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1 MR. FERGUSON: Now, back to you, Mr. Anderson. You
2 said you have heard nor seen anything here in the court room
3 that would affect your verdict that you know of now?

4 MR. ANDERSON: (NO ANSWER HEARD.)

5 MR. FERGUSON: How long have you been a resident of
6 Pender County?

7 MR. ANDERSON: About forty-five years.

8 MR. FERGUSON: Is that about all your life?

9 MR. ANDERSON: Yes, sir.

10 MR. FERGUSON: Are you married, sir?

11 MR. ANDERSON: Yes, sir.

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

13 MR. ANDERSON: I work for E. W. Godwin Lumber Company,
14 in Wilmington, North Carolina.

15 MR. FERGUSON: I'm sorry. I think we have a little
16 bit of difficulty hearing. The acoustics are bad and I'm going
17 to have to ask you to speak up a little louder.

18 MR. ANDERSON: I work with E. W. Godwin Lumber Company,
19 in Wilmington, North Carolina.

20 MR. FERGUSON: Where in Wilmington is that located?

21 MR. ANDERSON: That's out on Castle Hayne Road.

22 MR. FERGUSON: How long have you worked over there,
23 Mr. Anderson?

24 MR. ANDERSON: Fifteen years.

25 MR. FERGUSON: Do you have children?

1 MR. ANDERSON: Yes, sir.

2 MR. FERGUSON: How many?

3 MR. ANDERSON: One boy.

4 MR. FERGUSON: And what age is your son?

5 MR. ANDERSON: Nineteen.

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

8 MR. ANDERSON: No, sir.

9 MR. FERGUSON: Now, you said you hadn't heard or read
10 anything about the cases; have you seen any accounts of it on
11 the T.V. or news?

12 MR. ANDERSON: No, sir, not at all.

13 MR. FERGUSON: When did you first find out what the
14 cases were that you were coming here to try?

15 MR. ANDERSON: Monday when I got here.

16 MR. FERGUSON: When you got here Monday?

17 MR. ANDERSON: Yes, sir.

18 MR. FERGUSON: Has anybody discussed the case with you
19 since Monday?

20 MR. ANDERSON: No, sir.

21 MR. FERGUSON: All right, sir. Now, you understand
22 the defendants have pleaded not guilty?

23 MR. ANDERSON: That's right.

24 MR. FERGUSON: Are you able to presume them innocent
25 of the charges against them?

1 MR. ANDERSON: Yes, sir, if they wont guilty.

2 MR. FERGUSON: In other words, I've got to find out
3 if you feel the mere fact that they are here charged means they
4 are guilty of anything?

5 MR. ANDERSON: Oh, no, sir.

6 MR. FERGUSON: You believe that all persons who are
7 charged with a crime are entitled to a fair trial, don't you?

8 MR. ANDERSON: Oh, yes, sir. Definitely.

9 MR. FERGUSON: Does the fact that there are a large
10 number of persons on trial here indicate to you that they must
11 have been doing something wrong together, violating the law
12 together?

13 MR. ANDERSON: No, sir.

14 MR. FERGUSON: Now, you realize that each of the
15 persons here is to be judged individually?

16 MR. ANDERSON: That's right.

17 MR. FERGUSON: And you have to look at each defendant
18 and look at the evidence as to that defendant and make up your
19 mind on that basis; do you think you would be able to do that?

20 MR. ANDERSON: Yes, sir.

21 MR. FERGUSON: Now, Mr. Anderson, a person charged
22 with a crime has the right to remain silent if he chooses. It
23 means he doesn't have to testify; he doesn't have to present
24 any witnesses if he doesn't want to; he doesn't have to say
25 anything. And it's still up to the state to prove his guilt

1 beyond a reasonable doubt, and if the state doesn't do that he 50
2 is entitled to a verdict of not guilty. Do you understand that?

3 MR. ANDERSON: That's right.

4 MR. FERGUSON: Do you believe in that principle?

5 MR. ANDERSON: (NO ANSWER HEARD.)

6 MR. FERGUSON: Now, if during the trial of this case
7 any of the defendants decided to present no evidence, to present
8 no witnesses, would you hold that against them?

9 MR. ANDERSON: No, sir.

10 MR. FERGUSON: If some presented evidence and others
11 didn't, would you hold that against those who didn't?

12 MR. ANDERSON: (NO ANSWER HEARD.)

13 MR. FERGUSON: I'm sorry, Mr. Anderson. I will have
14 to ask you against to speak up a little bit louder, because the
15 court reporter here is trying to take down what you are saying,
16 so speak louder when you answer questions so she can hear and
17 I can hear. Do you belong to any clubs or organizations in the
18 community, Mr. Anderson?

19 MR. ANDERSON: None but the Baptist church.

20 MR. FERGUSON: Have you ever belonged to any clubs
21 or organizations since you have been in the county?

22 MR. ANDERSON: None but the church.

23 MR. FERGUSON: Do you have any members of your family
24 who have been members of a police force or law enforcement
25 agency of any kind?

1 MR. ANDERSON: No, sir.

2 MR. FERGUSON: And you, yourself, have never been
3 associated with law enforcement work?

4 MR. ANDERSON: No, sir.

5 MR. FERGUSON: Do you have any close friends who are
6 police officers or law enforcement officers?

7 MR. ANDERSON: No, sir.

8 MR. FERGUSON: None at all?

9 MR. ANDERSON: None at all.

10 MR. FERGUSON: If during the trial of the case here
11 there should be police officers to testify on behalf of the
12 state, would you tend to believe what a police officer had to
13 say more than you would some other witness, just because it was
14 a police officer?

15 MR. ANDERSON: No, sir, but I would like to hear both
16 sides.

17 MR. FERGUSON: You wouldn't tend to believe somebody
18 just because it was a police officer testifying?

19 MR. ANDERSON: No. I would hear the case, both sides
20 of it, before I would believe one.

21 MR. FERGUSON: If there should be persons who are
22 black testifying and persons who are white testifying, would you
23 tend to believe white witnesses before you believe black wit-
24 nesses?

25 MR. ANDERSON: No, sir.

1 MR. FERGUSON: Or vice-versa?

2 MR. ANDERSON: No, sir.

3 MR. FERGUSON: You would be able to look at the evi-
4 dence.....

5 MR. ANDERSON: Yes, sir.

6 MR. FERGUSON:and judge that without regard to
7 the race of the person testifying?

8 MR. ANDERSON: That's right.

9 MR. FERGUSON: Now, if the state should, if they will,
10 present witnesses who are black who will testify against the
11 defendants, would you tend to believe what that witness said
12 simply because he is a black person testifying against other
13 black persons?

14 MR. ANDERSON: Oh, no.

15 MR. FERGUSON: If the defendants should decide to
16 testify, any of them or all of them, would you tend to disbelieve
17 what they said simply because they are on trial, simply because
18 they are defendants?

19 MR. ANDERSON: Oh, no.

20 MR. FERGUSON: You would be able to listen to what
21 they had to say and weigh it along with all the other evidence
22 in the case?

23 MR. ANDERSON: Yes, sir.

24 MR. FERGUSON: But at the same time you wouldn't hold
25 it against them if they didn't testify?

1 MR. ANDERSON: If they did?

2 MR. FERGUSON: If they did not testify?

3 MR. ANDERSON: No. They have the right if they don't
4 want to testify.

5 MR. FERGUSON: Now, it so happens in this case, Mr.
6 Anderson, that ten of the defendants are black persons; one
7 defendant is a white lady. Does that fact -- Would that fact
8 influence your verdict in this case; would you hold that
9 against any of the defendants involved?

