

A No.

Q My associate wants to know whether the call came from a mass meeting; he said there was begging there, that is the policy, was he begging on the streets, though?

A I don't know of any begging on the streets; I didn't say begging on the streets; I said begging.

Q Sheriff, is this a fact, if we are going to arrest these people from begging in these churches, we might as well go out and get every preacher out there now and bring him in?

A If it was a church service -- this was not a church service.

Q You mean a regular order of worship?

A That is right.

Q You take the position, Sheriff, in any other meeting where an offering is being taken up that one might run the risk of being charged with begging?

A I don't understand your question.

Q I withdraw it then, Sheriff. Excuse me just a moment; what was the name of the deputy that made that report to you, Sheriff?

A Which report?

Q The report that Bernard was begging on Monday.

A It was two of them.

Q What were their names, sir?

A Suther and Bates.

Q Are they on duty now, Sheriff?

A They are here.

MR. CHESTNUT: That is all.

(Witness excused)

MR. McLEOD: The State rests, Your Honor.

MR. CHESTNUT: We move at this time to exclude the State's evidence on the grounds that it has not made a prima facie charge of vagrancy on the part of Bernard Lafayette, Jr. There is not one piece of evidence showing grounds of reasonable doubt that this young man was not gainfully employed or has no visible means of support; as a matter of fact some of the State's evidence itself tends to show he has been leading mass meetings, he was in charge, sponsored by organizations outside of this state. Moreover, the state's evidence tends to show, though, he has been here some six months and that the Sheriff's office has known about him. It is only until relatively recently, on Monday, I believe, that they decided that they would arrest him for vagrancy. We submit there was no more evidence on Monday as to his vagrancy or alleged vagrancy.

than there was six months ago, as the Sheriff and his deputy's testimony indicated this young man has been here and they have known about it.

We further submit, Your Honor, the State's evidence itself shows on the arrest of this young man he had \$27.00 in cash. The State's evidence further goes to show that when he was asked by the Deputy whether or not he was employed, that he referred that he was employed by the Dallas County Registration or some board such as that. We submit it is unreasonable to think that what the young man meant was to tell the Sheriff at that time he was employed by the official Board of Registrars, that any cursory examination into the background of this defendant would surely have revealed what organization he was talking about; it would further have revealed to the Sheriff that the defendant is, in fact, gainfully employed, has been so ever since he has been here and we respectfully submit, once again, to Your Honor, that the State has not made a prima facie case of vagrancy and we ask that the evidence of State be excluded.

THE COURT: I overrule your motion.

MR. CHESTNUT: May we take an exception to that, sir?

THE COURT: You certainly may.

MR. CHESTNUT: Bernard Lafayette.

BERNARD LAFAYETTE, JR., of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CHESTNUT:

Q Now, what is your name?

A My name is Bernard Lafayette, Jr.

Q Where do you presently reside?

A At 1703 Union Street.

Q Now, how long have you resided there, Bernard?

A Well, that particular place I have lived a little over two months.

Q Is your rent paid?

A In advance.

Q Do you owe any bills in Selma?

A No. I owe no bills in Selma.

Q Who buys your groceries?

A I purchase my own groceries.

Q With whose money?

A With money that I get for this project.

Q We will get to the project in a moment; it is your personal money?

A Personal money.

Q This has been the case, has it not, ever since you have been in Selma?

A That is true.

Q Now, Bernard, are you employed?

A Yes, I am.

Q By whom?

A The Dallas -- Student Non-Violent Coordinating Committee to work with the Dallas County Voters League.

Q Where is this Student Non-Violent Coordinating Committee located; where is its headquarters?

A In Atlanta, Georgia.

Q You are employed to work with the Dallas County Board of Registrars?

A Not the Dallas County Board of Registrars; the name of the organization is Dallas County Voters League. I told the arresting officers that name; maybe he misunderstood.

Q That is what you told the arresting officer?

A Yes.

Q Let's get how this organization pays you, if it

A With money that I get for this project.

Q We will get to the project in a moment; it is your personal money?

A Personal money.

Q This has been the case, has it not, ever since you have been in Selma?

A That is true.

Q Now, Bernard, are you employed?

A Yes, I am.

Q By whom?

A The Dallas -- Student Non-Violent Coordinating Committee to work with the Dallas County Voters League.

Q Where is this Student Non-Violent Coordinating Committee located; where is its headquarters?

A In Atlanta, Georgia.

Q You are employed to work with the Dallas County Board of Registrars?

A Not the Dallas County Board of Registrars; the name of the organization is Dallas County Voters League. I told the arresting officers that name; maybe he misunderstood.

Q That is what you told the arresting officer?

A Yes.

Q Let's get how this organization pays you, if it

does. Does it pay you or are you a volunteer worker as the Sheriff --

THE COURT (interrupting): What is the name?

Student Non-Violent Coordinating Committee?

