAND: No, I don't think I would.

7 MR. FERGUSON: You would listen to what a police
8 officer had to say and weigh it along with all the other evi-
9 dence in the case, is that correct?

10 MR. BLAND: Yes, sir.

11 MR. FERGUSON: Now, Mr. Bland, is there any feeling
12 on your part that the mere fact that all eleven of these people
13 have been charged means that all of them or some of them or
14 one of them must have done something wrong, something in viola-
15 tion of the law, otherwise they wouldn't be charged?

16 MR. BLAND: No.

17 MR. FERGUSON: You are able to presume them innocent
18 right now?

19 MR. BLAND: Yes, sir, until they are proven guilty.

20 MR. FERGUSON: And if they are not proven guilty,
21 you wouldn't hesitate to find them not guilty, would you?

22 MR. BLAND: No.

23 MR. FERGUSON: Now, you understand, Mr. Bland, that in
24 a criminal case like this the state has to prove its case beyond
25 a reasonable doubt. Now, that's different from the time you

1 were called up for civil jury duty; in those kind of cases all
2 one side has to do is to prove its case by what they call the
3 preponderance of the evidence or the greater weight of the
4 evidence. That is not as much proof or as high a standard of
5 proof as reasonable doubt is; that's - reasonable doubt is a
6 much higher standard. Now, do you believe in that principle
7 of law in criminal cases that the proof has to be beyond a
8 reasonable doubt?

9 MR. BLAND: Yes, sir.

10 MR. FERGUSON: Do you understand that the defendants
11 are not required to prove anything, anything at all?

12 MR. BLAND: Right.

13 MR. FERGUSON: And they have a constitutional right
14 to remain silent and not testify and not present any evidence,
15 not do anything if they choose to do that, you understand that?

16 MR. BLAND: Yes.

17 MR. FERGUSON: And that is not supposed to be held
18 against them?

19 MR. BLAND: Right.

20 MR. FERGUSON: You wouldn't hold it against/any of them if
21 they exercised that right and decided not to present any evidence
22 and not to testify, would you?

23 MR. BLAND: No.

24 MR. FERGUSON: You wouldn't feel like they were hiding
25 some wrong-doing that they had done on their part?

1 MR. BLAND: No.

2 MR. FERGUSON: You would still be able to look at the
3 evidence as it is presented and make up your mind on the state's
4 case whether or not they had proven their case beyond a reason-
5 able doubt, is that correct?

6 MR. BLAND: Right.

7 MR. FERGUSON: Mr. Bland, it so happens that ten of
8 the defendants in this case are black persons and one defendant
9 is a white person. Does that make any difference to you?

10 MR. BLAND: Not at all.

11 MR. FERGUSON: You would be able to judge them as
12 individuals, as human beings, in the trial of the case?

13 MR. BLAND: Yes.

14 MR. FERGUSON: You wouldn't hold it against the ten
15 because they are black?

16 MR. BLAND: No.

17 MR. FERGUSON: And you wouldn't hold it against the
18 one because she is white?

19 MR. BLAND: No.

20 MR. FERGUSON: You don't have any objection to asso-
21 ciations between black and white persons, do you?

22 MR. BLAND: No.

23 MR. FERGUSON: You don't have any objections to black
24 and white children going to school together and sitting together
25 side-by-side and learning together, do you?

1 MR. BLAND: No. I've got one that's going to school.

2 MR. FERGUSON: Sir?

3 MR. BLAND: I've got one that's going to school.

4 MR. FERGUSON: That's the eight year old that's
5 going to school?

6 MR. BLAND: Yes.

7 MR. FERGUSON: What grade is she in?

8 MR. BLAND: It's a boy. He will be in the third
9 grade the next time he goes.

10 MR. FERGUSON: The third grade. Have you ever heard
11 of the First Congregational Church of the Black Messiah?

12 MR. BLAND: No.

13 MR. FERGUSON: Well, that's a church in Wilmington;
14 Reverend Chavis is pastor of that church; the ten - nine other
15 persons I represent are members of that church. There's
16 nothing about the name of that church that causes you any ill
17 feeling toward these defendants is there?

18 MR. BLAND: No.

19 MR. FERGUSON: The concept of a black Messiah doesn't
20 bother you, does it?

21 MR. BLAND: Not at all.

22 MR. FERGUSON: Mr. Bland, in February, the first week
23 in February, in Wilmington, there were some racial disturbances
24 and protests and that kind of thing. If it should be that
25 some of the defendants in this trial were involved in those

1 racial protest movements would that fact alone influence your
2 verdict in this case?

3 MR. BLAND: Well, I don't think it would.

4 MR. FERGUSON: You wouldn't hold that against them?

5 MR. BLAND: No, sir.

6 MR. FERGUSON: You feel, then, that people who are
7 discriminated against, if they feel they are discriminated
8 against, they have a right to protest that discrimination?

9 MR. BLAND: Yes, sir.

10 MR. FERGUSON: Or if a person feels that he is being
11 treated unjustly, he has a right to protest that?

12 MR. BLAND: Right.

13 MR. FERGUSON: Now, do you have any relatives in
14 Wilmington?

15 MR. BLAND: No. I had a brother, but he moved to
16 Fayetteville. He is the manager of Hardee's in Wilmington.

17 MR. FERGUSON: Manager of Hardee's?

18 MR. BLAND: Yes.

19 MR. FERGUSON: How long ago was it when he moved?

20 MR. BLAND: He moved about a month ago.

21 MR. FERGUSON: About a month ago. Did he ever talk
22 to you about anything that was going on in Wilmington?

23 MR. BLAND: No, he hasn't.

24 MR. FERGUSON: Did he visit with you regularly?

25 MR. BLAND: No.

1 MR. FERGUSON: Did you visit with him regularly?

2 MR. BLAND: I don't even know where he lived at;
3 that's how much we get together.

4 MR. FERGUSON: I see. Is there anything about a
5 charge of conspiracy to assault emergency personnel with fire-
6 arms that causes you to feel more strongly about that kind of
7 case than you do other kinds of cases?

8 MR. BLAND: No.

9 MR. FERGUSON: You understand that citizens have a
10 constitutional right to bear arms under proper circumstances,
11 do you not?

12 MR. BLAND: Yes.

13 MR. FERGUSON: And under proper circumstances you
14 don't have any objections to persons having in their possession
15 firearms, do you?

16 MR. BLAND: No, sir.

17 MR. FERGUSON: If the state should claim that any of
18 the defendants or some of the defendants or all of the defen-
19 dants were associated with firearms or had firearms at one
20 time or other, just that fact alone, would you hold that against
21 them, just the fact of firearms?

22 MR. BLAND: No.

23 MR. FERGUSON: You believe, then, that under proper
24 circumstances a person can be justified in arming himself for
25 his own protection, is that correct?

1 MR. BLAND: Yes.

2 MR. FERGUSON: Do you know of any reason, Mr. Bland,
3 which I may have asked you about or may not have asked you
4 about why you feel that you could not sit as a juror in this
5 case and be completely fair and impartial in your consideration
6 of the evidence?