10 MR. ANDERSON: Oh, no.

11 MR. FERGUSON: Does the fact that there is a large
12 number of persons charged doesn't bother you?

13 MR. ANDERSON: No, sir.

14 MR. FERGUSON: And none of the security measures
15 which have been imposed in the court room have led you to believe
16 that any of the defendants are guilty of any crime?

17 MR. ANDERSON: No, sir.

18 MR. FERGUSON: How many persons are employed -- Approx-
19 imately how many persons are employed at the E. W. Godwin Lumber
20 Company, in Wilmington?

21 MR. ANDERSON: I believe it's between 80 and a hundred
22 of them. I'm not positive, but I believe between eighty and a
23 hundred of them.

24 MR. FERGUSON: Do they all work the same shift?

25 MR. ANDERSON: Yes, sir.

1 MR. FERGUSON: Do you know many persons who work there
2 at the company?

3 MR. ANDERSON: Sir? of the

4 MR. FERGUSON: Do you know most/persons who work there
5 at the company?

6 MR. ANDERSON: Well, I know all the -- They've hired
7 a few here in the last few weeks, I believe, but most of them
8 are - have been there a right good while and I know all those.

9 MR. FERGUSON: They hire some blacks and some whites?

10 MR. ANDERSON: Oh, yes, sir.

11 MR. FERGUSON: Do you subscribe to any newspaper
12 regularly at your house?

13 MR. ANDERSON: Nothing but the Pender Cronicle, and
14 we just started that about two or three months ago, or a month
15 or so ago. That's the onlyest paper we get.

16 MR. FERGUSON: Were you working at E. W. Godwin Com-
17 pany in February, of 1971?

18 MR. ANDERSON: Oh, yes, sir.

19 MR. FERGUSON: You don't know of any reason, then,
20 why you couldn't serve and be fair, is that correct?

21 MR. ANDERSON: Oh, none at all.

22 MR. FERGUSON: Mr. Thompson, what kind of work do
23 you do, sir?

24 MR. THOMPSON: I work at E. W. Godwin Lumber Company.

25 MR. FERGUSON: I'll have to ask you to speak just a

1 little bit louder so we can hear you.

2 MR. THOMPSON: I say, I work for E. W. Godwin Lumber
3 Company.

4 MR. FERGUSON: You work over at E. W. Godwin Lumber
5 Company?

6 MR. THOMPSON: Yes, sir.

7 MR. FERGUSON: How long have you been a resident of
8 Pender County?

9 MR. THOMPSON: About fifty years.

10 MR. FERGUSON: Sir?

11 MR. THOMPSON: About fifty years.

12 MR. FERGUSON: Fifty years; about all your life?

13 MR. THOMPSON: Yes, sir.

14 MR. FERGUSON: How long have you worked at E. W.
15 Godwin's?

16 MR. THOMPSON: Off and on since '42.

17 MR. FERGUSON: Do you know Mr. Anderson, the gentleman
18 I just started - just stopped asking questions?

19 MR. THOMPSON: Yes, sir.

20 MR. FERGUSON: How long have you known him?

21 MR. THOMPSON: A pretty good while.

22 MR. FERGUSON: And you say you have never read anything
23 about these cases and never heard anything about it?

24 MR. THOMPSON: No, sir.

25 MR. FERGUSON: Sir?

1 MR. THOMPSON: No, sir.

2 MR. FERGUSON: You've never heard anybody say anything
3 about it?

4 MR. THOMPSON: No, sir.

5 MR. FERGUSON: Now, Mr. Thompson, I've told you that
6 the defendants were charged with certain offenses, and you will
7 recall what they were. The mere fact that a person is indicted
8 for a criminal offense, charged with a criminal offense, is not
9 evidence of guilt; it doesn't mean that they are guilty of
10 anything; it just means that they've been charged and they
11 have to stand trial on the charges. Now, let me just ask you
12 if you feel that the mere fact that these defendants have been
13 charged means to you they must be guilty of something elsewise
14 they wouldn't be charged?

15 MR. THOMPSON: Say what? I don't understand your
16 question.

17 MR. FERGUSON: Yes, sir. I'm going to repeat it for
18 you. Do you feel like the mere fact that these defendants,
19 these persons on trial here, have been charged with these
20 offenses, does that fact alone mean to you they must be guilty
21 of something, or will you be able to presume them innocent of
22 the offenses?

23 MR. THOMPSON: I don't know unless I heard both sides
24 of it.

25 MR. FERGUSON: Sir?

1 MR. THOMPSON: I'd have to hear both sides of it.

2 MR. FERGUSON: You'd have to hear both sides of it.

3 Well, you know, Mr. Thompson, in a criminal case a person is
4 not required to present any evidence; a person who is charged
5 with an offense doesn't have to present any evidence if he
6 chooses not to; he doesn't have to testify. Would you hold it
7 against the persons on trial here if they didn't testify?

8 MR. THOMPSON: No, sir.

9 MR. FERGUSON: Sir?

10 MR. THOMPSON: No, sir.

11 MR. FERGUSON: We will excuse both of you gentlemen.

12 CLERK: Harry Brant Marshall (WHITE). Robert Alfred
13 Jonkheer (WHITE).

14 MR. FERGUSON: Mr. Marshall and Mr. Jonkheer, is it?

15 MR. JONKHEER: Jonkheer.

16 MR. FERGUSON: Mr. Jonkheer. Were both of you gentle-
17 men able to hear me explain what the charges were involved in
18 this case?

19 (NO RESPONSES HEARD.)

20 MR. FERGUSON: And are you now able to see all of
21 the defendants involved in the case?

22 MR. JONKHEER: That's right.

23 MR. FERGUSON: Do you know any of the defendants, any
24 of the persons on trial here?

25 THE COURT: You will have to respond orally, please,

1 so the reporter can hear you.

2 MR. JONKHEER: No, sir.

3 MR. FERGUSON: Do you know any of the lawyers involved
4 in the case?

5 MR. JONKHEER: Not personally.

6 MR. FERGUSON: Have you seen any of them before to
7 your knowledge?

8 MR. JONKHEER: Yes, sir.

9 MR. FERGUSON: Which one?

10 MR. JONKHEER: The one on the end here.

11 MR. FERGUSON: Do you recall where you saw him?

12 MR. JONKHEER: Right here in court about a year ago.

13 MR. FERGUSON: About a year ago; were you a witness
14 at that time?

15 MR. JONKHEER: No, sir, I was accused.

16 MR. FERGUSON: You haven't had occasion to see him
17 since then, have you?

18 MR. JONKHEER: No, sir.

19 MR. FERGUSON: Do you know any of the lawyers involved
20 Mr. Marshall?

21 MR. MARSHALL: No, I don't.

22 MR. FERGUSON: Let me just ask you this, Mr. Jonkheer:
23 court
24 Would anything about your experience in/here cause you any feel-
25 ings about the case or influence your verdict in this case one
way or the other?

1 MR. JONKHEER: No, sir.

2 MR. FERGUSON: Do either one of you know anything at
3 all about this case?

4 MR. JONKHEER: Not until I come into court today.

5 MR. FERGUSON: Mr. Marshall?

6 MR. MARSHALL: Nothing only what was on television.

7 MR. FERGUSON: You have seen something on television
8 about it?

9 MR. MARSHALL: Everytime I turned it on there was
10 something.

11 MR. FERGUSON: Have you talked about it with anybody?

12 MR. MARSHALL: No. They done all the talking when
13 it come through the television.

14 MR. FERGUSON: Well, sir, has anything you saw -- Has
15 anything you've seen on T.V. or anything you heard on T.V. about
16 it caused you to have some opinion about it or some feeling
17 about the case?

