

Mr. Doar: You object to this book?

Mr. Pitts: She hasn't testified that she personally knows that these people presented themselves to the Board of Registrars. It is only hearsay testimony.

The Court: What was your question, Mr. Doar?

Q My question was if you kept those records of the persons that attended the voters clinic that your organization has been running in the ordinary course of the business of the voters clinic? A I conducted the clinic and I kept the records.

Q Speak up loud enough so that everybody can hear. A I conducted the clinic.

Q And did you keep the records? A I did keep the records.

Q As part of that clinic? A As part of that clinic.

Q And did you also as part of the voters registration program keep a list of the persons that went up to try to register?

Mr. Pitts: Now wait a minute, your Honor. I object to that unless she personally knows that they came to the courthouse and presented themselves in the registration office. I object to that.

The Court: Sustain the objection.

Mr. Doar: I asked her first if she just kept the record, and then if she personally knows.

Q Did you keep a record to the best of your ability of the persons that applied --- that you believe applied to register to vote? A I would tell them whenever they go up to register to let me know, and when they would let me know I would put that on the record. And when they would hear from the Board, they would let me know whether they passed or whether they were rejected and I kept a record of that.

Q Was this part of the general work that you did for the Voters League?

A That's right.

Mr. Doar: I would like to have these books marked and offered in evidence.

Mr. Pitts: We object on the grounds they are irrelevant in this case. The Board of Registrars of Dallas County are no part of this case, and I object to it on that ground; and the second thing I want to point out is that the testimony that she is giving here is nothing in the world but hearsay testimony. A person could have come and told her that they came down here and submitted themselves to vote and not ever darkened the Dallas County court house door. And from information that we've got that has been true on occasion. And I submit to you that that is nothing in the world but hearsay testimony.

The Court: I think the book, in so far as it shows who attended the various clinics, it is admissible. In so far as showing who presented themselves to the Board of Registrars, I think it is hearsay evidence, and I sustain the objection to that part.

Mr. Pitts: That's all right.

(Above described books admitted in evidence in so far as they disclose the persons who attended the clinics, and the part pertaining to persons who presented themselves to the Board of Registrars is refused, as Plaintiff's Exhibits 34 and 35)

Q Could you tell whether or not Bernard LaFayette worked with you on the voter clinics? A Yes, he did.

Mr. Doar: Thank you, that's all.

CROSS EXAMINATION BY MR. PITTS:

Q You can tell me --- I'll call off some names to you, and you can tell me whether they are colored people, if you know. If you don't know them

just say you don't know them. If you know they are colored persons, say colored.<sup>1</sup>

J. C. Lawson? A Colored.

Q Does he hold any office in the Voters Coordinating Council, or whatever you call that organization? A Voters League?

Q Yes. A He does.

Q And what office does he hold? A He is the president of it.

Q He is the president of it. Now, do you know a woman by the name of Mary Anne Leathers? A Mary Anne Leathers?

Q Yes, L-e-a-t-h-e-r-s, Leathers. A Yes, I do, colored.

Q Do you know a woman by the name of Clara Belle Smith, lives at Orrville, Alabama? A I know her. She's colored.

Q Colored. Do you know a woman by the name of Maxine Ruffin, 905 Minister Street, Selma, Alabama? A I know her.

Q Is she colored? A She is colored.

Q Do you know a man by the name of Nathan Paine, Jr., Route 1, Box 60, Orrville, Alabama? A I just met him today.

Q You met him today? A Yes.

Q Is he out there? A He's out there.

Q Is he colored? A He is colored.

Q Do you know Ethylene Jones Nettles? A I know her. She's colored.

Q Do you know Claughton Melvin Porter (reporter not certain of this proper name)? A I know him, he's colored.

Q Do you know Rosa May Gibbs Whitt, W-h-i-t-e, she lives at Route 2, Box 228, Orrville, Alabama? A I don't know that I know her.

Q Do you know Clifton C. Hunter? A Is that Rev. C. C. Hunter?

Q That's right. A I know him. He is colored.

Q And do you know Pettus Gillford, Route 2, Box 32, Marion Junction, Alabama? A If I do, I can't recall.

Q Do you know Rozene Rogers? A I know her. Colored.

Q What organizations are you a member of? A The Alabama Dental So-

ciety.

Q What? A Alabama Dental Society.

Q Dental? A Yes, d-e-n-t-a-l, dental.

Q All right. Anything else? A Well, I am a member of Tabernacle Baptist Church, I'm on the usher board.

Q Any other organizations? A And the Dallas County Voters League.

Q Anything else? A Not that I can think of, any other organizations.

Q You are not a member of the NAACP? A Well, no, it has been barred.

I'm not a member of that.

Q Anything else? A No.

Mr. Pitts: That's all.

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

P L E A S A N T L. L I N D S E Y, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Please tell the Court your full name? A My name is Pleasant L. Lindsey.

Q What is your race? A I'm negro.

Q How old are you? A Sixty-nine.

Q How long have you lived in Selma? A Since 1926.

Q What is your job? A Public Relations Department, Selma University.

Q What is your education? A I hold a college degree, Selma University.

Q Have you attended any of the mass meetings that were held in the Tabernacle Baptist Church in Selma? A I have attended four.

Q Did you at any one of those meetings observe any police officers or members of the Sheriff's Department taking down license numbers? A I did.

Q Tell the Court just what meeting that was that you noticed that, and what you saw. A I drove up on the parking lot at the First Baptist Church and after parking, sheriff's officers, two officers, drove up and took a flash light

and walked around behind my car and read out my number on a walkie-talkie.

Q And which meeting was that? A Meeting at the First Baptist Church.

Q Was that the first meeting? A Second meeting.

Q Do you know whether that was on or about June 17th.? A On or about June 17th., Monday.

Q Did you see whether or not the officers from the Sheriff's Department were doing the same thing with other cars there? A They did not at that time.

Q Did you see them doing that at any other time? A No, I haven't.

Mr. Pitts: No questions.

Mr. Doar: Thank you very much. You may go.

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

MARSHALL C. CLEVELAND, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Rev. Cleveland, will you tell the Court your full name, please? A My name is Marshall C. Cleveland, Jr.

Q What is your race? A Negro.

Q Where do you live? A 614 First Avenue.

Q In what city? A Selma, Alabama.

Q How long have you lived here? A I've lived in Selma since 1950.

Q What is your occupation? A I am a minister of the gospel.

Q Will you tell me whether or not --- first, tell me what church you are a minister of? A I am the minister of the First Baptist Church, Colored, of Selma.

Q Tell me whether or not you had a religious revival at your church on July 22nd.? A We did, and it is going on now.

Q Will you tell me whether or not any officers of the Sheriff's Department of Dallas County came to your church that night? A There were two.

Q And what did they do? A They stood at the back door. And I asked them to take a seat if they so desired, but they said that they would prefer to stand. So they took notes, and they used a walkie-talkie. One of them leaned out of the window and would say something every once in awhile.

Q Was anything said at that meeting other than talking about religion?  
A There was nothing said except about religion, for it was a revival.

Q Did you advertise that meeting in advance? A We advertised it by handbills and also in the newspaper.

Q I'd like to show you what's been marked as Plaintiff's Exhibit 17, and ask you whether that's one of the handbills? A This is one of the handbills.