MR. CHESTNUT: It is this "SNCC" pin he is wearing, Judge.

Q Are you a volunteer or are you, in fact, paid for the work you do?

A My services are paid but we don't -- we don't -- you know pay that above the expense, personal expense and operational expenses are paid.

Q Personal expense and operational expenses are paid?

A That is right.

Q Is this money paid directly to you?

A Yes, it is.

Q You are free to take out of that whatever is necessary to sustain you?

A That is right, and to make reports and validate the use of the money.

Q Now, how much do you receive?

A Well, it varies, at times I have received a hundred dollar check, \$250.00, sometimes \$500.00.

Q Now, how do you receive these checks?

A As often as I request a need for more funds.

Q Do you have to make an accounting to this organization which you work for?

A Yes, I do.

Q You make these accountings; you make further requests for money if you need it?

A True.

Q Do you have to wait until you have exhausted funds before you can make a request?

A No, I do not.

Q This is your judgment?

A That is true.

Q Who is the head of this organization?

A Mr. James Foreman.

Q Isn't it a fact he was in this city about two weeks ago to examine the progress you were making and that sort of thing?

A That is true.

Q As your superior?

A That is true.

Q He was, in fact, trying to see that the money that had been sent down here was used for the proper purposes?

A That is right, we valued our program.

Q Let me ask you this, have you ever begged on the

public streets of Selma for your personal needs?

A No, sir, I have not.

Q Have you ever begged anywhere for your personal needs in this city since you have been here?

A No, I have not.

Q Any appeal for money that you have -- on what basis has it been made?

A I cannot directly remember my making --

THE COURT: Let me interrupt you a minute, Chestnut.

MR. CHESTNUT: Yes, sir.

THE COURT: And just let me ask him a question or two; maybe we can get this thing cleared up. As I understand it, you are in effect on a salary from this Student Non-Violent Coordinating Committee?

A Yes.

THE COURT: Is that correct, whether you call it a salary or not, it is in effect a salary, is it not? They pay your living expenses and all expenses?

A That is right.

THE COURT: Do they do it at regular intervals?

A Yes, sir; I have to make a financial report once

a month, and they send the money in periodically when I make a request for it.

THE COURT: And you have never been denied by them a request for money for your living expenses and any other expenses that you might personally have?

A No, sir; it is understood as long as --

THE COURT (interrupting): Clothing and food and housing and so forth?

A That is right. And, you see, when I send in my reports it is up to them to decide I have spent it wisely and I haven't had any complaints since I have brought it about.

MR. CHESTNUT: Let me ask one question.

Q How many hours a day do you work at this project?

A Oh, about sixteen or seventeen.

Q That is every day?

A Yes, every day.

THE COURT: Mr. McLeod, this man, unless you have some further evidence, I think that they have -- the burden of proof, of course, shifted to them, but I think they have satisfied that by proving that the man has a livelihood. He is not --

MR. McLEOD (interrupting); I agree with you,

Judge.

THE COURT. So, unless you have something further than that, I am going to find him not guilty.

MR. McLEOD: I have not.

THE COURT: Now, of course, you can still file all the motions you want to, if you just want to be filing motions; that is all right with me.

MR. SEAY: No. .

THE COURT: As I see this case, it is simply a case of vagrancy, which was -- I think the State put in enough evidence to shift the burden over to you, but I think you have averted it.

THIS IS ALL OF THE TESTIMONY IN
THIS MATTER.

REPORTER'S CERTIFICATE


STATE OF ALABAMA

COUNTY OF DALLAS

I, Mrs. Dorothy Jackson, Reporter and Notary Public for the State of Alabama at Large, do hereby certify that on Thursday, June 20, 1963, in the Dallas County Court Room, Dallas County Court House, Selma, Alabama, I reported the case of State of Alabama, Plaintiff, vs. Bernard Lafayette, Jr., before the Honorable Hugh Mallory, Jr., Judge presiding, in the Dallas County Court; that the foregoing 30 typewritten pages is a true and correct transcription to the best of my ability, skill, knowledge and belief, of all of the proceedings in this matter, including motions, rulings of the Court, and examination of witnesses.

I further certify that I am neither of kin nor of counsel to any of the parties in this matter, nor am I in any way interested in the results thereof.

Witness my hand and notarial seal this 21st day of June, 1963.


Reporter and Notary Public,
State of Alabama at Large,

My commission expires 9/4/63

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

me said I was out in the Sheriff's car, and
in front of the meeting that night observing
what was happening. Judge said "Is this
in the record?" Me said "No, your
honor, I just wanted to let the Court know
what the situation was down there."

Transcript - U.S. - Dallas County, Ala.
Dallas County, Ala. 12-15-62

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION.

United States of America,

Plaintiff.

vs

Civil Action

Dallas County, Alabama, et al.,

No. 3064-63.

Defendant.

