

Mr. Doar: What was your answer?

A: I never knew as many as tried to register this summer.

Mr. Doar: Have there ever been as many people encouraging Negroes to register as there have been this summer?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A: There have not.

Mr. Doar: What?

A: It has been more this summer than I ever knew before.

Q (Mr. Doar continuing): As a matter of fact, there has been hardly any interest in registration activity among Negroes until this summer?

A: That is right.

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Your Honor, she will not wait to answer until I can get my objection in.

Judge Thomas: Don't answer until he has a chance to object and then wait until I rule on his objection, please.

Mr. Doar: Who took this affidavit from you, Mrs. Smith?

A Pardon?

Q (Mr. Dear continuing) Who took this affidavit from you that you signed on the 19th of July?

A Sheriff Clark. You said the affidavit?

Q The affidavit that you signed? Do you know who wrote that down? How did you happen to sign that affidavit?

A Now, I am trying to see which was the affidavit.

Judge Thomas: The affidavit of July 19th, 1963?

Mr. Dear: This is the affidavit you signed here. Take your time.

A Sheriff Clark.

Q (Mr. Dear continuing) What happened when he came out and took that affidavit?

A He told me that this could be used in Court.

Q Did he ask you whether or not you knew Bernard Lafayette?

A He did not.

Q Did he ask you whether or not any Negroes were afraid to register?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Dear: Exception.

Mr. Dear: In your affidavit, you have stated here that you do not know of any other person who has been threatened or

abused because of their desire to register. Do you remember saying that?

A I did.

Q (Mr. Doar continuing) What did you mean by that?

A I meant on the day.

Mr. Pitts: Objection to what she means by the statement.

The statement is in the English language. I object to any question as to what a person means by something. That is calling for a mental operation.

Judge Thomas: Will you all just make your objections and let me rule on them? Sustained.

Mr. Doar: Exception.

Mr. Doar: When you said that you did not know of any person who had been threatened or abused, because of their desire to register, were you talking only of what happened on the day you went up to register?

A Yes, sir.

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Your Honor, I would like to ask permission to continue this examination under Rule 43 (c).

Judge Thomas: What is that?

Mr. Doar: That rule provides that where the Court sustains an objection in the trial of a case where there is no jury that the Court will take the testimony subject to the objection, for the purpose of a full record being made.

Judge Thomas: I am not going into that.

Mr. Doar: Thank you. Exception

Judge Thomas: Is there any Re Direct?

Mr. Madison: Your Honor, we have several defendants and several lawyers representing different ones. Would you mind outlining who can ask questions and the order, so that we may observe it?

Judge Thomas: You all ought to be able to straighten that out among yourselves. There is nothing complicated about that.

Mr. Madison: I think it is rather complicated. We jump up three at a time and you say "Sit down" three at a time.

Judge Thomas: Go ahead, Mr. Pitts.

Mr. Pitts: It is my understanding that each one of us has the right to examine each witness, representing different ones.

Judge Thomas: That is correct.

Judge Thomas: I do want this in the record. There are several Defendants. During the testimony in the case, any objection made to any of the testimony by any Defendant, let the record show that it will be considered that it is being made by all the Defendants and the ruling will apply to each one. All right, Mr. Pitts.

RE DIRECT EXAMINATION

By Mr. Pitts

- Q Do you know Sheriff Jim Clark?
- A I know him.
- Q Do you see him in this Court room?
- A I see him.
- Q Is that him sitting right back yonder?
- A That is right.
- Q Is he the man that came out there and got you to sign that affidavit?
- A Yes, sir.
- Q Are you positive of that?
- A I am. He did.
- Q Do you know a man named Judd Ernest Houston, deputy sheriff?
- A Yes, sir.
- Q He is a deputy sheriff, is he not?

A Yes, sir.

Q He was a deputy sheriff, was he not?

A Yes, sir.

Q He was there, was he not?

A That is right.

Q The man that actually took this affidavit from you was a man that didn't have on any uniform at all and was dressed just like I am, and his name was Dickerson?

Mr. Doar: Objection. He is cross examining his own witness.

Judge Thomas: I think you are correct. Sustained.

Mr. Pitts: Exception.

Mr. Pitts: Do you know Mr. Dickerson, a state investigator?

A Do I know him?

Q (Mr. Pitts continuing) Yes?

A I know him.

Q Did he have on clothes like I have?

A Yes.

Q Is he the one that wrote this thing out?

A Sheriff Clark and his deputy came out.

Q You mean Sheriff Clark wrote this thing out here?

A He and his deputy.