18 MR. MARSHALL: No.

19 MR. FERGUSON: Does it bother you that everytime you
20 turn the T.V. on there is something on about this?

21 MR. MARSHALL: No. I don't have to listen to it. I
22 have them turn it off.

23 MR. FERGUSON: Yes, sir. Have you seen or heard any-
24 thing about it on T.V., Mr. Jonkheer?

25 MR. JONKHEER: I've seen it on television. I didn't

1 pay much interest to it.

2 MR. FERGUSON: Well, do either one of you know of any
3 reason now why you couldn't be completely fair about the case?

4 MR. JONKHEER: No.

5 MR. FERGUSON: Do you have any feelings about the
6 guilt or innocence of the defendants at this time?

7 MR. MARSHALL: No.

8 MR. JONKHEER: I believe they are innocent until
9 proven guilty.

10 MR. FERGUSON: Yes, sir. You would require the state
11 to prove their guilt before you found them guilty, is that
12 correct?

13 MR. JONKHEER: Yes, sir.

14 MR. FERGUSON: All right. I'm going to ask you some
15 individual questions. Now, I want to ask you a few questions,
16 Mr. Marshall. How long have you been a resident of the county?

17 MR. MARSHALL: Off and on, 59 years; born and raised
18 here.

19 MR. FERGUSON: And have you lived somewhere other than
20 here during that period of time?

21 MR. MARSHALL: I spent 22 years in the Navy away from
22 here.

23 MR. FERGUSON: Yes, sir. Did you retire from the
24 navy?

25 MR. MARSHALL: I did.

1 MR. FERGUSON: Are you engaged in any employment now?
2 MR. MARSHALL: None. Gardening. That's full-time.
3 MR. FERGUSON: Farming full-time?
4 MR. MARSHALL: No. Gardening.
5 MR. FERGUSON: Oh, gardening? You said gardening
6 full-time?
7 MR. MARSHALL: That's right.
8 MR. FERGUSON: Are you married, sir?
9 MR. MARSHALL: Yes.
10 MR. FERGUSON: Do you have children?
11 MR. MARSHALL: One foster child.
12 MR. FERGUSON: Now, Mr. Marshall, when you heard all
13 of the things you heard on T.V. or saw whatever you did, did
14 you form any opinion then about the defendants or about the
15 persons?
16 MR. MARSHALL: No.
17 MR. FERGUSON: Do you feel that the mere fact that
18 these persons are charged with these offenses is some evidence
19 that they are guilty of something?
20 MR. MARSHALL: Well, they are not guilty until they
21 are proven guilty.
22 MR. FERGUSON: In other words, then, you understand
23 that the mere fact that a person is charged with an offense is
24 not any evidence of his guilt?
25 MR. MARSHALL: (NO ANSWER HEARD.)

1 MR. FERGUSON: And a person who is on trial is not
2 required to prove his innocence, you understand that?

3 MR. MARSHALL: Yes, I do.

4 MR. FERGUSON: Do you believe in that principle?

5 MR. MARSHALL: Well, it don't make much difference
6 whether I believed it or not; it's the law.

7 MR. FERGUSON: How is that?

8 MR. MARSHALL: I said, it don't make much difference
9 whether I believed it or not; it's the law.

10 MR. FERGUSON: Well, if during the trial of this case
11 the defendants, any of them or all of them, said that -- Strike
12 that. If any of the defendants decided not to testify, not to
13 present evidence, would you hold that against them?

14 MR. MARSHALL: No.

15 MR. FERGUSON: Would you feel they were hiding some-
16 thing from you that you ought to know?

17 MR. MARSHALL: Well, if they're instructed not to
18 testify, that's procedure.

19 MR. FERGUSON: If they did testify, would you tend
20 to disbelieve what they said just because they are the persons
21 charged?

22 MR. MARSHALL: No.

23 MR. FERGUSON: Now, you've heard me say there are
24 eleven persons on trial here?

25 MR. MARSHALL: That's right.

1 MR. FERGUSON: Does the fact that there are eleven
2 persons on trial mean to you that some of them must be guilty
3 of something elsewise that many people wouldn't be charged with
4 similar offenses?

5 MR. MARSHALL: No. It doesn't mean that.

6 MR. FERGUSON: And you don't feel that way about it?

7 MR. MARSHALL: I don't.

8 MR. FERGUSON: Mr. Marshall, do you belong to any
9 clubs or organizations in the community?

10 MR. MARSHALL: Fleet Reserve Association.

11 MR. FERGUSON: What?

12 MR. MARSHALL: Fleet Reserve Association.

13 MR. FERGUSON: Fleet -- What is that?

14 MR. MARSHALL: That's a military organization, a club
15 in Jacksonville.

16 MR. FERGUSON: Yes, sir. And you've been a member
17 of that since you got out the service?

18 MR. MARSHALL: Since before.

19 MR. FERGUSON: Did you ever have any kind of police
20 duties when you were in the service?

21 MR. MARSHALL: Shore Patrol.

22 MR. FERGUSON: Did you ever have occasion to partici-
23 pate in any court marshals - courts marshal?

24 MR. MARSHALL: No.

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

1 MR. MARSHALL: Yes.

2 MR. FERGUSON: Was that a jury that tried criminal
3 cases?

4 MR. MARSHALL: No.

5 MR. FERGUSON: You never served on a criminal jury?

6 MR. MARSHALL: Never did.

7 MR. FERGUSON: Has any member of your family or close
8 relative ever been a member of a police force or any kind of
9 law enforcement agency?

10 MR. MARSHALL: Not as I know of. Not in my time.

11 MR. FERGUSON: Now, Mr. Marshall, the defendants are
12 members of the First African Congregation of the Black Messiah.
13 Have you ever heard of that church? That's a church in Wilming-
14 ton, North Carolina?

15 MR. MARSHALL: Yes. I've heard of it.

16 MR. FERGUSON: Did you hear about that on the news?

17 MR. MARSHALL: On television.

18 MR. FERGUSON: On television. Do you have any feelings
19 about persons who might be members of that church?

20 MR. MARSHALL: No. I didn't know anything about it.

21 MR. FERGUSON: Well, was there anything that you
22 heard on T.V. or saw on the T.V. that would cause you to hold
23 anything against persons who belonged to that church?

24 MR. MARSHALL: No.

25 MR. FERGUSON: Now, Reverend Chavis is pastor of that

1 church.

2 MR. MARSHALL: So I've heard.

3 MR. FERGUSON: Would you hold that against him?

4 MR. MARSHALL: No.

5 MR. FERGUSON: Reverend Chavis is also a field repre-
6 sentative for the North Carolina Commission on Racial Justice.
7 Do you have any feelings against that organization?

8 MR. MARSHALL: He's a what?

9 MR. FERGUSON: He's a field representative for the
10 North Carolina-Virginia Commission on Racial Justice. That's
11 an organization that's supposed to try to get corrected racial
12 discrimination and racial injustices against black persons.
13 Would his working for that organization cause you to hold that
14 against him?

15 MR. MARSHALL: No.

16 MR. FERGUSON: Mr. Marshall, have you ever belonged
17 to any organization which has as one of its tenets the supremacy
18 of the white race over the black race?

19 MR. MARSHALL: Never have.

20 MR. FERGUSON: Do you believe in the equality of the
21 races?

22 MR. MARSHALL: Yes. We've always got along in Pender
23 County that I know of.

24 MR. FERGUSON: Do you believe that -- I mean, in your
25 view black persons are equal to white persons and white persons

1 are equal to black persons, is that right?