TRANSCRIPT OF PROCEEDINGS HAD BEFORE HON. DANIEL H.
THOMAS, U. S. DISTRICT JUDGE, AT SELMA, ALABAMA, ON
OCTOBER 13, 1963.

Appearances: For Plaintiff

John Dear, Esq.,
V. R. Jansen, Jr., Esq.,
Richard Wasserstrom, Esq.

For Defendants

Wm. McLean Pitts, Esq.,
Gordon Madison, Esq.,
T. G. Gayle, Esq., and
Blanchard McLeod, Esq.

Judge Thomas: Are you ready to proceed in Civil Action No.
3064-63, United States vs. Dallas County and others?

Mr. Doar: The Government is ready, your Honor.

Judge Thomas: Are the Defendants ready?

Mr. McLeod: The Defendants are ready, your Honor.

Judge Thomas: All right, proceed. Call your first witness. Mr.
Doar.

Mr. Doar: Yes, sir. My first witness is Chief Mullen.

If there are any witnesses in the court room summoned to
testify, please step out of the court room.

Judge Thomas: I will tell them what to do. Just leave them alone.

Mr. Doar: Excuse me, your Honor.

Judge Thomas: All witnesses who were subpoenaed here today
please stand where you are, raise your right hands, and be
sworn.

Thereupon, Mr. O'Connor swore the witnesses.

Judge Thomas: The rule was asked before. All witnesses except the
litigants go out in the corridor and remain there until your names
are called. We will get to you as quickly as we can and I will
excuse you as quickly as I can.

EDWARD W. MULLEN: being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doar

Q Would you tell the Court your full name?

A Edward W. Mullen.

Q What is your race?

A White.

Q Where do you live sir?

A Selma, Alabama.

Q How old are you?

A Sixty-eight.

Q What is your occupation?

A Chief of Police.

Q Mr. Mullen, how long have you been Chief of Police?

A Approximately eighteen years.

Q Were you subpoenaed to come here today?

A I was.

Q Were you asked to bring certain records of your police department, with respect to notes that were taken at mass meetings of Negroes in several Negro churches, during the summer of 1963?

A I was.

Q Do you have those with you?

A Yes. They are out in the witness room.

Q I wonder if you can step out and get them. please.

A Yes, sir.

Q You now have those records with you, Chief Mullen?

A Yes, sir.

Q Do your records contain the reports of your police officers of what they observed and noted at mass meetings, at meetings between the 17th of June and the 22nd of July, 1963?

A I did not understand the first part of that question.

Mr. Pitts: We object to this type of testimony, because it has nothing to do with rebuttal of what the Defendants offered.

Judge Thomas: What is it in rebuttal of?

Mr. Doar: In rebuttal of two things, your Honor. First, Sheriff Clark testified to the fact that he went to these meetings and had his officers there, and it is offered that he was there to -

Judge Thomas: It is in rebuttal of, you think, the Sheriff's testimony?

Mr. Doar: Yes, sir, that is right.

Judge Thomas: All right, go ahead. Overruled.

Mr. Pitts: Exception.

Mr. Doar: Could you tell me the officer who made the notes of those meetings?

A Officer W. D. Nichols.

Q (Mr. Doar continuing) Is Officer W. D. Nichols here now?

A He is.

Q I wonder if you could just leave your notes on the table so that I can call Officer Nichols to the stand.

Judge Thomas: I think these notes should be identified.

Mr. Doar: Excuse me.

Judge Thomas: I think the notes should be identified as an exhibit.

Mr. Doar: Chief Mullen, would you take out the notes of your police officers for the meetings I have referred to and hand them to me so that I can hand them to the clerk for identification?

Mr. Pitts: Are you taking them out?

Mr. Doar: Yes, sir.

Mr. Pitts: We would like an opportunity to see them.

Mr. Doar: Surely.

Mr. Pitts: I would like to ask Mr. Mullen a few questions.

I think this would be the appropriate time.

Judge Thomas: Surely.

Mr. Pitts: Are all of those the notes?

A Yes, sir. Several meetings.

Judge Thomas: Hand them all to the clerk and let him mark them.

Mr. Pitts: Some of this stuff he has taken out of his file. I want

Mr. Mullen to re-identify these, because he has some stuff in there that didn't come out of his file.

Mr. Pitts: Was that in that file when you gave that to him?

A Yes, sir

Judge Thomas: All of them were in the file.

Mr. O'Connor: Plaintiff Exhibit 37 for identification is Selma Police Department report.

Mr. Doar: For what date?

Mr. O'Connor: 6/17/63. There might be some others attached to it.

Mr. Pitts: I may want to object to some of those individual notes. I have not had a chance to see them.

Judge Thomas: I understand that

Mr. O'Connor: Plaintiff Exhibit 38 for identification is Selma Police Department report of mass meeting.

Judge Thomas: Just give the date.

Mr. O'Connor: It does not have a date up at the top, it says Mass Meeting No. 15.