7 MR. BLAND: No.

8 MR. FERGUSON: None whatsoever?

9 MR. BLAND: No.

10 MR. FERGUSON: You live here in the City of Burgaw,
11 is that correct?

12 MR. BLAND: Yes, sir.

13 MR. FERGUSON: If you were seated as a juror in this
14 case and you heard all the evidence and after hearing that evi-
15 dence you felt like a verdict of not guilty was justified,
16 if you felt that way.....

17 MR. BLAND: Yes.

18 MR. FERGUSON:would you have any hesitancy about
19 rendering that verdict because of what others might say, people
20 in the community or other people that you know?

21 MR. BLAND: I wouldn't.

22 MR. FERGUSON: You wouldn't have any problem with
23 that, is that correct?

24 MR. BLAND: Right.

25 MR. FERGUSON: Is there anything that you have observed

1 here in the court room since Monday which has given you the
2 impression that these persons on trial are guilty of anything
3 or any wrong-doing?

4 MR. BLAND: No.

5 MR. FERGUSON: You understand, then, that the fact
6 that they have been escorted in and out of the court room from
7 time to time by deputy sheriffs doesn't mean anything except
8 they haven't been able to post bond?

9 MR. BLAND: Yes, sir.

10 MR. FERGUSON: You understand that?

11 MR. BLAND: Yes.

12 MR. FERGUSON: That's no evidence of guilt, you
13 understand that?

14 MR. BLAND: Yes.

15 MR. FERGUSON: You know a lot of innocent people go
16 to jail before they are tried because they could not get out
17 on bond, do you not?

18 MR. BLAND: Yes.

19 MR. FERGUSON: Mr. LeRoy Kennedy, is it?

20 MR. KENNEDY: That's right.

21 MR. FERGUSON: How long have you been a resident of
22 Pender County, Mr. Kennedy?

23 MR. KENNEDY: All my life.

24 MR. FERGUSON: And what kind of employment are you
25 engaged in, sir?

1 MR. KENNEDY: Automobile mechanic.

2 MR. FERGUSON: And do you work for some company?

3 MR. KENNEDY: Self-employed.

4 MR. FERGUSON: You are self-employed; how long have
5 you been self-employed as an auto mechanic?

6 MR. KENNEDY: About 35 years.

7 MR. FERGUSON: Are you married, sir?

8 MR. KENNEDY: Yes, sir.

9 MR. FERGUSON: Do you have children?

10 MR. KENNEDY: I have. All of them are grown. I have
11 five.

12 MR. FERGUSON: Do any of them still live in the home
13 with you?

14 MR. KENNEDY: My baby daughter.

15 MR. FERGUSON: I believe I asked you if you knew any
16 of the persons seated at the table here; do you?

17 MR. KENNEDY: No.

18 MR. FERGUSON: And I believe you were seated there
19 when I called out a list of witnesses, and you didn't know any
20 of them, is that correct?

21 MR. KENNEDY: That's right.

22 MR. FERGUSON: I believe you did indicate, though,
23 that you had heard or read something about it on T.V. or seen
24 something in the newspaper?

25 MR. KENNEDY: That's right. When I get home, sometimes

1 maybe I get in about time the news comes on and I watch a little 361
2 on T.V., and some times at the shop I hear a little on the radio.
3 That's about it.

4 MR. FERGUSON: I see. Have you heard or read any-
5 thing about it recently, say in the last two or three months?

6 MR. KENNEDY: Not that I recall.

7 MR. FERGUSON: Do you remember hearing the name of
8 any of the defendants in connection with what you heard or read?

9 MR. KENNEDY: Mr. Chavis. That's about the only
10 name I can recall.

11 MR. FERGUSON: He is the only one that you can recall?

12 MR. KENNEDY: That's right.

13 MR. FERGUSON: Was there anything that you heard or
14 read which caused you to form an opinion that would be against
15 Mr. Chavis or any of these persons here on trial?

16 MR. KENNEDY: No, sir.

17 MR. FERGUSON: Sir?

18 MR. KENNEDY: No, sir.

19 MR. FERGUSON: In spite of anything you may have
20 heard or read, do you think that you could sit as a juror in
21 this case and be completely fair and impartial and open-minded
22 in the trial of this case?

23 MR. KENNEDY: I think so.

24

25

1 MR. FERGUSON: Is there anything, Mr. Kennedy, which
2 causes you to feel the mere fact that these defendants are all
3 on trial means they must have been engaged in some wrong-doing?

4 MR. KENNEDY: No, sir.

5 MR. FERGUSON: You understand, then, that innocent
6 people can be charged with criminal offenses?

7 MR. KENNEDY: Yes, sir.

8 MR. FERGUSON: Now, you've observed the defendants
9 seated here in the court room. You've seen them come into
10 court and leave the court from time to time. Is there anything
11 about anything that has gone on in the court room here this
12 week which causes you to feel that these defendants might be
13 guilty of some wrong-doing or violated some law?

14 MR. KENNEDY: No, sir.

15 MR. FERGUSON: Have you ever been a member of any
16 law enforcement agency such as the police force, sheriff's
17 department, highway patrol, or anything like that?

18 MR. KENNEDY: No, sir.

19 MR. FERGUSON: Did you spend any time in the military
20 service?

21 MR. KENNEDY: No, sir.

22 MR. FERGUSON: You did not?

23 MR. KENNEDY: No, sir.

24 MR. FERGUSON: Is any member of your immediate family
25 a member of a law enforcement agency?

1 a right not to testify, a right not to present any witnesses if 36
2 if
3 he doesn't want to do that. Now, /these defendants, any of them
4 or all of them, should decide not to take the stand, should
5 decide not to present any evidence but to rely solely on the
6 weakness of the state's case, would you be able -- Strike that.
7 First of all, would you hold that fact against them if they
8 didn't take the stand?

9 MR. KENNEDY: No, sir.

10 MR. FERGUSON: You wouldn't get the feeling they were
11 trying to hide some wrong-doing on their part from you?

12 MR. KENNEDY: No, sir.

13 MR. FERGUSON: All right, sir. Now, would you still
14 be able to listen to the evidence of the state and make a judg-
15 ment based on that evidence as to whether or not the state has
16 proven guilt beyond a reasonable doubt?

17 MR. KENNEDY: Yes, sir.

18 MR. FERGUSON: You would be able to do that?

19 MR. KENNEDY: Yes, sir.

20 MR. FERGUSON: Would you be able to look at each case
21 here individually, each one of these persons individually, and
22 reach a decision about his individual case in this matter?

23 MR. KENNEDY: Yes, sir.

24 MR. FERGUSON: You understand, then, that there could
25 be different evidence for different defendants?

MR. KENNEDY: Yes, sir.

1 MR. FERGUSON: And it doesn't mean that they all have 361
2 to go the same way, you understand that?
3 MR. KENNEDY: Yes, sir.
4 MR. FERGUSON: The Constitution provides - and I
5 guess I talk a lot about the Constitution, but it is important -
6 the Constitution provides that citizens have a right to bear
7 arms. Now, there are some limitations on that, various laws
8 which regulate the right to bear arms, but under lawful circum-
9 stances would you have any objections to persons bearing arms?
10 MR. KENNEDY: I do not.
11 MR. FERGUSON: You feel, then, that a person can be
12 justified in some circumstances in arming himself for his own
13 protection?
14 MR. KENNEDY: Yes, sir.
15 MR. FERGUSON: Now, have you ever heard of the Church
16 of the Black Messiah, in Wilmington?
17 MR. KENNEDY: I have.
18 MR. FERGUSON: The ten defendants we represent are
19 associated with that church. Would their association with that
20 church give you any bad feeling toward them?
21 MR. KENNEDY: No, sir.
22 MR. FERGUSON: The circumstances out of which these
23 charges arose occurred during the first week of February, 1971,
24 in Wilmington, North Carolina. During that period of time
25 there were racial protests, racial movements, racial disturbances,

1 occurring in the city. Some of the defendants may have been
2 involved in some racial protest movement. Would you hold that
3 fact against them should that be the case?

