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1 eleven persons are charged here, will the fact that there are
2 a large number of defendants charged cause you to believe that
3 some of them must have committed some offense?

4 MR. LENNON: Well, I believe some of them could have
5 been guilty to a certain extent, but if it was proven that they
6 wont, they wont guilty.

7 MR. FERGUSON: Well, what I'm asking is, the mere
8 fact that eleven people have been charged here, does that fact
9 alone suggest to you that some of these eleven people must have
10 been charged - I mean, must have committed some offense?

11 MR. LENNON: That's right.

12 MR. FERGUSON: Sir?

13 MR. LENNON: That's right.

14 MR. FERGUSON: In other words, you don't believe that
15 the state would have charged this many people with an offense
16 if some of them hadn't done something wrong, is that correct?

17 MR. LENNON: That's correct.

18 MR. FERGUSON: Challenge for cause, your Honor.

19 THE COURT: You may be excused.

20 CLERK: Sarah P. McKoy (WHITE).

21 MR. FERGUSON: Mrs. McKoy and Mr. Newkirk, I haven't
22 questioned either one of you before, so I'm going to direct
23 some questions now to the both of you, and I'd like for you to
24 answer any questions that apply to your particular situation
25 as I do this; then I'll ask you some individual questions a

1 little later on. Can all of you see these defendants seated
2 along the front row inside the bar here and the three seated
3 at the table here?

4 (NO NEGATIVE RESPONSE.)

5 MR. FERGUSON: Do you know any of those people?

6 (NO AFFIRMATIVE RESPONSE.)

7 MR. FERGUSON: You have never seen any of them before
8 Monday so far as you know?

9 (NO AFFIRMATIVE RESPONSE.)

10 MR. FERGUSON: Do you know me or Mr. Ballance or Mr.
11 Harmon? We represent ten of these defendants.

12 (NO AFFIRMATIVE RESPONSE.)

13 MR. FERGUSON: Do you know Mr. Hunoval? He represents
14 Mrs. Shepard, the eleventh defendant.

15 (NO AFFIRMATIVE RESPONSE.)

16 MR. FERGUSON: Do you know Mr. Stanley, who is a
17 member of the prosecutor's staff, the gentleman seated here in
18 blue?

19 (NO AFFIRMATIVE RESPONSE.)

20 MR. FERGUSON: The gentleman seated next to him is Mr.
21 Stroud; he's on the solicitor's staff also for this district;
22 he's prosecuting the case. Do you know him?

23 (NO AFFIRMATIVE RESPONSE.)

24 MR. FERGUSON: Both of you have been here since
25 Monday, is that correct?

1 (AFFIRMATIVE RESPONSES.)

2 MR. FERGUSON: You heard the list of witnesses read
3 out in the court room from time to time?

4 (AFFIRMATIVE RESPONSE.)

5 MR. FERGUSON: Both the potential witnesses for the
6 state and for the defendants?

7 (AFFIRMATIVE RESPONSE.)

8 MR. FERGUSON: And have you listened to those names
9 to see whether or not you knew any of those persons?

10 (AFFIRMATIVE RESPONSES.)

11 MR. FERGUSON: Do you know any of the persons who
12 were called as potential witnesses for the state?

13 (NO AFFIRMATIVE RESPONSE.)

14 MR. FERGUSON: Do you know any of those persons who
15 were called as potential witnesses for the defendants?

16 (NO AFFIRMATIVE RESPONSE.)

17 MR. FERGUSON: Have either one of you heard or read
18 anything at all about these cases on trial?

19 MRS. MCKOY: I read something in the paper.

20 MR. FERGUSON: You read something in the paper?

21 MRS. MCKOY: Yes, sir.

22 MR. FERGUSON: Did you see anything about it on T.V.
23 or anything about it on the radio?

24 MRS. MCKOY: If I have, I can't remember what it was.
25 I don't remember that much.

1 MR. FERGUSON: I see. Have you talked about these
2 cases with anyone?

3 (NO AFFIRMATIVE RESPONSE.)

4 MR. FERGUSON: Had you heard or read anything about
5 it in the news, Mr. Newkirk?

6 MR. NEWKIRK: No, sir.

7 MR. FERGUSON: The first time you knew anything at
8 all about these cases was Monday when you came up here?

9 MR. NEWKIRK: I had heard my father and my sister
10 talking about it at the house, but I didn't pay no attention
11 to it.

12 MR. FERGUSON: Did I understand you to say that you
13 heard your father and your sister talking about it at your
14 house but you didn't pay much attention to it?

15 MR. NEWKIRK: That's right.

16 MR. FERGUSON: How long ago was that, Mr. Newkirk,
17 when you overheard them talking about it; do you know when it
18 was?

19 MR. NEWKIRK: I can't recall when it was.

20 MR. FERGUSON: All right. Do both of you understand
21 the charges involved here?

22 MRS. MCKOY: That's right.

23 MR. FERGUSON: That eleven people are charged. All
24 of them are charged with conspiracy to burn and conspiracy to
25 assault emergency personnel; and everybody except Mrs. Shepard

1 and Mr. Kirby are charged with burning a place called Mike's
2 Grocery, in Wilmington, on February the 6th, 1971; you both
3 understand that?

4 (NO NEGATIVE RESPONSE.)

5 MR. FERGUSON: Do you both understand all defendants
6 have pleaded not guilty to those charges?

7 MRS. MCKOY: Yes, sir.

8 MR. FERGUSON: Now, you all have been here since
9 Monday; let me ask you: Has anything that you have heard here
10 in the court room or outside the court room or anywhere or
11 anything that you have observed or anything in your own experi-
12 ence even before Monday which would prevent you from sitting
13 as a juror in this case, being completely fair and impartial?
14 Do you know anything at all right now before I ask any specific
15 questions?

16 (NO AFFIRMATIVE RESPONSE.)

17 MR. FERGUSON: Do you, Mr. Newkirk?

18 MR. NEWKIRK: (NO ANSWER HEARD.)

19 MR. FERGUSON: Do you, Mrs. McKoy?

20 MRS. MCKOY: I have been thinking. I have some
21 friends and a relative who worked with the National Guard in
22 Wilmington during the time of the disturbance.

23 MR. FERGUSON: I see. Have you talked with them?

24 MRS. MCKOY: Yes, sir.

25 MR. FERGUSON: Have you ever heard any of them mention

1 the name or names of any of the defendants?

2 MRS. MCKOY: They probably have, but I couldn't remem-
3 ber any of them.

4 MR. FERGUSON: Did they express any opinion to you
5 which might be adverse to the defendants in this case?

6 MRS. MCKOY: It's been so long I can't really remember.

7 MR. FERGUSON: Did you form or express any opinion
8 about it at that time?

9 MRS. MCKOY: No, sir.

10 MR. FERGUSON: Anything other than that you know of
11 right now?

12 MRS. MCKOY: No, sir, except I have some relatives
13 on the police force here.

14 MR. FERGUSON: You have some relatives on the police
15 force here?

16 MRS. MCKOY: Yes, sir.

17 MR. FERGUSON: Do you have any relatives on the police
18 force in Wilmington?

19 MRS. MCKOY: No, sir.

20 MR. FERGUSON: Anything else you know of?

21 MRS. MCKOY: No, sir.

22 MR. FERGUSON: All right. We'll talk some more about
23 that in a few moments. I want to ask you a few questions, Mr.
24 McKoy - I mean, Mr. Newkirk. I'm sorry. How long have you
25 been a resident of Pender County, sir?

