

Q Do you know whether or not Alexander Brown was going to or coming from that meeting? A No. He didn't even head toward the meeting. He came up the street and turned into the alley.

Q Did he stop the car? A He pulled up in the alley and stopped at the boarding house that is behind the filling station.

Q Were there other people with him at that time? A Yes.

Mr. Doar: Thank you.

The Court: Thank you, Sheriff. Now, in the event you want him back, let him know in time for him to get back.

Mr. Doar: Sheriff, you will check that about the license numbers, will you, please?

The Witness: Yes.

Mr. Doar: Thank you.

The Court: Court recessed until 1:15.

(Court stands in recess for the lunch hour)

(Court called to order after lunch and trial resumed)

Mr. Doar: I offer in evidence Exhibits 3 through 6, which are certified by the court reporter.

(Mr. Doar shows said exhibits to the Court, pointing out various things to the Court in too low a voice for the reporter to include in the record)

(Above described Plaintiff's Exhibits 3 through 6, both inclusive, admitted in evidence without objection)

Mr. Pitts: I will stipulate that Mrs. Jackson, if she was present, she would testify that she was the court reporter and that she was present in the Dallas County court house in the Dallas County Court on the occasion that these two transcripts were made and that she took them down and transcribed them to the best of her ability.

The Court: All right.

BERNARD LAFAYETTE, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you state your full name, please? A Bernard LaFayette, Jr.

Q Mr. LaFayette, will you speak up in a loud voice so that everyone can hear you? A Yes, I will.

Q Where do you live? A 1703 Union Street, Apartment 1, Selma, Alabama.

Q How long have you lived in Selma? A Since February 10, 1963.

Q What is your race? A Negro.

Q Did you in connection with this --- did you, at the request of the Department of Justice, furnish an affidavit with respect to certain of your experiences since you came to Selma, Alabama? A That is true.

Q Did you read over that affidavit before you signed it? A That is true.

Q And did you furnish any more than just one affidavit for the Department of Justice in connection with this case? A No, I did not.

(Mr. Doar and Mr. Pitts consult with the Court, discussing certain papers)

Mr. Doar: I would like to inquire with respect to these Exhibits 29 through 32, do I understand that these exhibits have been received in evidence?

The Court: Yes.

Mr. Doar: May I inquire as to what use the Government may make of them? What limits the Government's use is of them?

The Court: Their contents are not for public information, but they are for information in this case.

Q Did you on the 17th. of June know a negro by the name of Bosie Reese?

A Yes, I did.

Q Do you know another negro by the name of Alexander Brown? A Yes, I do.

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

Q Will you tell me whether or not they work for you on the voter registration in Dallas County? A Yes, they do.

Q Did they work at that time? A Yes, they did.

Q Tell me whether or not you had any instructions to them on that day with respect to going to the court house. A Yes, I did.

Q Tell the Court just what instructions you gave them. A I instructed them to go down to the Dallas County court house and count the number of people who were applying for registration. To do this in connection with our voter registration program, so we could keep an accurate count of people going down to make application.

Q Subsequent to that giving of instructions, I will ask you whether or not you had a conversation with Sheriff Clark on that day? A Yes, I did.

Q And where did that conversation take place? A In the Dallas County court house, the sheriff's office.

Q Can you fix the time of that conversation? A I'd say approximately three o'clock.

Q Can you tell the Court whether anyone else was present, other than you and the sheriff, at the time of that conversation? A Yes, there was.

Q What were their names? A One fellow was named Terry Sharp.

Q What's his race? A He is negro.

Q Were there any other white persons present? A There was a clerk there, a female clerk, at the desk. I don't know her name.

Q Tell the Court what the conversation was that you had with Sheriff Clark. A Well, I received a report that Bosie Reese had been ---

Mr. Pitts: We object.

Q Just give us the conversation that you had with the sheriff, please. A Well, I asked the sheriff where was Bosie Reese, and he asked me what was my name and I told him Rev. LaFayette. And he said that Bosie Reese was under arrest, and I asked him what were the charges. At the time the sheriff told me the charges were failure to obey an officer of the law, I believe, and re-

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

sisting arrest. And I further inquired as to the possibility of getting him out on bail, and the sheriff told me I would have to see Judge Mallory. And the sheriff asked a fellow next to me, "What's your name?" And he said (mumbling) "Terry Sharp." And the sheriff said, "Speak up, boy." And he said, "Terry Sharp." And he said, "Where do you live? What's your address?" And Terry Sharp gave him an address, and then we both turned and walked out.

Q Did you attend all of the mass meetings that were held in Selma, Alabama, that were sponsored here by the Voters League during the spring and early summer of 1963? A Yes, I attended all of the mass meetings, the voter registration mass meetings held by the Dallas County Voters League.

Q I wonder if you could examine what has been marked for identification as Plaintiff's Exhibits 7 through 16, which I'd like to show to the attorneys for the defendants first.

(Mr. Doar hands said exhibits to Mr. Pitts and the other defense attorneys for their examination)

Mr. Pitts: Judge, we have no objection to 7 through 13. We object separately and severally to Plaintiff's Exhibits 14, 15 and 16; incompetent, irrelevant, immaterial, nothing in the world but a declaration by someone whose names are not signed, and in one instance by a man named Ozelle Billingsley; and the statements are put out in mimeograph form. We have no objection to these others, but we object to these on that ground; incompetent, irrelevant and immaterial. We don't know the purpose of these statements, but something about voting.

Mr. Doar: That is the purpose, your Honor, just to show --- not to prove the truth of any statement in there, but just to show --- (voice trails off).

(Mr. Doar hands exhibits to the Court)

The Court: I don't know what those are.

Q Would you just briefly examine Plaintiff's Exhibits 7 through 13,

and not one at a time, but just tell the Court what those are? Not one at a time, but just look at them all.

Mr. Pitts: They are nothing but circulars.

The Court: Were those passed out at the meetings?

The Witness: At the meetings? No, sir. This is literature that we put out advertising the meetings.

The Court: That is literature that you all did put out?

The Witness: That is true.

The Court: All right.

Mr. Doar: I'd like to offer Exhibits 7 through 13 in evidence.

(Above described exhibits are admitted in evidence without objection as Plaintiff's Exhibits 7 through 13)

Q And I'd like to show you where they have been marked for identification as Plaintiff's Exhibits 14, 15 and 16, and ask you if you recognize those documents? A Yes, I do.

Q What are those documents? Without going into what kind of --- what are they? A This is literature explaining the purpose of registering to vote and also encouraging people to register to vote.

The Court: Is that put out by you all?

The Witness: Yes, this was.

The Court: Overrule the objection.

Mr. Doar: These are received in evidence?

The Court: They are.

(Above described exhibits are admitted in evidence as Plaintiff's Exhibits 14, 15 and 16)

Q Did you observe at any one or more of the mass meetings any law enforcement officers of Dallas County at these meetings? A Yes, I did.

Q Did you have a conversation with any of these law enforcement officers at one of the mass meetings? A Yes, I did.

Q Would you tell me where that conversation took place? A It took

place --- I'm not sure. --- I believe it was at our fourth mass meeting, at the  
 Tabernacle Baptist Church. I remember the officer. It was Mr. Virgil Bates,  
 a deputy sheriff of Dallas County. And I asked him ---

Mr. Pitts: (Interrupting) We object. Not responsive to the  
 question. He asked him where the conversation took place. It  
 is a voluntary statement, not responsive to the question.

Q Will you tell me when that fourth mass meeting was? A I am not  
 sure whether --- which mass meeting it was. The fourth mass meeting took place  
 on the second Monday in June, I believe.

Q The second Monday in June? A I believe it was.

Q And I ask you whether or not it wasn't the second Monday in July?

Mr. Gayle: We object.

The Court: Where was the meeting?

The Witness: Tabernacle Baptist Church.

The Court: Go ahead.

Q It was the second meeting at the Tabernacle Baptist Church? A Yes,  
 it was.

Q Who was present besides you and the Deputy Sheriff Bates? Keep your  
 hands down from your face. A Mr. James Gildersleeve was present and also two  
 other officials. I think one told me he was from the City Police Department,  
 and I believe the other was from the Sheriff's Department.

Q I didn't understand you. A I said one officer was I believe from  
 the City Police Department, and the other was Mr. Virgil Bates from the Sher-  
 iff's Department I believe. I can't be sure.

Q What was that conversation? A Well, I asked them --- well, in fact  
 I told them to give me a definite reason for their being there, and would they  
 give me a definite reason so that I ---

Mr. Pitts: (Interrupting) I object to anything this man says.