Mr. Doar: I'd like to offer in evidence Plaintiff's Exhibit 17, and I have no further questions.

(Above described handbill admitted in evidence without objection as Plaintiff's Exhibit 17)

The Court: Any cross?

Mr. Pitts: Yes, sir.

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

#### CROSS EXAMINATION BY MR. PITTS:

Q Now, Cleveland, there was a meeting scheduled, of the voters meeting, scheduled there at that church that night, and it was changed, wasn't it? A There was not.

Q Never was changed? A There was not, not that night.

Q All right. And those officers stayed there for awhile and left, didn't they? A They stayed there for forty-five minutes or more.

Q All right. Did they leave before the meeting was over? A They left after the minister finished his sermon.

Q After he finished his sermon, huh? How long did they stay there after that? A They didn't remain after that. They left.

Q How long did the meeting go on after that? A Well, the meeting went on for about fifteen minutes after that.

Mr. Pitts: That's all.

WILLIAM JAMES ANDERSON, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DOAR:

Q Will you tell us your full name, please? A William James Anderson, Jr.

Q Mr. Anderson, will you speak up a little louder, so that everyone can hear you? A William James Anderson, Jr.

Q Thank you. Where do you live? A I live in Selma.

Q How old are you? A Twenty-nine.

Q What is your race? A My race?

Q Yes. A Negro.

Q What is your education? A I have a B.S. degree and M. A. degree.

Q From what University? A University of Wisconsin.

Q Did you go down to attempt to register to vote in May of this year at the court house in Selma?

Mr. Pitts: I object to that question. We are not trying the Board of Registrars.

The Court: Overrule.

Mr. Pitts: We except.

Q You may answer. A I did.

Q And will you tell the Court what your experience was when you went down to register on that day?

Mr. Pitts: We object to that question on the same grounds.

The Court: Does this have to do with being registered? Does

this have to do with the Board of Registrars themselves, or what? 1

Mr. Dozz: It has to do with what happened outside while he was 2  
waiting to register in the hall. 3

The Court: Overrule. 4

Q Will you tell the Court what happened while you were waiting in the 5  
hall to register that day? A Well, two men asked my name, and they asked if 6  
I was LaFayette. 7

Q Did you observe what those two men were wearing? A A couple of 8  
them had khaki on. 9

The Court: Were they uniformed officers? 10

The Witness: That I couldn't say. They had khaki on. I don't 11  
know whether they were uniformed officers. 12

Q Did they have hats? Did they have wide hats? A That I couldn't 13  
say. 14

Q Can you tell me whether or not they were carrying any sidearms? A 15  
That I couldn't say positively. 16

Q Were there any other persons waiting in the hallway while you were 17  
standing there? A Yes, to my right. 18

Q Were there other people standing in line waiting to register? A 19  
That's right. 20

Q How many people were there? A Well I'd say approximately there 21  
were about twenty-five. 22

Q How long did you stay in that line there that day? A I'd say, oh, 23  
about fifteen minutes. 24

Q Well, were there any other people standing across from the line that 25  
day? A There were. 26

Q Well, how many of those people were there? A Approximately eight, 27  
eight or nine or ten, something like that. 28

Q What were those people's race? A Well, some were white I guess. 29

Q These were not the people in the line, but the people on the other 30



side. What was their race? A White.

Q Now, during the time you were there did anybody come along, any officer of the sheriff's department, and ask those people to move? A Not to my knowledge.

Q You say while you were there two persons came up and asked you if your name was LaFayette? A That's right.

Q Did anything else happen? A No. They asked if I was LaFayette and I said no, and Rev. Anderson came to my defense and he told them no.

Q Did any of the white persons standing across the hall make any reference or point to you in any way while you were there? A Well, I heard somebody down the hall say, "There he is. That's LaFayette." That's all I remember.

Q As long as you were in the line there waiting to register did the white persons who were standing across the hall remain there? A They did.

Q Did you ever get in or get down to the front of the line, or did you leave before you went in to register? A Left before I went in to register.

Mr. Doar: Thank you.

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Official Court Reporter  
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# CROSS EXAMINATION BY MR. PITTS:

Q Now, you first told Mr. Doar here that some of these people across from where the line was were white people. Is that right? A That's right.

Q Were there some colored people there too? A I said white people.

Q You said that some of them were white people. Now, weren't there some colored people there too? A I said white people.

Q But you used the word "some". What about the others? A Well, colored people there too.

Q Oh. A I didn't say on the other side of the line.

Q But you said some of those people across from the line were white

people. Now what about the other people that were across from the line? Were they colored people or white people? A They were just people, that's all.

Q Now, did any --- did Mr. Jim Clark here threaten you while you were in that line? A Well, I don't know Mr. Jim Clark.

Q You don't know him. Did any deputy sheriff threaten you while you were there? A Nobody threatened me.

Q Nobody threatened you or intimidated you in any way while you were in that line. Is that right? A No, they just asked me a question.

Q And did any two colored boys there, did they ask you any questions?

A No colored boys.

Q Did Alexander Brown ask you any questions? A No.

Q Do you know Alexander Brown? A I know of him.

Q Did you ever hear him called Alexander Love? A I don't know Alexander Love.

Q And so neither Alexander Brown or Alexander Love was down there that day, is that right? A How should I know? I don't know them.

Q You don't know them. A They could have been there. I don't know.

Q Did you see Rosie Reese down there? A I don't know Reese. I saw colored people there and I saw white people there.

Q All right. Did you see anybody down there that day with a camera taking pictures? A With a camera taking pictures?

Q Yes, a colored boy with a camera taking pictures. A I didn't notice all that. I don't know whether they were there taking pictures or not.

Q Do you know whether these people you saw standing there in the hall, whether they were employees there in the court house or not? A Would you repeat that, please?

Q Do you know whether these white people you saw standing over there in the hall were employees of offices in the court house? A That I don't know. They could have been.

Mr. Potts: That's all.

REDIRECT EXAMINATION BY MR. DOAR:

Q When did this occur again? What month, and approximately when during the month? A This was in the early part of May.

Q The early part of May. And were there negro persons in the line waiting to register while you were waiting? A That's right.

Q How were these white persons, other than the two in khaki, how were they dressed? A Dressed in civilian clothes.

Q In civilian clothes. Did anyone else come over that day and ask you whether you were LaFayette? A Just two gentlemen in civilian clothes.

Q They also came over and asked you that? A That's right.

Q And they weren't standing in the line waiting to register? A No.

Mr. Doar: Thank you very much, and you may go.

Mr. Doar: Now, your Honor, this is the last witness we have.

This witness, Bosie Reese, I don't propose to call him, but he is here if the defendant wishes to cross-examine him. We have filed his affidavit. And Mr. Gildersleeve likewise is out there in the lobby.

The Court: Does the defendant wish to cross-examine either of these? All right. We will take a ten minutes recess.

(Court stands in recess for a few minutes, then called to order and trial resumed)

Mr. Doar: Your Honor, I have twelve issues of the Selma Times-Journal, each of which has been marked for identification, and each of which contains some reference to the Board of Registration meetings being held all over this circuit, the trial of Bosie Reese and Lafayette contained in the documents, and I would like to offer these papers, or that part of the papers dealing with the activities of the Voters Registration League and the arrest of Bernard LaFayette and Bosie Reese into evidence, for the purpose of showing that these activities and arrests were matters

of general knowledge within this community, and not for the purpose of showing the truth of any particular statement in any article.