Plaintiff Exhibit 39 for identification is Selma Police Report of Mass Meeting 7/1/63.

Mr. Madison: May I inquire if all of those are meetings held prior to this lawsuit?

Mr. Pitts: That is what I have in mind.

Mr. O'Connor: Plaintiff Exhibit 40 for identification is Selma

Police Department Report of Mass Meeting 7/8/63.

Plaintiff Exhibit 41 for identification is Selma Police Department Report of Mass Meeting 7/15/63.

Plaintiff Exhibit 42 for identification is Selma Police Department Report of Mass Meeting 7/22/63.

Mr. Dear: Your Honor, the subsequent meetings that are in that file relate to meetings after the 25th of July. We handed them all up to him.

Mr. Pitts: Yes, that is what I object to.

Mr. Dear: I just want to call the Court's attention right now.

Mr. O'Connor: Plaintiff Exhibit 43 for identification is Selma Police

Department Report of Mass Meeting 8/26/63.

Plaintiff Exhibit 44 for identification is Selma Police Department Report of Mass Meeting 9/16/63.

Plaintiff Exhibit 45 for identification is Selma Police Department Report of Mass Meeting 9/13/63.

Plaintiff Exhibit 46 for identification is Selma Police Department Report of Mass Meeting 9/9/63.

Plaintiff Exhibit 47 for identification is Selma Police Department Report of Mass Meeting of December 2, 1962.

Judge Thomas: Let me see No. 38. Chief, could you tell me what date that is?

A Unless it is at the top of this thing.

Judge Thomas: Look at No. 39 and see, Mr. O'Connor, if it has a meeting number on it.

Mr. O'Connor: 39 is a Report of a Mass Meeting at the First Baptist Church, dated July 1, 1863.

Judge Thomas: It does not have a number on it?

Mr. O'Connor: I don't see it, as far as Mass Meeting is concerned.

Judge Thomas: That does not throw much light on it.

Mr. Doar: It says Mass Meeting No. 7.

Judge Thomas: I see that. If this meeting was subsequent to No. 15, then, I would have some idea as to when 15 happened.

Mr. Doar: Maybe I can clear that up with another witness.

Judge Thomas: You do not know?

A No, sir.

Judge Thomas: Do the Defendants object to all of them?

Mr. Pitts: We do object, your Honor, first, to any notes that the Chief produces that were not between the period of the 17th of June and the 22nd of July, because it is not responsive to the question. Then, we object, your Honor, to any of the notes that were after July 22nd. Is that the date we had this case before?

Judge Thomas: July 25th.

Mr. Pitts: July 25th, the date this case commenced trial.

Judge Thomas: Nos. 37, 39, 40, 41 and 42 will be admitted in evidence. Nos. 43, 44, 45, 46 and 47 go beyond the period asked for. Now, Mr. Doar, as far as No. 38 is concerned, I will have to reserve my ruling. If that is a meeting which occurred between June 17th and July 2nd, I think it is admissible. If it occurred outside of that period, I think it is not. Thereupon, Plaintiff Exhibits 37, 39, 40, 41 and 42 were marked in evidence, respectively.

Mr. Madison: I have not had an opportunity to read these. I make a motion to exclude on the ground that there is nothing in any one of them or all of them combined to show that all of these Defendants participated in any way.

Judge Thomas: In the interest of conservation of time, I will let them go in.

Mr. Anderson: Exception.

Mr. McLeod: Your Honor, those are records. I am going in trials of cases in the state court. That is the only record we have.

Our next trial is the 25th of October. If the Government will take photostatic copies and return them to me in plenty of time -

Judge Thomas: Surely Mr. Doar, return the originals and substitute copies.

Mr. Pitts: I would like to object on the further ground, as far as Jim Clark is concerned, who is Sheriff of Dallas County, these are no records taken by him. If those are records of the Police Department of the City of Selma, they would not be binding on Jim Clark, Sheriff of Dallas County.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Judge Thomas: Proceed, Mr. Doar.

Mr. Doar: I would just like to call to the attention of the Court that Plaintiff Exhibit 37 contains the records of not only a meeting on the 17th but also a meeting on the 24th of June. They were attached together.

Judge Thomas: Is that correct, Mr. O'Connor?

Mr. O'Connor: May I have Plaintiff Exhibit 36, please?

Judge Thomas: In other words, two of them are clipped together? Is that right?

Mr. Doar: Yes, sir.

Judge Thomas: Plaintiff Exhibit 37 contains the notes of

June 17th and what other date?

Mr. O'Connor: June 24th.

Judge Thomas: All right.

Mr. Doar: That is all I have, your Honor.

CROSS EXAMINATION

By Mr. Pitts

Q Chief Mullen, how long have you been Chief of Police of the City of Selma?

A Approximately eighteen years

Q Up until recently was there any trouble with the Negroes?

A Not to my knowledge.

Q Of this type?

A No, sir.