1 MR. NEWKIRK: Every since I was born; about 45 years.

2 MR. FERGUSON: Are you married, sir?

3 MR. NEWKIRK: (NO ANSWER HEARD.)

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

5 MR. NEWKIRK: I landscape and work on the farm.

6 MR. FERGUSON: You do some of both?

7 MR. NEWKIRK: Yes, sir. I work on the farm when I
8 get off from work landscaping at night in Wilmington.

9 MR. FERGUSON: I see. Now, Mr. Newkirk, you indicated
10 that you had heard your father and your sister talking about
11 these cases around the house; was that before you came to court
12 on Monday?

13 MR. NEWKIRK: Yes, sir.

14 MR. FERGUSON: You live in the house with your father
15 and your sister?

16 MR. NEWKIRK: Yes, sir.

17 MR. FERGUSON: Did they mention the names of any of
18 the defendants while they were talking?

19 MR. NEWKIRK: No, sir. I heard them talking about
20 the case, but I didn't take time to see what they were talking
21 about or nothing.

22 MR. FERGUSON: But you knew they were talking about
23 these cases, is that right?

24 MR. NEWKIRK: Yes, sir. Yes, sir.

25 MR. FERGUSON: Now, I'm not going to ask you what

1 they said -- Strike that; I forgot what I was about to ask you,
2 Mr. Newkirk. I'm not going to ask you what they said, but I
3 would just like to know if anything that was said caused you to
4 form any opinion about any of these defendants on trial or
5 about these cases?

6 MR. NEWKIRK: No, sir.

7 MR. FERGUSON: It did not; did you hear them talk about
8 it more than one time?

9 MR. NEWKIRK: Yes, sir.

10 MR. FERGUSON: Was there a lot of talk about it around
11 your house?

12 MR. NEWKIRK: Sir?

13 MR. FERGUSON: Was there a lot of talk about it around
14 your house?

15 MR. NEWKIRK: Oh. No, sir.

16 MR. FERGUSON: Did you ever see anything about it on
17 T.V.?

18 MR. NEWKIRK: No, sir. I don't be in the house that
19 much.

20 MR. FERGUSON: Did you hear anybody talk about it
21 other than your father and your sister?

22 MR. NEWKIRK: No, sir.

23 MR. FERGUSON: Now, I know you say you don't know
24 when it was, but do you recall whether or not it was some time
25 in the early part of 1971 or has it been more recent than that?

1 MR. NEWKIRK: I don't know. I don't.....

2 MR. FERGUSON: Well, are you -- Excuse me.

3 MR. NEWKIRK: Sir?

4 MR. FERGUSON: I'm sorry; I thought you were about to
5 say something else. Let me ask you this, Mr. Newkirk, and please
6 understand that I'm just trying to find out whether or not there
7 is anything that might influence you as a juror and whether you
8 can be open-minded about the case; that's all I'm trying to do,
9 and I don't want you to think I'm trying to embarrass you or
10 anything. A person who is charged with an offense is supposed
11 to be presumed innocent until he is proven guilty. Now, I'm
12 asking you if the mere fact that charges have been brought
13 against these defendants, do you feel like they would not have
14 been charged if they hadn't been guilty of committing some
15 offense? In other words, do you feel like they would have to
16 prove to you that they are not guilty?

17 MR. NEWKIRK: No, sir.

18 MR. FERGUSON: Well, can you presume right now that
19 each one of these eleven persons on trial here is innocent of
20 the charges against them?

21 MR. NEWKIRK: As far as I know they is.

22 MR. FERGUSON: Sir? I know you haven't heard any
23 evidence, but I'm saying without hearing any evidence can you
24 presume they are innocent of the charges against them?

25 MR. NEWKIRK: I don't know.

1 MR. NEWKIRK: It was right after it first happened.
2 It has not been recent.

3 MR. FERGUSON: You heard them talk about it right
4 after it happened?

5 MR. NEWKIRK: Yes, sir.

6 MR. FERGUSON: Well, did they express any opinion
7 about it to you?

8 MR. NEWKIRK: No, sir.

9 MR. FERGUSON: They didn't say how they felt about
10 it one way or the other?

11 MR. NEWKIRK: No, sir.

12 MR. FERGUSON: All right.

13 MR. NEWKIRK: They told me to come down here and tell
14 the truth and be honest about it.

15 MR. FERGUSON: They told you to come down and be
16 honest about it?

17 MR. NEWKIRK: Yes, sir.

18 MR. FERGUSON: Is that what you intend to do?

19 MR. NEWKIRK: Yes, sir.

20 MR. FERGUSON: All right, sir. Now, Mr. Newkirk,
21 does the mere fact that these defendants, the eleven people on
22 trial here, the mere fact that they are charged with these
23 offenses mean to you that they must have done something, they
24 must have committed some offense, otherwise they wouldn't be
25 charged; do you feel that way about it?

1 MR. FERGUSON: You feel like they would have to prove 461
2 their innocence to you, is that right?
3 MR. NEWKIRK: (INDICATES AFFIRMATIVE.)
4 MR. FERGUSON: Challenge for cause, your Honor.
5 THE COURT: You may be excused.
6 CLERK: Charles Edward Moore (WHITE).
7 MR. FERGUSON: Now, Mrs. McKoy -- Is it Mrs. McKoy?
8 MRS. MCKOY: Yes, sir.
9 MR. FERGUSON: How long have you been a resident of
10 the county?
11 MRS. MCKOY: About fourteen years.
12 MR. FERGUSON: And where did you live before moving
13 to Pender County?
14 MRS. MCKOY: Bladen County.
15 MR. FERGUSON: Bladen County?
16 MRS. MCKOY: Yes, sir.
17 MR. FERGUSON: Is that where you were born and raised?
18 MRS. MCKOY: Yes, sir.
19 MR. FERGUSON: Do you work outside of the home, Mrs.
20 McKoy?
21 MRS. MCKOY: No, sir.
22 MR. FERGUSON: Do you have children?
23 MRS. MCKOY: Yes, sir.
24 MR. FERGUSON: How many children do you have?
25 MRS. MCKOY: Three.

1 MR. FERGUSON: Do you mind telling me their ages?

2 MRS. MCKOY: A boy thirteen; a girl eleven; and a
3 boy six.

4 MR. FERGUSON: What kind of work does your husband
5 do?

6 MRS. MCKOY: He works at General Electric, at Castle
7 Hayne.

8 MR. FERGUSON: Ma'am?

9 MRS. MCKOY: General Electric, at Castle Hayne.

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

11 MRS. MCKOY: About two and a half years.

12 MR. FERGUSON: Can you tell me what he does there?

13 MRS. MCKOY: He's site maintenance.

14 MR. FERGUSON: Site maintenance?

15 MRS. MCKOY: Yes, sir.

16 MR. FERGUSON: Now, have you ever worked outside the
17 home?

18 MRS. MCKOY: No, sir.

19 MR. FERGUSON: Now, you said you had some relatives
20 who were with the National Guard who went into Wilmington in
21 February, of '71?