The Court: Any objection?

Mr. Pitts: Yes, sir. I object to any newspaper being offered into evidence.

The Court: Will you gentlemen stipulate that this is a matter of general knowledge?

Mr. Pitts: The arrest of Bernard LaFayette and Bovie Reese ---

The Court: Read back, please, Mr. Doar's statement.

Court Reporter: (Reading from her notes) "I would like to offer these papers, or that part of the papers dealing with the activities of the Voters Registration League and the arrest of Bernard LaFayette and Bovie Reese into evidence, for the purpose of showing that these activities and arrests were matters of general knowledge within this community, and not for the purpose of showing the truth of any particular statement in any article."

The Court: Will you stipulate to that?

Mr. Pitts: Judge, what I'm getting at, the mere fact they are in the newspaper, I don't know whether it is general knowledge. To be perfectly frank with you, I never read it. If you limit it to that, I will stipulate that.

The Court: That's the only purpose he is offering it for. Not for the purpose of the truthfulness of the articles, merely for the purpose stated, and I will let it in for that.

Mr. Madison: We except.

The Court: How many articles?

Mr. Doar: Twelve.

Mr. Pitts: Is that in there just for the purpose of dealing with the Board of Registration?

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The Court: Yes, and the arrests.

Mr. Pitts: Could he cut these papers and just offer the particular articles?

The Court: Yes, but I am not going to do it now.

(Subject to the above limitations, the above described issues of the Selma Times-Journal admitted in evidence as Plaintiff's Exhibits 18 through 28, both inclusive)

Mr. Doar: The next exhibit we'd like to offer, your Honor, consists of the census statistics and registration in the County of Dallas, and I have the census of --- I have a three page statement setting forth the census and registration statistics, all of which was introduced in evidence in the case against the Board of Registrars.

Mr. Gayle: We object to them, your Honor. The Board of Registrars is not part of this case.

The Court: I see no connection. Sustain the objection.

(Above described census statistics and registration list refused admission into evidence, and is marked for identification as Plaintiff's Exhibit 36)

Mr. Doar: We also subpoenaed from the Board of Registrars the Board of Registrar's records since March, 1962: and the purpose of subpoenaing those records was to show the number of persons who applied, the date of their application, and whether or not they were accepted or rejected, so that we will have a full picture of registration history up to the date of trial.

Mr. Pitts: We object to that, your Honor, because the Board of Registrars is not a part of this suit, and they are trying to connect the old Board of Registration case which is now on appeal.

The Court: Sustain the objection. I see no connection.

Mr. Doar: Those records are not here to be marked.

The Court: What's that?

Mr. Doar: Those records are in the possession of the Board of Registrars and the only way they could be made a part and marked would be to be photographed and substituted at a later time as part of the record, along with the other pictures of the registration records that have heretofore been made.

The Court: Mrs. Bailey, do you have everything in the record said by Mr. Doar and the attorneys with reference to the Board of Registrar's records?

Court Reporter: Yes, sir.

The Court: All right. Sustain the objection.

Mr. Doar: Your Honor, in addition to the new records, we also intended to offer all of the old voter registration records which have heretofore been photographed by the Government in this case. I assume that the Court will make the same ruling on those records, and I just mention it so that the Court will understand that our offer of course deals with all of the voter registration records and not just the registration records since the last photographing.

The Court: Any objection?

Mr. Pitts: Yes, sir, we object.

The Court: Sustain the objection. Same ruling. Anything further?

Mr. Doar: No, I have nothing further.

The Court: Do you rest?

Mr. Doar: Yes, I do.

Mr. Gayle: Your Honor, I'd like to make a motion at this time on behalf of Dallas County. I move that this proceeding be dismissed. There is not one scintilla of evidence before your Honor

connecting the Board of Revenue or Dallas County in any way. Not  
one witness has mentioned the Board of Revenue. There is not one  
scintilla of evidence.

The Court: All right. I reserve my ruling. Proceed.

Mr. Pitts: At this time on behalf of all of these defendants I  
would like to introduce the following affidavits.

The Court: All right, sir.

Mr. Pitts: They have not been marked. I'll just hand them up.  
Affidavit of Claughton Melvin Porter, negro, 1614 Church Street,  
Selma, Alabama.

The Court: What's his name?

Mr. Pitts: Claughton Melvin Porter. Affidavit of Ethylene Jones  
Nettles, a negro, residing at 124 Washington Street in Selma,  
Alabama. Affidavit of Nathan Payne, Jr., a negro, residing at  
Route 1, Box 60, Orrville, Alabama. Affidavit of Maxine Ruffin,  
a negro, residing at 905 Minter Street in Selma, Alabama. Affi-  
davit of Clara Belle Smith, a negro, residing at Route 1, Box  
140, Orrville, Alabama. Affidavit of Mary Anne Leathers, Route  
3, Box 212-A, Selma, Alabama, a negro. Now, Judge, that partic-  
ular affidavit I would like to call to the Court's attention,  
because she was in the line on June 17th, and she asked that  
she ---

The Court: (Interrupting) I remember that.

Mr. Pitts: Yes, sir. The affidavit of J. C. Lawson, a negro,  
residing at 1920 First Avenue, Selma, Alabama; and I want to  
call that affidavit to the Court's attention because he is the  
president of this Coordinating Non-Violent Voting Council, or  
whatever it is. The affidavit of Clifton C. Hunter, 1509 Sylvan  
Street, Selma, Alabama --- that's Rev. C. C. Hunter, referred to  
who was at these meetings. The affidavit of Pettus Gillford,

a negro, Route 2, Box 32-D, Marion Junction, Alabama. Affidavit  
of May Gibbs White, W-h-i-t-e, a negro, Route 2, Box 228, Orr-  
ville, Alabama. Affidavit of Rozene Rogers, a negro, who is a  
teacher at the New Knox School, Selma, Alabama. The affidavit  
of Miss Lillian Hain, clerk in the Tax Assessor's office, Dallas  
County Court House, Selma, Alabama.

(Above described affidavits admitted in evidence without objec-  
tion as Defendant's Exhibits A through L, both inclusive)

(Reporter not certain of the spelling of all of the proper names  
of the signers of the above described affidavits)

B L A N C H A R D L. M C L E O D, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PITTS:

Q Is this Mr. Blanchard L. McLeod? A Yes, sir.

Q Where do you live, Mr. McLeod? A Gardon, Alabama.

Q And what is your --- are you an attorney at law? A Yes.

Q And are you the Circuit Solicitor of the Fourth Judicial Circuit of  
the State of Alabama? A I am.

Q How many counties? A Five.

Q What counties? A Wilcox, Dallas, Hale, Perry and Bibb.

Q All right, sir. Are you charged with the prosecution of criminal  
offenses in the Fourth Judicial District? A I am.

Q Mr. McLeod, I'll ask you if at any time you have intimidated, threat-  
ened or prosecuted, or taken any steps to prevent any negro or white man from  
presenting themselves to register to vote? A I have not.