The Court: Overrule. Go ahead.

A (Continuing) I said, "You never did give me a good reason why you are here."

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

I didn't clearly understand what their purpose was. And Bates said, "We are here to observe this type of meetings." And I explained it was a voter registration meeting, that sort of thing. And he said, "This type of meetings we are ---" I think he said "authorized" --- I can't quote him, but he did tell me he had authority to be there and to observe.

Q Now, in connection with your case, sir, where you were charged with vagrancy, tell me whether or not you had attorneys in the County Court proceedings? A Yes, I did.

Q And were you required to pay your attorney for the services he rendered you down here?

Mr. Gayle: We object to that, your Honor. I can see no relevancy, whether he had attorneys or paid attorneys.

The Court: I see what he is driving at, but I'm not sure --- how much did you pay your lawyer?

The Witness: Well, I did not particularly pay the lawyer. The Dallas County Voters League paid the lawyer's fee for me.

The Court: I asked you how much it was.

The Witness: \$200.00.

Mr. Doar: That's all the questions I have, your Honor. We'd like the Court to know --- to say again, that we are relying on the entire affidavits.

#### CROSS EXAMINATION BY MR. PITTS:

Q How old are you? A I'm twenty-two years of age.

Q How old? A I am twenty-two years of age.

Q And how long have you been in Dallas County? A Since February 10, 1963.

Q And you are not a qualified voter in Dallas County, are you? A I

am not.

Q Where did you come from to Dallas County? A From Atlanta, Georgia.

Q You are not even a resident of the State of Alabama, are you? A

Not yet.

Q How many times have you been arrested in your lifetime? A Approxi-  
mately ten times.

Q Approximately ten times. And what were those charges that you have  
been arrested for? A All kind of things.

Q Well, name some of them. A Disorderly conduct, I think it was tres-  
pass, ejection of undesirable guest, and several others.

Q Have you ever served any time? A Served any time?

Q Yes, in the penitentiary. A I have not served any --- er --- ex-  
plain the question.

Q Have you been arrested before? A Yes, I have.

Q And did you serve any time in jail? Before? A I awaited trial in  
jail. I don't quite understand. Jail?

Q I asked you if you were convicted and the Court sentenced you to any  
time in jail? A No, sir.

Q Did they sentence you to pay any fine? A I'm not sure I understand  
the question.

Q Now, you know when you were tried on all those various charges, don't  
you? When you went in Court? A Yes.

Q All right. Now, were you convicted or were you turned aloose on ev-  
ery charge? A Some I was convicted and some I was turned loose.

Q Now, those that you were convicted on, how much time did you serve  
on? A I didn't serve any time when I was convicted.

Q Well, did you pay a fine? A Yes.

Q And how much were you sentenced to serve on each one of those convic-  
tions? Were you sentenced to any time in jail on those convictions? A Yes,  
I was.

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



Q How much? A Well, one conviction, I think it was a year and six months in jail.

Q Where was that at? A That was at Jackson, Mississippi.

Q And where else have you been sentenced to jail? A I haven't been sentenced to jail any other places.

Q Huh? A I haven't been convicted and sentenced to jail any other place.

Q You say that you are a reverend, what church --- have you ever been ordained? A I am licensed, not ordained.

Q In what church is it, or what demonination are you a reverend? A Baptist faith.

Q Baptist faith. And where was it you were licensed? A Licensed in Nashville, Tennessee, and Tampa, Florida.

Q But you never have been licensed in the State of Alabama, have you? A I have not in the State of Alabama.

Q Now, did you attend all of these mass meetings? A Yes, I did.

Q You attended all of these mass meetings. Is that right? A That's right.

Q Did you attend the one at the Tabernacle Baptist Church on Broad Street, the one down here on Broad Street? The first one they had? A Yes, I did.

Q Were you on the inside of the church? A Yes, during the meeting I was.

Q Did you look on the outside of that church? A While coming in and going out.

Q Did you see any white people out there? A Yes, I did.

Q Was there a thick number of people up and down that street? A When?

Q During that meeting and after that meeting, and before that meeting.

A During the meeting I was on the inside.

Q Well, were there people there? A When?

Q During the meeting, after the meeting, before the meeting. A I can't say during the meeting.

Q Well, before the meeting ---

The Court: Let me interrupt. I think you understand the question that's being asked, and I'll expect it to be answered.  
Were there any people there when you went in?

The Witness: Yes.

The Court: How many?

The Witness: There was a small number of people. Mostly people coming to the mass meeting and police officers.

The Court: All right. And when you went out?

The Witness: When I went out I saw a large number of people who were leaving the mass meeting, and I saw also the police officers. I can't testify to how many when I was inside.

Q Did you see other people up and down that street there that wasn't police officers? A Repeat the question. Explain --- going out or what?

Q Going out of the meeting. A Yes, I saw people leaving the meeting.

Q Well, I know, but I'm talking about people that wasn't at that meeting. Didn't you see a lot of white people up there that wasn't in that meeting? When you left there. A I saw some. Yes.

Q And when you went in there, there was a lot of white people out there too, wasn't there? In automobiles, and also standing on the street, wasn't there? A There were police officers.

Q Well I mean people other than police officers. A I don't know who they were.

Q I didn't ask you who they were. I asked you did you see them. A I can't say I saw a whole lot of people. I saw them as I was going in.

Q Well, I'll ask you if during the time of that mass meeting down there when it was about over with, didn't they ask one of those police officers if it was safe for them to go back out? A Who?

Q Didn't someone in that mass meeting get up and ask the officers in there if it was safe for them to leave that meeting? A I don't remember that.

Q You don't remember that. Do you know of your own knowledge that these officers had been down there for the purpose of protecting you negroes and preventing violence? You know that? A I do not know that was their purpose, but I assume that was their purpose.

Q Have you ever seen any one of these officers intimidate anybody while they were in that church there, or abuse anybody in any of those churches? Any officer? A I don't fully understand.

Q Have you ever heard one of those officers make any statement that would threaten anybody in that church that was attending one of those meetings? A Threaten, I have not.

Q Have you ever seen one of those officers that was there abuse anybody in that church? A I have not.

Q I'll ask you whether or not at those meetings it was discussed about demonstrations in the City of Selma? A You ask if it was discussed?

Q Yes. A By whom?

Q People that attended that meeting. A Lot of things discussed. I don't know.

Q Well, was it ever discussed about having demonstrations? A Having demonstrations? I don't recall.

Q You don't recall. All right. Was it ever discussed in there that they were going to have violence? Was any violence ever mentioned in one of those meetings? A By whom?

Q People that were attending the meetings, or people that spoke at the time of the meeting. A I don't understand what you mean by violence.

The Court: Have you ever heard the word violence used?

The Witness: The word violence used? Yes, sir. Yes, I've heard the word violence used.

Q Well, what did you hear it used in connection with? A When I told

people about my own attack.

Q But I'm talking about in connection with the City of Selma. A In connection with the City of Selma?

Q Yes. A I don't recall anybody saying anything about violence.

Q And you don't recall any demonstrations being made there, or talk about violence? A In Selma?

Q Yes. What you were going to force on the City of Selma. A No, sir.

Q I will ask you this, Bernard. Were you arrested in Miami, Florida?

A Yes.

Q What charge was that for? A Ejection of undesirable guest.

Q And what sentence did you get there? A I got a year probation.

Q Were you arrested in Nashville, Tennessee? A Yes.

Q And what was the charge there? A Which arrest?

Q The first arrest in Nashville, Tennessee, on December 7, 1960? A Now, that was --- er --- I think it was --- let me see ---

Q Well, I'll ask you, on that date wasn't you arrested for resisting arrest and disorderly conduct? A I was charged with that. That's right.

Q That was what you were arrested for, wasn't it? A Yes.

Q Then on February 20, 1960, weren't you arrested again --- '61, wasn't you arrested again in Nashville, Tennessee? A What date?

Q February 20, 1961.

Mr. Doar: I'd like to object to these questions and answers.

He can show the convictions, not arrests.

Mr. Pitts: We are attempting to show that everywhere this man has gone he has caused trouble.

The Court: You can go along. He has answered that.

Q Well, I'll ask you this then: weren't you arrested in Jackson, Mississippi, on June 15, 1961, and fined \$200.00 and given sixty days? A (No answer)

Q Is that right? A That's right.

Mr. Doar: Take your hand down from your face. Otherwise the reporter can't hear you. Understand?

The Witness: Yes, sir. (Takes hand from his face)

Mr. Doar: Thank you.

The Court: Anything else?

Q Now, I'll ask you, Sheriff Jim Clark, one of the defendants in this case, has he ever threatened you in any way? A With arrest.