22 MRS. MCKOY: Yes, sir.

23 MR. FERGUSON: What relation were these persons to
24 you?

25 MRS. MCKOY: First cousins.

1 MR. FERGUSON: Do they live here in Pender County?

2 MRS. MCKOY: They do now.

3 MR. FERGUSON: Were they living in Pender County at
4 that time?

5 MRS. MCKOY: No, sir. They were living in New
6 Hanover County.

7 MR. FERGUSON: Living in New Hanover County; and did
8 I understand you to say there ~~were~~ two or three of them?

9 MRS. MCKOY: There was two cousins, I think, and the
10 other was just a friend.

11 MR. FERGUSON: I see. Does the friend live here in
12 Pender County?

13 MRS. MCKOY: No, sir, he lives in Bladen County.

14 MR. FERGUSON: In Bladen County?

15 MRS. MCKOY: Yes, sir.

16 MR. FERGUSON: Did you visit with your cousins when
17 they were living in New Hanover County?

18 MRS. MCKOY: No, sir.

19 MR. FERGUSON: When did they first discuss the matter
20 with you?

21 MRS. MCKOY: I don't remember. It was after it hap-
22 pened, but I can't remember just the exact date.

23 MR. FERGUSON: Did you talk about it with them more
24 than one time?

25 MRS. MCKOY: I can't remember. It was more or less

1 a discussion. They were in with the fire department, too. My
2 husband was with the volunteer fire department at Atkinson;
3 and Capt. Hudson, he comes down - he's the head of the fire
4 department, in Wilmington - and he comes down to the Atkinson
5 Fire Department and trains the men down there. And that was
6 more or less the discussion there down at the fire department.

7 MR. FERGUSON: Did your husband talk to you about it
8 some, too?

9 MRS. MCKOY: Yes, sir.

10 MR. FERGUSON: Based on everything you've already
11 heard and read and discussed about these cases, do you feel
12 that you could be completely open-minded and impartial?

13 MRS. MCKOY: I'd have to be honest. I don't think so.

14 MR. FERGUSON: You don't think you could?

15 MRS. MCKOY: No, sir.

16 MR. FERGUSON: Thank you, ma'am. Challenge for
17 cause, your Honor.

18 THE COURT: You may be excused.

19 CLERK: J. Boyd Shepard (WHITE).

20 MR. FERGUSON: Mr. Moore.....

21 MR. MOORE: Yes, sir.

22 MR. FERGUSON:and Mr. Shepard, I'm going to
23 address some questions to both of you, and if at any time you
24 have some response to what I'm asking you, just indicate that
25 to me and I'll give you an opportunity to answer that. First

1 of all, were both of you here -- Both of you have been here
2 since Monday?

3 MR. MOORE: Yes, sir.

4 MR. FERGUSON: Did you know any of the persons in-
5 volved: defendants, lawyers, any of the list of witnesses for
6 either the state or the defendants which has been called out
7 here?

8 MR. MOORE: No, sir.

9 MR. FERGUSON: Have you, Mr. Shepard?

10 MR. SHEPARD: (NO ANSWER HEARD.)

11 MR. FERGUSON: Have you heard or read anything at all
12 about these cases?

13 MR. MOORE: A couple of times on the T.V. is all I
14 have heard. I cut the T.V. off and walked out the house.

15 MR. FERGUSON: What about you, Mr. Shepard?

16 MR. SHEPARD: I've heard quite a bit.

17 MR. FERGUSON: You've heard quite a bit about it?

18 MR. SHEPARD: Yes, due to the nature of my hobby I've
19 heard quite a bit of discussion about it.

20 MR. FERGUSON: What is your hobby?

21 MR. SHEPARD: Amateur radio operator.

22 MR. FERGUSON: I see. Now, Mr. Moore, you say you
23 cut the T.V. off and walked out?

24 MR. MOORE: Out the house, yes. I didn't want to
25 hear it.

1 MR. FERGUSON: You didn't want to hear anything about
2 it?

3 MR. MOORE: No, sir. I didn't have time to listen
4 to it anyway.

5 MR. FERGUSON: Was it just that one time you saw
6 something about it on T.V.?

7 MR. MOORE: Yes, sir; that's the time I was leaving
8 out to go to Wilmington.

9 MR. FERGUSON: Sir?

10 MR. MOORE: I was going to Wilmington. I was holding
11 down two jobs and didn't have time to listen to T.V.

12 MR. FERGUSON: Have you ever heard anybody talk about
13 these cases?

14 MR. MOORE: Oh, I might pass by and hear somebody
15 say something, but I didn't pay no mind to it.

16 MR. FERGUSON: Well, just let me ask you both of you
17 gentlemen at this point if you - if either one of you know of
18 any reason why you couldn't be completely fair and impartial
19 and open-minded in the trial based on anything you heard, read,
20 or heard on radio, or talked to anybody about, or anything at
21 all like that?

22 MR. SHEPARD: No, sir.

23 MR. MOORE: No, sir. Let me ask you something now.
24 I've got a lot....

25 THE COURT: No, sir. You may explain any answer you

1 give, but we cannot let the questions come from that end.

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

4 MR. MOORE: All my life.

5 MR. FERGUSON: Are you married?

6 MR. MOORE: No, sir.

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

8 MR. MOORE: Well, I farmed up until two and a half
9 year ago. Now, public work.

10 MR. FERGUSON: Now you what?

11 MR. MOORE: Public work.

12 MR. FERGUSON: Public work?

13 MR. MOORE: Yes, sir.

14 MR. FERGUSON: Do you live with members of your family
15 here?

16 MR. MOORE: I live with my daddy.

17 MR. FERGUSON: Just you and your father?

18 MR. MOORE: Yes, sir.

19 MR. FERGUSON: Does your father work?

20 MR. MOORE: No, sir.

21 MR. FERGUSON: Now, Mr. Moore, you say you turned
22 your T.V. off one time when you heard these - something about
23 the cases on television; do you remember about when that was?

24 MR. MOORE: Right after it happened.

25

1 MR. FERGUSON: Back in February, 1971?

2 MR. MOORE: That's right.

3 MR. FERGUSON: Have you heard any reports about these
4 cases or these defendants since then, since that time?

5 MR. MOORE: No. I might walk by when somebody was
6 saying something, but I didn't pay no mind to it anyway.

7 MR. FERGUSON: Have you ever talked to anybody about
8 it?

9 MR. MOORE: No, sir.

10 MR. FERGUSON: Do you remember hearing the name of
11 anyone or anyones of the defendants.....

12 MR. MOORE: No, sir.

13 MR. FERGUSON:in connection with what you saw
14 on T.V. or heard other people say?

15 MR. MOORE: No, sir.

16 MR. FERGUSON: Do you feel like all of these persons
17 on trial here are innocent at this time?

18 MR. MOORE: Yes, sir; until they are proven guilty,
19 they are.

20 MR. FERGUSON: Now, you were about to say something
21 a moment ago; is there something you feel that might prevent
22 you from being -- Was that in response to my question about
23 preventing you from being fair and impartial?

24 MR. MOORE: No, sir.

25 MR. FERGUSON: Do you have any relatives who are

1 involved in law enforcement work?

2 MR. MOORE: No, sir.

3 MR. FERGUSON: Do you have any close associates who
4 are involved in law enforcement work?

5 MR. MOORE: I had one that was.

6 MR. FERGUSON: Sir?

7 MR. MOORE: I had one that was, but he ain't now.

8 MR. FERGUSON: He is not now?

9 MR. MOORE: No, sir.

10 MR. FERGUSON: Now, you understand what all of these
11 defendants are charged with, do you not?

12 MR. MOORE: Yes, sir.

13 MR. FERGUSON: Does the fact that there are a large
14 number of persons charged, eleven, does that fact mean to you
15 that some of these eleven persons must have committed some
16 offense otherwise they wouldn't all be charged?

17 MR. MOORE: No, sir.

18 MR. FERGUSON: If they should exercise their constitu-
19 tional right to remain silent, not take the witness stand, not
20 present any evidence, would you tend to hold that against them?