4 MR. KENNEDY: No, sir.

5 MR. FERGUSON: You feel that a person has a right to
6 engage in those kind of activities if he chooses to do that so
7 long as it is lawful, is that correct?

8 MR. KENNEDY: That's right.

9 MR. FERGUSON: Now, Mr. Kennedy, of course, I could
10 ask questions all day or all week or all year and never know
11 everything; you know your mind better than anybody else. That's
12 why I'm going to ask you the question I asked all of the jurors:
13 Do you know of any reason in your own mind why you could not
14 sit as a juror in this case and be completely fair and open-
15 minded and impartial toward the defendants in these cases?

16 MR. KENNEDY: I do not.

17 MR. FERGUSON: You would be able to look at the evi-
18 dence in the case and make up your own mind about it, is that
19 correct?

20 MR. KENNEDY: Yes, sir.

21 MR. FERGUSON: Now, is that Miss or Mrs. Smith?

22 MRS. SMITH: Mrs.

23 MR. FERGUSON: Mrs. Smith?

24 MRS. SMITH: Yes, sir.

25 MR. FERGUSON: Do you work outside the home, Mrs. Smith?

1 MRS. SMITH: Not at the present.

2 MR. FERGUSON: What about your husband; does he work?

3 MRS. SMITH: Yes, sir.

4 MR. FERGUSON: What does he do, Mrs. Smith?

5 MRS. SMITH: He's a press operator at Timmie's.

6 MR. FERGUSON: A press operator at Timmie's?

7 MRS. SMITH: Yes, sir.

8 MR. FERGUSON: Is that the Timmie Corporation, in
9 Wilmington?

10 MRS. SMITH: Yes, sir.

11 MR. FERGUSON: How long has he worked there?

12 MRS. SMITH: Five years.

13 MR. FERGUSON: Have you worked outside the home on
14 previous occasions, you yourself?

15 MRS. SMITH: Yes, sir.

16 MR. FERGUSON: And may I ask you when was the last
17 time you worked outside of the home?

18 MRS. SMITH: March.

19 MR. FERGUSON: March; this past March?

20 MRS. SMITH: Yes, sir.

21 MR. FERGUSON: How long have you been a resident of
22 Pender County, Mrs. Smith?

23 MRS. SMITH: Eighteen years.

24 MR. FERGUSON: And where did you live before that
25 time?

1 MRS. SMITH: New Hanover County.

2 MR. FERGUSON: In New Hanover County?

3 MRS. SMITH: Yes, sir.

4 MR. FERGUSON: Did I ask you whether or not you knew
5 any of these defendants?

6 MRS. SMITH: Yes, sir.

7 MR. FERGUSON: You don't know any of them?

8 MRS. SMITH: No, sir.

9 MR. FERGUSON: Do you still have relatives in New
10 Hanover County?

11 MRS. SMITH: Yes, sir.

12 MR. FERGUSON: And what kin are they to you?

13 MRS. SMITH: That's my home. I married in Pender County.
14 My mother and my sisters and brothers are in New Hanover County.

15 MR. FERGUSON: You left New Hanover County after you
16 got married and came to Pender County, is that right?

17 MRS. SMITH: Yes, sir.

18 MR. FERGUSON: You understand what these eleven persons
19 are charged with, do you not?

20 MRS. SMITH: Yes, sir.

21 MR. FERGUSON: As of this time do you feel like you
22 could be fair to these persons on trial here?

23 MRS. SMITH: Yes, sir.

24 MR. FERGUSON: Now, Mrs. Smith, have you heard or
25 read anything at all about these cases?

1 MRS. SMITH: I heard a little bit on the television.

2 MR. FERGUSON: Do you remember when it was you heard
3 something about them?

4 MRS. SMITH: Right after it first happened.

5 MR. FERGUSON: That would have been back some time
6 in February, of '71?

7 MRS. SMITH: Yes, sir.

8 (MR. FERGUSON ASKS FOR AND GETS BILLS OF INDICTMENT
9 TO VIEW THEM.)

10 MR. FERGUSON: The reason I stopped, Mrs. Smith, was
11 I wanted to check the dates on the bills of indictment and
12 warrants in these cases; and just let me explain something to
13 you and all of the other members of the panel as a body. None
14 of these persons were charged in February, of '71. The bills
15 of indictment are all dated either April 24th or May 22nd, of
16 this year, so prior to that time there were no bills of indict-
17 ment. I believe the first warrant in these cases went out
18 about the 16th or 17th of March, of this year. So, I just
19 wanted to clear that up so you would understand that whatever
20 you may have heard or read in February, of '71, was not about
21 a charge against any of the defendants, because none of them
22 were charged with anything. Was there anything that you heard
23 or read, Mrs. Smith, about these defendants or about these
24 cases which caused you to develop any ill-feelings toward any
25 of the defendants on trial here?

1 MRS. SMITH: No, sir.

2 MR. FERGUSON: Do you still have an open mind about
3 this case?

4 MRS. SMITH: Yes, sir.

5 MR. FERGUSON: I take it, then, that nothing you've
6 heard or read about it would influence your verdict in this
7 case, but you would base it on the evidence as it comes into
8 court here?

9 MRS. SMITH: Yes, sir.

10 MR. FERGUSON: Did anyone discuss these cases with
11 you?

12 MRS. SMITH: No, sir.

13 MR. FERGUSON: Do you recall hearing the names of any
14 of the defendants in connection with what you heard or read?

15 MRS. SMITH: No, sir.

16 MR. FERGUSON: Now, Mrs. Smith, do you understand
17 that each of these persons on trial here is presumed^{by law}/to be
18 innocent of the charges against them. Do you now presume them
19 to be innocent of the charges against them?

20 MRS. SMITH: Yes, sir.

21 MR. FERGUSON: And do you further understand, Mrs.
22 Smith, that the state has the burden, the obligation if you will,
23 of proving their guilt beyond a reasonable doubt, and if the
24 state doesn't do that, then they are entitled to a verdict of
25 not guilty, do you understand that?

1 MRS. SMITH: Yes, sir.

2 MR. FERGUSON: Now, if you were seated as a juror in
3 this case and the state failed - the state did not prove to you
4 that any of these defendants was guilty beyond a reasonable
5 doubt, would you be able to find them all not guilty?

6 MRS. SMITH: Yes, sir.

7 MR. FERGUSON: Now, Mrs. Smith, even if you felt that
8 the defendants were probably guilty or may have been guilty of
9 any or some or all of these offenses, but you weren't sure that
10 they did it, you weren't convinced beyond a reasonable doubt
11 that they did that, would you still be able to find them not
12 guilty in that instance?