Q With arrest. Is that the only threat he has ever made against you? Is that right? A That's right.

Q And where were you when he threatened you with arrest? A I was standing on the corner of Minter and Broad.

Q When? A This past Monday night.

Q And what did he tell you then? A You want me to repeat what he told me?

Q What he told you then. A If I didn't get my ass out of there he was going to arrest me for interfering with an arrest.

Q For interfering with arrest. And that was when this boy Alexander Brown was arrested, wasn't it? A That's right.

Q That's right. And you were interfering with an arrest, weren't you? A No, sir.

Q And has any other officer of Dallas County in any way threatened you or intimidated you in any way? A You call arresting a man intimidation?

Q I'm asking you whether or not, other than lawful arrest? A I feel it's unlawful.

Q Well, have they arrested you or not? A I haven't been threatened otherwise than arrest.

Mr. Pitts: We move to exclude what his opinion is.

Q Has any officer of Dallas County threatened to do you any bodily harm? A No, sir.

Q Now, the day you went up here to Dallas County to that voter regis-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

tration line, did you go inside the court house that day? A I remember no such date.

Q Did you send Bosie Reese up there? A Yes.

Q And you sent this man Brown up there? A Yes, I did.

Q And you sent them up there for the purpose of making pictures, didn't you? A No, sir.

Q Well, they had a camera, didn't they? A I wasn't up there.

Q Well, did you tell them to take pictures? A Not on that occasion.

Q Not on that occasion. All right. Did you tell them --- well, what did you tell them to do up there? A I told them to count the number of people who were applying for applications so that we could keep a record of how many people applied.

Q Now, you could have done that by having those people report back to you, couldn't you? A We do that too.

Q You didn't have to go up there to that line to get that information, did you? A Yes.

Q Well, they could have reported to you, whether or not they submit themselves for registration, couldn't they? And given you their names, couldn't they? A We thought it was necessary.

Q You thought it was necessary. But you knew that you were not supposed to go up there and interfere with that registration line in the court house.

A We were not interfering.

Q Well, you were contacting people in that line, wasn't you? A I wasn't up there.

Q But you sent somebody else up there to do it, didn't you? A To count the people.

Mr. Pitts: All right. That's all.

GERTRUDE M. BAILEY

Official Court Reporter

FOURTH JUDICIAL CIRCUIT OF ALABAMA

## CROSS EXAMINATION BY MR. McLEOD:

Q Do you recall a meeting when James Foreman spoke in Selma at the church here? A I recall that meeting.

Q When was that? A I believe that was May 14th.

Q Where is James Foreman from? A He came from Atlanta.

Q And is he your boss? A Executive secretary.

Q Does that make him your boss? A We don't call him boss.

Q He's over you, isn't he? A He is my superior.

Q Now, on May 14th. before that meeting that night, how many times did you call the Justice Department in Washington, D. C.? A I called them not one time.

Q Did you call the Justice Department and ask them to send people here to protect you and other at that meeting that night? A I did not.

Q Did they do it in your name? A Maybe so.

Q And did the sheriff that night give you the protection that you were trying to get out of Washington? A Did the sheriff do it?

Q Yes.

The Witness: Your Honor, may I ask a question?

The Court: All right.

The Witness: Does he include me in the question he is asking?

Q You were at the meeting, weren't you? A Yes.

Q Did you speak at that meeting? A I spoke at the meeting.

Q And did the sheriff maintain order at that meeting? A Order was maintained.

Q Did you see any officers there besides the sheriff's department --- the sheriff's department of Selma --- at the meeting of May 14th.? A Inside or outside?

Q Inside and outside? A The people at the mass meeting.

Q And did you see these officers there? A Yes, I did.

Q And at that meeting, weren't 75% or 80% of them teenagers? A I

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

couldn't say.

Q And did you hear James Foreman when he made his speech? A I was present.

Q Well, if you were present, did you hear his speech? A I heard his speech.

Q You were there all the time he spoke, were you not? A That is true.

Q Did you hear James Foreman call for let blood flow in the streets?

A No, I did not.

Q Did you hear James Foreman call for mass violence through the streets of Selma by the negroes of this town? A (No answer)

Q And do you know ---

Mr. Doar: (Interrupting) Let him answer the question.

Mr. McLeod: He wont answer.

Mr. Doar: Yes, he will answer. Certainly he will answer.

Q Did you hear that?

The Court: Answer the question.

The Witness: What is your question?

Q Did you hear James Foreman call on the colored people of Selma to be killed for their rights and to march on the court house and down the streets of Selma? A Yes, if necessary.

Q If necessary. A Do you want me to tell the truth?

Q Yes. If you know it. A Well, I think when he said, "Die if necessary", we had to be willing to die. Not violently. If necessary.

Q Now, did you hear him cuss out the sheriff's department of Dallas County and the Governor of the State of Alabama? A Curse out the sheriff's department?

Q Yes. A No, sir, I did not hear that.

Q Now, do you know Rev. C. C. Hunter of Selma, Alabama? A Yes, I do.

Q Is he a colored man? A Yes, he's a negro.

Q Do you remember his making the statement, "Let us not leave this room

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



and may not wake up tomorrow." Do you recall that statement being made by James Foreman? A Mr. Foreman or Mr. Hunter?

Q James Foreman. A I don't know who said it. It was said.

Q It was said at this mass meeting. A I recall that.

Q Now, you say you know Rev. G. C. Hunter. A Yes, sir.

Q And is he a colored man? A Yes, colored.

Q Now, did he speak before James Foreman spoke? A Yes, he did.

Q And after James Foreman spoke did Rev. Hunter come back and tell the people, the colored people that were in that church, that, "I will not let you leave here during the frenzy that James Foreman's got you in. And I'm going to talk to you and quiet you down." Do you recall that? A Portions of your statement, not all of it.

Q And didn't he tell them to get out of here and conduct yourselves like decent people? A Yes.

Q And not to go out and do like James Foreman tried to get you to do? A He didn't say that.

Q Well, what did he say? A He said the same thing I said. He said, "We must leave quietly and orderly, and conduct ourselves as good citizens." To leave immediately and go directly home.

Q Now, he was not booked to speak the second time, was he? A Who?

Q Rev. Hunter. A I don't recall.

Q Didn't he make the statement that he was not booked to speak again but he had to speak in order to calm the people down after hearing your superior speak? A I don't remember him saying that.

Q And do you remember James Foreman jumping up and shaking his head, and Rev. Hunter said, "Sit down. You're going to hear what I say." Do you recall that? A I don't recall that.

Q In other words, you can remember what you want to remember, can't you? A I'm truthful. I don't recall it. It may have happened, but I don't recall that.

Q But you do recall --- do you recall his making this statement, "If they kill me, I will go to my grave a happy man because I will never look another white man in the face." Do you recall James Foreman making that statement during his speech? A Yes, I do.

Q And he was calling for violence all the time, wasn't he? A No, sir.

Q Well, the biggest part of the time he was calling for violence, wasn't he? A No, sir.

Q How much of it? A None of it.

Q Well, you just got through saying he said he was willing to die rather than look a white man in the face again. A He didn't say he was advocating violence.

Q He called for violence, didn't he? A He called for marching.

Q And he called for blood to be shed, didn't he? A I don't think he called for blood to be shed.

Q You were there, weren't you? A He didn't call for blood to be shed.

Q You don't try to remember those things, do you? A (No answer)

Q Now one other question. At any meeting that you have had in Selma has there been a meeting that violence was not advocated? A Violence advocated?

Q That's right. A You mean violence ---

Q (Interrupting) You're a college graduate, aren't you? A What?

Q You're a college graduate, aren't you? A No, I'm not.

Q How many years have you been to college? A Oh, I transferred from one college, three years at one college and ---

Q (Interrupting) You know what the words "violence advocated" mean, don't you? A Yes, I do.

Q Well, was it advocated? A No.

Q I believe you stated awhile ago that James Foreman was secretary and treasurer of the organization that you work for. Is that right? A That's not right.

Q Well, what did you say? A I said he was executive secretary.

Q Executive secretary. Now, of the Dallas County Voters League, are they the ones that invited you here? A That's right.

Q And is James Gildersleeve the head of that? A Vice-president of it.

Q Who is president? A Mr. Jackson Lawson.

Q Speak up. A Mr. Jackson Lawson.

Q Does he live in Selma, Alabama? A Yes, he does.

Q And who is secretary and treasurer? A Of what?

The Court: Same organization.

Q Same organization. A You mean the secretary?

Q Yes. A The secretary is Mrs. P. L. Lindsey.