21 MR. MOORE: No, sir.

22 MR. FERGUSON: Would you tend to think that was some
23 evidence of guilt on their part?

24 MR. MOORE: No, sir.

25 MR. FERGUSON: If during the course of this trial,

1 Mr. Moore, police officers should testify on behalf of the
2 state, would you be more inclined to believe what a police
3 officer had to say than you would that of some other witness
4 who is not a police officer?

5 MR. MOORE: No, sir.

6 MR. FERGUSON: You would not?

7 MR. MOORE: No, sir.

8 MR. FERGUSON: Do you belong to any clubs or organi-
9 zations in the community?

10 MR. MOORE: No.

11 MR. FERGUSON: Have you ever belonged to any club or
12 organization which had as one of its tenets the supremacy of
13 the white race?

14 MR. MOORE: No, sir.

15 MR. FERGUSON: Some of the defendants have been
16 identified as persons active in racial protest movements of
17 various kinds. Would that fact alone cause you to have some
18 ill-feeling or bad feeling toward the defendants?

19 MR. MOORE: No, sir.

20 MR. FERGUSON: Your answer to that was "no", was it
21 not? I'll have to ask you to speak up just a bit; we are
22 having a little bit of difficulty hearing over here. Are you
23 related to Allen Wright Moore?

24 MR. MOORE: No, sir. I don't even know him.

25 MR. FERGUSON: Now, Mr. Moore, the trial of a criminal

1 case requires the highest standard of proof known to our law;
2 that is, proof beyond a reasonable doubt. And if the state
3 doesn't prove its case beyond a reasonable doubt, the defendants
4 are entitled to a verdict of not guilty, do you understand that
5 principle of law?

6 MR. MOORE: Yes, sir.

7 MR. FERGUSON: Do you believe in that principle of
8 law?

9 MR. MOORE: Yes, sir.

10 MR. FERGUSON: Would you have any hesitancy about
11 acquitting these defendants, finding them not guilty, if the
12 state failed to prove to you beyond a reasonable doubt they
13 were guilty?

14 MR. MOORE: No, sir.

15 MR. FERGUSON: Do you have any relatives who live in
16 New Hanover County?

17 MR. MOORE: No, sir, not that I know of.

18 MR. FERGUSON: Do you have any feelings about race
19 that might be adverse to the defendants?

20 MR. MOORE: No, sir.

21 MR. FERGUSON: You are able to accept black persons
22 as your equal and the equal of all white persons?

23 MR. MOORE: Yes, sir. I work with them every day.

24 MR. FERGUSON: You are not opposed to black children
25 and white children going to school together sitting side-by-side

1 together learning together, do you?

2 MR. MOORE: (NO ANSWER HEARD.)

3 MR. FERGUSON: Have you ever heard of the First
4 African Congregation of the Black Messiah, a church in Wilming-
5 ton?

6 MR. MOORE: I heard it for the first time right here.

7 MR. FERGUSON: You heard it for the first time here?
8 If you knew the persons on trial here belonged to that church,
9 would you hold that against them?

10 MR. MOORE: No, sir.

11 MR. FERGUSON: You feel, then, that people are free
12 to follow their own religious beliefs and views and worship
13 according to their own conscience?

14 MR. MOORE: Yes, sir.

15 MR. FERGUSON: Now, you have observed the defendants
16 going in and out the court room since you have been here on
17 Monday, have you not?

18 MR. MOORE: Yes, sir.

19 MR. FERGUSON: Is there anything about that that makes
20 you feel there is some evidence of guilt against these defen-
21 dants?

22 MR. MOORE: No, sir.

23 MR. FERGUSON: Do you believe that a private citizen
24 has the right to arm himself, carry weapons, carry guns, for
25 his own protection?

1 MR. MOORE: Yes, sir.

2 MR. FERGUSON: You wouldn't hold it against a person
3 if he had a gun for his own protection?

4 MR. MOORE: No, sir.

5 MR. FERGUSON: You know of no reason why you could
6 not sit as a juror in this case and be completely open-minded
7 and fair and impartial?

8 MR. MOORE: No, sir.

9 MR. FERGUSON: Mr. Shepard, how long have you been a
10 resident of this county, sir?

11 MR. SHEPARD: About twenty-four years.

12 MR. FERGUSON: And where did you reside prior to that?

13 MR. SHEPARD: Rockingham County.

14 MR. FERGUSON: Rockingham County. Do you work; do
15 you work now?

16 MR. SHEPARD: Yes.

17 MR. FERGUSON: Are you employed now?

18 MR. SHEPARD: Yes.

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

20 MR. SHEPARD: Dig ditches.

21 MR. FERGUSON: Do you work for some company?

22 MR. SHEPARD: Highway Department.

23 MR. FERGUSON: The North Carolina Highway Department?

24 MR. SHEPARD: Yes.

25 MR. FERGUSON: How long have you been employed with

1 them, Mr. Shepard?

2 MR. SHEPARD: Every since I've been here; near about
3 twenty years.

4 MR. FERGUSON: Every since you have been here in
5 Pender County?

6 MR. SHEPARD: Yes.

7 MR. FERGUSON: Are you married, sir?

8 MR. SHEPARD: Yes.

9 MR. FERGUSON: Does your wife work outside the home?

10 MR. SHEPARD: Yes.

11 MR. FERGUSON: What kind of work does she do?

12 MR. SHEPARD: She's a - works in a store over here,

13 a cashier; I guess that's what you call them.

14 MR. FERGUSON: Is it one of the stores downtown here?

15 MR. SHEPARD: No. It's the little new one that just
16 opened up over here.

17 MR. FERGUSON: Now, you say that you have a hobby of
18 radio operator?

19 MR. SHEPARD: Amateur radio.

20 MR. FERGUSON: You have a short-wave radio set-up?

21 MR. SHEPARD: Yes.

22 MR. FERGUSON: And I believe in connection with that
23 you heard something about the cases here?

24 MR. SHEPARD: Yes. See, these incidents break out
25 all over the country, and people in the local area will be

1 talking about them, and I can hear it.

2 MR. FERGUSON: Yes, sir. Do you recall hearing any-
3 thing about these particular cases?

4 MR. SHEPARD: Oh, yes.

5 MR. FERGUSON: Was that at the time the incidents
6 occurred in Wilmington?

7 MR. SHEPARD: Yes. It was during the time it was
8 going on.

9 MR. FERGUSON: Yes, sir. Do you sometimes pick up
10 police reports?

11 MR. SHEPARD: Oh, no.

12 MR. FERGUSON: Just radio reports?

13 MR. SHEPARD: See, we are assigned a special spectrum
14 frequency that we can operate on. We can't operate or listen
15 to the police reports.

16 MR. FERGUSON: I see. So, you can only hear the
17 reports of other radio operators.....

18 MR. SHEPARD: Just like you and I would sit here and
19 talk back and forwards to each other.

20 MR. FERGUSON: Yes, sir. Now, do you recall hearing
21 the name or names of any of these defendants in connection with
22 any of the radio reports?

23 MR. SHEPARD: No.

24 MR. FERGUSON: Now, let me have you understand that
25 these defendants - none of these defendants were charged with

1 anything before March of this year. None of the defendants
2 were charged with these offenses. I'm not talking about the
3 dates the offenses were committed. See, they were not charged
4 before March of this year. Now, have you heard anything on
5 your short-wave radio about these cases since March of this
6 year?

7 MR. SHEPARD: Of this year?

8 MR. FERGUSON: Yes, sir.

9 MR. SHEPARD: Oh, no. No.

10 MR. FERGUSON: You have not?

11 MR. SHEPARD: No. See, the only time I heard anything
12 about it was during the time the actual disturbance was going
13 on.