2 MR. MARSHALL: That's right. We've always got along.
black

3 MR. FERGUSON: Do you have any/members in the Fleet
4 Reserve over in Jacksonville?

5 MR. MARSHALL: Oh, yes.

6 MR. FERGUSON: Now, is there anything in your mind
7 right now, Mr. Marshall, that you know of which might influence
8 your verdict in this case other than the evidence that you hear
9 from the witness stand; do you know of anything that would in-
10 fluence your verdict?

11 MR. MARSHALL: None whatsoever.

12 MR. FERGUSON: Mr. Jonkheer.....

13 MR. JONKHEER: Yes, sir.

14 MR. FERGUSON:how long have you been a resident
15 of Pender County?

16 MR. JONKHEER: Going on approximately 23 years.

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

18 MR. JONKHEER: No, sir. I was born in Holland.

19 MR. FERGUSON: Born in.....

20 MR. JONKHEER: Holland.

21 MR. FERGUSON: Born in Holland?

22 MR. JONKHEER: Yes, sir.

23 MR. FERGUSON: How old are you now, Mr. Jonkheer?

24 MR. JONKHEER: Twenty-seven.

25 MR. FERGUSON: Are you married, sir?

1 MR. JONKHEER: Yes, sir.

2 MR. FERGUSON: Do you have children?

3 MR. JONKHEER: Two.

4 MR. FERGUSON: Let me ask you what their ages are?

5 MR. JONKHEER: One and a half, and two and a half.

6 MR. FERGUSON: And what kind of work do you do?

7 MR. JONKHEER: I'm a machinist at Corning Glass Works.

8 MR. FERGUSON: A machinist at Corning Glass Works;

9 where is that?

10 MR. JONKHEER: In Wilmington.

11 MR. FERGUSON: How long have you worked in Wilmington?

12 MR. JONKHEER: At Corning?

13 MR. FERGUSON: Yes, sir.

14 MR. JONKHEER: Since they started; six years, six and

15 a half.

16 MR. FERGUSON: So, you were working there at Corning

17 then in February, of 1971?

18 MR. JONKHEER: Yes, sir.

19 MR. FERGUSON: Do you belong to any clubs or organiza-

20 tions here in the community?

21 MR. JONKHEER: No, sir.

22 MR. FERGUSON: Now, I'm sorry; did I understand you

23 to say that you had heard or read something about these cases?

24 MR. JONKHEER: Well, I hear people talk about it

25 every now and then.

1 MR. FERGUSON: Have you talked about them any yourself? 52
2 MR. JONKHEER: A little.
3 MR. FERGUSON: Have you expressed any opinion about
4 the case to anyone?
5 MR. JONKHEER: Well, I didn't know -- You mean this
6 particular instance here?
7 MR. FERGUSON: Yes, sir.
8 MR. JONKHEER: No.
9 MR. FERGUSON: Do you presently hold any opinion about
10 these cases here?
11 MR. JONKHEER: No.
12 MR. FERGUSON: Now, were you aware of racial tension
13 or racial demonstrations or racial protests in Wilmington during
14 the month of February, 1971?
15 MR. JONKHEER: February, of '71?
16 MR. FERGUSON: Yes, sir. That's during the time these
17 incidents here are supposed to have happened.
18 MR. JONKHEER: Well, working in Wilmington like I do,
19 I'm aware of everytime when they have trouble down there when
20 word is spread around the plant.
21 MR. FERGUSON: Yes, sir. Do you recall hearing the
22 names of any of the defendants in connection with anything you
23 heard or read about these cases?
24 MR. JONKHEER: No, sir.
25 MR. FERGUSON: Now, this is a criminal trial, as you

1 understand, and all of the defendants have pleaded not guilty.
2 Do you feel that the mere fact that they have been charged is
3 any evidence they are guilty of something?

4 MR. JONKHEER: No.

5 MR. FERGUSON: In other words, you can presume them
6 to be innocent right now, is that correct?

7 MR. JONKHEER: Are you talking about the incident of
8 the grocery store?

9 MR. FERGUSON: Yes, sir.

10 MR. JONKHEER: No. As far as I'm concerned, they are
11 all innocent.

12 MR. FERGUSON: Now, you would be able to presume
13 them all innocent of all of the charges against them in this
14 trial?

15 MR. JONKHEER: Right.

16 MR. FERGUSON: Is there anything you know of or have
17 heard about any of the defendants on trial which you might hold
18 against them whatsoever at all?

19 MR. JONKHEER: No.

20 MR. FERGUSON: If they should exercise their right
21 to remain silent and not take the witness stand and not testify
22 in this case, would you hold that against them?

23 MR. JONKHEER: No.

24 MR. FERGUSON: You understand, then, that it's the
25 state's duty to prove its case?

1 MR. JONKHEER: Right.

2 MR. FERGUSON: And the defendants have a right to re-
3 main silent if they choose to?

4 MR. JONKHEER: Right.

5 MR. FERGUSON: And that's not to be held against them?

6 MR. JONKHEER: (NO ANSWER HEARD.)

7 MR. FERGUSON: Now, do you have any close friends or
8 relatives who are members of any law enforcement agency?

9 MR. JONKHEER: No.

10 MR. FERGUSON: Have you, yourself, ever been associated
11 with or connected with a law enforcement agency?

12 MR. JONKHEER: No.

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

14 MR. JONKHEER: No.

15 MR. FERGUSON: If police officers should be called as
16 witnesses for the state in the trial of this case, would you
17 tend to believe what they had to say more so than that of other
18 witnesses simply because they are police officers?

19 MR. JONKHEER: No.

20 MR. FERGUSON: You would be able to look at the evi-
21 dence and testimony of all persons in this case and base your
22 verdict on the evidence as it comes out and not favor particular
23 witnesses over others because of their profession?

24 MR. JONKHEER: Because of what?

25 MR. FERGUSON: Because of their profession?

1 MR. JONKHEER: No.

2 MR. FERGUSON: Now, Mr. Jonkheer, I've asked you some
3 questions; of course, I can't ever ask you everything. I just
4 want to know if you know of any reason which you may wish to
5 tell me about or not wish to tell me about - I'm not asking you
6 what your reason might be - why you feel you could not sit as
7 a juror in this case and be completely fair, open-minded, and
8 impartial as a juror?

9 MR. JONKHEER: No, I don't know of any reason.

10 MR. FERGUSON: And if seated on the jury, you would
11 make every effort to be fair and open-minded, is that correct?

12 MR. JONKHEER: Yes.

13 MR. FERGUSON: Now, you know that ten of the defen-
14 dants are black and one of the defendants is white?

15 MR. JONKHEER: Right.

16 MR. FERGUSON: Would you hold that against either of
17 them or any of them?

18 MR. JONKHEER: No.

19 MR. FERGUSON: Have you ever heard of the First
20 African Church of the - First African Congregation of the
21 Black Messiah, a church in Wilmington?

22 MR. JONKHEER: I've heard talk about it out at the
23 plant. People said there was a church somewhere in town; I
24 don't know where it is, if it's the one you are pertaining to.

25 MR. FERGUSON: Do you have feelings about persons who

1 might belong to that church?