Judge Thomas: Let me ask the witness one question. When this

affidavit was signed by you, were there more than one person that came out there?

A It was two.

Judge Thomas: Who was it?

A Sheriff Clark and Mr. Houston.

Judge Thomas: O. k.

Mr. Pitts: Mr. Dickerson was not there? Is Mr. Dickerson out there?

A I am getting confused now.

Q (Mr. Pitts continuing) That is what I know.

A I don't want to get confused.

Q Is that the man that was out there?

A You are Mr. Dickerson, am I right, can I ask that question?

Q Is that the man that was out there that was with Sheriff Clark? I am just asking you now? Is that him?

A I believe it is.

Q All right.

A I believe that is the one

Q All right, now, actually, Mr. Jim Clark was not even there, was he? You are mistaken about that. Only Mr. Houston and Mr. Dickerson were there, I am asking you now?

A Sheriff Clark was there.

Q When you signed this affidavit, was Sheriff Clark there?

Judge Thomas: Let me ask you this: To the best of your recollection, who was there when you signed the affidavit, if you recall. That is all we want to know.

A To the best of my recollection, it was Sheriff Clark, and, if this was Mr. Dickerson that walked in here now, I say those are the two, to the best of my recollection.

Judge Thomas: That is all I want to know.

Mr. Pitts: That is all.

Judge Thomas: Mr. McLeod, do you want to ask her any questions?

Mr. McLeod: No, sir.

Judge Thomas: Mr. Madison, do you want to ask her any questions?

Mr. Madison: Yes, sir.

RE DIRECT EXAMINATION

By Mr. Madison

Q Do you recall the day that you were registered?

A I do.

Q All right, were there other people there?

A I was alone.

Q By yourself?

A That is right.

Q Was anybody else in line at all?

A There was no line.

Q Did you have any trouble going in before the registration board?

A I didn't have any trouble going in, since there was no line.

Q You got right on in?

A I did.

Q Now, you said you knew a Negro boy by the name of Alexander Brown. Is that the same one they call Love?

A Am I a Negro boy?

Q No, you said you knew a Negro boy named Brown?

A That is right.

Q Do you know him under the name of Love, too?

A All I knew was Brown.

Q What was the other one you said you knew, the name of the other one that was arrested for vagrancy there?

A Reese.

Q Bosie Reese was arrested for something else, was he not?

A Something else?

Q Yes?

A I don't know.

Q Have you had any of them to come to you and talk to you about going to the courthouse to register?

- A I have heard them talk.
- Q Had you heard them talk before you went up there to register?
- A Before I went up, now, I have heard talk, because it was just everywhere.
- Q Before you went to register?
- A I had heard it.
- Q Had you attended meetings?
- A I had not attended any meeting.
- Q Had you talked to Brown?
- A I had not talked to Brown.
- Q Who did talk to you about going to register?
- A I talked with different friends.
- Q You talked with different friends?
- A That is right. I listened to the President.
- Q Did you talk to anyone you knew was out of the state of Alabama or Dallas County? Did you talk to anyone who was out of Dallas County?
- A They were all living in Dallas County.
- Q All you talked to were living in Dallas County?
- A That is right.
- Q You went on up and registered?
- A That is right.

Q What did you do after you registered?

A What did I do, after I registered?

Q Yes?

A I went on home and waited until got a hearing.

RE DIRECT EXAMINATION

By Mr. Gayle

Q That affidavit that you gave, that is true, is it not, the affidavit that you gave, when you talked to Mr. Clark?

A It is true.

Q You are not denying that today at all, are you?

A I am not denying it.

Q You swore to it?

A I did.

Judge Thomas: She said it was true.

Mr. Gayle: It is true?

A Yes, sir.

Judge Thomas: Thank you very much. You may go, if you like.

ALEXANDER BROWN, 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 speak up in a loud voice so that everyone can
hear you? Keep your hands away from your face, so your
voices comes out loud and clear. You testified here before
at the last hearing?

A Yes, sir.

Q Subsequent to the last hearing did you appear in the state
court on the charge of concealing your identity, changing
your name?

A I did.

Q How did you plead to that charge?

A Not guilty.

Q How did the Court find?

Mr. Pitts: Objection. The court's record is the best evidence.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: At that hearing, did Sheriff Clark testify?

A He did.

Q (Mr. Doar continuing) Did you testify?

A I did.

Q Did you testify to substantially the same facts as you testified while you were here in Court in July?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant.

Judge Thomas: When did this trial take place?

Mr. Pitts: It took place some time after this Court met, after July 25th.