14 MR. FERGUSON: Yes, sir.

15 MR. SHEPARD: And there was no names called; nobody
16 knew any name, see. They were just saying there was trouble
17 here or there.

18 MR. FERGUSON: Yes, sir. So, you^{have} heard nothing on
19 the radio set at least that causes you to have - to know anything
20 about these defendants.....

21 MR. SHEPARD: Oh, no.

22 MR. FERGUSON:the particular charges against
23 them?

24 MR. SHEPARD: No. Just the incident itself, you know,
25 was all that was mentioned.

1 MR. FERGUSON: Yes, sir. Now, you don't feel, do you,
2 that the mere fact that these persons have been charged means
3 they are guilty of anything? You don't feel that the mere fact
4 they have been charged means that they are guilty of these
5 things?

6 MR. SHEPARD: Pardon me; I didn't understand. No.

7 MR. FERGUSON: You are able to presume them innocent?

8 MR. SHEPARD: Yes.

9 MR. FERGUSON: Does the fact that there are eleven
10 persons on trial here indicate to you some of them must have
11 committed some offense?

12 MR. SHEPARD: No.

13 MR. FERGUSON: You would be able to listen to the
14 evidence and judge each one of these persons individually in
15 this trial?

16 MR. SHEPARD: Yes.

17 MR. FERGUSON: And make up your own mind about the
18 case?

19 MR. SHEPARD: That's right.

20 MR. FERGUSON: Have you read anything about it in the
21 newspaper or seen anything about it on T.V?

22 MR. SHEPARD: The only thing I saw in the paper about
23 it was last Sunday that it was going to be moved here, because
24 we don't even take the paper at home.

25 MR. FERGUSON: I see. Have you heard anybody discussing

1 the case or say anything at all about it?

2 MR. SHEPARD: You mean, locally?

3 MR. FERGUSON: Yes, sir.

4 MR. SHEPARD: Just casually mention it. See, I work
5 by myself most of the time, and there's nobody around to talk
6 to.

7 MR. FERGUSON: Nobody expressed any opinion about it
8 to you?

9 MR. SHEPARD: No.

10 MR. FERGUSON: Now, will the fact that you are employed
11 by the State of North Carolina Department of Highways, would
12 that cause you to feel more sympathetic to the state in the
13 trial of these cases rather than the defendants?

14 MR. SHEPARD: No.

15 MR. FERGUSON: Do you ever have occasion to work with
16 or supervise inmates in the prison department?

17 MR. SHEPARD: Oh, yes.

18 MR. FERGUSON: You have them working under you from
19 time to time?

20 MR. SHEPARD: One sometimes. Not very often. Usually
21 just one, but that hasn't happened in quite a while since we
22 don't have any honor grades any more.

23 MR. FERGUSON: When was the last time, would you say?

24 MR. SHEPARD: Oh, it's been three or four years at
25 least.

1 MR. FERGUSON: You know from your radio reports that
2 there were racial protests in Wilmington during February, '71?

3 MR. SHEPARD: Oh, yes.

4 MR. FERGUSON: And you heard a lot of reports about
5 what went on, is that correct?

6 MR. SHEPARD: Not too awful much, because, see, they
7 are like me. They are in their home and they don't know too
8 much except what - maybe they saw something on their television
9 and they would tell somebody else what they saw; and some other
10 guy in some other town where they were having trouble, they
11 would compare notes back and forth. There wouldn't be any
12 details.

13 MR. FERGUSON: If any of these defendants were in-
14 volved in racial protest movements complaining against discrimi-
15 nating against black persons, injustices against black persons,
16 would you tend to hold that against them?

17 MR. SHEPARD: Not as long as it was peaceable, no.

18 MR. FERGUSON: Sir?

19 MR. SHEPARD: Not as long as it was peaceable, no.

20 MR. FERGUSON: Have any members of your family
21 ever been involved in law enforcement work?

22 MR. SHEPARD: No. Wait a minute. Right after World
23 War II, I have a brother-in-law that was a policeman in Newport
24 News, but he's long been gone from there.

25 MR. FERGUSON: Do you have any strong feeling about
policemen that would cause you to give more weight to what they

1 might say in a case than what other witnesses might say in a
2 case?

3 MR. SHEPARD: No.

4 MR. FERGUSON: You understand, Mr. Shepard, do you
5 not, that the defendants are not required to prove anything
6 here?

7 MR. SHEPARD: That's right.

8 MR. FERGUSON: Now, if the defendants exercise their
9 right to remain silent, not to present any witnesses, not to
10 testify themselves, not do anything but rely on the weakness of
11 the state's case, would you tend to hold that against them?

12 MR. SHEPARD: No.

13 MR. FERGUSON: You wouldn't feel like they were holding
14 something from you that you needed to know?

15 MR. SHEPARD: No.

16 MR. FERGUSON: If one or two of them testified or
17 three of them testified and the others didn't, would you hold
18 that against the ones who didn't?

19 MR. SHEPARD: No.

20 MR. FERGUSON: You wouldn't think that was any evidence
21 of guilt on the part of anybody who didn't testify?

22 MR. SHEPARD: No, not necessarily.

23 MR. FERGUSON: Mr. Moore and Mr. Shepard, we are going
24 to excuse you.

25 CLERK: Jimmy Franklin Brown (WHITE) - I'm sorry.

1 Jimmy Franklin Bowen. Edward M. Farrior (WHITE).

2 MR. FERGUSON: Mr. Farrior; and Mr. Bowen, is it?

3 MR. BOWEN: Bowen.

4 MR. FERGUSON: Bowen. Both of you have been here
5 since Monday?

6 MR. BOWEN: Yes, sir.

7 MR. FARRIOR: Yes, sir.

8 MR. FERGUSON: Have you heard the list of witnesses
9 read out?

10 MR. FARRIOR: Yes, sir.

11 ~~MR. FERGUSON: Have you heard the list of witnesses~~
12 ~~read out?~~

13 ~~MR. FARRIOR: Yes, sir.~~

14 MR. FERGUSON: Did you recognize any of those names
15 on the list of witnesses?

16 MR. BOWEN: Yes, sir. I know Mr. Chips.

17 MR. FERGUSON: You know Mr. Chips; do you know any-
18 body else on that list?

19 MR. BOWEN: No, sir.

20 MR. FERGUSON: Do you know any of the defendants on
21 trial here?

22 MR. BOWEN: No, sir.

23 MR. FERGUSON: Do you know any of the lawyers involved
24 in the cases, including myself, Mr. Ballance, and Mr. Harmon?

25 MR. BOWEN: No, sir.

1 MR. FARRIOR: No, sir.

2 MR. FERGUSON: And you don't know the solicitor in-
3 volved?

4 (NO RESPONSE HEARD.)

5 MR. FERGUSON: Do you know Mr. Cobb, Allen Cobb, who
6 is the solicitor for the District?

7 MR. BOWEN: No, sir.

8 MR. FERGUSON: Have you all heard or read anything
9 about these cases?

10 MR. BOWEN: I have.

11 MR. FARRIOR: Yes, sir.

12 MR. FERGUSON: Both of you have. Have you discussed
13 them with anybody?

14 MR. BOWEN: Yes, sir, I have.

15 MR. FARRIOR: Yes, sir.

16 MR. FERGUSON: Before asking you any further questions,
17 let me just ask the two: Do either of you know at this time of
18 any reason why you could not serve on the jury and be fair and
19 impartial and open-minded; is there anything that might influ-
20 ence you that you know of?