Q And who is the treasurer? A Mr. Buckley.

Q What's his full name? A I don't know.

Q Oscar? A I said I don't know his first name.

Q Who else is an official down there? A What particular organization?

Q I am still talking about the Dallas Voters League. You know what I am talking about. A You said what of what ---?

Q I said do they have any other officials in that organization besides president, vice-president, secretary and treasurer? Do you have any other officials there? A Yes.

Q What are their names and what are their titles? A I am director of the project. My name is Bernard LaFayette, Jr.

Q Who else do they have? A We have an assistant secretary.

Q Who is that? A Ulysses Blackmon.

Q Isn't there a woman by the name of Boynton? Isn't she an official of it? A Yes, she's a member of the Voters League.

Q Just a member? A Yes.

Q Does she hold an office? A No, I don't think so. She is probably head of some committee.

Q In the conversation that you had with the Justice Department in Wash-

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

ington previous to that meeting that day, didn't you tell them that the sheriff's force of Dallas County had all left town so that you and the people at that meeting would be at the mercy of anyone that came up?

Mr. Doar: We object to that, your Honor, on the grounds that he has already testified that he had no conversation with the Department of Justice.

Mr. McLeod: We understand and have proof that he did have.

The Court: He said that he didn't. Go ahead, answer the question.

Q Did you send that message to Washington?

Mr. Doar: We object to that question, your Honor, on the grounds he said he had no conversation.

The Witness: I did not have such a conversation.

Mr. McLeod: That's all.

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

REDIRECT EXAMINATION BY MR. DOAR:

Q Since you've been here, Rev. LaFayette, have you worked and spent your time working and teaching people how to register to vote in Dallas County? A Yes, I have.

Q And do you know whether or not any member of your organization kept a record of the people that have attended your voting classes or voting clinics? A Yes, I do.

Q What is that lady's name? A Mrs. Marie Foster.

Q Mrs. Marie Foster? A Foster.

Q And have you, during the time you have been here, worked with some of the negro young people and had them canvas throughout the negro area urging people to register to vote? A Yes, I have.

Q About how many young people do you have working on that project?

A Approximately fifty.

Q You have testified that you saw the sheriff on the 22nd. day of July, 1963. Where were you at that time? A On the corner of Minter and Broad.

Q Were you coming from or going to a meeting? A No, I just left out of a meeting. The meeting was not over, and I left --- er ---

Q Speak up, please. A I was informed that an arrest was being made of one of our voter registration workers.

Q What kind of meeting had you been attending? A Voter registration mass meeting.

Q Where was that meeting held? A Tabernacle Baptist Church.

Q In connection with the arrests you have been asked about, can you tell us whether or not all of these arrests had arisen out of activities on your part in behalf of people of the negro race? A Yes, that is true.

Q Have you ever been arrested for any activity, any unlawful activity, other than activity involving negro civil rights? A No, I have not.

Q Are you at this time still employed by the Student Non-Violent Coordinating Committee? A Yes, I am.

Q Are you still in charge of the voters registration project of the Dallas County Voters League? A Yes, I am.

Mr. Doar: That's all.

Mr. Pitts: I want to ask him one or two more questions.

The Court: Go ahead.

#### RECROSS EXAMINATION BY MR. PITTS:

Q Now, in these mass meetings that you had, the talk that went on in those meetings wasn't confined to voters registration, was it? A No.

Q It was a broad thing of breaking down segregation, wasn't it? A Yes.

Q And sit ins were discussed, wasn't it? A I don't recall.

Q Do you know Ella Mae Baker, or Barker --- Baker --- from Atlanta, Georgia? A Mrs. Ella Mae Baker?

Q Ella Mae Baker. A Yes.

Q Do you know her? Huh? A Yes, I do.

Q She talked down at a meeting down there on June 24th. didn't she?

A Where?

Q In Selma, at 7:55 p. m., didn't she? A Yes.

Q And she encouraged the young people there, and others, to break down all segregation. Didn't she? A More than likely, but I don't know exactly.

Q And she made this statement, that she hoped that this could be accomplished in Selma without violence, didn't she? A (No answer)

Q Huh? A I don't remember exactly the words. She probably said it.

Q Did she or not say it? A Yes, I suppose so.

Q Without violence, did she say that? A Without violence. That's what we advocate, non-violence.

Q But you also advocate sit-ins, don't you? A You said "we", "we" who?

Q At these meetings. A At these meetings?

Q Yes. A I don't remember sit-ins being mentioned.

Q Demonstrations. And she also said if necessary blood was going to run in the streets of Selma, didn't she? A I don't remember that statement.

Mr. Pitts: That's all.

Mr. Doar: Step down, please.

JAMES G. CLARK, JR., recalled to the stand, testified further as follows:

DIRECT EXAMINATION BY MR. PITTS:

Q You testified this morning that your office had never arrested any-

body or made anybody leave any of the lines in the court house. Is that correct? I mean, you testified to that effect this morning? A We have never arrested anyone before.

Q Since then has it been called to your attention that there have been two occasions where persons were removed from the line? Or told to leave the line? A It was before that.

Q Sir? A Before that.

Q Before this. All right, sir. Now, on those --- on one of those occasions was there a long line leading into the Board of Registration office?

A Yes.

Q I will ask you, Sheriff Clark, do you remember when this voter registration case was going on? A Yes.

Q Do you remember whether or not the number of negroes that came down here to qualify, to apply to vote, there were some long lines at that time?

A Yes.

Q Sir? A At that time, yes.

Q Was there a long line? A Yes.

Q Was anybody told to leave those lines alone at that time? A Yes.

Q Do you know the names of the people? A No. It was three unidentified white people.

Q Three unidentified white people? A Yes.

Q And did your officers make them leave them alone at that time? A Yes, sir. I did personally.

Q All right. Now, on another occasion, do you remember? A Yes, it was sometime in the spring. I'm not exactly sure of the time. It was three white men talking to a man in the line and they were told to leave the line.

Q And on both of those occasions you've testified to, these white men obeyed the order of the sheriff? A Yes, they left immediately.

Q And no arrests were made. A No arrest was made.

## CROSS EXAMINATION BY MR. DOAR:

Q Do you have instructions to your deputies with respect to how they should handle anybody that hangs around the lines? A It has been a standing instruction on any line in the court house.

Q What is that instruction? A It's that nobody can stand around the line, molest the line, or try to break in the line. We were asked by the tax assessor sometime ago to handle it in front of his office because we had people breaking in the line.

VIRGIL BATES, being duly sworn, testified as follows:

## DIRECT EXAMINATION BY MR. DOAR:

Q Tell the Court your full name. A I am Virgin Brantley Bates.

Q What is your occupation? A Deputy Sheriff of Dallas County.

Q How long have you been deputy sheriff? A Four years.

Q What is your race? A Deputy ---

Q Your race. What race are you? A Deputy, that's all I know.

Q Are you a member of the white race? Are you a white man? A Oh, beg pardon, yes.

The Court: Excuse me just a minute. A long distance call for me. Take a ten minutes recess.

(Court stands in recess for a few minutes, then called to order and trial continued with Mr. Virgin Bates still on the stand)

Q You are a deputy sheriff of Dallas County? A Yes.

Q Would you speak up loud? A Yes.

Q You work for the sheriff? A Yes, sir.

Mr. Doar: I'd like permission to examine this witness adversely as an agent of the defendants.

Mr. Pitts: We object to that, Judge.



The Court: Overrule. Go ahead.

Q Did you at Mr. Clark's, Sheriff Clark's, instruction attend certain meetings held by negroes in Selma during the spring and early summer of 1963? A Yes.

Q Did you take notes at those meetings? A Yes.

Q Directing your attention to Exhibits 30 and 31, which are handwritten notes, I ask you whether or not those notes are in your handwriting? A This one is.

Q You are pointing out Exhibit 31 as being in your own handwriting? A Yes.

Q Did you make up reports of what you heard and saw at the other meetings that you were at? A Yes.

Q Were you at a meeting on the 17th. day of June, 1963? A Yes.

Q Did you make a report on that meeting? A I did.

Q Do you have that report in your possession? A I do not.

Q What did you do with that report? A I left it in the sheriff's office.

Q Have you seen it since that time? A I have not.

Q Did you advise the sheriff in that report that a certain collection had been taken up at that meeting? A I don't recall.

Q You don't recall whether you advised him a collection was taken up or not? A I do not.

Q Do you recall whether or not you advised him in that report that Bernard LaFayette was at that June 17th. meeting? A I don't recall that.