13 MRS. SMITH: Yes, sir.

14 MR. FERGUSON: In other words, you would require the
15 state to prove its case beyond a reasonable doubt?

16 MRS. SMITH: Yes, sir.

17 MR. FERGUSON: Was your answer yes?

18 MRS. SMITH: Yes, sir.

19 MR. FERGUSON: I will have to ask you to speak up
20 a little bit, Mrs. Smith, so that we can all hear you and in
21 order that everything that is said may be recorded. Is there
22 any member of your family, Mrs. Smith, who has been a member of
23 any law enforcement agency?

24 MRS. SMITH: No, sir.

25 MR. FERGUSON: If during the trial of this case police

1 officers should testify for the state, would you be inclined
2 to believe what a police officer said more so than what other
3 persons said just because he was a police officer?

4 MRS. SMITH: No, sir.

5 MR. FERGUSON: Let me ask you this, Mrs. Smith, and
6 this is something perhaps I should have asked all the jurors:
7 If during the trial of this case the state presents witnesses
8 who are black to testify against these defendants, ten of whom
9 are also black, would the mere fact that a black person is
10 testifying for the state cause you to believe his testimony
11 just because it was a black person testifying against black
12 persons?

13 MRS. SMITH: No, sir.

14 MR. FERGUSON: You would still be able to listen to
15 what that person had to say and weigh his evidence along with
16 everything else, is that right?

17 MRS. SMITH: Yes, sir.

18 MR. FERGUSON: Was your answer yes?

19 MRS. SMITH: Yes, sir.

20 MR. FERGUSON: Let me address that question to all
21 members of the jury whether I've questioned you before or not:
22 Is there anyone who would answer that question differently from
23 what Mrs. Smith answered that question?

24 (NO RESPONSE FROM THE JURY.)

25 MR. FERGUSON: Thank you. Have you heard of the Church

1 of the Black Messiah, the First Congregational Church of the
2 Black Messiah, in Wilmington?

3 MRS. SMITH: Yes, sir.

4 MR. FERGUSON: If it should appear that some or all
5 of the defendants that we represent are members of that church,
6 would that cause you any bad feeling or guilt feeling toward
7 the defendants in this case?

8 MRS. SMITH: No, sir.

9 MR. FERGUSON: If the defendants were engaged in some
10 racial protest activities during the first week of February,
11 1971, would you hold that fact alone against them?

12 MRS. SMITH: No, sir.

13 MR. FERGUSON: If the state should claim that some,
14 one, or all of the defendants during this period in February
15 armed themselves, would the mere fact that the state made that
16 claim affect your verdict in this case; would it cause you to
17 find the defendants guilty by the mere reason of that fact?

18 MRS. SMITH: No, sir.

19 MR. FERGUSON: You would be able to look at all of
20 the circumstances in the case and base your verdict on the evi-
21 dence as it is presented in the court room?

22 MRS. SMITH: Yes, sir.

23 MR. FERGUSON: Now, Mrs. Smith, just as I have said
24 to the gentleman before you, I can never know all of the things
25 that may be in a given juror's mind; no ^{lawyer} can, no matter how

1 many questions you ask; the juror, the individual juror, is the 371
2 one who ultimately decides whether or not he or she can be/fair completely
3 and impartial. Let me just ask you now: Do you know of any
4 reason whatsoever why you could not sit as a juror in this case
5 and be completely fair and impartial and open-minded in your
6 consideration of the evidence?

7 MRS. SMITH: No, I do not.

8 MR. FERGUSON: And you could sit and judge in this
9 case without fear or favor whatsoever, is that correct?

10 MRS. SMITH: Yes, sir.

11 MR. FERGUSON: Mrs. Bland?

12 MRS. BLAND: Yes, sir.

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

15 MRS. BLAND: All my life.

16 MR. FERGUSON: All your life. Is that Miss Bland or
17 Mrs. Bland?

18 MRS. BLAND: Mrs.

19 MR. FERGUSON: Mrs. Bland. Do you work outside the
20 home, Mrs. Bland?

21 MRS. BLAND: Yes, sir.

22 MR. FERGUSON: Ma'am?

23 MRS. BLAND: Yes, sir.

24 MR. FERGUSON: What kind of work do you do?

25 MRS. BLAND: A presser at Burgaw Manufacturing Company.

1 MR. FERGUSON: A presser at Burgaw Manufacturing
2 Company?

3 MRS. BLAND: Yes, sir.

4 MR. FERGUSON: That is located here in the Town of
5 Burgaw?

6 MRS. BLAND: Yes, sir.

7 MR. FERGUSON: Does your husband work outside the
8 home?

9 MRS. BLAND: Yes, sir.

10 MR. FERGUSON: What kind of work does he do?

11 MRS. BLAND: A truck driver, at Camp Lejeune.

12 MR. FERGUSON: Does he work for a private company or
13 is he connected with the service?

14 MRS. BLAND: Marine Corps Exchange.

15 MR. FERGUSON: Ma'am?

16 MRS. BLAND: Marine Corps Exchange.

17 MR. FERGUSON: Marine Corps Exchange. Do you have
18 children, Mrs. Bland?

19 MRS. BLAND: Yes, sir.

20 MR. FERGUSON: How many children do you have?

21 MRS. BLAND: Four.

22 MR. FERGUSON: Would you mind telling me their ages,
23 please?

24 MRS. BLAND: Eleven, eight, six, and eight months old.

25 MR. FERGUSON: Is the little eight month old a boy

1 or a girl?

2 MRS. BLAND: A girl.

3 MR. FERGUSON: A girl. I may have asked you: Have
4 you heard or read anything at all about these cases?

5 MRS. BLAND: No, nothing but what I heard on T.V.

6 MR. FERGUSON: Ma'am?

7 MRS. BLAND: Nothing but what I heard on T.V.

8 MR. FERGUSON: You remember seeing something on T.V.
9 about it?

10 MRS. BLAND: I heard it; I didn't see it.

11 MR. FERGUSON: You heard something about it; do you
12 remember how long ago that was you heard something about it?

13 MRS. BLAND: No, sir.

14 MR. FERGUSON: Have you had occasion to discuss these
15 cases with anyone?

16 MRS. BLAND: No, sir.

17 MR. FERGUSON: Have you had occasion to be present
18 when anyone else was discussing these cases?

19 MRS. BLAND: No, sir.

20 MR. FERGUSON: Based upon what you may have heard on
21 television, did you form any opinion about the case one way or
22 the other?

23 MRS. BLAND: No, sir.

24 MR. FERGUSON: When did you first realize, Mrs. Bland,
25 that these cases were the cases you were coming to court to try?

1 MRS. BLAND: Monday when I came here.

2 MR. FERGUSON: When you came here Monday; you didn't
3 know before then?

4 MRS. BLAND: No, sir.

5 MR. FERGUSON: Now, you've been here since Monday,
6 is that correct?

7 MRS. BLAND: Yes, sir.

8 MR. FERGUSON: You've seen the defendants going in
9 and out of the court room?

10 MRS. BLAND: Yes, sir.

11 MR. FERGUSON: And you've seen sheriff's deputies
12 coming in with them from time to time and going out with them
13 from time to time, is that correct?