21 MR. FARRIOR: I feel the impressions I have from what
22 I've read and what I've seen on T.V. and the people I've dis-
23 cussed this with might make it hard for me to erase those im-
24 pressions.

25 MR. FERGUSON: And what about you, Mr. Bowen?

1 MR. BOWEN: Well, sir, I - to be truthful, I would
2 have to honestly say that there is not some opinion to some
3 degree. To be honest, I'll have to say that.

4 MR. FERGUSON: Do you think that might influence your
5 decision?

6 MR. BOWEN: It's possible. I don't know. It's
7 possible.

8 MR. FERGUSON: Do you think what you've heard might
9 influence your decision?

10 MR. FARRIOR: I think it's possible. I would certainly
11 try to be fair.

12 MR. FERGUSON: Yes, sir. You would try to be fair,
13 too, wouldn't you, Mr. Bowen?

14 MR. BOWEN: Yes, sir, but I would hate to say so
15 definitely.

16 MR. FERGUSON: Yes, sir; I understand. I understand.
17 (CONFERS WITH ASSOCIATE COUNSEL AND CLIENTS.) I am sorry if I
18 have a little difficulty conferring with all the people some-
19 times, because there are so many and we are spread out over
20 here. How long have you been a resident of the county, Mr.
21 Bowen?

22 MR. BOWEN: Close to four years.

23 MR. FERGUSON: Well, wait just a minute; before I
24 get to that: Do either of you know of any other reason that
25 what you have heard or read about the cases which might influence

1 you at this point?

2 MR. FARRIOR: None other than what I just said, the
3 impressions and the opinions.

4 MR. FERGUSON: Yes, sir. How about you, Mr. Bowen?

5 MR. BOWEN: Well, none on my part I don't think. Maybe
6 some of the other things I'll have to say might. I don't know.

7 MR. FERGUSON: Yes, sir. I want to just talk with
8 both of you just a minute so we can try to see together whether
9 or not there might something to influence you. You say you have
10 been a resident of the county for about four years?

11 MR. BOWEN: Yes, sir.

12 MR. FERGUSON: And where were you living before then?

13 MR. BOWEN: Duplin.

14 MR. FERGUSON: Is that where you were born and raised,
15 in Duplin?

16 MR. BOWEN: Yes, sir.

17 MR. FERGUSON: Have you spent any time in the military?

18 MR. BOWEN: Yes, sir.

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

20 MR. BOWEN: Well, I previously spent six years in the
21 National Guard.

22 MR. FERGUSON: When did you terminate your service in
23 the National Guard?

24 MR. BOWEN: It was - I think this April was about
25 two years ago - this June was about two years ago, I think.

1 MR. FERGUSON: Were you ever called out on emergency
2 duty while you were in the Guard?

3 MR. BOWEN: Yes, sir.

4 MR. FERGUSON: Do you feel that there is anything in
5 your experience as a -- Strike that. What kind of employment
6 are you engaged in now?

7 MR. BOWEN: I'm an employee of the FCX, in Wallace;
8 it's a farm exchange store.

9 MR. FERGUSON: What do you do with them, sir?

10 MR. BOWEN: I'm a clerk.

11 MR. FERGUSON: Are you married?

12 MR. BOWEN: Yes, sir.

13 MR. FERGUSON: Do you have children?

14 MR. BOWEN: Yes, sir; I have one.

15 MR. FERGUSON: How old is your child?

16 MR. BOWEN: About five months.

17 MR. FERGUSON: Mr. Bowen, do you feel that whatever
18 feelings you have about this case now would be difficult for
19 you to change?

20 MR. BOWEN: Possibly not. That's hard to say. Really,
21 it may not have any bearing, but I would hate to say specifically.

22 MR. FERGUSON: Have you, yourself, ever expressed any
23 opinion to anybody about these charges against these defendants?

24 MR. BOWEN: Yes, sir, I have.

25 MR. FERGUSON: Were you ever called to Wilmington

1 during the time that you were in the National Guard?

2 MR. BOWEN: Yes, sir, I was.

3 MR. FERGUSON: And you do have some pretty fixed
4 opinion about the cases right now, is that correct?

5 MR. BOWEN: Well, I wouldn't say they were fixed,
6 no, sir.

7 MR. FERGUSON: Well, with the feelings that you pre-
8 sently have, are you able to give the defendants the presumption
9 of innocence they are entitled to?

10 MR. BOWEN: Repeat the question, please.

11 MR. FERGUSON: Are you able to give the defendants
12 the presumption of innocence that they are entitled to; are you
13 able to presume that they are innocent?

14 MR. BOWEN: I would hear what both sides had to say,
15 and I would weigh it out to the best of my knowledge and give
16 just as honest an answer as I know how to give.

17 MR. FERGUSON: You think you might hold it against
18 them, though, if they didn't testify, if they didn't present
19 any evidence?

20 MR. BOWEN: No, sir; I don't think so.

21 MR. FERGUSON: Well, I think what I'm getting at,
22 Mr. Bowen, is I want to know do you feel like it would take
23 some evidence on their part to overcome any feelings you might
24 have about them, the defendants, now, the charges against them
25 now?

1 MR. BOWEN: Not on their part necessarily. I would
2 have to - of course, like I say, I would have to hear both
3 sides and I would have to gain my opinion from that, if you
4 follow what I'm saying.

5 MR. FERGUSON: I follow what you are saying. All
6 right. Well, let's just talk a little bit more. Were you
7 called to Wilmington -- You weren't with the National Guard in
8 February, of '71?

9 MR. BOWEN: No, sir.

10 MR. FERGUSON: Were you on reserve then?

11 MR. BOWEN: No, sir.

12 MR. FERGUSON: You weren't called during February, of
13 1971?

14 MR. BOWEN: Not during this incident, no, sir. I was
15 not called, and neither was I on alert at that time. I had
16 fulfilled my obligation at that particular time.

17 MR. FERGUSON: Yes, sir. You've probably heard me
18 say from time to time that some or all of the defendants have
19 been identified with racial protest movements in Wilmington?

20 MR. BOWEN: Yes, sir.

21 MR. FERGUSON: And some of them with racial protest
22 movements during the first week of February, of '71, when these
23 incidents are alleged to have occurred; if that be a fact, do
24 you think you would hold that fact against the defendants in --
25 the trial of this case?

1 MR. BOWEN: It possibly could have some bearing on my
2 mind.

3 MR. FERGUSON: Do you think the bearing it might have
4 would be adverse to the defendants? I know it's difficult to
5 know what things tend to influence you, and I'm just trying to
6 find out.

7 MR. BOWEN: I don't quite/your question. understand

8 MR. FERGUSON: Do you think you would tend to hold
9 that against the defendants, just their participation in racial
10 protest movements?

11 MR. BOWEN: I would certainly try to rule out every
12 possibility that it would. Of course.....

13 MR. FERGUSON: Well, is your present feeling that it
14 might or that it would?

15 MR. BOWEN: It's possible.

16 MR. FERGUSON: Now, Reverend Chavis is a field repre-
17 sentative for the Commission for Racial Justice; that's an
18 organization which is devoted to or has as its purpose trying
19 to correct racial injustice and racial discrimination. Would
20 his being a field representative for that organization influence
21 you against him?

22 MR. BOWEN: Well, I'd have to answer you just like
23 the question you put before me then.

24 MR. FERGUSON: Well, sir, I'm just talking about that
25 fact alone; does that fact give you some feeling against him?

1 MR. BOWEN: There would be some feeling, I feel like.

2 MR. FERGUSON: Let me just ask you this, Mr. Bowen;
3 I do appreciate your openness with me and I'm trying to be fair
4 with you.