Q Mr. McLeod, do you know the case of Bosie Reese? A Yes, sir.

Q Did you prosecute that case? A Yes, sir.

Q In the Circuit Court of Dallas County? A Yes, in the Dallas County



Court.

Q In the Dallas County Court. Was Bosie Reese convicted? A Yes, sir.

Q Is his case on appeal to the Circuit Court? A Yes, sir.

Q Mr. McLeod, did you prosecute the case of Bernard LaFayette? A

Yes, sir.

Q Was he tried in the Dallas County Court? A Yes, sir.

Q Was he convicted or acquitted? A He was acquitted.

Q What was he charged with? A Vagrancy.

Q Now, did he have any attorney? A Yes, he had counsel.

Q Do you know who they were? A J. L. Chestnut from Selma, and Solo-

mon Sany from Montgomery.

Q Did you have a conversation with those attorneys relative to the case of Bernard LaFayette before he was tried? A Yes, sir, in my office in the Dallas County court house.

Q Did you offer to nol-pros that case? A Yes, sir.

Q And did you ask them whether or not --- what did they reply to that?

A I asked them --- I told them that he was charged with vagrancy, which was not being gainfully employed, and I said, "If you can prove to me that he is employed I will nol-pros the case."

Q What did they say? A They told me they didn't know whether he was gainfully employed or not.

Q Did you then proceed with the trial of the case? A I then proceeded with the trial.

Q Now, Mr. McLeod, did you prosecute Bernard LaFayette or Bosie Reese for the purpose of intimidating them or threatening them in any way to keep them from their activities in the voters registration? A No, sir, I did not.

Q Did you know anything about those arrests before they were made? A No, sir, I did not. Not until several days after they were arrested.

Q Where is your home? A Forty miles south of here in Camden.

Q Where is your office? A I have an office here in Selma, Alabama,

and one in Camden, Alabama.

Q Do you go in all of these counties every week nearly 'bout? A Yes, sir. I go in one of them every day.

Q And for the past several years have you been prosecuting cases in the Dallas County Court? A Yes, sir.

Q And what days does that meet? A Every Thursday.

Q Are you in Selma on other days of the week, or usually on Thursday?

A Always on Thursday and sometimes otherwise.

Q When you arrive at the Dallas County Court on Thursday morning are the warrants there and brought into Court, and any that you handle, do you make any investigation <sup>or anything</sup> before that time? A No, sir, I talk with the officers and witnesses. That's all cases that happen between the last Thursday and that Thursday. Unless it's an unusual case, I do not know a thing about it until I arrive in Selma.

Q Now, when did you first learn of the Bosie Reese case? A I had a conversation with one of the officers of the sheriff's department the day before not concerning that, but in the conversation they told me about it.

Q And when was it that you talked to the lawyers of Bernard LaFayette?

A Well, we left my office and went immediately to the trial at ten o'clock, and they were talking to me the last ten or fifteen minutes before the trial.

Q Just before the trial. A Yes, sir.

Q And you offered to nol-pros it if they showed you he was gainfully employed. A Yes, sir, and they said they didn't know themselves.

Q Now, Mr. McLeod, is Mr. Henry F. Reese, Jr., your county solicitor of Dallas County? A He is, yes, sir.

Q And he is in effect a deputy solicitor, is that right? A That is right.

Q Handling cases only in Dallas County, Alabama. A Right.

Q And this is Mr. Henry F. Reese sitting here now, over here (indicating Mr. Reese)? A Yes, sir.

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Q Now, was he present when you had the conversation with the attorneys for Bernard LaFayette? A No, sir, just the two attorneys and myself.

Q Was Mr. Reese subsequently present in Court? A He was present in the Court room, yes, sir.

Mr. Pitts: That's all.

CROSS EXAMINATION BY MR. DOAR:

Q Will you tell me how long you have been circuit solicitor? A On the fourth of next month it will be nine years.

Q When was the first time that you heard of the Rosie Reese case? A It was on a Wednesday. He was arrested, I believe, on a Monday, the 17th., and I heard about it that Wednesday. Then I came up here the next day. But Monday, Tuesday and Wednesday of that week I was not in Selma at all.

Q You made a full investigation of that case before you tried it, did you not? A Only by talking to the arresting officers. Otherwise I made no investigation except by conversation with the attorneys.

Q This is the Rosie Reese case? A Rosie Reese case?

Q Yes. A I made no personal investigation myself. The law doesn't require me to make any investigation at all. The facts are just brought to me and I prosecute from that.

Q You continued the Rosie Reese case for two weeks, didn't you? A I did.

Q Did you make any investigation --- A (Interruptive) I did not.

Q --- during that two weeks? A I did not. That continuance was requested, the first continuance, was at the request of the defense. Then the next Thursday at my request because of the absence of a material witness.

Q Did you interview those witnesses before the trial? A I did.

Q Now, you knew who Bernard LaFayette was before or prior to this vag-

1 rancy charge was brought to your attention? A Yes, I did. 1

2 Q You knew he was working for the Student Non-Violence Coordinating 2  
3 Committee? A I didn't know what he was working for. I just knew he was in 3  
4 here. 4

5 Q You knew that he was working with the Dallas County Voters League 5  
6 Board of Registration? A I did not. I did not. I knew he was in here but I 6  
7 didn't know who he was working for. 7

8 Q Were you out at the church on the night of May 14th? A I was. 8

9 Q Didn't you send the sheriff's car out there that night? A I did. 9

10 Q Didn't you hear --- A (Interrupting) I had a walkie-talkie there 10  
11 and I was listening to it, what was taking place inside. 11

12 Q And didn't you hear these men at the other end of the walkie-talkie 12  
13 tell you that Bernard LaFayette was making a speech inside? A I did. 13

14 Q And didn't that man communicate the substance of what Bernard LaFay- 14  
15 ette said? A He did. 15

16 Q And whatever --- A (Interrupting) Whatever it was I would hear my- 16  
17 self, and then if it was noise or cheering, anything of that nature, he would 17  
18 repeat to me over the walkie-talkie what was taking place. I was not operating 18  
19 the walkie-talkie, the man beside me was. 19

20 Q As a matter of fact you appeared before the Court of Appeals in the 20  
21 case involving the Dallas County Board of Registrars on June 4, 1963? 21

22 Mr. Pitts: We object to that. The Board of Registrars' case 22  
23 has nothing to do with this case. 23

24 The Court: I realize that. Go ahead. 24

25 The Witness: I was there. 25

26 Q Didn't you tell the Court of Appeals during your argument that you 26  
27 were out in the sheriff's car out in front of the meeting that night observing 27  
28 what was happening? A I have admitted that. 28

29 Q Didn't you say, when the Court asked you if that was in the record, 29  
30 "No, sir, but I just wanted the Court to know what the situation was down there"? 30

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A I said something similar to that, yes.

Q That was on the 4th. of June? A That is correct.

Q Are you a member of the White Citizens Council of Wilcox County? A My present dues are not paid, but I have always been proud to be a member of it.

Q Are you a member of the Dallas County Citizens Council? A When they first organized I was, but I am not a paying member now.

Q Have you made any contribution to the Dallas County Citizens Council?

A I have never known of them to ask for contributions.