2 MR. JONKHEER: No. I don't have a thing in the world
3 against religion.

4 MR. FERGUSON: You feel that a person is free to fol-
5 low his own conscience in matters of religion, is that correct?

6 MR. JONKHEER: Right.

7 MR. FERGUSON: Mr. Marshall, we will excuse you, sir.

8 THE COURT: Approach the bench a minute, gentlemen.

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

10 You may call another in the box.

11 CLERK: William T. Nixon (BLACK).

12 MR. FERGUSON: Your name is William T. Nixon, sir?

13 MR. NIXON: That's correct.

14 MR. FERGUSON: Were you able to hear me state what the
15 charges are against the defendants?

16 MR. NIXON: Yes, sir.

17 MR. FERGUSON: Did you also hear me state they pleaded
18 not guilty to those charges?

19 MR. NIXON: Yes, sir.

20 MR. FERGUSON: And you are able to see all of the
21 defendants now, are you not?

22 MR. NIXON: Yes, sir.

23 MR. FERGUSON: Do you know any of the defendants?

24 MR. NIXON: None.

25 MR. FERGUSON: Do you know any of the lawyers, including

1 myself, Mr. Ballance, and Mr. John Harmon?

2 MR. NIXON: No, I don't.

3 MR. FERGUSON: Do you know anything at all about
4 these cases, Mr. Nixon?

5 MR. NIXON: No.

6 MR. FERGUSON: How long have you been a resident of
7 Pender County?

8 MR. NIXON: Off and on, 28 years.

9 MR. FERGUSON: Twenty-eight years?

10 MR. NIXON: Yes.

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

12 MR. NIXON: That's all of my life.

13 MR. FERGUSON: Are you married, sir?

14 MR. NIXON: Yes, sir.

15 MR. FERGUSON: And you have children?

16 MR. NIXON: Two.

17 MR. FERGUSON: What are their ages?

18 MR. NIXON: Ten and five.

19 MR. FERGUSON: Ten and five?

20 MR. NIXON: Yes.

21 MR. FERGUSON: And what kind of employment are you
22 engaged in?

23 MR. NIXON: Auto mechanic.

24 MR. FERGUSON: Auto mechanic; do you work for yourself
25 or do you work for some company?

1 MR. NIXON: I work for a company.

2 MR. FERGUSON: Excuse me?

3 MR. NIXON: I work for a company.

4 MR. FERGUSON: What company is that?

5 MR. NIXON: That's Tony's Auto Supply.

6 MR. FERGUSON: Tony's Auto Supply?

7 MR. NIXON: Tony's Auto Supply, wholesale supply,

8 here in Burgaw.

9 THE COURT: Tony's
/Wholesale supply.

10 MR. FERGUSON: Oh, I'm sorry; wholesale supply. Let
11 me ask you to speak just a little bit louder so that we can
12 hear everything you say.

13 MR. NIXON: All right.

14 MR. FERGUSON: Have you heard anybody discussing
15 these cases?

16 MR. NIXON: No.

17 MR. FERGUSON: Do you recall seeing any news accounts
18 of them or T.V. flashes of them or anything at all?

19 MR. NIXON: No.

20 MR. FERGUSON: Do you feel that you would be able to
21 presume the defendants innocent of the charges against them?

22 MR. NIXON: Yes.

23 MR. FERGUSON: You understand, then, that the mere
24 fact that a person is charged with an offense does not mean
25 that he is guilty of any crime or that he has committed any

1 offense?

2 MR. NIXON: Yes.

3 MR. FERGUSON: The state has the duty and obligation
4 of proving guilt beyond a reasonable doubt, and if the state
5 doesn't do that they are entitled to a verdict of not guilty,
6 do you understand that?

7 MR. NIXON: Yes.

8 MR. FERGUSON: Have you ever heard of the First
9 African Congregational Church of the Black Messiah?

10 MR. NIXON: No.

11 MR. FERGUSON: These incidents are alleged to have
12 occurred in February, February the 5th and 6th, 1971, in
13 Wilmington. At that time there was some protest, racial
14 activities, going on in the community. Some of the defendants
15 or all of them may be identified with those racial protests
16 or what have you. Would you hold it against them if they
17 were involved in racial protests against discrimination against
18 black persons?

19 MR. NIXON: No.

20 MR. FERGUSON: Have you or any member of your family
21 ever been connected with a law enforcement agency, Mr. Nixon?

22 MR. NIXON: I have.

23 MR. FERGUSON: When was that?

24 MR. NIXON: In 1962 until 1967 in the United States
25 Air Force.

1 MR. FERGUSON: Sir?

2 MR. NIXON: In the United States Air Force from 1962
3 to 1967, I was an M.P.

4 MR. FERGUSON: Have you ever had any connection with
5 a law enforcement agency in civilian life?

6 MR. NIXON: No.

7 MR. FERGUSON: Now, was the M.P. an assigned duty or
8 an elective duty on your part?

9 MR. NIXON: Assigned.

10 MR. FERGUSON: Is there anything about your experience
11 with the Military Police which would cause you to be favorable
12 to the state in the trial of a criminal case?

13 MR. NIXON: No.

14 MR. FERGUSON: Would you feel that police officers
15 who might testify would be more believable witnesses than lay
16 witnesses just because they are police officers?

17 MR. NIXON: No.

18 MR. FERGUSON: You would be able to listen to what
19 they had to say and weigh that along with all the other evidence
20 in the case and make up your mind on that basis, is that correct?

21 MR. NIXON: Yes.

22 MR. FERGUSON: Now, you don't believe in guilt by
23 probability, do you; that is, if a person probably did something
24 he is guilty of it? Do you believe in guilt beyond a reasonable
25 doubt before you could convict them?

1 MR. NIXON: Repeat the question.

2 MR. FERGUSON: Well, let me explain what I mean. The
3 state in a criminal case is required to prove its case beyond
4 a reasonable doubt before a person is convicted. That means
5 the state is obligated to do more than show that someone probably
6 committed an offense; they have to show the person actually did
7 it, and to show that beyond a reasonable doubt. I'm saying
8 that if you were a juror and the state showed that somebody
9 probably committed an offense - showed that one of the defen-
10 dants probably committed an offense - if you weren't convinced
11 beyond a reasonable doubt that that defendant in fact committed
12 that offense, would you be able to find him not guilty of that
13 offense?

14 MR. NIXON: Not guilty.

15 MR. FERGUSON: In the course of the trial of this
16 case, Mr. Nixon, the state may present witnesses who are black
17 to testify against the defendants, ten of whom are black. Would
18 you be more likely to believe a witness for the state simply
19 because he's black than you would if he were something else?

20 MR. NIXON: No.

21 MR. FERGUSON: You would be able to weigh his testimony
22 along with all the other evidence in the case?

23 MR. NIXON: Yes.

24 MR. FERGUSON: Now, if the state should fail to prove
25 its case beyond a reasonable doubt, if they don't prove guilt

1 beyond a reasonable doubt, and you felt like a verdict of not
2 guilty was justified in this case, would you find it embarrassing
3 or would you be afraid for any reason to render a verdict of
4 not guilty?

5 MR. NIXON: No.

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

8 MR. NIXON: Yes.

9 MR. FERGUSON: Now, do you know of any reason whatso-
10 ever, Mr. Nixon, why you could not sit as a juror and be com-
11 pletely fair and impartial in the trial of this case?

12 MR. NIXON: No, I don't.

13 MR. FERGUSON: It has been a little while since I
14 talked to some of you. Is there anything that has occurred
15 during my questioning of later jurors which has influenced any
16 person on the panel?

17 (NO RESPONSE.)

18 MR. FERGUSON: Is there any person who now feels there
19 is any reason why he or she could not sit as a juror and be
20 completely fair and impartial?

21 (NO RESPONSE.)