5 MR. BOWEN: Well, I'm trying to be honest with you the
6 best I know how.

7 MR. FERGUSON: Yes, sir. Do you feel that someone in
8 your present frame of mind could give you a completely fair
9 trial if you were one of the defendants on trial here?

10 MR. BOWEN: I don't feel like they could probably
11 with the conditions the same as they are now, no, sir.

12 MR. FERGUSON: All right, sir. Your Honor, we would
13 challenge the juror for cause.

14 THE COURT: I'm reluctant to let this man go for cause
15 because I think he has been completely frank and truthful. I
16 think he would go as far as anybody would probably to be com-
17 pletely fair and impartial and not prejudiced. I believe the
18 response to the last question, if you feel about that way about
19 yourself if you were -- Did I correctly understand you that if
20 you were one of the defendants, that another person in your
21 present frame of mind you would not want to sit in judgment
22 on you?

23 MR. BOWEN: I would say that if he had the feeling,
24 if he felt the way I did - is that what you are saying?

25 THE COURT: Yes, sir. Are you saying that?

1 MR. BOWEN: Yes, sir.

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

3 MR. FERGUSON: Thank you, Mr. Bowen.

4 MR. BOWEN: Yes, sir.

5 CLERK: Hulan Anderson (WHITE).

6 THE COURT: I believe we will take a recess at this
7 time.

8 (AFTERNOON BREAK. THE DEFENDANTS IN CUSTODY TAKE
9 THEIR SEATS IN OPEN COURT.)

10 THE COURT: You may proceed.

11 MR. FERGUSON: Thank you, your Honor. Mr. Farrior,
12 I wanted to ask you a few more questions, sir. How long have
13 you been a resident of the county here?

14 MR. FARRIOR: Most of my life.

15 MR. FERGUSON: And what line of employment are you
16 engaged in?

17 MR. FARRIOR: Merchant.

18 MR. FERGUSON: You own some store here in Burgaw?

19 MR. FARRIOR: Farrior's Department Store, here in
20 Burgaw.

21 MR. FERGUSON: Sir?

22 MR. FARRIOR: Farrior's Department Store, here in
23 Burgaw.

24 MR. FERGUSON: Do you have children?

25 MR. FARRIOR: I have one.

1 MR. FERGUSON: Now, you indicated or you stated earlier 491
2 that you had had some discussion and you thought they might in-
3 fluence you. Are they such/right now feel you have a fixed
4 opinion and it would take some evidence on the part of the
5 defendants to overcome in your mind?

6 MR. FARRIOR: That's difficult to say. I do have an
7 opinion and I have impressions about it, as I explained to you
8 before; and I have expressed an opinion in discussions with
9 people in Wilmington.

10 MR. FERGUSON: You have talked with people in Wilming-
11 ton about the cases?

12 MR. FARRIOR: I have.

13 MR. FERGUSON: Have you talked about these specific
14 cases?

15 MR. FARRIOR: I haven't discussed these specific
16 cases since the cases come - came to issue, but I have discussed
17 the incidents that led up to these cases.

18 MR. FERGUSON: Yes, sir. Have you discussed the
19 Mike's Grocery incident?

20 MR. FARRIOR: I have.

21 MR. FERGUSON: Did you express some opinion about
22 that?

23 MR. FARRIOR: I'm not sure. I could have. I'm not
24 sure about that specifically.

25 MR. FERGUSON: Do you feel, Mr. Farrior, that whatever

1 it is you've discussed or any opinion you have expressed could
2 or would influence your verdict in the case?

3 MR. FARRIOR: I would hope not. Now, that's a diffi-
4 cult question to answer.....

5 MR. FERGUSON: All right.

6 MR. FARRIOR:specifically.

7 MR. FERGUSON: Of course, the burning charge here, the
8 charge of burning a store, involves a store owner, another mer-
9 chant. Do you feel like you can be objective about that?

10 MR. FARRIOR: Objective in the cases of burning?

11 MR. FERGUSON: Yes, sir. I'm asking that because you,
12 yourself, are a merchant.

13 MR. FARRIOR: I don't think the fact that I'm a
14 merchant would have any particular bearing on that.

15 MR. FERGUSON: You don't feel you would have a ten-
16 dency to over-identify with the store owner and maybe feel --
17 Well, I suppose everybody would feel sympathetic with him -
18 I would myself - because the store was burned. But I'm just
19 wondering if his being a merchant might cause you to feel more
20 strongly about this kind of a charge than if the charge were
21 something else, I suppose is what I am really getting at?

22 MR. FARRIOR: I could; but there again you've asked
23 me a difficult question, because I don't know. I would hope
24 not; but being a merchant and being acquainted with other
25 merchants and their problems - like, they own property of their

1 own or lease property and being in a similar line of work -
2 it's possible I could over-sympathize with him, the situation,
3 or sympathize maybe more than something else.

4 MR. FERGUSON: Yes, sir. I believe you would make an
5 effort to be fair, Mr. Farrior. I don't have any doubt about
6 that, but under the circumstances in this case I believe we
7 will excuse you. You may be excused.

8 CLERK: Robert J. Thompson (BLACK).

9 MR. FERGUSON: What is your name, sir; the gentleman
10 on the back row?

11 MR. ANDERSON: Hulan Anderson.

12 MR. FERGUSON: Mr. Anderson, you've been here since
13 Monday, is that correct?

14 MR. ANDERSON: Yes, sir.

15 MR. FERGUSON: Mr. Thompson, you came in for the
16 first time today, is that right?

17 MR. THOMPSON: That's right.

18 MR. FERGUSON: You haven't heard the - exactly what
19 the charges are against these defendants, have you?

20 MR. THOMPSON: I didn't.

21 MR. FERGUSON: Your Honor, may we approach the bench
22 for a moment?

23 THE COURT: Very well.

24 (COUNSEL, EXCEPT MR. STANLEY, CONFER WITH THE COURT
25 AT THE BENCH.)

1 MR. FERGUSON: Mr. Anderson, I'm going to ask you and
2 the other jurors to bear with me for a moment. Mr. Thompson is
3 the first person from the new panel of jurors to come in. He
4 hasn't been here since Monday, and he hasn't heard the charges
5 read to know exactly what all is involved here, and I want to
6 take a moment to explain to him and to the other persons who
7 came in for the first time today precisely or exactly what the
8 charges are, what the pleas are, and introduce the people in-
9 volved in the trial. I would not like to have to repeat this
10 to all of the persons who come on, so if I can't be heard, some-
11 one hold up your hand and I'll try to talk louder. Mr. Thompson,
12 my name is James Ferguson; I'm an attorney; my office is in
13 Charlotte, North Carolina. Seated next to me is Mr. Frank
14 Ballance, who is an attorney from Warrenton, North Carolina.
15 There is another attorney working with us in this case, Mr.
16 John Harmon, from New Bern, North Carolina. We represent ten
17 of the persons on trial here. There are eleven persons on trial
18 here. One of the persons on trial is represented by Mr.
19 Mathais Hunoval, the gentleman seated here. Now, I would like
20 to take a moment and explain to you what the defendants are
21 charged with. The persons on trial are all charged with a
22 conspiracy to burn Mike's Grocery, Mike's Grocery being a store
23 owned by Mr. Mike Poulas. It's located at 302 South Sixth
24 Street, in Wilmington, North Carolina. They are charged with
25 burning - with conspiring to burn that building with explosives