Q I want to show you an advertisement that appeared in the papers ---

Mr. Pitts: (Interrupting) I object to that. I object to any introduction because the White Citizens Council is not a party to this thing.

The Court: Sustain the objection.

Q Were you present with the sheriff outside the meeting that took place on June 17th.? A I attended only one meeting, that was May the 14th., and I attended that on account of Bernard LaFayette.

Q What do you mean by on account of Bernard LaFayette? A Because he was wiring the Justice Department that all of the sheriff's force had left Selma, that we had imported a bunch of dogs, fighting dogs --- which was not true --- and which was not true about the other. And he reported that his life had been threatened, and that everyone there was going to be hurt, and he was asking for help. And I was getting ready to go to my home in Camden, Alabama, and was in Court here that day, when all of this came in, and I felt like it was my responsibility to stay here to advise the sheriff in case something did come up. That's the reason I went to the meeting.

Q Where did you get the information that he had advised the Justice Department? A Because the FBI was investigating it and they came to me over in the sheriff's office when I was there to find out if it was true that we had sent all of the sheriff's department out of this county and that we were arming the white people.

Q What exactly --- who are the FBI agents that come over there? A  
Young man in this office here --- either Buckner or Buckley, one.

Q What exactly did he say? A I can't quote you word for word what  
he said.. Anyway, the Justice Department was investigating to find out if  
these things were true.

Q And what things did Mr. Buckley say? I am interested in knowing  
what Mr. Buckley said. A I can't tell you exactly what he said.

Q Well, give me the substance of what he said. A The substance was  
that Bernard LaFayette had reported to the Justice Department that all of the  
sheriff's force had left town, that we had imported fighting dogs, and that  
the white people of this county were being armed to prevent that meeting that  
night.

Q Did Mr. Buckley advise you that that information had come from Ber-  
nard LaFayette? A I got the information that he was from others too.

Q Did you get it from Mr. Buckley of the Federal Bureau of Investiga-  
tion? A I cannot recall whether Mr. Buckley used the name of Bernard LaFay-  
ette or not. I have the information I get from so many people. Most of my  
information comes from colored people.

Q I'm asking you whether or not you got that information from --- A  
(Interrupting) I can not tell you that he said it. I cannot say that Mr.  
Buckley called the name of Bernard LaFayette. But until that day I had never  
heard the name Bernard LaFayette. I didn't know there was anyone by that name,  
but I did check with a great many of my colored informers and they informed  
me who Bernard LaFayette was. First time I knew.

Q Who informed you that Bernard LaFayette called the Department of  
Justice? A I refuse to reveal the name.

Mr. Pitts: We object to that. That's confidential information.

The Court: Sustain the objection.

Mr. Doar: Your Honor, this man is a witness and a defendant in  
this case.

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Official Court Reporter  
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The Court: Sustain.

Mr. Doar: The Court sustains the objection?

The Court: Yes, sir, I sustain the objection. From time immemorial ---

Mr. Doar: (Interrupting) The specific question, your Honor, is to name the person who told him Bernard LaFayette called the Department of Justice.

The Court: And I sustained the objection.

Q You knew then that Bernard LaFayette was in charge, or one of the persons in charge, of that Voters Registration meeting or that mass meeting that night? A I knew that James Coleman was the main speaker, and I knew that Bernard LaFayette made a short talk preceeding the talk of James Coleman.

Q Did you know that that meeting was sponsored by the Dallas County Voters League? A To my information, it was not.

Q Did you have information that it was not? A That is right.

Q That it was not sponsored by the Dallas County Voters League? A That is right.

Q From whom did you get that information?

Mr. Pitts: We object to that.

The Court: All right. Sustain.

Mr. Doar: The Court overrules?

The Court: Sustain.  
were

Q When you listening to the walkie-talkie out at the church on the night of the 16th. day of May, did you hear Bernard LaFayette say that he wanted all --- every negro twenty-one years and up to go down there and register to vote? A He said something like that, yes.

Q Did you hear him say that voting was our security? A Something similar to that.

Q Did you hear him say that over in Wilcox County not one negro is registered to vote? A I don't remember hearing him say it. I remember hearing

another negro say it, somebody by the name of Brown. Not Brown or Love who was in here, but some other Brown.

Q Now, you, in your office as Circuit Solicitor, represented the Board of Registrars in Dallas County in the case of the United States versus the Board of Registrars of Dallas County?

Mr. Pitts: We object to that. Incompetent, irrelevant, immaterial.

The Court: Well, I know that he did. The Court takes judicial knowledge of that.

Q Well, will you tell me again just exactly what the attorneys for Bernard Lafayette said to you when you met with them in your office? A Solomon Seay and James Chestnut came into my office. They were outside to get a drink of water and I recognized them and spoke to them. And they went in my office and told me they wanted to speak to me. At that time I didn't know what case they were on. Got in there and they told me that they represented Bernard Lafayette and they wanted to know what the charge was. And I told them it was vagrancy. And I told them what vagrancy was, which means physically able to work and not being gainfully employed and no money to take care of himself. And so we talked around there awhile and I told them, I said, "You're asking for a continuance of the case." Solomon Seay was asking for a continuance. He had just been contacted, I believe he said, sometime the night before. I told him, I said, "There's no need of a continuance. If he is gainfully employed, let me know it and I'll non-pros the case." And their reply to me was that they didn't know. So then I looked at my watch for the time, and I said, "Well, it's time to go to trial. Let's go into the court room" --- which was on the floor above my office. I'm on the second floor and this court is on the third floor. We went up there and they made a request of the Judge for a continuance, and the Judge denied it. Then they asked for time to talk to their client and the Judge granted it. We gave them an office to go into and talk together. And while they were doing that I went ahead and cleared my other docket, and



that case ended up as the last case on the docket. They never informed me that he was gainfully employed. After I put my evidence on they asked for another recess, which the Judge granted --- short recess, five or ten minutes --- then come back and LaFayette got on the stand, and he testified that he did not have a salary, that they did not pay him a salary but he was on all expenses.

The Court: I don't want to retry the case.

Q But you knew before that time that he was employed by the Student Non-Violence Coordinating Committee. A I didn't know it. I didn't even know that name. Oh, I had seen it in the paper sometime, but I didn't know a thing about it until he took the stand.

Q Did you know what job he had? A I didn't know what job he had. No. I knew he was in here for the purpose of trying to get --- working with the papers and things of that nature.

Q You knew that. A I knew that. But those he was working for, I had no more idea. You all knew, because you all sent him down here.

Q Did you, between the 14th. day of May and the 17th. day of June, make any effort to determine who Bernard LaFayette was working for? A I was not interested.

Q After he was arrested, did you make any attempt to --- A (Interrupting) I still was not interested.

Q When you inquired of the counsel whether or not they knew whether Bernard LaFayette was employed, did you make any attempt to ascertain that fact?

Mr. Pitts: (Interrupting) Wait a minute! I object to that question. What counsel are you talking about?

Mr. Doar: Counsel Seay and Chestnut.

The Witness: I consider it very unethical for a prosecutor to talk to anyone, a defendant, when he has an attorney.

Q Prior to the time that you were advised that he had an attorney, you didn't know anything about the case? A I knew about it the afternoon before.