Q Do you recall whether or not he was in fact at that June 17th. meeting? A Not that meeting, no, I don't recall.

Q You don't recall? A I don't recall.

Mr. Doar: That's all the questions I have.

## CROSS EXAMINATION BY MR. PITTS:

Q Mr. Bates, did Bernard LeFayette ever make the statement to you that you and the other officers of the sheriff's department were welcome at these meetings? A Yes, sir.

Q At these meetings have there been other people in and around these meetings, other than the people that were attending the meetings and other than officers of the law? A Yes, sir.

Q Have there been people in automobiles riding around these meetings? A Yes, sir.

Q They had no connection with law enforcement? A Beg pardon?

Q They had no connection with law enforcement, is that correct? A That is correct.

Q And do you remember the meeting they had, the first meeting they had out on Broad Street? A Yes, sir.

Q At the church there? A Yes, sir.

Q Were you inside the building or outside the building? A Inside.

Q Do you remember one of the speakers at the meeting or somebody making a request, asking whether it was safe for the people to go outside? A I believe they asked one of the other officers that.

Q Whether it was safe for them to go out? A Yes, sir.

Q Were you in the building before the meeting? A Yes, sir.

Q And were you in the building all during the meeting? A Yes, sir.

Q And were you in the building after the meeting? A Well, I was one of the first to come out of the meeting and go ---

Q When you came out of the meeting were any people in and around there, up and down Broad Street there, that were not law enforcement officers? A Yes, sir.

Q Were you at a mass meeting held at Browns Chapel on July 15, 1963?

A Let me think a minute, Mr. Pitts.

Q That's Browns Chapel. A Yes, sir --- no, sir; no, sir.

Q You were not at that meeting? A No, sir.

Q Have you or anyone in your presence intimidated or abused any negro for the purpose of keeping him from registering to vote? A No, sir.

Q Have you received any instructions from the sheriff's office to do any such things as that? A No, sir.

Q In fact, have your instructions been to the contrary? A Right, sir.

Q Is that right, sir? A Right, sir.

Q At these meetings that you went to, did you hear any statement by any of the speakers or any of the persons at that meeting in regard to demonstration, sit-ins, or any violence that may take place? A No, sir.

Q Now, Mr. Bates, did you hear Foreman when he spoke down here? A Yes, sir.

Q Now, Mr. Bates, you haven't heard any officer of the sheriff's department make any threats of violence, have you? A No, sir.

Q All right. Have you made any such threats? A No, sir.

Q Have you heard some of these negroes that were at the meetings, in these meetings talk of violence? A No, sir.

Q Mr. Bates, was Mrs. Boon Aikens (reporter not certain of this proper name) present? A Yes, sir.

Q You know Mrs. Boon Aikens? A Yes, sir.

Mr. Pitts: I'm going to ask Mrs. Aikens to leave the court room, Judge.

The Court: What's that?

Mr. Pitts: I'm going to ask Mrs. Aikens to leave the court room. I didn't know she was there. She's a newspaper reporter.

The Court: Something was said about newspaper reporters.

Mr. Doar: It wasn't that person at all.

(The reporter referred to leaves the court room)

Q To refresh your recollection, this is a statement taken down by Mrs. Boon Aikens of James Foreman. A Yes.

Q And made this statement --- did he make this statement, "Before this is over some of us are going to be dead. Even though you slay me, others will come along and take our places. When one of us dies there must be 100,000 to stand up in his place. Kill one of us going down to vote and there will be 1,000 to take his place. The greatest price we can pay for freedom is with our lives." And there is something about segregation. Did you hear that statement made? A Yes, sir.

Q And this Bernard LaFayette here, did you hear this statement made by him, "Before it is over, some of us may be dead in our graves. Let me be dead in my grave. I will still be there." A I don't recall that.

Q Now, Mr. Bates, those statements I have just read to you, did you hear numerous similar statements made all during this? Similar statements?

A I don't recall.

Mr. Pitts: That's all.

Mr. Doar: We have a number of deputy sheriffs subpoenaed.

The Court: Send them in one at a time.

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

WILLIAM W. AVERETTE, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Tell the Court your name. A William W. Averette.

Q Officer Averette, were you subpoenaed to come here today? A I was, yes, sir.

Q Were you asked to bring certain notes and records that you might have made at any mass meetings of negroes in the spring and early summer of 1963?

A That's what the subpoena said, yes, sir.

Q Do you have any such notes and records in your possession? A No, sir.

JOHN M. FROST, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you tell the Court your full name, please? A John Frost, John M. Frost.

Q Are you a deputy sheriff of Dallas County? A Special deputy, yes, sir.

Q Were you subpoenaed to come here today? A Yes, sir.

Q Were you asked to bring certain notes and records with you? A In the subpoena, yes, sir.

Q And do you have any of those notes and records? A No, sir.

Mr. Doar: Thank you. That's all.

HENRY LEO NICHOLS, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you tell the Court your full name, please? A Henry Leo Nichols.

Q Are you a deputy sheriff of Dallas County? A I am.

Q Were you subpoenaed to come here today? A I was, sir.

Q Were you asked to bring certain notes and records with you? A I was.

Q Do you have any of those notes and records with you? A I do not.

I don't have any notes.

Mr. Doar: Thank you. That's all.

MURPHY F. SUTHER, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Tell the Court your full name, please. A Murphy F. Suther.

Q Officer Suther, are you a deputy sheriff of Dallas County? A That's

right.

Q Were you subpoenaed to come here today? A Yes, sir.

Q Were you asked to bring certain notes and records that you might have had in your possession with you? A Yes, sir.

Q Do you have any such notes and records? A Don't have nay.

Q Did you ever make any? A Didn't make any notes.

Mr. Doar: Thank you.

ALEXANDER LIONEL BROWN, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you speak up in a loud voice so that everyone in the court room can hear you? A Yes, sir.

Q What is your name? A Alexander Lionel Brown.

Q Where do you live? A Birmingham.

Q What is your race? A Negro.

Q How old are you? A Sixteen.

Q Do you go to school? A I do.

Q What grade are you in in school? A Eleventh.

Q When did you first come to Selma, Alabama? A June 4, 1963.

Q How did you happen to come to Selma, Alabama? A During the racial demonstrations in the City of Birmingham I talked with Mrs. LaFayette and she informed me of the work that was being done for voters registration in Dallas and Wilcox Counties. Since I have a lot of relatives in Wilcox County and knew people here in Dallas County, I thought I might come down and help and my work might be effective in this county.

Q Now, when you answer questions will you keep your hand away from your face so that everyone can hear you? A Certainly. Excuse me.

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

Q Have you been working on voter registrations in Dallas County since you came on June 4th? A I have.

Q Did you testify in the case of State of Alabama versus Bosie Reese on the 11th. of July, 1963? A I did.

Q Was Sheriff Clark present in the court room when you testified? A He was.

Q Did you see Sheriff Clark in the court house on the 17th. day of June, 1963? A I did.

Q Was that the day that Bosie Reese was arrested? A It was.

Q Now, do you know whether or not Sheriff Clark saw you on that day? A He did.

Q Do you know whether or not he recognized you?

Mr. Pitts: We object to that. Calls for a conclusion, whether or not he recognized him.

The Court: Sustain.

Q Did you have any conversation with the sheriff that day? A I did not.

Q For how long a period of time did the sheriff see you? A Well, I couldn't say.

Q What were the circumstances when you saw the sheriff that day? The place, where was it? A He was standing at his office door, or near his office door, and I was at the main entrance.

Q What were you doing? A I was making an exit.

Q What? A Exit. I was leaving.

Q And who were you with? A Bosie Reese.

Q Do you know whether or not Bosie Reese was arrested on that day? A He was.

Q Where were you when he was arrested? A At the door.

Q How far away were you from Bosie Reese? A Approximately two or three feet.

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

Q Do you know by whom Bosie Reese was arrested? A Sheriff Clark.

Q Now, were you arrested on the 22nd. day of July, 1963? A I was.

Q Where were you arrested? A On Minter Avenue across from the Minter Avenue entrance of the Tabernacle Baptist Church.

Q About what time were you arrested? A Oh, about eight o'clock.

Q And by whom were you arrested? A Sheriff Clark.

Q Will you tell us what happened, what conversation you had with Sheriff Clark, at the time you were arrested? A When I got out of the car he ran over to me and grabbed me by the arm and said that, "One of your lights is out", and "Come and I'll let you see it, see that it's out." And there was some profanity, and ---

The Court: (Interrupting) You can leave that out.

A (Continuing) Well, anyway he told me, "I have you now under technical ---" and, er, he said, "Now I want to tell you that you are under arrest."