22 MR. FERGUSON: The defendants are satisfied, your
23 Honor.

24 THE COURT: All right. Back to the state.

25 MR. STROUD: May we approach the bench, your Honor?

1 THE COURT: Yes, sir.

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

3 THE COURT: Ladies and gentlemen, I thought we would
4 go to five-thirty, but we will stop for the day. Those of you
5 on the jury panel who have been here are familiar with the
6 admonitions I have given you. Those of you who have come today
7 for the first time, please observe these admonitions; you do
8 not yet know whether you will be selected to serve on this jury
9 or not. Please do not seek to ascertain information about
10 these cases. Do not talk to other people about them or in any
11 way endeavor to inform yourself about them other than what you
12 know already or what you hear in the court room. Keep an open
13 mind so that in the event you are selected as a juror you will
14 be able to perform your duty in a fair and honest and unbiased
15 and unprejudiced way. Do not permit other people to talk to
16 you about the cases either. Those who have been examined by
17 the attorneys today or this afternoon and have been excused
18 need not return tomorrow morning; all others must return. All
19 right, Mr. Sheriff, take a recess until nine-thirty tomorrow
20 morning.

21 JUNE 9, 1972:

22 (THE DEFENDANTS IN CUSTODY TAKE THEIR SEATS IN OPEN
23 COURT. MR. RICHARD STANLEY IS NOT PRESENT, NOR IS MR. BALLANCE
24 OR MR. HARMON.)

25 THE COURT: All right. You may proceed, Mr. Solicitor.

1 MR. FERGUSON: If your Honor please, before beginning
2 this morning I have a motion and affidavit I would like to file
3 with the Court for the Court's consideration.

4 (MR. FERGUSON HANDS PAPER-WRITING TO THE COURT AND TO
5 THE SOLICITOR.)

6 THE COURT: Very well. (READS PAPER-WRITING SILENTLY.)
7 Are you ready? I didn't know whether you were waiting on the
8 Court or not.

9 MR. STROUD: I was still reading the motion, your
10 Honor. (FINISHES READING.) Your Honor, may we approach the
11 bench?

12 THE COURT: Yes, sir.

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

14 MR. STROUD: Good morning, ladies and gentlemen. We
15 have come to a point now where I am being given an additional
16 opportunity to examine nine of the twelve of you, but if I
17 recall I examined jurors - I examined some of you before, and
18 then the defendants' attorneys, of the original twelve jurors
19 that I was satisfied with. There are three left, so that means
20 that I will be examining and questioning today the nine of you
21 whom I have not had an opportunity to talk with before. Now,
22 I know that you've been -- Well, first of all even though I
23 have been introduced, let me now for those of you who came on
24 the jury since I examined the others make you aware of my
25 function in the case. I am J. Stroud. I am an Assistant

1 Solicitor of this Judicial District, which includes Pender and
2 New Hanover. I will be prosecuting in this case for and on
3 behalf of the State of North Carolina. With that in mind and
4 with that brief introduction, I would like to go ahead and make
5 some additional comments. First of all, I know that you have
6 been asked many, many questions, and you have answered many,
7 many questions. There are yet to be many, many questions and
8 many, many answers; so, if you will indulge me during this time
9 we will have together today and receive my questions as openly
10 and frankly as you can and respond to them as openly and frankly
11 as you can, I will appreciate it. So, we will be spending some
12 time together today, so you might as well get used to my face
13 and get used to my questions so that we can have an open and
14 frank discussion, because this is a very critical stage of the
15 trial; and, of course, we are dealing with very serious crimes,
16 and so, I do beg your indulgence in that respect. So, be
17 patient with me if you will, and if I tend to ask some questions
18 that appear to be repetitious, please don't in any way be of-
19 fended by it or be offended by any of my questions, because we
20 are all here together to see that justice is to be served.
21 That is our whole function and purpose to be here, all of us,
22 and I think we need to have an open and frank discussion to-
23 gether. So, I know that you understand at this point the rea-
24 sons for asking the questions that have just been asked and
25 answered; it is to determine and to achieve as best we can, all

1 of us working together, twelve people who can sit in this box,
2 hear the evidence in this case, and render a fair and impartial
3 decision, fair to all parties, fair to the State of North
4 Carolina and fair to all of the defendants. And so, with the
5 ends of justice in mind, of course, this is the reason for the
6 questions that are being asked you; and I know some of them
7 appear to be quite personal, but I assure you - and I am sure
8 you know at this time - that it is a basic necessity for these
9 questions. Now, of course, I am sure you are also aware at
10 this time of the necessity for being open and frank and honest
11 in your answers. I am not in any way questioning the honesty
12 of any of you, so don't take it personally, but I do want to
13 remind you that it is of the utmost importance that you express
14 your views and express your attitudes very openly and/^{very}frankly
15 with me. Of course, the business of getting/^aqualified jury is
16 at best a very long and tedious process. With patience we will
17 prevail, I hope. Now, any time during my questioning.....

18 THE COURT: Please talk a little louder, Mr. Stroud.

19 MR. STROUD: Yes, sir. At any time during my ques-
20 tions, whether I'm questioning individually or as a group, if
21 something comes into your mind that you feel that we all should
22 be aware of with regard to your position and your attitude and
23 your feeling about certain things even though I might not be
24 questioning you at that particular time, if you will raise a
25 hand and express to me this attitude or feeling that you have.

1 So, please don't be hesitant at any time to give some indication
2 to me by raising your hand or just speaking up to let me know
3 that you have a particular attitude about something that might
4 in any way influence your decision in these cases. Now, as you
5 know, and this was reviewed for you yesterday by counsel for
6 defendants, there are eleven defendants on trial at this time
7 in this court room. Ten of those defendants happen to be
8 black and one of those defendants happens to be white. They
9 are each charged with at least two offenses. Now, all of the
10 defendants that are present and on trial here have been charged
11 in bills of indictment that were returned by the New Hanover
12 County Grand Jury, have been charged in those bills of indictment
13 with two conspiracies. All of these defendants have been so
14 charged, all eleven of them. The two conspiracies are these:
15 First, conspiracy or conspiracies or conspiring to burn Mike's
16 Grocery Store on Sixth Street, in Wilmington, North Carolina,
17 with incendiary devices, to-wit, fire bombs or gas bombs. All
18 of the defendants are also charged in bills of indictment
19 returned by the New Hanover Grand Jury with conspiring to
20 assault emergency personnel, police officers and firemen, in
21 the area of Mike's Grocery Store on Sixth Street with incendiary
22 devices, fire bombs or gas bombs, as you please. Pardon me;
23 let me retract that; I made a mistake, and I hope I don't make
24 any more. They are charged with conspiring to assault emergency
25 personnel, police officers and firemen, with deadly weapons or

1 dangerous weapons, in the area of Mike's Grocery Store on Sixth 538
2 Street, in Wilmington. Now, all of these two charges, along
3 with the other charge, the third bill of indictment, are alleged
4 to have occurred in February, of 1971, in Wilmington. Now, the
5 third bill of indictment returned - or third set of bills of
6 indictment returned by the New Hanover Grand Jury charge nine
7 of these defendants - all of the defendants with the exception
8 of Mrs. Shepard and Mr. Kirby - charge those nine defendants
9 with actually burning Mike's Grocery Store, in Wilmington, North
10 Carolina, on Sixth Street, with incendiary devices, fire bombs
11 or gas bombs, in February, 1971. So, we have eleven defendants
12 charged with two conspiracies, and we have nine defendants
13 charged with the additional offense of actually burning Mike's.
14 Do any of you have any questions about the charges, or do any
15 of you fail to understand what the charges are against the
16 defendants at this time? If so, I would appreciate it if you
17 would bring out any questions that you have about it.