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Q Did you talk to the sheriff about what evidence he had about Bernard LaFayette? A I talked to the sheriff or one of his deputies. One, I don't know which.

Q What did he tell you about Bernard LaFayette? A Told me that they could not find anything where he was gainfully employed.

Q Did they tell you that he was working on voters registration for the Dallas County Voters League? A I don't remember whether he did or not.

Mr. Doar: Thank you.

REDIRECT EXAMINATION BY MR. PITTS:

Q Mr. McLeod, you said you were out there that night of that first meeting, walkie-talkie out there on Broed Street. A I was with the man that had a walkie-talkie.

Q Yes, sir, I meant you were with him. Were there many people on the outside of that church? A Mr. Pitts, there were more on the outside than there were on the inside.

Q And were there people strung all up and down the street who were not law enforcement officers? A That is right.

Q Were there groups of people from other counties in here? A There were.

Q And was the sheriff's force there and the city police force there? A Yes, sir.

Q And were you there to see that law and order was maintained? A That's right.

Q And that no violence took place? A That is right.

Q And no violence did take place, did it? A No, sir.

Q And it was through the efforts of the Dallas County sheriff, is that right? A I will tell you this. A bunch of cars came in, and my informers

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had informed me that members of the Ku Klux Klan. And at that time I called the sheriff's force and told them we had to clear the street because I feared some violence. And the sheriff proceeded to do it, and he had some members of his posse here at the court house and he called for them to come down. The people that we cleared were white people and not negroes, we gave them free right to go on in, and it was white people that we cleared --- and these <sup>were</sup> white people from other counties that we felt like had no business here, and especially in that vicinity.

Q And that is what was done there that night by the sheriff's posse.

A Yes, sir.

Q For the purpose of protecting negroes that were down there in a mass meeting, is that right? A That's right. From these white people from other counties that we felt like would cause some trouble with the negro people of Dallas County, and we weren't going to allow it.

The Court: All right, anything else?

Mr. Pitts: That's all.

The Court: Step down, please. Anything else?

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B E R N A P D A. R E Y N O L D S, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. GAYLE:

Q What is your full name, please? A Bernard A. Reynolds.

Q What is your occupation? A Probate Judge of Dallas County, Alabama.

Q Are you also chairman of the Board of Revenue? A Yes, sir.

Q Now, Mr. Reynolds, many times during the year there are lines in the corridor of the court house, is that correct? A Yes, sir.

Q Have you had the sheriff's force keep that line in order, not to block the free passageway? A That has been our policy for many years, to have a deputy or someone to keep the court house corridors where people who are in

there for other business from what might be the line that was formed, to be kept in orderly line. Yes, sir.

Q The benches back by your office, right back in the corner, those benches are used for witnesses and people to be brought into your Court. Is that right? A Right.

Q They are not for loafers? A No, sir.

Q And on many occasions I have brought witnesses there, colored and white, and other attorneys have when they've asked for the rule and you have had to send them out? A Yes, sir.

Q You do not have room in your office for them? A That's right.

Q Now, Judge Reynolds, do you know of any intimidation by the Board of Revenue, of any threat of intimidation, of anyone, white or black, in regard to registration? A No, sir, there has not been to my knowledge.

Q Have you personally done anything to prevent them or try to prevent them from registering? A You mean me, personally?

Q Yes, sir. A No, sir.

Q Do you know of any member of the Board of Revenue who have? A No, sir, they do not.

Mr. Gayle: That's all.

The Court: Is that all?

Mr. Doar: No questions.

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Official Court Reporter  
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HENRY F. REESE, JR., being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PITTS:

Q Is this Henry F. Reese, Jr.? A Yes, sir.

Q Are you a practicing attorney? A Yes, sir.

Q How long have you been a practicing attorney in Dallas County, Alabama? A Since 1909.

Q And do you hold any official office now? A Yes, sir, I am deputy solicitor for Dallas County under Mr. Blanchard McLeod.

Q Is that an appointed office or elected? A Mr. McLeod appoints me.

Q Mr. Reese, how long have you been deputy solicitor or county solicitor? A Forty-two years.

Q Have you at any time threatened, abused or intimidated any person, black or white, for the purpose of keeping them from presenting themselves to the Board of Registrars to register to vote? A No, sir.

Mr. Pitts: That's all.

The Court: Any cross?

#### CROSS EXAMINATION BY MR. DOAR:

Q Mr. Reese, when Mr. McLeod is out of the county, you do handle criminal prosecutions at his instructions? A Some of them, and some of them I have continued that he wants continued until he is present.

Q You do, though, have the authority to handle these prosecutions at his direction. A Yes, sir.

Mr. Doar: Thank you.

The Court: Thank you, Mr. Reese, step down, please.

Mr. Pitts: Judge, will you give us just a minute?

The Court: Yes, sir.

(Court stands in recess for a few minutes, then called to order and trial continued)

Mr. Pitts: At this point the defendant rests.

The Court: The Court stands in recess. If the Government wishes to put on anything further I will continue the case. The Court has to be in Mobile tomorrow, and if the Government wishes to put on anything further it will be at a later date.

STATE OF ALABAMA )  
:  
COUNTY OF DALLAS )

The undersigned, Gertrude M. Bailey, hereby certifies that she is a full time court reporter of the Fourth Judicial Circuit of Alabama, which judicial circuit includes the County of Dallas, and that she was received and accepted by the United States District Court, Northern Division of the Southern District of Alabama, Honorable Daniel H. Thomas presiding, during the trial of the case of:

UNITED STATES OF AMERICA,  
Plaintiff

VERSUS

DALLAS COUNTY, JAMES G. CLARK, JR., BLANCHARD McLEOD  
and HENRY F. REESE, JR.,  
Defendants

being Case No. 3046-63, and charged with the duty to record the testimony of witnesses on the Stenotype for the purpose of preserving such testimony; that the testimony in said cause was taken orally before the Judge.

I further certify that I, Gertrude M. Bailey, as such court reporter, have transcribed my stenographic notes of such oral testimony and that the foregoing transcript from page 1 to and including page 11/ comprises a transcript of all the evidence, including rulings of the Court, offered and made during the trial of said case, and that the same is true and correct.

*Gertrude M. Bailey*  
Official Court Reporter

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

IN THE DALLAS COUNTY COURT,

SELMA, DALLAS COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff

vs

BERNARD LAFAYETTE, JR.,

Defendant

BE IT KNOWN that on Thursday, June 20, 1963, commencing at 10:00 a.m. and continued to 11:20 a.m., in the Dallas County Court, Dallas County Court House, Selma, Alabama, before the Hon. Hugh Mallory, Jr., Judge presiding, the following proceedings were had, based on a warrant, reading, to-wit: "Before me, the undersigned authority, in and for the state and county, personally appeared James G. Clark, Jr., who after having been by me duly sworn, on oath deposes and says he has probable cause for believing and does believe that on or about the 17th day of June, 1963, within said Dallas County, Alabama, offense vagrancy has been committed, and that he has probable cause for believing that Bernard Lafayette, Jr. is guilty thereof. /s/ James G. Clark, Jr. Sworn to and subscribed before me this 18th day of June, 1963. /s/ Hugh Mallory, Jr., Judge of Dallas County Court."