14 MRS. BLAND: Yes, sir.

15 MR. FERGUSON: Has any of that, anything at all that
16 has happened, caused you to form any opinion that these defen-
17 dants must be guilty of something?

18 MRS. BLAND: No, sir.

19 MR. FERGUSON: You understand, then, there are cir-
20 cumstances where persons are in jail simply because they don't
21 have enough money to get out on bond, you understand that?

22 MRS. BLAND: Yes, sir.

23 MR. FERGUSON: And that doesn't mean that they are
24 guilty of any crime or anything at all; it just means they
25 don't have the money to get out of jail, you understand that?

1 MRS. BLAND: Yes, sir.

2 MR. FERGUSON: And you wouldn't hold that against a
3 person, would you?

4 MRS. BLAND: No, sir.

5 MR. FERGUSON: Does the fact that there are ten -
6 eleven persons charged here, does that fact alone, the number of
7 persons charged, create in your mind the impression that, well,
8 somebody must have done something wrong here, somebody among
9 these persons charged must have done something wrong?

10 MRS. BLAND: No, sir.

11 MR. FERGUSON: You would still be able to sit and
12 listen to the evidence and judge each case individually and
13 make up your own mind about it?

14 MRS. BLAND: Yes, sir.

15 MR. FERGUSON: Do you have any relatives who live in
16 Wilmington?

17 MRS. BLAND: No, sir.

18 MR. FERGUSON: Is there any member of your family who
19 has been a member of a law enforcement agency at any time in
20 his life?

21 MRS. BLAND: No, sir.

22 MR. FERGUSON: If during the trial of this case police
23 officers or detectives or other persons connected with law
24 enforcement agencies should testify, would you tend to believe
25 what they said more quickly than what other persons said simply

1 because they were police officers?

2 MRS. BLAND: No, sir.

3 MR. FERGUSON: You could weigh their evidence and
4 look at it along with all the other evidence in the case in
5 reaching your verdict, is that correct?

6 MRS. BLAND: Yes, sir.

7 MR. FERGUSON: Now, Mrs. Bland, these defendants don't
8 have to prove anything; they are not required to prove anything,
9 you understand that?

10 MRS. BLAND: Yes, sir.

11 MR. FERGUSON: They are not required to come in and
12 prove that they are innocent; they are presumed to be innocent.
13 The state is required to prove that they are guilty; and if
14 the state doesn't do that, they are entitled to a verdict of
15 not guilty. Now, in addition to that, the law says that a
16 person has a right, a constitutional right, to remain silent
17 in the face of charges brought against them; he doesn't have
18 to take the stand to testify; he is not required to present
19 a single witness; and the law says that that is not to be held
20 against him. If during the trial of this case any of these
21 defendants, or all of them, should decide not to testify, should
22 decide not to present a single witness, would you hold that
23 fact against them?

24 MRS. BLAND: No, sir.

25 MR. FERGUSON: You would still be able to listen to

1 what was said on the witness stand and make up your own mind
2 about the case and decide whether or not the case was prove -
3 the state had proved its case beyond a reasonable doubt, is
4 that correct?

5 MRS. BLAND: Yes, sir.

6 MR. FERGUSON: Well, suppose, Mrs. Bland, after you
7 had heard all the evidence in this case you felt like, well,
8 the defendants are probably guilty, I don't know that they are,
9 I'm not convinced beyond a reasonable doubt that they are but
10 they are probably guilty, but you still had a reasonable doubt
11 in your mind about their guilt, would you be able to give them
12 the benefit of that doubt and find them not guilty?

13 MRS. BLAND: Yes, sir.

14 MR. FERGUSON: In other words, you would require the
15 state to prove to you, then, beyond a reasonable doubt that
16 they were guilty before you would find them guilty, is that
17 correct?

18 MRS. BLAND: Yes, sir.

19 MR. FERGUSON: And if the state didn't do that, you
20 wouldn't hesitate to find them not guilty?

21 MRS. BLAND: Yes, sir.

22 MR. FERGUSON: Would you have any reason to be fearful
23 for anything at all if you found the defendants not guilty, Mrs.
24 Bland?

25 MRS. BLAND: No, sir.

1 MR. FERGUSON: You could make up your own mind about
2 the case and decide for yourself, is that correct?

3 MRS. BLAND: Yes, sir.

4 MR. FERGUSON: Let me tell you about the case, Mrs.
5 Bland: One of the chief witnesses for the state in this case
6 is a black man. Now, would the fact that a black man testifies
7 against other black persons on trial cause you to more readily
8 convict them than you would otherwise?

9 MRS. BLAND: No, sir.

10 MR. FERGUSON: You would be able to weigh his testi-
11 mony along with all the other facts and circumstances in the
12 case and make up your mind about it, is that correct?

13 MRS. BLAND: Yes, sir.

14 MR. FERGUSON: Mrs. Bland, do you know of any reason
15 whatsoever which I may have asked you about or not asked you
16 about why you could not sit as a juror in this case and be
17 completely fair and impartial in the trial of this case?

18 MRS. BLAND: No, sir.

19 MR. STROUD: Your Honor, may we approach the bench
20 just a second?

21 THE COURT: Yes, sir.

22 (ALL COUNSEL CONFER WITH THE COURT AT THE BENCH.)

23 THE COURT: We had intended to go at least until five-
24 thirty this afternoon, but we will stop at the usual time be-
25 cause there is a matter which the attorneys have to take care

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1 of and that would require some little time, so we are going to
2 recess at this time. Let me repeat the admonition I have given
3 to all of you on the jury panel. Do not seek to inform your-
4 selves about these cases by means other than here in the court
5 room. Do not talk to people about them. Do not permit other
6 people to talk to you about the cases. Maintain an open mind
7 about the whole matter so that you will be in a position to
8 serve as an unprejudiced and unbiased juror, and be influenced
9 only by the law and the evidence. Remain in a position where
10 you can perform your duty honestly and sincerely, and do not
11 permit any other factors to come to your attention willingly
12 until it be determined whether or not you will be selected
13 finally as a member of the jury. I will say this: I want to
14 commend not only the jurors but those who have been in atten-
15 dance in court here, the audience, for the courtesy and the
16 conduct, your conduct here, that has been displayed thus far in
17 these cases. I hope and believe that that orderly conduct will
18 continue. Mr. Sheriff, take a recess until nine-thirty tomorrow
19 morning.

20 (COURT IS RECESSED FOR THE DAY. FOLLOWING THE RECESS
21 OF COURT, THE TESTIMONY OF GEORGE VALLENDER WAS TAKEN BY STIPU-
22 LATION AND AGREEMENT BY THE COURT REPORTER AT THIS TIME AND TO
23 BE READ BY THE COURT REPORTER WITHOUT TRANSCRIPTION WHEN OFFERED
24 AS EVIDENCE DURING THE COURSE OF THE TRIAL, AS SAID WITNESS
25 WOULD NOT BE AVAILABLE LATER. THIS TESTIMONY WAS NOT REQUESTED

1 TO BE TRANSCRIBED AS A PART OF THIS RECORD NOW BEING TRANSCRIBED.)

2 JUNE 8, 1972:

3 (DEFENDANTS IN CUSTODY TAKE THEIR SEATS IN OPEN COURT.)