Q Did any Negroes from other towns come into the City of Selma?

A Not to my knowledge.

Q Well, recently, has there been an influx of Negroes from other towns?

A Yes, sir.

Q Have there been agitators in here?

A Yes, sir.

Q Have they been at these meetings?

A Yes, sir.

Q Did you, as Chief of Police, deem it advisable to in some way obtain information as to what was going on at those mass meetings, in order that you could have proper police protection?

A I certainly did, sir.

Q Did you think that was necessary in your position as Chief of Police of the City of Selma?

A I certainly felt that way.

Q What was this information that was obtained at those mass meetings, what was it used for and what was the purpose?

A It was used for the purpose of knowing where and when they were going to have other meetings. We thought possibly that might come out in these meetings, maybe something would come out, and usually they did announce where the next meeting would be. That is all in the world that those notes have been used for.

Q Were they also used for the purpose of ascertaining whether or not there was to be any demonstration?

A Yes, sir.

Q Did that give you the opportunity of knowing when and where it was necessary for you to have police?

A Yes, sir.

Q Has Selma got a large police force?

A Selma has a very small police force.

Q In order to handle those demonstrations, has it been necessary for you to have auxiliary police?

A Yes, sir.

Q Has the police department worked in close harmony and accord with the sheriff's department?

A Yes, sir, we have.

Q The two have worked together?

A Yes, sir.

Q Do you know of any instance anywhere that any of the police department has intimidated any Negro, for the purpose of keeping him from registering to vote?

A I do not, sir.

Q Do you know of any instance where Jim Clark, Sheriff of Dallas County, or any of his deputies, have intimidated any Negro for the purpose of keeping him from registering to vote?

A I do not.

Q Were those notes that you have produced here taken by the police department and the sheriff's department, were they taken for the purpose of intimidating a Negro, to keep him from registering to vote?

A No, sir.

Q Did they have anything to do in the way of preventing Negroes from going down to the courthouse and getting in line to register to vote?

A They did not.

Q Mr. Mullen, is it your opinion that the little trouble that has been here in Selma has been caused by agitators brought in here from outside sources?

Mr. Doar: Objected to, as not in the scope of the Direct Examination of Chief Mullen and incompetent and irrelevant.

Judge Thomas: Sustained.

Mr. Pitts: Exception.

Mr. Pitts: Is ~~yo~~ your opinion that the only trouble that has been caused by Negroes attempting to register to vote has been caused by outside agitators or workers in Selma?

A I think so.

Q (Mr. Pitts continuing) Is it also your opinion, from the information you have, that any trouble along the registration line going into the courthouse, that the only interference with that line has been with outside workers coming into Selma or agitators interfering with people in that line?

A Now, from my own knowledge, I don't know.

Mr. Madison: Your Honor, may I talk with him a second?

If your Honor will permit me?

Judge Thomas: All right.

CROSS EXAMINATION

By Mr. Madison

Q Are there any other type of meetings by white people only in which you have furnished police to observe for protection, or for any other purpose?

A Yes, sir.

Q Tell the Court what some of them are?

A Well, the Citizens Council has met and we have had a number of policemen out there to see that order was carried out, and we have had them at football and baseball games.

Q Now, is it your purpose, as chief, when those officers are there, are they there in order to preserve order and protection for the lives and liberty of the people that is necessary?

A Yes, sir; they certainly are.

RE DIRECT EXAMINATION

By Mr. Doar

Q Chief, you testified that you worked closely with Sheriff Clark, with respect to law enforcement, in the City of Selma?

A Yes, sir.

Q Have you had occasion to discuss the information you obtained at these meetings with Sheriff Clark?

A At those meetings?

Q Yes, sir?

A I have discussed once or twice the meetings by telling him where the next meeting was going to be, such stuff as that, but the reports, these transcripts here, we have not done anything other than read them and put them in the file.

Q Since this is the first time that there has been much voter registration going on in Selma, is this the first time this took place?

A To my knowledge.

Q Do you know Bernard Lafayette?

A I know him by name.

Q Do you know that he was in Selma working on voter registration?

A Yes, sir.

Q Do you know that he had been arrested by Sheriff Clark for vagrancy?

A Off hand, I don't know.

Q You didn't know that?

A No.

Q Did you know a Negro by the name of Bosie Reese?

A Yes, sir.

Q Did you know that he had been arrested by Sheriff Clark?

A I think I heard he was arrested.

Q Did you know anything about the circumstances of the arrest?

A No, sir.

Q Do you know a Negro named Alexander Brown?

A I knew of him, yes.

Q Did you know he had been arrested by Sheriff Clark?

A No, sir. I did not.

RE CROSS EXAMINATION

By Mr. Madison

Q You say you knew Bosie Reese?

A Yes, sir.

Q What do you know about him?

A He had a pretty bad record with our department down there.

Q Do you know anything about his stealing? Did that come under your observation?