18 (NO RESPONSE.)

19 MR. STROUD: Now, is there anyone on the jury now who
20 is not presently a resident of Pender County? If so, I would
21 appreciate it if you would raise your hand.

22 (NO RESPONSE.)

23 MR. STROUD: So, I take it that all of you presently
24 are residents of Pender County, is that correct?

25 (NO NEGATIVE RESPONSE.)

1 MR. STROUD: Now, do any of you now sitting in the
2 box know any of the other persons who are now sitting in the
3 box or who are out in the audience called to serve on jury
4 duty?

5 MR. DEVANE: (REPORTER COULD NOT UNDERSTAND ANSWER.)

6 MR. STROUD: Would you restate your answer, please,
7 sir; and let me indicate this to you if I may at this time.
8 Of course, as you have been told before, we have a court
9 reporter here who is taking down our questions and your answers,
10 so if you will try to speak as loudly as possible - as I have
11 been reminded by his Honor - then we can get all of this without
12 much inconvenience or repetition. What was your answer, please,
13 sir?

14 MR. DEVANE: I don't know any of the panel in the
15 box, but I do know quite a few of them in the audience.

16 MR. STROUD: Who have been called to serve on jury
17 duty?

18 MR. DEVANE: Yes, sir.

19 MR. STROUD: All right, ma'am; I'll be with you in
20 just a second; thank you. Who are the ones that you know out
21 here who have been called for service and not in the box?
from Nash County

22 MR. DEVANE: Well, I see a school teacher, Mr. Samp-
23 son. And I see Mrs. Woodcock back there in the audience; Mrs.
24 Tatum; another Mrs. Woodcock. I know all those.

25 MR. STROUD: Are there any others that you observe

1 out there?

2 MR. DEVANE: Quite a few of them I know their faces,
3 but I don't recall their name.

4 MR. STROUD: Thank you, sir. Yes, ma'am?

5 MRS. BLAND: Early James; James McKoy; and Mr. James
6 here.

7 MR. STROUD: And Mr. James who is on the panel now?

8 MRS. BLAND: Yes, sir.

9 MR. STROUD: And who were the other two, please,
10 ma'am?

11 MRS. BLAND: James McKoy.

12 MR. STROUD: James McKoy; and who else?

13 MRS. BLAND: Sue Farrior.

14 MR. STROUD: Are there any others?

15 MRS. BLAND: No, sir.

16 MR. STROUD: Are those all?

17 MRS. BLAND: Yes, sir.

18 MR. STROUD: Yes, sir, Mr. Jonkheer?

19 MR. JONKHEER: I know John Casha.

20 MR. STROUD: You know who?

21 MR. JONKHEER: John Casha.

22 MR. STROUD: Casha; is that the last name?

23 MR. JONKHEER: Yes, sir.

24 MR. STROUD: Do you know any of the ones who are
25 presently on the panel with you?

1 MR. JONKHEER: No.

2 MR. STROUD: Do you recognize any of the ones who are
3 presently on the panel with you?

4 MR. JONKHEER: No.

5 MR. STROUD: Have you ever seen any of them before?

6 MR. JONKHEER: No.

7 MR. STROUD: You have not. Do you live in the area
8 of Pender County where some of these folks live that you are
9 aware of?

10 MR. DEVANE: Well, most of them that I know attended
11 high school back in Atkinson, North Carolina, and I live seven
12 or eight miles from Atkinson.

13 MR. STROUD: Mr. Jonkheer, do you know any of the
14 ones either on the panel or who have been called to serve who
15 live in the same area that you do?

16 MR. JONKHEER: No, I don't. There's a defendant
17 named Kirby, or something or other; and I work with a Kirby
18 woman out there where I work at, and I don't know whether she
19 is any relation or not.

20 MR. STROUD: You work at Corning, right?

21 MR. JONKHEER: Right.

22 MR. STROUD: Now, this Mrs. Kirby, do you know anything
23 about her or her family?

24 MR. JONKHEER: She is married - or, he was ⁱⁿ some kind
25 of trouble, racial trouble, in Wilmington, the fellow she is

1 married to.

2 MR. STROUD: How old is she?

3 MR. JONKHEER: I don't know.

4 MR. STROUD: Is she a young woman or older?

5 MR. JONKHEER: She is fairly young. I don't know
6 whether she is any relation or not.

7 MR. STROUD: But you say you have heard that her
8 husband was involved in the disturbance in Wilmington?

9 MR. JONKHEER: Yes, but this was two or three years
10 back, two years back, somewhere along there.

11 MR. STROUD: Did you hear this from her or from some
12 other source?

13 MR. JONKHEER: Well, just in talking around.

14 MR. STROUD: Well, was she involved in the conversa-
15 tion?

16 MR. JONKHEER: I can't remember.

17 MR. STROUD: What was your relationship with her other
18 than the fact that you worked with her?

19 MR. JONKHEER: Well, I used to be in the maintenance
20 department until I became a machinist, and I used to have to
21 go around and fix all the machines that these women worked on.

22 MR. STROUD: Well, if she were related to the defendant
23 Kirby in this case, do you have any particular attitude or feel-
24 ing about her that might cause you to have the same or a dif-
25 ferent feeling or attitude about Mr. Kirby, without expressing

1 what your attitude is?

2 MR. JONKHEER: I don't -- I couldn't say right off.
3 I don't know what kind of reactions I would get from out there.
4 I don't know if it's related or not.

5 MR. STROUD: Well, of course, I've got to pursue the
6 possibility that she might be related to him and that during
7 the course of the trial if you were to serve on the jury you
8 might determine or feel there's a relationship there, and thus
9 this would have some effect on your attitude about him one way
10 or the other?

11 MR. JONKHEER: I feel like it might influence me if
12 the defendants were found guilty. It might not be a very
13 friendly position out there where I'm working....

14 MR. STROUD: So, you would.....

15 MR. JONKHEER:so it might influence me some.

16 MR. STROUD: So, you are concerned that if this Mrs.
17 Kirby was related to the defendant Kirby and if he were found
18 guilty, you would be concerned that the attitudes of people
19 you work with.....

20 MR. JONKHEER: Well, it's on my mind, yes.

21 MR. STROUD: Do you feel like this is something you
22 will be concerned with during the time that you would serve on
23 the jury if you are selected to serve on the jury?

24 MR. JONKHEER: Well, I thought about it last night
25 after I left here; I was at home when I thought about it. I

1 didn't -- If I had thought about it yesterday, I would have said 544
2 something about it. I feel like it would for certain, really.

3 MR. STROUD: Do you think that you would at any -
4 in any way be able to remove this from your mind during the
5 time that you are hearing the evidence and during the time you
6 will be back in the jury room deliberating about the case?

7 MR. JONKHEER: Yes, I can do that.

8 MR. STROUD: Do you feel like you could remove it
9 from your mind?

10 MR. JONKHEER: Yes. It really doesn't bother me. I
11 don't let other peoples' opinion bother me, you know, as far
12 as how they would react if I found - if the jury found the
13 defendants guilty as far as people getting on me at the plant,
14 it wouldn't bother me.

15 MR. STROUD: Now, do you feel like that if you were
16 to return a verdict of guilty that there would be repercussions
17 at the plant?

18 MR. JONKHEER: There might.

19 MR. STROUD: Would this in any way influence -- Let's
20 be open and frank about this. Would this in any way influence
21 your decision in this case as to the guilt or innocence of Mr.
22 Kirby in this case or any other defendant?