Mr. Doar: August 1st, your Honor.

Mr. Pitts: About a week after the trial.

Judge Thomas: The question is did you testify to substantially the same facts as you testified while you were here in Court in July. Is that correct?

Mr. Doar: Yes, your Honor.

Judge Thomas: What is the purpose of this Mr. Doar?

Mr. Doar: The purpose, your Honor, is to show to the Court what took place in the State Court, in the case of Alabama vs. Brown, and show the testimony was the same as it was up here, and then to offer the docket record as to what the State Court did.

Judge Thomas: As to whether there was acquittal or conviction?

Mr. Doar: Yes, sir. I have the docket record here, your Honor.

I want to ask him who was the prosecuting attorney, to show that these Defendants continued on with that case after hearing the testimony here on July 25th.

Mr. Pitts: It was after this July 25th hearing, the date this Court was in session, and we object to it on that ground. The conviction is the best evidence.

Judge Thomas: I am going to take a few minutes recess.

Thereupon, a short recess was had.

Thereafter, Court re-convened, and the following transpired:

Judge Thomas: You were tried on this arrest about which you testified back in July in this case, is that right?

A: Yes, that is right.

Judge Thomas: I am not going to re-try that case. He has testified that he was tried. I am not going to re-try that case. He has testified that he was tried. I am not going into the testimony, but I will admit, over the objection of the Defendants, the proper document showing the outcome of that trial.

Mr. Madison: I would like the record to show that for what he was arrested for, he came in with counsel and plead Guilty to it. In the charge that was put against him for having two names, he was tried on that, and the Court cleared him of that charge. The original charge that he was arrested for, he plead Guilty to.

Judge Thomas: What was that?

Mr. Madison: Traffic violation, not having lights.

Judge Thomas: You were originally arrested for not having lights?

A Yes, sir.

Judge Thomas: Did you appear in Court?

A I appeared in Court, but I knew nothing of pleading Not Guilty.

Judge Thomas: Did you plead Guilty?

A I didn't make a plea in that particular case.

Judge Thomas: I am not going into the details. Put into the record both cases, but I am not going to re-try it

Mr. Pitts: We can put in the record in both cases, because he did enter a plea of Guilty.

Judge Thomas: I just said put in the record on both cases. I am not going to re-try either one of them.

Mr. Doar: In connection with the case of concealing your identity, going under a false name, did Mr. McLeod prosecute that case in the state court?

A He did.

Judge Thomas: Do you have a certified copy?

Mr. Doar: I do.

Judge Thomas: Hand it to the clerk.

Thereupon, the document as to changing name or concealing identity

was marked Plaintiff Exhibit 48.

Thereupon, the document as to improper lights was marked Plaintiff Exhibit 49.

Judge Thomas: Is there anything else of this witness?

Mr. Doer: Nothing else. I would like to offer these in evidence.

Judge Thomas: They are in.

Judge Thomas: Is there any Re Direct?

Mr. McLeod: No questions, your Honor.

Judge Thomas: Step down, please.

SOLOMON S. SEAY, Jr., being first sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

By Mr. Doer:

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

A Solomon S. Seay, Jr.

Q Mr. Seay, where do you live?

A Montgomery, Alabama.

Q What is your occupation?

A Attorney at law.

Q Are you admitted to practice law in the state courts of Alabama?

A Yes, sir.

Q Are you admitted to practice law in the Federal Court in Alabama?

A Yes, I am.

Q Mr. Seay, how long have you been practicing law in Alabama.

A Since August 1957.

Q Did you, in the summer of 1963, represent in the County Court of Dallas County, Alabama, a Negro man by the name of Bernard Lafayette?

A I did.

Q Did you represent him in connection with the criminal charge of vagrancy?

A I did.

Q Did you know Bernard Lafayette prior to the time you were engaged to represent him?

A Yes, sir, I did.

Q How long had you known him?

A I had known Lafayette since 1960 or 1961.

Q Did you know that he had been working in Dallas County since -

Mr. Pitts: We object to him leading this witness.

Judge Thomas. Don't lead him.

Mr. Doar: What was the extent of your knowledge of Bernard Lafayette's work, in Dallas County, during the year 1963?

A I knew that Bernard Lafayette was working in Dallas County with the Dallas County Voters' League, as a field representative, for the Students Non-Violent Coordinating Committee.

Q (Mr. Doar continuing) Do you know what kind of work he was doing in Dallas County?

A Yes, sir, he came into Dallas County to assist the Dallas County Voters' League, in helping to formulate plans for the voters' campaign in Dallas County among Negroes.