4 (MR. RICHARD STANLEY IS WITH MR. STROUD AT COUNSEL

5 TABLE. THE SPECIAL VENIRE SUMMONED IS CALLED TO DETERMINE

6 THOSE PRESENT AND THOSE EXCUSED BY THE COURT, IF ANY.)

7 THE COURT: All right, gentlemen, you may proceed.

8 MR. FERGUSON: Thank you, your Honor. Just one minute,

9 please. I believe you were the last person I talked to yester-

10 day, Mrs. Bland, is that right?

11 MRS. BLAND: Yes, sir.

12 THE COURT: Gentlemen, will you approach the bench

13 just a minute before we proceed.

14 (COUNSEL CONFER WITH THE COURT AT THE BENCH.)

15 MR. FERGUSON: Now, then, I take it that all of those

16 persons that I questioned on yesterday or - yes, I believe on

17 yesterday I questioned everybody yesterday; all of you still

18 feel that you can be fair and impartial in the trial of this

19 case, do I understand that to be correct, all of those whom I've

20 questioned already?

21 (NO RESPONSE OTHERWISE FROM THE JURY.)

22 MR. FERGUSON: All right. There are two members of

23 the jury panel now, I believe, that I've not addressed questions

24 to before. I'm referring to you, Mr. Devane, and to you, Mrs.

25 Uttke. The questions I'm about to ask now are addressed to

the two of you. I'm going to ask you both some questions

1 together right now, and a few moments later I will question you
2 individually. And you've heard me explain before what the pur-
3 pose of my questioning is, and I hope you will understand that
4 and accept it in that light. First of all, do any of you know
5 any of the persons on trial here, the ten young men and the
6 young lady seated at the table here; do either of you know any
7 of these folks?

8 (NO RESPONSE.)

9 MR. FERGUSON: I take it you all don't know me. Do
10 you know Mr. Ballance?

11 (NO RESPONSE.)

12 MR. FERGUSON: Or Mr. Harmon? Mr. Harmon has been
13 here. He has had to be absent at some times because of other
14 pressing business/ that he had but do either of you know Mr. John Harmon,
15 of New Bern, North Carolina?

16 (NO RESPONSE.)

17 MR. FERGUSON: Now, do you understand that Mr. Bal-
18 lance, Mr. Harmon, and I represent the ten young men on trial
19 here. The gentleman representing the young lady is Mr.
20 Mathais Hunoval; he practices law in Wilmington, North Carolina.
21 Do you know him?

22 (NO RESPONSE.)

23 MR. FERGUSON: We have another gentleman at the table
24 here who was not here earlier in the week, but who is a member
25 of the prosecutor's staff for this district. I'm referring to

1 the young man seated immediately to the right of Mr. Hunoval;
2 his name is Jerry Stanley - I'm sorry - Richard Stanley. Now,
3 he is one of the assistant prosecutors of this district. Do
4 any of you know Mr. Stanley?

5 (NO RESPONSE.)

6 MR. FERGUSON: And the gentleman on the end of the
7 table in the brown suit is Mr. James T. Stroud, Jr., of Wil-
8 mington, North Carolina, and he is prosecuting the case. Do
9 you know him?

10 (NO RESPONSE.)

11 MR. FERGUSON: Or, neither of you know him. I think
12 I had better just ask you if you know any of the names of these
13 witnesses we called; you may not have heard them; sometimes it's
14 hard to hear in this court room when you are back there. I'm
15 going to call for you now a list of prospective witnesses for
16 the state, and if you know any of these people I'd like for you
17 just to raise your hand if I call a name that you know. Allen
18 Hall; he's a young man, a young black man, from Wilmington,
19 North Carolina?

20 (NO RESPONSE.)

21 MR. FERGUSON: Jerome Mitchell? He is also from
22 Wilmington.

23 (NO RESPONSE.)

24 MR. FERGUSON: Mr. Mike Poulas? He is the gentleman
25 who owns the grocery store in question that was allegedly burned

1 on February the 6th?

2 (NO RESPONSE.)

3 MR. FERGUSON: Father Jones, of Wilmington?

4 (NO RESPONSE.)

5 MR. FERGUSON: Assistant Chief Glisson, of the Wilming-
6 ton Fire Department?

7 (NO RESPONSE.)

8 MR. FERGUSON: Patrolman Chips and Sgt. Blooman, of
9 the Wilmington Police Department?

10 (NO RESPONSE.)

11 MR. FERGUSON: Tony Williams, a young man from Wil-
12 mington?

13 (NO RESPONSE.)

14 MR. FERGUSON: Merton Weirs, W-e-i-r-s? Do you know
15 him, either one of you?

16 (NO RESPONSE.)

17 MR. FERGUSON: Sgt. Hobbs; Lt. Lewis, Detective
18 Fredlaw - excuse me.

19 MRS. UTTKE: I know Sgt. Hobbs.

20 MR. FERGUSON: You know Sgt. Hobbs. All right. Yes,
21 ma'am; Mrs. Smith, is it?

22 MRS. SMITH: I know Detective Fredlaw.

23 MR. FERGUSON: You know Detective Fredlaw?

24 MRS. SMITH: That's right.

25 MR. FERGUSON: All right. And you say you know

1 Lt. Lewis, Mrs. Uttke?

2 MRS. UTTKE: I know of him, but I don't think I know
3 him.

4 MR. FERGUSON: Sgt. Hobbs is the one you know, is
5 that correct?

6 MRS. UTTKE: Yes, sir.

7 MR. FERGUSON: Detective Hollifield, of the Wilmington
8 Police Department?

9 (NO RESPONSE.)

10 MR. FERGUSON: Agent Campbell, of the Alcohol, Tax,
11 and Firearms Division of the Internal Revenue Service?

12 (NO RESPONSE.)

13 MR. FERGUSON: Mr. Herbert Howell, of Wilmington?

14 (NO RESPONSE.)

15 MR. FERGUSON: I'm going to call now a list of pros-
16 pective witnesses or potential witnesses that the defense might
17 call in the trial of this case and ask you if you know any of
18 these persons, and if you do, again, I'd like for you to raise
19 your hand as I call the name. Annie McLain, of Wilmington?

20 (NO RESPONSE.)

21 MR. FERGUSON: Roderick Kirby, of Wilmington?

22 (NO RESPONSE.)

23 MR. FERGUSON: Reverend and Mrs. Eugene Templeton, of
24 New Jersey; they used to live in Wilmington?

25 (NO RESPONSE.)

1 MR. FERGUSON: Mr. Hugh Jones, of Wilmington?

2 (NO RESPONSE.)

3 MR. FERGUSON: John Green, of Wilmington?

4 (NO RESPONSE.)

5 MR. FERGUSON: Mrs. Stephanie Green, of Wilmington?

6 (NO RESPONSE.)

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

8 (NO RESPONSE.)

9 MR. FERGUSON: The Rev. Leon White, of Raleigh, North

10 Carolina?

11 (NO RESPONSE.)

12 MR. FERGUSON: Neither of you are familiar with these
13 persons. Have you heard or read anything at all about this
14 case?

15 (RESPONSE.)