A I would have to look at the finger print record to answer that.

Q Do you know that he has been twice convicted for larceny?

A I knew he had been convicted several times, but for what I don't know.

RE RE DIRECT EXAMINATION

By Mr. Doar

Q Did you take similar notes like these at meetings of the White Citizens Council?

A No, sir.

RE RE CROSS EXAMINATION

By Mr. Pitts

Q I don't want to be crossing up, but he asked about some things I have not asked about. Do you know whether this Alexander Brown's name is Alexander Love, that he was going under two names?

A I have heard that through outsiders.

Q Now, have you ever heard or received any information that at any of the Citizens Council meetings there was any advocacy of demonstrating, where it was going to be necessary for future police work?

A No, sir.

Q Is that correct?

A Yes, sir.

Q You never heard them advocate any demonstration or violence of any type?

A No, sir.

Q Is it a fact that you know that all of the Citizens Council meetings are taped, every one of them?

A Yes, sir.

Q And nowhere have they ever advocated any demonstration?

A Not to my knowledge, no, sir.

RE RE CROSS EXAMINATION

By Mr. Madison

Q What about Ku Klux?

A We have not had a meeting of the Ku Klux that I know of in Selma, not in a long time.

Judge Thomas: Thank you very much. You may go. Gentlemen, from now on, it is going to be Direct, Cross and Re Direct, and that is it.

Mr. Doar: We also subpoenaed today Mr. Nichols, the police officer who took these notes, but, in view of the testimony and the admission of those records, I don't have any reason to call him. I would like to ask that he be excused, unless counsel would like to question him.

Mr. Pitts: I understand that they have never been accepted in evidence.

Judge Thomas: Nos. 37, 39, 40, 41 and 42 are in evidence.

Mr. Pitts: We object to all of them.

Judge Thomas: I understand it. I ruled against you on those.

If you do not need the witness, don't call him.

Mr. Pitts: He has Mr. Victor Atkins sitting here. He has been subpoenaed. Mr. Allen is in the hospital. They have a line over there of thirty some odd people right now. By keeping Mr. Atkins over here, it is preventing the Board from functioning and Mr. Atkins would like the permission of the Court to go back to his office.

Judge Thomas: May Mr. Atkins be excused.

Mr. Doar: He may be. We told Mr. McLeod on Sunday that he didn't have to be here. The question about it is that I would like to renew our offer with respect to the registration records. He was subpoenaed, because he has custody of the registration records.

Judge Thomas: Who is that?

Mr. Doar: Mr. Atkins, Chairman of the Board.

Judge Thomas: What records do you want?

Mr. Doar: The application forms since the last photographing, which was in February 1962.

Judge Thomas: Have I ruled on it?

Mr. Pitts: Yes, sir, you have ruled on it, and you ruled -

Judge Thomas: Just make your objection. When I ask a question, don't make a speech. Have I ruled against the Government on it?

Mr. Doar: You did, your Honor.

Judge Thomas: That ends it.

Mr. Doar: Could I be heard on it?

Judge Thomas: No. I will not change my ruling.

Mr. Doar: In the affidavits which were filed with the Court, as part of the case of the Defendants there are ten or eleven affidavits of Negroes who were accepted for registration, and the facts with respect to their respective registrations and the fact that they were accepted are set forth in those affidavits, and it is our position, your Honor, that if the records were not originally admissible in this Court they are now admissible in rebuttal of proof offered by the defense.

Judge Thomas: I will reserve my ruling. Mr. Atkins, you may go.

Mr. Atkins: Your Honor, will you allow me to have a word of personal privilege. I was subpoenaed to bring the files from March 1st, 1962 and since April 2nd, 1962, and so the dates are a little confused; then, too, I would beg the Court to consider this, that where there is a line of people to register, there is bound to be considerable confusion, and to get those files out today, which this Court has subpoenaed us to do would be very impracticable to handle.

Judge Thomas: I will reserve my ruling. You may go.

Mr. Atkins: Thank you.

Judge Thomas: Who is your next witness?

Mr. Dear: Rosalie Rogers. She is called for Cross Examination.

Judge Thomas: Her affidavit was Exhibit K.

ROZENE ROGERS, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Dear

Q Will you tell the Court your full name, please?

A Rozene Rogers.

Q What is your race?

A Negro.

Q How old are you?

A Forty-three.

Q Where do you live?

A Selma, Alabama.

Q How long have you lived in Selma, Alabama?

A All my life.

Q You signed an affidavit on the 19th day of July, 1963, is that correct?

A Yes, sir, it is.

Q That affidavit dealt with your experience in going up to the courthouse on the third Monday in June, is that right?

A Yes, sir, it is.

Q Of this year?

A Yes, sir.

Q Was that the first time you had gone to try to register?

A No, sir.

Mr. Gayle: Objection, as not in rebuttal.

Judge Thomas: He has a right to cross examine this witness.