Q Do you know the Circuit Solicitor, Mr. McLeod?

A Yes, sir.

Q Did you have any conversation with him prior to the time that Bernard Lafayette was tried in the state court?

Mr. Pitts: Objection. I don't know whether he is referring to Bernard Lafayette or Blanchard McLeod.

Judge Thomas: I don't understand your objection.

Mr. Pitts: His question is not clear. I don't know whether

Mr. Doar is referring to a conversation with Blanchard

McLeod or Bernard Lafayette

Judge Thomas. Re-phrase your question.

Mr. Doar: Did you have a conversation with Circuit Solicitor

Mr. McLeod about State vs Bernard Lafayette for vagrancy,

prior to the time it was tried in the County Court?

A Yes, sir. I talked to Mr. McLeod, on the morning of the trial, approximately an hour or so before the case was tried.

Q (Mr. Doar continuing) Where did that conversation take place?

A In Mr. McLeod's office, in the County courthouse. Mr. McLeod, Mr. Chestnut and I were present.

Q Who is Mr. Chestnut?

A J. L. Chestnut, an attorney, with offices at Selma, Alabama. He was assisting me in the trial of this case.

Q What was that conversation?

A The conversation related to the possibility of a continuance of the case.

Mr. Pitts: I object to any conversation that took place between

this man and Mr. McLeod. Now, any statement that Mr.

McLeod may have made would be admissible, but the conver-

sation between the two would not be admissible. Any statement

made by Seay or Chestnut would not be admissible at that time. I object to it.

Judge Thomas: I think Mr. McLeod went into that in his testimony. Overruled.

Mr. Pitts: Exception.

Mr. Dear: You may answer.

A I discussed with Mr. McLeod the possibility of a continuance in the case of the State of Alabama vs. Bernard Lafayette, on the ground that I had just been called in, and I wanted to prepare and file some preliminary motions, which it was my understanding under the law of Alabama -

Mr. Pitts: I object to what was his understanding. We don't want a dissertation on the law.

Judge Thomas: Go ahead.

A I asked Mr. McLeod to continue the case, to permit me to prepare and file some preliminary motions in the case of State of Alabama vs. Bernard Lafayette, and Mr. McLeod intimated to me that the Judge wanted to dispose of this case, that he would not object to a continuance, or that I could move the Judge for a continuance and he would not object to it, but he would not agree to a continuance, because the Judge wanted to dispose of it. That was the substance of the conversation.

Mr. Doar: Did Mr. McLeod make any offer to you to nolle
pros the case?

A No, sir.

Q (Mr. Doar continuing) Did Mr. McLeod say anything to
you about proving to him right then and there that Bernard
Lafayette was gainfully employed?

Mr. Pitts: Objection. That is not the purpose of the solicitor.
The purpose of the solicitor in Alabama is only to prosecute
cases where people are arrested and brought into court. The
question of proving to the solicitor is absurd. The solicitor
does not have to take anybody's proof. He can submit it to the
Judge and let the Judge decide. That is not the duty of the solic-
itor. He is a prosecuting attorney.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, sir.

Mr. Doar: Thank you.

CROSS EXAMINATION

By Mr. McLeod

Q Say, when you came to my office, didn't I tell you that the
only purpose involved was whether he was employed or not
employed?

A No, sir.

Q Had you talked to Bernard Lafayette at that time?

A Yes, sir.

Q Didn't you tell me that you had just run up to Selma and had not had a chance to talk to your client?

A No, sir. I made that statement with respect to Bosie Reese.

Q We were trying Bernard Lafayette?

A Both cases were scheduled for trial.

Q Didn't I go to the Court room and ask for a recess, so you could have time to talk to your client?

A No, sir, so I would have an opportunity to talk to Bosie Reese.

Q Didn't you talk to Bernard Lafayette at that time?

A I had talked to him before.

Q Didn't you tell me that you didn't know whether he was employed or not?

A No, sir.

Q The first time evidence was put up that he was employed, didn't I ask the Court to stop the case right where it was?

A That is not my recollection.

Q Was not the case stopped?

A It is my recollection that the case was dismissed by the Judge, on his own motion.

Q Didn't he ask me did I agree with him?

A That is my recollection.

Q What did I tell him?

A That you agreed.

Q That I had nothing else and that I agreed with him?

A Yes, sir.

Q You didn't know that Bernard Lafayette was employed until he got on the stand and told it?

A Yes, sir.

Q But you didn't tell me that when I asked you?

A That didn't come up in the conversation between the two of us.

Q You proved that all he had was expense money, didn't you?