Q Then what happened? A He took me by his car and had me stand there. He asked me for my driver's license.

Q Do you know whether or not he knew who you were that night? A Yes.

Mr. Pitts: We object. Conclusion of the witness, whether he knew who he was.

Q Did you tell him your name that night? A I did.

Q What did you tell him your name was? A Alexander L. Brown.

Q Did he ask you for your driver's license? A He did.

Q Do you have your driver's license with you? A I have.

Q Will you get it out, please? A (Witness takes driver's license out and holds it up)

Q All right. Did he ask you --- what did he do after he looked at your driver's license? A He inquired as to why I had Love on my license and I had told him my name was Brown.

Q Now, did you explain to him about that? A I made an attempt to explain, but he cut me off saying he would talk or see me later.



Q When you say you made an attempt, what if anything did you say? A  
As I said, I began to explain that I was born Love, and he cut me off.

Q Well, then what happened? A He had me stand by his car.

Q Then what happened? A Well, he called for a deputy to come after  
me.

Q Did a deputy come after you? A He did.

Q And did you have any further conversation with the sheriff that evening? A Not with the sheriff, no.

Q Do you know whether or not the deputy sheriff had any conversation with the sheriff that evening? A He did.

Q Could you tell us more about that conversation? A I asked the sheriff, I wanted to know what I was being arrested for. I wanted to know my charge, and the deputy got this information from the sheriff.

Q How did he get the information? A Over the two-way speaker, the one in his car.

Q Did the deputy ask you any question about how it happened you were going under the name of Brown? A When I was taken to the jail they asked me.

Q What did you tell them? A Well, I tried to explain that I was born a Love but I have always lived with my grandmother, who is Mrs. Hattie B. Brown. And he cut me off, the deputy cut me off by saying that, "You niggers are known to have a lot of names. It's just like that common-law marriage you have."

Q Did you have a birth certificate with you at that time? A I did.

Q Did anyone ask to see your birth certificate?

Mr. Pitts: Now, we object.

The Court: Well, I think it is admissible. Go ahead. The question is: did you have your birth certificate with you.

Mr. Pitts: No, sir, that wasn't the question. He asked him did the officer ask to see his birth certificate.

The Court: Overrule the objection.

Q Did you have your birth certificate with you? A I did.

Q Did you tell the officer that you had your birth certificate with you? A I did.

Q Did you offer to show it to him? A I did.

Q Do you have your birth certificate with you now? A I have.

Q Will you get that out, please. A (Witness takes out his birth certificate)

Q Did you have with you that night any other identification cards, such as school cards? A I did.

Q What is that school card? A (Reporter did not catch the name of the school) ----- High School Student Government Association.

Q Did you have any other cards or things of that type? A I did.

Q And did you offer to show the officers those cards?

Mr. Pitts: We object to leading the witness. Don't lead him,

Mr. Doar.

Q What, if anything, did you do with these cards? A Well, I attempted to show them to the deputy, but he didn't want to see them.

(The witness hands cards, etc., to the attorney)

Q You had those cards at that time? A I did.

Q Now, what is the fact with respect to your going by the name of Alexander L. Brown? A Because I had always lived with my grandmother, who is Mrs. Hattie B. Brown, and that's the name I was taught.

Q When you say always, is that from the time you were a small baby?

A Yes, since about three days old.

Q When did you apply for your driver's license? A April 3, 1963.

Q Will you tell me whether or not you were required to furnish a birth certificate at the time you got your license? A I was.

Q And did you furnish to the proper authority that birth certificate?

A I did.

Mr. Doar: Your Honor, I would like these eight documents mark-

ed as exhibits and offered in evidence.

The Court: Mr. Pitts, Mr. Bates just walked in the court room. If you are going to use him again I'll have to ask him to go out.

Mr. Pitts: Yes, sir, I want him out.

(Mr. Virgil Bates leaves the court room)

Mr. Doar: I'd like to offer in evidence the eight cards I referred to.

(Above described eight documents admitted in evidence without objection as Plaintiff's Exhibit 33)

Q Did you spend the night in jail on the night you were arrested? A

I did.

Q Did you get out later on bond? A I did.

Q Has your case come up yet for trial? A It has not.

Q What was the amount of the bond, if you know? A \$500.00.

Mr. Doar: Thank you. That's all.

The Court: Any cross-examination?

Mr. Pitts: Yes, sir.

#### CROSS EXAMINATION BY MR. PITTS:

Q Now you said you came down here from Birmingham, is that right? A

I did.

Q You are not a resident of this county? A I am not.

Q And this birth record that you say you have here shows your mother was from Michigan. A I don't understand.

Q Is that right? A I didn't understand you.

Q This birth record shows your mother was from Michigan. A That's right. She was born in Michigan.

Q Born in Michigan. And what is your grandmother's name? A Mrs. Hattie B. Jackson Brown.

Q Hattie B. Jackson Brown. Where's she living? A She is a resident of Birmingham.

Q Birmingham. Now, where is your father at? A In Quincy, Florida, I am told.

Q You are told. When is the last time you saw your father? A I don't remember.

Q Now, this information you've got here, did you have these papers in your possession the night you were arrested? A No, I had the small one.

Q But you just testified that you had it in your possession, didn't you?

A The birth certificate ---

Q (Interrupting) You didn't have that in your possession, did you?

A I didn't have this one, but I had a birth certificate. There it is (indicating).

Q And you have been going around the City of Selma representing yourself to be Alexander L. Brown? A That's right.

Q And when your birth certificate shows your name is Alexander L. Love, isn't it? A It does.

Q And you have a driver's license Alexander Lionel Love, isn't it?

A That's right.

Q And your birth certificate shows Alexander L. Love, doesn't it? A It does.

Q All right. So you've got three names, then, haven't you? A I have one.

Q You've just got one name? A I have.

The Court: Mr. Pitts, those documents are in evidence.

Mr. Pitts: Yes, sir, but I want to ask him.

Q Alexander Brown's got a Social Security number, hasn't he? A Yes.

Q Now, when you got down there that night, you had turned up an alley

that goes parallel with Broad Street, from Minter Avenue, hadn't you? A  
No, I had not.

Q You did not turn up that alley. A I did not turn up that alley.

Q Did you have a light out on your automobile? A It was out.

Q It was out, wasn't it? And the sheriff told you that's the reason  
he stopped you, didn't he? A That's right.

Q You were down here with Bosie Reese at the Dallas County court house  
on June 17th., wasn't you? A I was.

Q And you went in that court house, and did you have a camera or did  
you have a pad? Which one did you have? In your hand, what did you have?

A When we entered the courthouse I had both pad and camera.

Q And what did you go there for? A To observe the register's office,  
the negroes applying to register, in the Dallas County's register's office.

Q And did you go up to the registration door and try to go in that  
door? A I did not.

Q You didn't go there and try that door, to see whether it was locked?  
A I did that.

Q You did that. A I did that to see whether anyone was there.

Q And did you open it? A No, I did not.

Q Did you have any business at that Board for yourself? A I had been  
sent there.

Q But you wasn't trying to register to vote, were you? A No, I am  
not old enough.

Q And did you or this boy, Bosie Reese, make any pictures of persons  
in that line? A I made one picture of one person only.

Q One person. A Yes.

Q And how close did you get to that person when you made that picture?

A Average distance to take a very nice picture.

Q And who had a pad there? A I did.

Q Did you see a woman by the name of Lovett there? A Who?

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

Q Lovett. A I didn't know anybody's names.

Q You didn't see a colored woman there by the name of Lovett? A I didn't. I saw a negro woman, but I did not know her name.

Q Did you see more than one negro woman? A I only saw one negro woman.

Q How many white and negro men did you see? A I talked with two.

Q And that was all that was in that line? A I told you there were only ---

Q (Interrupting) Only two negro men and one negro woman in that line, is that right, when you made that picture? A When I made the picture there was only one negro man there. Period. No one else.

Q All right. And you didn't make any picture while Mary Anne Lovett was there, did you? A I did not.

Q And I'll ask you if one Mary Anne Lovett didn't ask you not to take her picture, and you asked her what she was there for, and she told you she didn't want no publicity? Aint that right? A I asked her if I could take her picture and she said no.

Q You asked her her name too, didn't you? A She said she would give it to Mrs. Boynton when she returned to the office.

Q She said she didn't want no publicity, didn't she? A She didn't tell me those words.

Q Did you take part in the race demonstrations in Birmingham, Alabama?

A I did.

Mr. Pitts: All right.

The Court: May this witness be excused?

Mr. Doar: Yes, sir.