16 MR. FERGUSON: You have, Mrs. Uttke?

17 MRS. UTTKE: Yes.

18 MR. FERGUSON: Mr. Devane, you haven't seen anything
19 about it in the papers or heard anything at all about it in the
20 news?

21 MR. DEVANE: No, sir. The only thing I have heard
22 about it was just some sketches of it around the job and places
23 in passing; to gather enough of it to get an outline of what
24 happened, I couldn't say that I did.

25 MR. FERGUSON: I see, sir. Have either one of you

1 served on a jury before?

2 (RESPONSE.)

3 MR. FERGUSON: You have, Mr. Devane; when was that?

4 MR. DEVANE: I've been serving on the jury for the
5 past thirty years.

6 MR. FERGUSON: Is that right?

7 MR. DEVANE: Yes, sir. Served on both civil and
8 criminal cases several times.

9 MR. FERGUSON: I see. When was the last time you
10 served on a jury, Mr. Devane?

11 MR. DEVANE: 1966, I believe, was the last time.

12 MR. FERGUSON: Do you recall whether that was a
13 criminal or a civil?

14 MR. DEVANE: Right off-hand, I don't recall just
15 which it was.

16 MR. FERGUSON: But you have served on several criminal
17 terms?

18 MR. DEVANE: Yes, sir.

19 MR. FERGUSON: This is your first jury experience,
20 Mrs. Uttke?

21 MRS. UTTKE: Yes.

22 MR. FERGUSON: Has either of you ever appeared as a
23 witness for the state in the trial of a criminal case before?

24 (NO RESPONSE.)

25 MR. FERGUSON: Now, just generally speaking, the both

1 of you have been in the court room since Monday, is that correct? 390

2 MR. DEVANE: Yes, sir.

3 MR. FERGUSON: And you've heard a lot of questions that
4 have been asked here by Mr. Stroud and Mr. Hunoval and myself.
5 Do you know of anything right now - and I'll have to remind you
6 of what some of the questions were a little later - but do you
7 know of anything right now which would prevent you from serving
8 on this jury and being completely fair and open-minded about it?

9 MR. DEVANE: Nothing in the world. I have always
10 felt just that way in jury duty.

11 MR. FERGUSON: Yes, sir. Mrs. Uttke?

12 MRS. UTTKE: Well, I've just heard different things
13 in my work from different people who were close related to this
14 Mike, so that may have some bearing on my feelings.

15 MR. FERGUSON: I see. You know people who were re-
16 lated to the man who owned the grocery store and they have
17 discussed the case in your presence and you think that might
18 influence your verdict in this case?

19 MRS. UTTKE: Yes, sir.

20 MR. FERGUSON: All right. I appreciate your honesty
21 and openness about the matter, Mrs. Uttke. If your Honor please
22 we submit the juror for cause.

23 THE COURT: Yes, ma'am. You may be excused.

24 CLERK: Armenious Pigford (WHITE).

25 MR. FERGUSON: Mr. Pigford, do you know any of the

1 persons involved in this trial?

2 MR. PIGFORD: No, sir.

3 MR. FERGUSON: None of the lawyers or none of the
4 defendants?

5 MR. PIGFORD: No, sir.

6 MR. FERGUSON: Were you able to hear the names of the
7 witnesses I just called out?

8 MR. PIGFORD: Yes, sir.

9 MR. FERGUSON: Did you know any of those persons?

10 MR. PIGFORD: No, sir.

11 MR. FERGUSON: Do you know anything at all about the
12 case?

13 MR. PIGFORD: Nothing except what I read.....

14 MR. FERGUSON: Sir?

15 MR. PIGFORD: Nothing except what I read in the news-
16 paper and radio and television.

17 MR. FERGUSON: Have you heard people talk about it?

18 MR. PIGFORD: Yes, sir.

19 MR. FERGUSON: Have you talked about it some yourself?

20 MR. PIGFORD: Yes, sir.

21 MR. FERGUSON: Have people expressed opinions about
22 it to you?

23 MR. PIGFORD: Yes, sir.

24 MR. FERGUSON: Have you expressed opinions about it
25 to people?

1 MR. PIGFORD: Yes, sir.

2 MR. FERGUSON: Do you have an opinion about it right
3 now?

4 MR. PIGFORD: Yes, sir.

5 MR. FERGUSON: Do you think that opinion might influ-
6 ence your verdict in this case?

7 MR. PIGFORD: I'm afraid it would, yes, sir.

8 MR. FERGUSON: I appreciate your honesty, Mr. Pigford.
9 Your Honor, we submit the juror for cause..

10 THE COURT: You may be excused.

11 CLERK: Durwood Swinson (WHITE).

12 MR. FERGUSON: Do you know any of these folks, Mr.
13 Swinson?

14 MR. SWINSON: No, sir.

15 MR. FERGUSON: None of the defendant and none of the
16 lawyers?

17 MR. SWINSON: No, sir.

18 MR. FERGUSON: Do you understand what the charges are
19 here; they have been read out a couple of times and I've men-
20 tioned them a couple of times; do you know what they are?

21 MR. SWINSON: Yes, sir.

22 MR. FERGUSON: Do you know anything about the case?

23 MR. SWINSON: Yes, sir.

24 MR. FERGUSON: Have you read about them?

25 MR. SWINSON: Yes, sir.

1 MR. FERGUSON: You have seen some accounts to T.V.
2 and heard them on the radio?

3 MR. SWINSON: Yes, sir.

4 MR. FERGUSON: You have discussed them with various
5 persons?

6 MR. SWINSON: Yes, sir.

7 MR. FERGUSON: Have you heard opinions about the
8 cases expressed in your presence?

9 MR. SWINSON: Yes, sir.

10 MR. FERGUSON: Have you expressed an opinion about it
11 yourself?

12 MR. SWINSON: I sure have.

13 MR. FERGUSON: Do you have an opinion about it now?

14 MR. SWINSON: I sure do.

15 MR. FERGUSON: Do you think that opinion might influ-
16 ence your verdict?

17 MR. SWINSON: It sure would.

18 MR. FERGUSON: Thank you, sir. We submit the juror
19 for cause, your Honor. Just one moment. We submit the juror
20 for case, your Honor.

21 THE COURT: I beg your pardon; I didn't understand you.

22 MR. FERGUSON: We submit the juror for cause. I don't
23 have any further questions.

24 THE COURT: Mr. Swinson, you say you have heard
25 opinions expressed by others and you have expressed opinions

1 yourself, and that you have a present opinion which might influ- 394
2 ence any verdict you would render if you were selected. Explain
3 that some, sir? You say you do not know any of these defendants?

4 MR. SWINSON: No, sir, only the names they had on
5 television and in the newspaper.

6 THE COURT: Well, opinions which you have heard from
7 others or opinions which you have expressed, were they directly
8 related to these defendants or any of them or just in general?

9 MR. SWINSON: They were related to a couple of them.

10 THE COURT: These defendants who are charged here?

11 MR. SWINSON: Yes, sir.

12 THE COURT: You have been honest with us, and this is
13 not for the purpose of simply being excused from jury service?