MRS. DOROTHY JACKSON  
STENOGRAPHIC REPORTER  
Notary Public - State at Large  
PRATTVILLE, ALABAMA

U.S. DISTRICT COURT  
SOU. DIST. ALA.  
FILED IN CLERK'S OFFICE

JUN 26 1963

WILLIAM J. O'CONNOR  
CLERK

#### APPEARANCES

Blanchard McLeod, Camden, Alabama, Circuit Solicitor  
and Henry Reese, Selma, Alabama, County Solicitor,  
attorneys for the Plaintiff

Solomon Seay, Jr., Montgomery, Alabama, and J. L.  
Chestnut, Selma, Alabama, attorneys for the  
Defendant

—  
Reported and transcribed by Mrs. Dorothy Jackson

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At 10:00 a.m. the following proceedings were  
had:

MR SEAY: We want to move for a continuance in both of these cases. I have had no chance to talk to these people and check the records and know what it is all about. What I am insisting on, I cannot say right now to Your Honor what the facts of the case are. I don't know what I can prove this morning and cannot prove.

THE COURT: I will give you ample opportunity to talk to him. I told Chestnut we weren't going to grant a continuance.

MR. CHESTNUT: All I am saying, before I could get a bond a half a day had passed.

SHERIFF CLARK: I waited a half a day for you to make the bond.

MR. CHESTNUT: I couldn't find the Sheriff.

SHERIFF CLARK: You brought the bond and said the rest wouldn't sign it.

MR. CHESTNUT: A half a day passed before I could get a bond, and get him out on bond.

THE COURT: I will give you ample opportunity to talk to him.

MR. SEAY: We are not prepared to file any motion

going into the validity, opportunity and warrant in this case. Will the Judge grant us leave to file my motion for continuance?

THE COURT: Yes.

. . At this time Attorneys Seay and Chestnut retire with their clients Lafayette and Bosie Reese. . .

. . At 11:20 a.m. the case of State of Alabama vs. Bernard Lafayette, Jr. was called, and the following proceedings were had: . .

THE COURT: All witnesses -- are these the witnesses for the state and for the defense? All of you hold up your right hand: Do you and each of you solemnly swear the evidence you give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESSES (in unison): I do.

MR. SEAY: If Your Honor please, the defendant at this time would like to produce a motion for continuance. Our previous investigation of this case indicates that this is an apparent effort on the part of the state of Alabama, acting through its servants, agents and employees,

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PRATTVILLE, ALABAMA

to discourage this defendant in his efforts to secure first-class citizenship for the Negro residents of Dallas County. Our investigation further shows that the defendant should in this instance, and we would like an opportunity to file a petition with the appropriate United States District Court, seeking an injunction to prohibit the continuation of these proceedings, or to file in the appropriate Federal District Court a petition to remove these proceedings, under the appropriate federal statutes which are in effect.

We respectfully renew our motion for continuance.

We further would like to submit to Your Honor that defendant has not had an opportunity to prepare the defense to which he is entitled under the constitutional laws of the United States.

There are several preliminary motions which we think should be filed which seriously question the constitutionality and validity of these affidavits and these warrants, we submit, to require the defendant to stand trial on these affidavits and warrants without giving him an opportunity to attack their validity would deprive

him of the right to effective legal counsel, guaranteed by the Constitution of the United States and would deprive him of the due process and due protection of the law, guaranteed by the Constitution of the United States.

We respectfully move Your Honor for a continuance of these matters to give Counsel an opportunity to prepare these various motions and to file a petition for the removal of these proceedings.

THE COURT: Your motion is overruled and denied.

As I understand it, this is simply a vagrancy warrant, which is a misdemeanor, and I have given you and Chestnut ample opportunity to talk with the man to establish whether or not he has any visible means of support.

MR. SEAY: That is correct, Your Honor. We are specifically now raising the questions as to the validity of the affidavit and warrant under which this defendant is charged. We would like to file our objection to those in writing and it is our understanding that those preliminary motions have to be filed under our system of pleading and practice prior to an entrance of

a plea in this cause, and we don't want to go ahead and enter a plea without an opportunity to file these various motions and we would respectfully ask the Court to permit us to file a petition for removal of this action. If Your Honor hears this action today our question of removal would become moot.

THE COURT: I intend to hear it today, and I have overruled and denied your motion.

MR. SEAY: Very good, Your Honor; is it my understanding then Your Honor will grant us leave to file our motion for continuance in writing as a part of the record, the motion to quash the affidavit and complaint in writing as a part of the record, and demurrers to the affidavit and complaint in writing to become a party of the record so we might preserve whatever constitutional questions we intend to raise?

THE COURT: Yes, I will grant you that opportunity.

MR. SEAY: Thank you.

THE COURT: Now I will give you -- would three days be sufficient time for you?

MR. SEAY: Would that be by Monday morning, Your Honor?

THE COURT: Yes, excluding Sunday; we will say Monday morning.

MR..SEAY: Very well, I will get them filed by Monday morning.

MR. McLEOD: Sheriff Clark.

MR. REESE: Has he entered his plea?

MR. McLEOD: You do plead not guilty?

THE COURT: Do you want to enter a plea of guilty or not guilty?

MR. SEAY: No, Your Honor, frankly, we want to enter a plea of not guilty. Frankly, the way the warrant and affidavit is drafted and this is one of the things that really concerns me, I am not sure what we are pleading not guilty to; the charges are vagrancy in the abstract; I am not sure that is sufficient charge of vagrancy as I understand the rules of procedure laid down by the Court of Appeals of the State of Alabama.

THE COURT: Let me have the warrant just a minute. I want to enter a "not guilty" on that. You may call your first witness.

MR. McLEOD: Mr. Webber.

CHARLES H. WEBBER, of lawful age, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. McLeod::

Q What is your name?

A Charles H. Webber.

Q And what is your occupation:

A Deputy Sheriff, Dallas County Sheriff's Department,  
Selma, Alabama.

Q Were you in that capacity on the 18th day of  
June, 1963?

A I was.

Q And on the 18th day of June, 1963, did you have  
occasion to arrest one Bernard Lafayette for vagrancy?

A I did.

Q And where did you arrest him?

A In North Washington Avenue, in front of the Southern  
Bell Telephone Company.

Q And did you carry him to the Dallas County jail?

A I did.

Q And did you book him?

A I did.

Q And did you have a conversation with him?

A I asked him questions pertaining to the booking

sheet, yes, sir.

Q Did you ask him the question of whether he was employed or not?

A I did.

Q And what did he answer?

A He informed me that he was an Evangelist and was working with the Dallas County Voting Registration.

Q And do you -- did he tell you any other employment he might have had?

A No, sir.

Q And do you know where the office of the Dallas County Board of Registrars is?

A I do.

Q Is that in the Court House of Dallas County, Alabama?

A It is.

Q Do you know who the employees of the Dallas County Board of Registrars are?

A Yes, sir.

Q Is Bernard Lafayette, Jr., an employee of the Dallas County Board of Registrars?

A No, sir.

Q And do you know how long, approximately how long Bernard Lafayette has been living in Selma, Alabama?



A Not to my knowledge.

Q And do you know of any employment that he may have here locally?

A Not to my knowledge.

Q Do you know of any property he may own that would have an income from for him where he would not be required to work?