The Court: Thank you. You may go.

EDWIN LEWIS MOSS, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Tell us your full name, please. A Edwin Lewis Moss.

Q What is your race? A Negro.

Q How old are you, Mr. Moss? A Forty-eight.

Q Where do you live? A Selma, Alabama.

Q What is your occupation? A Supervisor for the Fathers of St. Edmond.

Q What does that job consist of, briefly? A I am in charge of their clerical work. I do all of their clerical work and their publications.

Q Have you been active with the Dallas County Voters League? A I am.

Q What is the Dallas County Voters League? A It is an organization composed of the voters in Dallas County.

Q Are they the voters of the negro race? A Negro race.

Q What other organizations are you connected with in Selma, Alabama?

A I am a member of the Veterans of Foreign Wars, National Post No. 8188; I am a member of the Elks Lodge --- did you say Dallas County, Alabama?

Q Yes. A I am also a Mason; I am on the Board of Management of the YMCA; I am a trustee of Brown Chapel A.M. Church; I am associated with the Elks Credit Union as treasurer and manager. I guess that's all.

Q Are you a registered voter in Dallas County? A I am.

Q Have you been a registered voter for sometime? A That's right, since '45.

Q Now, do you know Bernard LaFayette? A I do.

Q When did you first know him? A I'm afraid I can't give you a date on that, but I would say at least two months possibly.

Q Have you ever had occasion to observe what work he is doing here, in Selma, Alabama? A I certainly have.

Q What has been your observation?

Mr. Pitts: Your Honor, we object to what his observation was. We don't mind his telling what he has seen.

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

The Court: All right.

Mr. Pitts: We object to his observation.

The Court: Well, that's what he's asking, Mr. Pitts. What he saw him do. All right. What did you see him do?

The Witness: I have seen him work here, specifically on the line of voters registration, trying to get negroes to register to vote. That's all that I know of him as doing, and I have worked with him along that line myself.

Q Do you know whether or not he is affiliated with the Dallas County Voters League? A Affiliated with the --- you mean as a member?

Q No, working with them. A Working with them, surely. I know that.

Q Well, is he still working with the Dallas County Voters League? A As far as I know he is.

Q Did you attend a mass meeting on the 14th. day of May, 1963? A Now, I would have to ask you where that meeting was, because I don't know the date. I don't know which mass meeting you are referring to, because I don't know the date of the ones that I attended.

Q Well, did you attend a mass meeting in May at the Tabernacle Baptist Church? A I did.

Q Tell the Court about how many people were present, if you know. A I would judge it to have been at least 400 people, or 450.

Q Could you tell me whether or not there were many adult negro citizens there? A Well, there were. I don't know what proportion, but I do know there were many adult persons there.

Q Do you recall the names of any of them? A At the meeting?

Q Yes. A There was John Creagh, Sonny Chestnut, Bernard LaFayette, James Gildersleeve, Rev. Lett, Rev. C. C. Hunter --- that's all I can recall at this moment. (Reporter not certain of the first name above, John "Creagh")

Q Now, would you know whether or not that meeting was sponsored by the Dallas County Voters League? A That's the impression I have. That's the



knowledge I have concerning the meeting.

Q Did you have a discussion prior to that meeting with any police officers in Dallas County? A I did.

Q With whom did you have that discussion?

Mr. Gayle: We object, unless the time and place and proper predicate is laid, your Honor.

The Court: All right.

Q What was the time and place of that discussion, and who was present?

A I think it was before --- the day before the meeting was held at the Tabernacle.

Q Where was this meeting? A At the City Hall.

Q Who was present? A The Chief of Police.

Q Have you attended subsequent mass meetings of negroes in Selma, Alabama? A I have.

Q How many of them have you attended? A Since that time I have attended two.

Mr. Doar: Two of them. That's all I have. Thank you.

Q Wait one moment. Let me ask you this: did you make bail for Alexander Brown? A I was a co-signer. I was a co-signer on the bail.

Q Was this a cash bond? A It was a cash bond.

#### CROSS EXAMINATION BY MR. PITTS:

Q Did you know Alexander Brown? A No, I didn't.

Q I'll ask you, do you know him now? A I know him when I see him, yes, sir.

Q Did you ever hear him, before today or a couple of days ago, did you ever hear him called Alexander Love? A No, I haven't.

Q You didn't know his name was Alexander Love? A No, I didn't.

Q You have only known him by the name of Alexander Brown. A Yes, that's right.

Q Your meeting that you're talking about, you say, in answer to Mr. Doar's question you say this meeting at the Tabernacle Baptist Church was sponsored by the Coordinating --- what you call it? A The voters league, the Dallas County Voters League.

Q That was their meeting. Is that right? A To my knowledge.

Q The purpose of that meeting was to get people to vote, is that right? To register to vote. A That's right.

Q Well, why did you all put out this pamphlet here, this hand bill that says, "Support Rev. L. L. Anderson", who was the pastor of that church and who has been charged with manslaughter? A I am not an officer of the Voters League. I am only a member, and I was called upon to help them, to ---

Q I'm handing you here now Plaintiff's Exhibit No. 7, and that does say, "Support Rev. L. L. Anderson, Come to the mass meeting at the Tabernacle Baptist Church, " doesn't it, on "Tuesday night, May 14th", is that right? A That's right.

Q And you do know that Rev. L. L. Anderson was the pastor of that church, don't you? A Yes.

Q And you do know that Rev. L. L. Anderson was charged with manslaughter, don't you? A I know that he was charged.

Q And you know that he was convicted, don't you? A I heard it.

Q And you know that he run over a man of his own race, don't you? A I heard it.

Q You went to that meeting? A Yes, sir.

Q Now, Moss, you are familiar with the area between First Avenue and Broad Street, aren't you? A I am.

Q I mean you are familiar with the area on Broad Street between First Avenue and the railroad, aint that right? A Yes, sir.

Q And this Tabernacle Church is about halfway in between, on the corner

of Minter and Broad? A That's right.

Q About halfway from First Avenue down toward the railroad, aint that correct? A I would say so.

Q Now, what time did you arrive at that meeting that night? A I can't give you the time. I only know I was there about fifteen minutes before the meeting started.

Q Before the meeting started. Now, when you went there, did you see any people on the outside of that meeting? And people riding by in cars? A I saw a normal number of people riding by in cars. However, I did see people on the other side of the street, colored people.

Q And you saw a lot of white people 'n that area. A Not as I remember as I went in.

Q Not when you went in. When you come out did you see them? A I did.

Q And at that meeting didn't someone at the meeting there ask one of the officers was it safe for the people to go on out? A I didn't hear that.

Q Well, you were there? A I certainly was.

Q And was the sheriff's force and other officers there, in and around that building? A There were white people there that I thought were connected with the sheriff's department.

Q Uniformed officers, I'm talking about. People in uniform. A There were.

Q Now, were there any inside the building? A I think there were, yes.

Q Do you know them? A I don't think that I know them, because when they were mentioned I only looked back for a moment. I didn't look back enough to be able to recognize them. I only saw two officers. One had a walkie-talkie.

Q Had a walkie-talkie. All right. Now, did you see those officers at that time, did they take part in that meeting in any way? A Did they take part in the meeting? They didn't take part in the meeting.

Q All right. Did they try to disturb the meeting in any way? A No.

Q Did they do anything to intimidate anybody at that meeting? A At

GERTRUDE M. BAILEY

Official Court Reporter

FOURTH JUDICIAL CIRCUIT OF ALABAMA

the meeting?

Q Yes. A No.

Q Did they make any speeches or do anything to disturb anybody at that meeting? A No.

Q Did you hear them threaten anybody at that meeting? A No.

Q Now, you say you have been to how many meetings? A Three.

Q And that's three including this one? A That's right.

Q Where were the other two? A The other two --- at Browns Chapel Church and back to the Tabernacle.

Q In other words you've been to two of them at the Tabernacle Baptist Church and one at Browns Chapel, is that right? A Yes.

Q At any of those meetings did you hear any of these officers attempt to disrupt the meeting or threaten anybody or intimidate anybody? A No, sir.

Q Were there uniformed officers in and around the church? A I didn't see any uniformed officers around the church at the last meeting.

Q Are you afraid of any of those officers? A I'm not.

Q Now you mentioned one time, didn't you say that you had been to talk to Chief Mullen? A Yes.

Q Where was that at? That was before the first meeting? A That's right.

Q Who went with you? A I went alone.

Q And who did you see when you went up there? A Chief Mullen.

Q At police headquarters, in his office? A In his office.