14 MR. SWINSON: I'm just being honest, your Honor.

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

16 CLERK: Dannie Jones (BLACK).

17 MR. FERGUSON: Mrs. Jones, you've been in court since
18 Monday, is that correct?

19 MRS. JONES: Yes, sir.

20 MR. FERGUSON: You heard the charges read out and you
21 heard the defendants all plead not guilty, did you not?

22 MRS. JONES: Yes, sir.

23 MR. FERGUSON: So that you understand what the charges
24 are here?

25 MRS. JONES: (NO ANSWER HEARD.)

1 MR. FERGUSON: Do you know any of these young men on
2 trial or this young lady on trial here?

3 MRS. JONES: No, sir.

4 MR. FERGUSON: You don't know any. Do you know me?

5 MRS. JONES: No, sir.

6 MR. FERGUSON: Do you know Mr. Ballance?

7 MRS. JONES: No, sir.

8 MR. FERGUSON: Do you know Mr. John Harmon, who was
9 seated here yesterday?

10 MRS. JONES: No, sir.

11 MR. FERGUSON: Do you know Mr. Hunoval, who represents
12 Mrs. Shepard?

13 MRS. JONES: No, sir.

14 MR. FERGUSON: Do you know Mr. Richard Stanley?

15 MRS. JONES: No, sir.

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

17 MRS. JONES: No, sir.

18 MR. FERGUSON: Could you hear the list of witnesses
19 that I just read out, the ones who might testify for the state
20 and the ones who might testify for the defendants?

21 MRS. JONES: Yes, sir.

22 MR. FERGUSON: Did you hear all of those names?

23 MRS. JONES: Yes, sir.

24 MR. FERGUSON: Did you know any of those persons?

25 MRS. JONES: No, sir.

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

3 MRS. JONES: I seen something about it on T.V.

4 MR. FERGUSON: You have seen something about it on
5 T.V.; have you heard anybody talk about it?

6 MRS. JONES: No, sir.

7 MR. FERGUSON: Have you talked about it yourself?

8 MRS. JONES: No, sir.

9 MR. FERGUSON: Do you have any opinion about the case
10 one way or the other?

11 MRS. JONES: No, sir.

12 MR. FERGUSON: You are open-minded about it right
13 now?

14 MRS. JONES: Yes, sir.

15 MR. FERGUSON: Now, just let me ask you generally:
16 You have been here since Monday and you heard a lot of the
17 questions which were asked by attorneys for all sides here; do
18 you know of anything now which would prevent you from serving
19 and being completely fair and impartial about this case?

20 MRS. JONES: No, sir.

21 MR. FERGUSON: All right. Now, I just wanted to ask
22 those general questions of you; I'm going to ask you a few
23 more questions in a moment, but I want to question you and Mr.
24 Devane individually since I haven't talked with you before.
25 Mr. Devane, how long have you been a resident of Pender County?

1 MR. DEVANE: Around 23 years.

2 MR. FERGUSON: And where did you live prior to that
3 time?

4 MR. DEVANE: I lived in Bladen County.

5 MR. FERGUSON: Are you married?

6 MR. DEVANE: Yes, sir.

7 MR. FERGUSON: Children?

8 MR. DEVANE: I married a widow, and I raised one
9 step-son.

10 MR. FERGUSON: All right. What kind of work do you
11 do, Mr. Devane?

12 MR. DEVANE: I work at the boiler plant in Wilmington
13 in the day time, and farm a little at night.

14 MR. FERGUSON: That keeps you going about all day and
15 all night, then, doesn't it? What's the name of that boiler
16 plant over there in Wilmington that you work with?

17 MR. DEVANE: Babcock and Wilcox.

18 MR. FERGUSON: How long have you been working over
19 at Babcock and Wilcox?

20 MR. DEVANE: Well, I've been there approximately
21 ten years.

22 MR. FERGUSON: Were you working there in February, of
23 '71?

24 MR. DEVANE: Yes, sir.

25 MR. FERGUSON: What kind of work do you do over there,

1 Mr. Devane?

2 MR. DEVANE: Welding.

3 MR. FERGUSON: Welding. Does your wife work outside
4 the home?

5 MR. DEVANE: No, sir.

6 MR. FERGUSON: Was there any talk over at the plant
7 where you work about any of these defendants or any of these
8 cases?

9 MR. DEVANE: Well, during the time of the disturbance,
10 naturally everytime you would go by the water fountain or some-
11 thing you would stop and listen and hear some remarks made one
12 way or the other about it.

13 MR. FERGUSON: It seemed to be a point of general
14 discussion there at the plant during that period of time?

15 MR. DEVANE: Well, at times it did. The supervisors
16 would get around and they would say a little about it, and before
17 the day was out there would be somebody else standing around
18 discussing it. But there was. Like the work I was doing, being
19 the only operator on that machine and being over to myself, I
20 had very little occasion to deal with anybody or have discus-
-21 sions with anybody during that time.

-22 MR. FERGUSON: I see. Did you have occasion to hear
-23 what the discussions were all about from time to time?

-24 MR. DEVANE: Well, no, I didn't have that much time. If
-25 I want to get a drink of water and stood around there too long

boss
1 and the machine was standing idle, the/man would be around want- 399
2 ing to know what was going on, and I could lose my job.

3 MR. FERGUSON: All right. Did the boss man talk
4 about it any?

5 MR. DEVANE: I never heard him mention it one way or
6 the other.

7 MR. FERGUSON: Were most of these persons who were
8 standing around talking black or white?

9 MR. DEVANE: Some of both.

10 MR. FERGUSON: Some of both; were they standing around
11 talking together or were they in groups?

12 MR. DEVANE: All together.

13 MR. FERGUSON: During that period of time do you re-
14 call hearing the name or names of any of these defendants?

15 MR. DEVANE: No, sir. I just heard the boys kidding
16 one another back and forth about it is the biggest I can remem-
17 ber about them discussing it.

18 MR. FERGUSON: Do they still discuss it on the job
19 there from time to time?

20 MR. DEVANE: Well, every now and then they will tease
21 each other around just like a bunch of people will do, but yet
22 they get along mighty well together down there.

23 MR. FERGUSON: All right, sir. What I'm trying to
24 find out now, do they sometimes now discuss these cases, these
25 trials.....

1 MR. DEVANE: Not these/cases. They may, just like
2 around a bunch like that, they will be teasing one another.
3 There's very little about one particular case that I heard dis-
4 cussed, but.....

5 MR. FERGUSON: But you have heard some discussion?

6 MR. DEVANE: I've heard them discussing on that, now.

7 MR. FERGUSON: Did any of those discussions leave any
8 impression in your mind about these cases?

9 MR. DEVANE: No, sir. You can put that in the class
10 of people who don't do much when they go on the job and stand
11 around and tease one another. Naturally, they didn't impress
12 me. When I go there, I go there to do my job, and I carry a
13 reputation for well performing my duty.

14 MR. FERGUSON: I see. Let me ask you this, Mr. Devane:
15 Do you feel that these young men and this young lady have been
16 brought in here and charged with these offenses, do you think
17 that is some indication/of some wrong-doing or guilty of some
18 offense?

19 MR. DEVANE: Well, no, not until somebody can prove
20 they are. I always give them a fair opinion until that happens.

21 MR. FERGUSON: Right now you presume all of them to
22 be innocent?

23 MR. DEVANE: That's right.

24 MR. FERGUSON: Suppose none of them took the witness
25 stand in this case; would you hold that against them?