A Not to my knowledge.

Q And do you know of any physical defects that he may have that would prevent him from working?

A Not to my knowledge.

Q And where all this took place, where you arrested him and everything, was that in Dallas County, Alabama?

A Yes, sir.

MR. McLEOD: Your witness.

CROSS-EXAMINATION

BY MR. SEAY:

Q Mr. Webber, how long have you been on the Dallas County Sheriff's Department?

A Approximately four years.

Q Approximately four years. Are you originally from Selma?

A No.

Q Where are you from, sir?

A Scranton, Pennsylvania.

Q Did you have this warrant in your possession at the time that you arrested him?

A I did.

Q And that warrant charges vagrancy?

A It does.

Q How long have you known Bernard Lafayette, either personally or by reputation?

A I only knew him for fifteen minutes.

Q Fifteen minutes; that was --

A (interrupting) That was the contact made by the arrest.

Q The contact made by the arrest; you hadn't seen him at all prior to that time?

A No.

Q Did you know him by reputation prior to that time?

A I have heard the name mentioned.

Q You have heard the name mentioned; and in what connection had you heard the name mentioned?

A With reference to articles in the newspaper.

Q The defendant didn't tell you he was employed by the Dallas County Board of Registration Board; he didn't tell you?

A I made the statement Dallas County Voting Regis-

tration.

Q Dallas County Voting Registration; by that you are not referring to the Board of Registrars of this county?

A I am referring to the Dallas County Voting Registration.

Q You are referring to the Dallas County Voting Registration, very well. Now, did you make any investigation of Lafayette before he was arrested?

A I did not.

Q Did anyone to your knowledge investigate into his financial circumstances prior to his arrest?

A Not to my knowledge.

Q Now, I believe you carried him to the jail, is that correct?

A I did.

Q Did you shake him down when you got him there?

A I did.

Q You searched him and took his personal belongings?

A That is correct.

Q How much did he have in his pocket?

A \$27.75.

Q He had \$27.75 in cash?

A He did.

Q In his pocket on his person when you arrested

him for vagrancy?

A That is correct.

MR. SEAY: I believe that is all -- wait just  
one minute, please -- that is all.

(Witness excused)

MR. McLEOD: Sheriff Clark.

JAMES G. CLARK, JR., of lawful age, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. McLEOD:

Q What is your name?

A James G. Clark, Jr.

Q Are you the sheriff of Dallas County?

A Yes.

Q Did you in that capacity -- were you in that  
capacity on the 18th day of June, 1963?

A Yes, sir.

Q On the 18th day of June, 1963, did you cause one  
Bernard Lafayette to be arrested on a charge of vagrancy ?

A Yes, sir.

Q Do you have any idea as to approximately how long  
Bernard Lafayette, Jr. had been in Selma, Alabama?

A Yes, a period of several months; I don't know.

exactly.

Q Did you know him personally before he was arrested?

A I had seen him.

Q And did you know him by reputation?

A Yes, I knew him by reputation.

Q And do you know of any gainful employment that he may have had during the time he was in Dallas County, Alabama?

A No.

Q Do you know of any property he may own from which he would derive an income whereby it would not be necessary for him to work?

A No.

Q And do you know of any physical defects that Bernard Lafayette, Jr. may have that would prevent him from working?

A None.

Q And had you had any reports concerning the fact that he was living in Dallas County and was not employed?

A Yes.

Q Have they been a few or numerous?

A There have been numerous reports.

THE COURT: Let me interrupt a minute; I didn't understand how long you have known this man to be here. I want to get that straight in my

mind.

A A period of several months, I don't know exactly what date it was, but I know it has been a period of several months.

Q During the entire time he has been here you have been able to ascertain no place where he was gainfully employed?

A No.

MR. McLEOD: Your witness.

CROSS-EXAMINATION

BY MR. CHESTNUT:

Q Sheriff, I believe you said that you had numerous reports that Bernard was unemployed, or had no visible means of support; who reported this, sir?

A There were numerous reports, people, telephone calls.

Q Is that a usual procedure that people call you to tell you that such-and-such, that somebody is unemployed or was Bernard's case a little bit different?

A Yes; I get all kinds of reports on them.

Q Would you know, Sheriff, whether or not the calls you got, the reports on Bernard was because of work he was doing in relationship to voting and that sort of thing?

A I wouldn't know that.

Q The mass meetings, so-called mass meetings, which they have had here, I think two, you were aware what was going on down there at those meetings; is that not a fact?

A I had reports on those.

Q You had official observers there, didn't you, Sheriff?

A Yes, sir.

Q They saw Bernard there, didn't they, Officer?

A Yes, sir.

Q They saw that Bernard was in charge of these mass meetings, did they not see that, sir?

A Yes.

Q I think it would be fair to say your office, being as efficient as I know it is, you knew Bernard was a representative of -- it is an organization away from here, from Atlanta?

A I knew of no organization.

Q You didn't get that in your reports?

A I heard of an organization but I had no official notice of it.

Q Do you know where Bernard lives?

A I know he lives in Selma; I couldn't tell you the address.

Q Therefore, you wouldn't know whether his rent is

paid?

A No, I wouldn't know.

Q Actually, you don't know whether he is gainfully employed or not, do you, Sheriff?

A I have reports he was begging for money.

Q Begging for money? Was he begging for money for himself or was he begging for money for a cause which he says he represented?

A I know nothing but begging for money.

Q Was he questioned after he was arrested, in your presence?

A No.

Q What investigation, can you tell me,—did you want to say something?

A No.

Q What investigation, Sheriff, has been made, if any, since Bernard has been arrested?

A What do you mean by that?

Q Has there been any probe into his background to find out whether or not he is representing some organization, whether there is, in fact, some organization that pays him a salary; has your office tried to determine that?

A Yes.

Q You met any success?



A No.

Q Which organizations did you contact, Sheriff?

A I didn't contact any organization; I knew of no official organization to contact.

Q Sheriff, what efforts, if any, were made at all to determine Bernard Lafayette's responsibility?

A We inquired of people who knew him, find out if he was employed anywhere; I understood he was a volunteer worker for that association by his own statement.

Q And you have not been able to get any evidence whatever that Bernard Lafayette is, in fact, gainfully employed?

A No.

Q Sheriff, do you have a record, a written record of any sort, or log, as of these people who allegedly were calling you to inform you he was walking around the streets unemployed and begging?

A No, sir.

Q You couldn't give us any lead as to where these reports might have come from?

A No.

Q Or is it you choose not to do it but you could if you wanted to?

A I have no records from my office.

Q Would you have any remembrance?

A Of what?

Q Of those calling to report that Bernard was walking the streets unemployed, begging?

A I had official reports that he was begging.

Q You cannot give us the name of some of these persons that made these reports to you?

A No.

Q Is it a policy in your office to keep a record of all incoming or outgoing calls?

A No.

Q That is not the policy; have you had any calls recently as to Bernard walking the streets begging?

A One, Monday.

Q But you don't recall who called -- today is just Thursday, Sheriff?

A I had a report he was begging Monday, not walking the streets begging.

Q Who reported it?

A My deputies.

Q Which one.

A Well, it was the official observers, as you call them.

Q But they did not make an arrest then?