Q And what did you --- what was the purpose of your trip there? A The purpose of my trip, I was concerned about the meeting, and I was asking him did he think it was necessary or whether it would be necessary to have any of the officers be there. That was the purpose of my going there.

Q In other words you felt like, that the police department of the City of Selma would give protection against any violence. Is that right? A Yes, I felt that way.

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

Q And did you find that out to be true? A In discussing it with Mr. Mullen I was under the --- he gave me to know that certainly it would be protected.

Q So really, these officers being out there at the meetings offered protection to the colored people that wanted to go to those meetings. A I didn't see any police officers of the city at all.

Q I mean any type of law enforcement officers. A Please ask the question again.

Q The presence of law enforcement officers in the area where these meetings were had has shown the colored people that they are protecting them in their meetings, is that right? I mean protecting them from violence. A I can't say purely that that would be the reason, because possibly in many instances it is misunderstood, or possibly some other reason. Therefore, I'm saying that I feel it could be for their protection.

Q But you had asked for protection from the police department. A I didn't ask for protection. I only asked what he thought.

Q What he thought. And you felt like if you needed protection the Selma Police Department would give it. A Certainly, sir.

The Court: Is that all?

Mr. Pitts: That's all.

#### CROSS EXAMINATION BY MR. McLEOD:

Q Did you hear the Rev. L. L. Anderson make a speech there that night?

A I think Rev. Anderson did make a comment.

Q And he was one of the last speakers to speak, wasn't he? A Right.

Q And did you hear the Rev. L. L. Anderson praise the law enforcement officers of this county and this town? A I'm sorry, but I don't recall Rev. Anderson, whether or not Rev. Anderson made that remark.

Q Rev. Hunter was one of the first speakers, wasn't he? A He was master of ceremonies, I think, wasn't he?

Q Now after --- well, he was one of the <sup>first</sup> speakers though, as well as master of ceremonies? A I think so.

Q Now, were you there when James Foreman of Atlanta, Georgia, made a speech? A Yes.

Q And immediately after he got through speaking Rev. Hunter spoke again? A He did.

Q Did you hear Rev. Hunter tell the people in the audience that they were not to leave that church in the frenzy that Foreman had got them in? A I don't know if he said it in those words. I think I can remember clearly Rev. Hunter --- the form of Rev. Hunter's statement. I don't know if he made those particular statement.

Q He made something similar, didn't he? A He cautioned the people to leave with love.

Q And didn't he tell James Foreman to sit down, "I want you to hear what I have to say"? A I didn't hear that.

Q And he told them that he had colored people that hated him and colored people that liked him. A Who said that?

Q Rev. Hunter. And he said he had white people that liked him and white people that hated him, both sides. And then he told the people to go out there and conduct themselves like he conducted himself and they'd have friends among the colored people and the white people. You remember him saying that? A He said something of that nature.

Q And do you remember James Foreman, told them that people would march and people would die if necessary for right? A Calling on people here to do that?

Q Yes. A I understood his remarks that he would say that people have done that and are doing that all over the country.

Q And called on them to do it here in Dallas County, didn't he? A

He called on them to do it, to march and to die if necessary for their rights. 1

Q And he asked them to march that next Monday morning, didn't he? A 2  
I don't think that's correct. 3

Q You didn't hear that part. A No, I don't think that's so. 4

Q You heard him tell them to fight and fight again, and curse the law 5  
enforcement officers of Dallas County, didn't you? A Well, he wasn't cursing 6  
them, I don't think. 7

Q He wasn't saying anything nice about them, was he? A Not too nice. 8

Q And he ended up by saying curse old George Wallace too, didn't he? 9

A He mentioned Mr. Wallace. 10

Q And he said that old sorry sheriff and that old George Wallace, did- 11  
n't he? A I don't think he said it like that, sir. 12

Q Didn't he call him that old George Wallace? A I don't think that 13  
he said it like that. 14

Q He told them to hate them, didn't he? A I don't think so. 15

Q Now, did you hear some of the people at these meetings invite these 16  
officers that were there to come down front and sit down if they wanted to? 17  
A I did. 18

Q So the people didn't object to the members of the sheriff's force 19  
being there, did they? A I don't think so. I don't think they objected to 20  
their being there. 21

Q Well, they invited them to come from the rear to the front, didn't 22  
they? A They did. 23

Mr. McLeod: That's all. 24

The Court: Thank you very much. You can go if you'd like. 25  
26  
27  
28  
29  
30

AMELIA P. BOYNTON, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q What is your full name, please? A My name is Amelia P. Boynton.

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

Q Mrs. Boynton, will you speak up in a loud voice, please? A My name is Amelia Platt Boynton.

Q How old are you, Mrs. Boynton? A I am fifty-two.

Q How long have you lived in Selma? A I have lived in Selma thirty-three years.

Q What is your race? A I am a member of the colored race.

Q Do you have a job? A I have.

Q What is that job? A I am employed by the Pilgrims Health & Life Insurance Company as an ordinary supervisor for the State of Alabama.

Q Are you a registered voter in the State of Alabama? A I am.

Q Do you hold any office in the negro voter league or negro voter organization? A I am the secretary of the Fourth Congressional District for registration and voting; I am the chairman of the Civil Liberties Department of the Temple of the Elks Association; I am the chairman of the State Association of Women's Clubs, Political Action Department.

Q Are you a member of the Dallas County Voters League? A I am.

Q Will you tell me whether or not you know Bernard LaFayette? A I do.

Q Do you know how Bernard LaFayette happened to come to Selma, Dallas County --- if you know? A I do.

Q Will you tell the Court, please? A I attended the Alabama Coordinating Association for Registration and Voting. I think it was in April, 1962. At that time I met a man from Atlanta, Georgia ---

The Court: (Interrupting) Just a minute. Let me interrupt.

Was he invited down here by your organization?

The Witness: Was he, who was that?

The Court: Bernard LaFayette.

The Witness: I invited him down here. I asked, in fact, that he would come down here and help us to get our people prepared to register.

Q Do you know whether or not he came for that purpose? A He came for

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



the purpose of helping negroes become prepared to fill out applications and go to the court house and register.

Q Do you know when he first came here? A It was in November, 1962.

Q Do you know how long he has been here continuously? A I imagine he has been here about five months. Sometime in April --- he came back sometime in March, February or March.

Q Has he worked with your voter league since that time, voter registration? A He has been constantly working with the Dallas County Board of Registrars --- the Voters Registration Board, Dallas County Colored Voters League, may I say.

Q Do you know what type of work he has been doing? A He has been helping the negroes. Teaching them or training them how to fill out the applications. He has organized clinics. He has conducted organizations, or he has conducted meetings, that these people can come to the meeting and understand how to fill out these blanks. He has gone out into the county, and has trained people to help in getting clinics set up.

Q And he has also had something to do in organizing the mass meetings that you have had? A Yes.

Mr. Doar: Thank you.

The Court: Any cross-examination?

Mr. McLeod: No questions.

The Court: Step down. You may go.

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

M A R I E J. F O S T E R, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you tell the Court your full name, please? A Mrs. Marie J. Foster.

Q Where do you live, Mrs. Foster? A 1421 Union Street, Selma, Alabama.

Q What is your race? A Negro.

Q How old are you? A I'm forty-five.

Q What is your occupation? A I am a certified oral hygienist.

Q How long have you lived in Selma? A I have lived in Selma ever since July 19, 1922.

Q Are you married or single? A I'm a widow.

Q Do you have any job with the Dallas County Voters League? A Well, I wont say I have a job. I'm a member of the Dallas County Voters League.

Q Do you keep any records for the Dallas County Voters League? A Yes, I do.

Q What records do you keep? A Well, I kept the records of the clinic that was connected with the Dallas County Voters League.

Q Who organized that clinic, if you know? A Well, it was about eight people. Between eight and ten people organized the clinic: Mrs. Boynton, Rev. C. C. Hunter, Attorney Chestnut, Matilda Old's, Gladys C. Austin, James Austin, and Mr. Lawson and myself. (Reporter not certain of all of these proper names)

Q Have you kept records of the persons coming to the Voters League or voters clinic to learn how to fill out applications? A I have.

Q Have you to the best of your ability kept records of the persons who have gone to apply to register? A Yes, I have.

Q Do you have that record with you? A I do.

Q Are all of the persons whose names appear in that book negroes? A Negroes. They are negroes.

Q And are they all residents of Dallas County? A They are residents of Dallas County.

Q Could I see that book, please?

Mr. Pitts: Now, we are going to object to that.

The Court: I don't see the relevancy of that.

Mr. Pitts: I'm objecting to any of this testimony. This doesn't concern this case at all.

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