Mr. Gayle: This is his witness.

Judge Thomas: No, I beg your pardon. I thought we had it understood that he had a right to cross examine the witnesses whose affidavits had been put in by you all. It is cross examination.

Mr. Gayle: Exception.

Mr. Doar: Was that the first time you had gone up to register?

A No, sir.

Q (Mr. Doar continuing) How many times had you tried to register before that time?

A Several times before

Q Can you fix the dates of those times?

A I cannot fix the dates. The first time was before they reduced the poll tax, I went up and registered, but I never heard from the application.

Mr. Pitts: Objection. I move to exclude. In the first place, the poll tax has not been removed altogether. I guess she refers to the time you had to pay all back poll tax.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: When was the second time you tried?

A The first time I heard from them was in 1961.

Q (Mr. Doar continuing) What happened in the year 1961?

A I went down to fill out an application, to become a registered voter, and I received a letter from the Board that I didn't answer all the questions on the application blank.

Q When you went down in 1961, did any other Negroes go down with you?

A Yes, sir.

Q How many went down?

A Three teachers from the school where I worked.

Q Did any of those teachers pass, if you know?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: How much education have you had?

A I finished Alabama State Teachers College in 1942 with a B. S. degree.

Q (Mr. Doar continuing) What is your job?

A Teachingschool.

Q What grade?

A The first grade.

Q When you went up to register on the third Monday in June, you testified, in your affidavit, that you went into another office and were asked several questions by a white man and woman there?

A Yes, sir.

Q What questions were asked you?

A They asked me how did a bill become a law, and what do you mean by the word "secular", and what do you mean by "bona fide".

Q Do you know Bernard Lafayette?

A Yes, sir.

Q Did you know him at the time this affidavit was filled out?

A Yes, sir.

Q Did you know that he had been working in Selma on voter

registration?

A Yes, sir.

Q Did you know that he was arrested about the 17th day of June and charged with vagrancy?

A Yes, sir, I did.

Q What effect did that arrest have on you?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant and it calls for a conclusion.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: You have stated in your affidavit that you don't know of any other person who was intimidated or abused because of their desire to register. I would like to ask you if it is not a fact that a great many Negroes in Selma are afraid to try to register?

Mr. Gayle: Objection.

Mr. Pitts: Objection.

Mr. Madison: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, could I be heard on that ruling?

Judge Thomas: No, I sustained the objection.

Mr. Doar: Exception.

Mr. Doar: Do you know a young man by the name of Bosie Reese?

A Yes, sir.

Q (Mr. Doar continuing) Did you know that he had been arrested at the courthouse for working on voter registration?

Mr. Gayle: Objection.

Judge Thomas: Overruled.

Mr. Gayle: May I be heard your Honor?

Judge Thomas: I don't think it has anything to do with it, but I overruled the objection.

Mr. Gayle: Exception.

Mr. Doar: Did you know that he had been arrested at the courthouse, while working on voter registration?

A Yes, sir.

Q (Mr. Doar continuing) Do you know Alexander Brown?

A Yes, sir.

Q Did you know that he had been working on voter registration in Dallas County?

A Yes, I did.

Q Did you know that he had been arrested by Sheriff Clark?

A Yes, I did.

Q What effect did those arrests of Bernard Lafayette, Bosie Reese and Alexander Brown have on you, with respect to your

willingness to intimate or to exercise your right to vote in
Dallas County?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant, and it calls for a conclusion.

Judge Thomas: Overruled.

Mr. Pitts: It makes her form a mental conclusion - what effort
did they have -

Judge Thomas: Wait just a minute. I think it calls for a conclusion.
I sustain the objection.

Mr. Doar: Exception.

Mr. Doar: When was this affidavit obtained from you?

Mr. Pitts: Objection, because the affidavit is the best evidence.

Judge Thomas: It shows July 19th, 1963. Was that the date or the
approximate date?

A: Yes, sir, it was.

Mr. Doar: What were the circumstances surrounding the taking
of this affidavit?

A: Will you state your question again?

Q (Mr. Doar continuing) How did this affidavit happen to be
taken and who took it?

A: A state investigator came to my home and asked if I had been
down to register to vote and asked me what happened the day I

went to the courthouse to register to vote.

Q Did he ask you any questions about your previous experience registering?

A No, he did not.

Q Did you tell him about your previous experience?

A No, sir, I did not.

Mr. Pitts: I want to object to the previous experience. That is not in issue in this case. What is at issue in this case is the intimidation of Dallas County officials, Jim Clark, from keeping people from going in the registration line. Some of this occurred before Jim Clark was ever Sheriff of Dallas County.

Judge Thomas: All right, I sustain the objection.

Mr. Doar: Exception.

Mr. Doar: Who wrote up this affidavit? Did you or the state investigator write it up?

A He wrote it up.