1 or incendiary devices, fire bombs. This incident is alleged
2 to have occurred on February - the conspiracy is alleged to
3 have occurred on February 5th and 6th, 1971, in Wilmington,
4 North Carolina. Now, all eleven persons here are on trial
5 for that offense. All eleven persons are also on trial for
6 conspiring to assault emergency personnel. This conspiracy is
7 alleged to have occurred on the 5th and 6th of February, 1971,
8 in the area of 302 South -- Strike that. The offense is alleged
9 to have occurred on the 5th and 6th of February, 1971, in
10 Wilmington, North Carolina. They are charged with conspiring
11 to assault emergency personnel; that is, members of the
12 Wilmington Police Department and firemen of the City of Wilmington,
13 with dangerous weapons in the area of 302 South Sixth Street,
14 in Wilmington, North Carolina. All eleven persons are on trial
15 for that offense. Nine of the persons are charged with the
16 actual burning of Mike's Grocery located at 307 (SIC) South
17 Sixth Street, in Wilmington, on the 6th day of February, 1971.
18 Now, there are two persons who are not charged with the actual
19 burning; those two persons are Mrs. Ann Shepard, the lady
20 seated here, and Mr. George Kirby, the gentleman who will stand
21 so you can see who he is. These two persons are not charged
22 with the actual burning; they are charged with conspiracies.
23 The defendants in this case are - and I will ask them to stand
24 as I introduce each one of them to you - James McKoy, the
25 gentleman seated on the end there, of Wilmington, North Carolina.

1 Connie Tyndall, of Wilmington, North Carolina; Reginald Epps,
2 of Wilmington; Wayne Moore, of Wilmington; you just met Mr.
3 Kirby; Jerry Jacobs, of Wilmington; Willie Vereen, of Wilmington;
4 Marvin Patrick, of Wilmington; William Dallas Wright, Jr.,
5 known also as Joe Wright, of Wilmington; and Reverend Ben Chavis,
6 of Oxford, North Carolina. Mr. Ballance, Mr. Harmon, and myself
7 represent all of these ten young men. As I mentioned, Mr.
8 Hunoval represents Mrs. Shepard. Mr. Stroud, the gentleman on
9 the end of the table here, is the prosecutor for the state in
10 this action; he's from Wilmington, North Carolina. Seated next
11 to him is Mr. Richard Stanley, of Wilmington, who is a member
12 of the prosecutor's staff. They represent the state in the
13 trial of this case. Now, each one of the defendants that I've
14 introduced to you, including Mrs. Shepard, have all entered a
15 plea of not guilty to all of the charges against them. Now, let
16 me -- All right, sir. Now, with that brief statement, do you
17 understand what is involved in this trial and what you are here
18 for?

19 MR. THOMPSON: Yes, sir.

20 MR. FERGUSON: We are in the process now, Mr. Thompson,
21 of selecting a jury to try the case, and that is why you were
22 called here to court this week. Now, I am going to ask you
23 some questions, and my purpose in asking these questions is to
24 determine whether or not you can serve as a juror and be fair
25 and impartial in the trial of the case. It is not my purpose

1 to embarrass you or to pry into your private affairs or your
2 personal life. I'm simply going through what we feel is
3 necessary in order to determine whether or not persons who sit
4 in judgment can be open-minded, can be fair, and can be impartial.
5 That is the spirit I will be asking my questions in, and that
6 is the spirit I would like for you to be answering them. All
7 right, sir. Now, Mr. Anderson, I will be addressing the ques-
8 tions now to both you and Mr. Thompson. But for Mr. Thompson's
9 benefit, and for the benefit of those persons who are here for
10 the first time today, I'm going to call the names of the list
11 of potential witnesses who may be called by the state in the
12 trial of this case, and I'll ask you if you know any of these
13 persons whose names I call. If you do know any of their names,
14 indicate that to me as I go down the list, if you will, please.
15 Allen Hall, of Wilmington?

16 (NO RESPONSE.)

17 MR. FERGUSON: Jerome Mitchell, of Wilmington?

18 (NO RESPONSE.)

19 MR. FERGUSON: Mr. Mike Poulas, of Wilmington, the
20 owner of the store in question here?

21 (NO RESPONSE.)

22 MR. FERGUSON: Father Jones, of Wilmington?

23 (NO RESPONSE.)

24 MR. FERGUSON: Assistant Chief Glisson, of the Wil-
25 mington Fire Department?

1 (NO RESPONSE.)

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

4 (NO RESPONSE.)

5 MR. FERGUSON: Tony Williams, of the Wilmington --
6 Tony Williams, of Wilmington, North Carolina?

7 (NO RESPONSE.)

8 MR. FERGUSON: Merton Weirs, of Wilmington?

9 (NO RESPONSE.)

10 MR. FERGUSON: Sgt. Hobbs, Lt. Lewis, Detective
11 Fredlaw, and Detective Hollifield, of the Wilmington Police
12 Department?

13 (NO RESPONSE.)

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

16 (NO RESPONSE.)

17 MR. FERGUSON: And Mr. Herbert Howell, of Wilmington,
18 North Carolina?

19 (NO RESPONSE.)

20 MR. FERGUSON: Do you know any of those persons on
21 the list that I called, either one of you gentlemen?

22 MR. ANDERSON: No, sir.

23 MR. THOMPSON: I don't know any of them.

24 MR. FERGUSON: Both of you observed me introduce the
25 defendants and also the lawyers around the tables here. Do you

1 know any of those persons, either one of you?

2 MR. ANDERSON: No, sir.

3 MR. THOMPSON: No, sir.

4 MR. FERGUSON: Have either of you heard or read any-
5 thing at all about these cases?

6 MR. ANDERSON: No, sir.

7 MR. THOMPSON: No, sir.

8 MR. FERGUSON: Has anyone ever discussed the cases
9 with you at all?

10 MR. ANDERSON: No, sir.

11 MR. THOMPSON: No, sir.

12 MR. FERGUSON: All right, sir. Now, I'm going to ask
13 you some more questions in just a moment, Mr. Thompson, but I
14 want to ask Mr. Anderson a few questions now. Mr. Anderson,
15 you have been in the court room since Monday?

16 MR. ANDERSON: Yes, sir.

17 MR. FERGUSON: And you have observed everything that
18 has gone on and heard the talk here?

19 MR. ANDERSON: Yes, sir.

20 MR. FERGUSON: Is there anything that you have heard
21 or seen since you have been here in the court room which might
22 influence your verdict as a juror?

23 MR. ANDERSON: Not at all.

24 MR. FERGUSON: I'm sorry; one other thing I intended
25 to do here. I have a list of potential witnesses for the

1 defendants, and I would like to call these names now to see if 500
2 you know them, and this is for you also, Mr. Thompson. I'm
3 going to call another list and ask you if you know them. Annie
4 McLain, of Wilmington?

5 (NO RESPONSE.)

6 MR. FERGUSON: Roderick Kirby, of Wilmington?

7 (NO RESPONSE.)

8 MR. FERGUSON: Rev. and Mrs. Eugene Templeton, formerly
9 of Wilmington, now of New Jersey?

10 (NO RESPONSE.)

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

12 (NO RESPONSE.)

13 MR. FERGUSON: Mr. John Green, of Wilmington?

14 (NO RESPONSE.)

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

16 (NO RESPONSE.)

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

18 (NO RESPONSE.)

19 MR. FERGUSON: Rev. Leon White, of Raleigh, North
20 Carolina?

21 (NO RESPONSE.)

22 MR. FERGUSON: Do you know any of those persons, either
23 one of you?

24 MR. ANDERSON: No, sir.

25 MR. THOMPSON: No, sir.