23 MR. JONKHEER: I don't believe it would.

24 MR. STROUD: Do you feel honestly like you are able
25 to hear the evidence and the charge of the Court and apply the

1 law to the evidence that you've heard and render a decision on
2 the evidence and the law alone with no other factor influencing
3 your decision? Now, think about it before you answer, because
4 it's important that you be impartial in this case.

5 MR. JONKHEER: I feel these men and this woman are
6 innocent until they are proven guilty.

7 MR. STROUD: Well, I agree with that, and I don't
8 argue with that, but it is my job as prosecutor.....

9 MR. JONKHEER: That's the way I feel about it.

10 MR. STROUD: What?

11 MR. JONKHEER: It shouldn't have any influence.

12 MR. STROUD: I don't want to belabor the point with
13 you; as you say, it shouldn't have any influence, and it
14 shouldn't, but the question, the real question, is would it?
15 I'm not trying to embarrass you, Mr. Jonkheer; I know you
16 realize that.

17 MR. JONKHEER: Yes, sir, I know that. I believe it
18 would.

19 MR. STROUD: It would be?

20 MR. JONKHEER: It would be on my mind, yes.

21 MR. STROUD: Do you think that it would influence
22 you to the extent that it might either consciously or sub-
23 consciously affect the way you were going to vote in the case
24 if you were to serve on the jury; do you think there is any
25 possibility that it would affect your verdict?

1 MR. JONKHEER: Yes, I do.

2 MR. STROUD: You do. Challenge for cause, your
3 Honor.

4 THE COURT: Your interchange has been in such softly
5 spoken words that I'm not sure that I heard the full discourse,
6 but I gather this juror has indicated that/a person employed
7 where he works who might be related to one of the defendants?
8 there is

8 MR. STROUD: Right.

9 THE COURT: As I understood it, he once or twice
10 indicated that he was fairly confident that he could remove
11 that from his mind or that he would not be affected by it in
12 any verdict, and lastly he indicated there is some possibility
13 that he would be. The Court is of the feeling that the juror
14 is being perfectly honest in saying that there is some possi-
15 bility. It is very difficult to remove possibility in all
16 respects. With your permission, Mr. Ferguson, I would like to
17 address one more question to the juror?

18 MR. FERGUSON: Yes, sir, your Honor.

19 THE COURT: Sir, you have said that in all frankness
20 you feel that there might be some possibility your verdict
21 might be affected by this relationship. However, do you have
22 an inner confidence in your ability to hear the evidence and
23 the argument of counsel and the instructions of the Court and
24 render a verdict fairly and without bias based upon those
25 things, that is, the evidence and the law, without being

1 affected by this fairly remote relationship which you are speak- 547
2 ing of? Do you have an inner confidence that you can do that?

3 MR. JONKHEER: Yes, I believe I could.

4 THE COURT: You have no doubt in your own mind
5 although you have said there is some possibility, can you honestly
6 say that you have/^{now}no reasonable doubt in your/^{own}mind that you
7 could base your verdict upon the evidence without bias or
8 prejudice; are you saying that now?

9 MR. JONKHEER: Yes, I could. I mean, well, I don't
10 -- If I went back out to work, in the meantime I don't believe
11 I could.

12 THE COURT: You say, if you went back out to work?

13 MR. JONKHEER: I mean, if they postponed the trial
14 for a while and I went back to work. Say maybe they postponed
15 the trial for a week and I went back to work, I don't believe
16 I could.

17 THE COURT: You mean that further association with
18 this person who works where you work might result in a feeling
19 on your part that would influence you?

20 MR. JONKHEER: Right.

21 THE COURT: Of course, if you are selected you will
22 not go back to work until this trial is completed.

23 MR. JONKHEER: Well, I had a fellow worker who called
24 me last night, and he's the one who told me about this girl.
25 I knew her name, but I didn't know there was any relationship.

1 He told me he thought it was some relationship. And people call 548
2 me up, and I'm not at work and they know I'm up here on the jury.
3 That right there tends to influence me.

4 THE COURT: Have people called you up to discuss
5 these cases?

6 MR. JONKHEER: They haven't discussed the cases. He
7 just told me -- Well, more or less, yes, sir.

8 THE COURT: Did you advise them that you could not
9 discuss the case with them?

10 MR. JONKHEER: I told him I couldn't tell him nothing
11 about what happened in court.

12 THE COURT: All right, sir. You may be excused.

13 CLERK: Hattie B. Redd (BLACK).

14 MR. STROUD: Good morning, Mrs. Redd. Is it Miss or
15 Mrs.?

16 MRS. REDD: Mrs.

17 MR. STROUD: Mrs. Redd, have you been able to hear
18 yesterday and today the comments that were expressed with regard
19 to the defendants involved in these cases?

20 MRS. REDD: Yes, sir.

21 MR. STROUD: And the charges; and you are aware of
22 what has taken place while you have been here?

23 MRS. REDD: Yes, sir. I have been here in court, but
24 I couldn't hear all that was said.

25 MR. STROUD: Now, are you presently a resident of
Pender County, ma'am?

1 MRS. REDD: I live in Pender County?

2 MR. STROUD: Yes, ma'am.

3 MRS. REDD: Yes, sir, I live in Pender County.

4 MR. STROUD: Pardon the delay. Now, are there any
5 other members of the panel who know other people who are pre-
6 sently on the panel or who have been called for service on the
7 jury and are here this morning?

8 MR. JAMES: (STARTS TO ANSWER.)

9 MR. FERGUSON: If your Honor please -- Excuse me,
10 Mr. James -- Some of the jurors have already been passed by
11 the state, and I don't think they are entitled to question
12 them.

13 THE COURT: Yes. Those who have been passed by the
14 state should not be asked.

15 MR. STROUD: All right. Let me make this initial
16 comment before we continue: Mr. James and Mrs. Eakins and Mr.
17 Murray, as I ask questions to the general panel you will not
18 respond, because I have already expressed my satisfaction with
19 you as jurors and I am not entitled to ask you any further
20 questions. Thank you. All right?

21 (RESPONSE.)

22 MR. STROUD: Yes, ma'am. Who do you know, please?

23 MRS. JONES: (REPORTER CANNOT HEAR.)

24 THE COURT: Speak up loudly so I can hear.

25 MRS. JONES: Hattie Redd.

1 MR. STROUD: You know Mrs. Redd?
2 MRS. JONES: Yes, sir. Joyce Ann Fuller.
3 MR. STROUD: George.....
4 MRS. JONES: Joyce Ann Fuller.
5 MR. STROUD: Joyce Fuller?
6 MRS. JONES: And Leo Shepard.
7 MR. STROUD: Shepard?
8 MRS. JONES: Shepad.
9 MR. STROUD: Any one else?
10 MRS. JONES: Olith Ruth Batts.
11 MR. STROUD: Pardon?
12 MRS. JONES: Olith Ruth Batts.
13 MR. STROUD: Batts. Anyone else?
14 MRS. JONES: No.
15 MR. STROUD: Now, other than Mrs. Redd, are there
16 any other members on the panel now with you that you have seen
17 before or recognize?
18 MRS. JONES: This one.
19 MR. STROUD: That would be Mr. Kennedy?
20 MRS. JONES: Yes.
21 MR. STROUD: Anyone else?
22 MRS. JONES: No.
23 MR. STROUD: All right. Yes, sir.
24 MR. NIXON: Mr. Kennedy, and there are two out there.
25 MR. STROUD: You know Mr. Kennedy?