Q (Mr. Doar continuing) What discussion did you have with him prior to the time you wrote this sence "I don't know of any other person who was intimidated or abused because of their desire to register"?

A He asked me did I see anyone being abused the day I was at the courthouse.

Q Did you understand that question just to be confined to the day you went up there to register?

Mr. Pitts: Objection.

Judge Thomas: She has stated what he told her. Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, I would like to respectfully call the Court's attention to the fact that when Chief Mullen was on the stand, he was asked if he knew of anything that Sheriff Clark had done to intimidate any Negroes, and he was permitted to answer the question.

Judge Thomas: Did you object?

Mr. Doar: I think I did object.

Mr. Pitts: No, sir.

Judge Thomas: What is the question now before this witness?

Q Did you understand that question just to be confined to the day you went up there to register?

Judge Thomas: She said he asked her did she see anyone being abused the day she was at the courthouse. I think the question is clear. Go ahead.

Mr. Doar: Exception.

Mr. Doar: Do you know of any other Negro person who has been frightened because of those arrests by Sheriff Clark?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all the questions I have.

Judge Thomas: Any Re Direct?

Mr. Pitts: Yes, sir.

RE DIRECT EXAMINATION

By Mr. Pitts

Q Have any F B I agents been out to see you since you gave this affidavit?

A No, sir, no one.

Q Since you gave this affidavit?

A No, sir.

Q Whom have you talked to since you gave this affidavit?

A To Mr. Doar.

Q Where did you see him?

A Here in the courthouse.

Q When?

A This morning, and in July.

Q Is that the last time you have seen him?

A Yes, sir, it was.

Q Are those the only two occasions that you talked to him?

A Yes.

Q Were you not subpoenaed up here at the first hearing we had of this case in July?

A Yes, sir.

Q You were here?

A I was.

Q Was that the time that you talked to him?

A Yes, it was.

Judge Thomas: Thank you very much. You may go. Call your next witness.

CLARA BELL SMITH, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

CROSS EXAMINATION

By Mr. Doar

Q Will you tell the Court your full name, please?

A Clara Bell Smith.

Q Could you speak up in a loud voice, so everyone can hear you, please?

A I will.

Q Thankyou very much. What is your race?

A Negro.

Q How old are you?

A I am fifty-seven.

Mr. Pitts: Have any of these witnesses been sworn?

Judge Thomas: Were you sworn this morning when the witnesses were sworn?

A I was.

Mr. Doar: What is your education?

A High School.

Q (Mr. Doar continuing) What do you do?

A Farm.

Q Are you married?

A I am.

Q How long have you lived in Dallas County?

A Since 1917.

Q When you went up to try to register on the first of July, was that the first time you tried to register?

A It was not.

Q How many times prior thereto have you tried to register?

A One.

Q What happened on that occasion?

Mr. Pitts: Objection. The time is not shown.

Judge Thomas: When was that, please?

A: Around seven years ago.

Judge Thomas: Objection, sustained.

Mr. Doar: Exception.

Mr. Doar: When you went up on the first of July, you indicated that you were asked some questions by the registrars. What questions were asked you?

A: I was asked who was the executive federal officer and to name three of his duties.

Q (Mr. Doar continuing): Did you answer those questions?

A: I did.

Q: Did you know Bernard Lafayette?

A: I did.

Q: Did you know that he had been working in Dallas County on voter registration?

A: I did.

Mr. Gayles: Objection.

Judge Thomas: Overruled.

Mr. Gayles: Exception.

Mr. Doar: Did you know that he had been holding meetings of Negroes in Dallas County, urging them to register to vote?

A I knew that.

Q (Mr. Dear continuing) Did you know that he had been arrested by Sheriff Clark for vagrancy?

A That is right.

Mr. Gayles: Objection.

Judge Thoma: Overruled.

Mr. Gayles: Exception.

Mr. Dear: Did you know a young man by the name of Boonie Reese?

A I did.

Q (Mr. Dear continuing) Did you know he had been working on voter registration in Dallas County?

A Yes.

Q Did you know that he had been arrested at the courthouse by Sheriff Clark?

A I knew that.

Q Did you know Alexander Brown?

A I know Brown, too.

Q Did you know he had been working this summer on voter registration in Dallas County?

A I did.

Q And that he had been encouraging Negroes to register to vote?

A I did.

Q Did you know he had been arrested by Sheriff Clark?

A I knew that.

Q What effect did those arrests of those young people that were working on voter registration have on you?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Dear: Exception.

Mr. Dear: How long have you lived, did you say, in Dallas County?

A Since 1917.

Q (Mr. Dear continuing) Are most of the Negro people in Dallas County dependent upon the white people for their jobs?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Dear: Exception.

Mr. Dear: Did you ever know of as much registration activity among Negroes as there has been in Selma this summer before?

A I never have.

Mr. Pitts: Objection. It calls for a comparison and conclusion.

Judge Thomas: Overruled.

Mr. Pitts: Exception.