A We proved that he had sufficient money to live on in Selma.

Judge Thomas: Thank you, you may go.

MAXINE RUFFEL, 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 Maxine Ruffin.

Q Will you speak up in a loud voice, please?

A Yes, sir.

Q How old are you?

A Twentyfour years of age.

Q How far did you go in school?

A I finished High School.

Q Are you employed?

A Yes, I am.

Q What is your job?

A Clerk-typist for the Fathers of St. Anthony.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

A All my life.

Q When you went up to register to vote in February 1963, were you asked any questions by the registrars?

A Yes, I was.

Q What questions were you asked?

A I was asked one question, what was the Constitution.

Mr. Pitts: I object to going into the questions that were asked by the Board of Registrars. We are not trying the Board of

Registrars. This case here involves Jim Clark, Blanchard McLeod and Henry Reese and Dallas County. They say they intimidated people to keep them from voting. This affidavit just says she was not intimidated in any way. That is the only purpose. To go into what the registrars did is incompetent, immaterial and irrelevant, and has no place in this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. McLeod: The Board of Registrars is under the control of the State of Alabama. Dallas County has no control over them, except to furnish a place for the meeting.

Judge Thomas: I think that is admissible. Overruled.

Mr. Pitts: Your Honor, I do feel like this. I don't feel that Jim Clark should be charged with what the Board of Registrars did and neither should Dallas County nor Mr. McLeod.

Judge Thomas: She has answered the question. I cannot possibly see where it hurts or helps anybody.

Mr. Pitts: I wish you would instruct the witness not to answer until I have a chance to object.

Judge Thomas: When you are asked a question and someone objects, please don't answer it until I rule on the objection.

Mr. Pitts: I move to exclude the answer on the same ground.

Judge Thomas: Overruled. Go ahead.

Mr. Pitts: Exception.

Mr. Doar: Do you remember when this affidavit that you signed was taken from you?

A It was, I think, in July. I am not for sure.

Q (Mr. Doar continuing) Do you recall who took the affidavit?

A I don't remember his name, but he said he was a state investigator.

Q Did the state investigator ask you at the time he was interviewing you whether or not you attended any of the mass meetings?

A Yes, sir, he did.

Q What did you tell him about attendance at any of the mass meetings?

A I told him that I attended a couple only, because I was out of town, and he asked me were any deputy sheriffs at the first meeting, and I told him there was. I estimated there were about two hundred people there.

Q Did they ask you how those deputy sheriffs affected you?

A I told him they made me nervous.

Mr. Pitts: Objection. That is another way of getting in backhandedly. That calls for a mental conclusion and would not have been admissible, if asked.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Didn't you tell the state investigator, when he interviewed you, that you didn't go to any more mass meetings because the Sheriff and posse men made you nervous?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, I told him I had not attended any more because I was out of town.

Mr. Pitts: I object to any other statement. She said No. The question calls for Yes or No.

Judge Thomas: All right, O. K.

Mr. Doar: What did you tell him?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A I told him I didn't go, because I had been out of town on my vacation.

Mr. Doar: Did you describe to him the number of police officers outside the meetings?

A Yes, sir. I did. I told them they were dressed in brown khaki uniforms, with helmets on their heads, and some had guns and

sticks and they were stationed outside the Church on Broad and Lauderdale.

Mr. Doar: Did you state anything to him about them making you nervous?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

A Yes, sir.

Mr. Doar: Exception.

Mr. Doar: What did you say about making you nervous?

Mr. Pitts: Objection. That is leading.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Would the Court permit me to pursue the question under Rule 43 (c)?

Judge Thomas: No, sir.

Mr. Doar: Exception.

Judge Thomas: Any Re Direct?

Mr. Gayle: No, sir.

Judge Thomas: Thank you very much. You may be excused, if you like.

ETHELYNE JONES NETTLES, 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 Ethelyne Jones Nettles.

Q Will you speak up in a loud voice, so everyone can hear you.

Try to make people in the back of the court room hear you,

then everyone can hear you. How old are you?

A I am twenty-five years of age.

Q Are you married or single?

A I am married.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

A Twenty-five years.

Q How far did you go in school?

A I went one year to business school.

Q Was that after finishing High School?

A Yes, sir.

Q You filled out an affidavit and signed an affidavit some time in July, in connection with this case, is that right?

A Yes, I did.

Q In that affidavit, you referred to the fact that you went to the Dallas County Courthouse on the 17th day of June, 1963, to register. is that right?

A Yes.

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

A No.

Q Could you tell us when the first time you tried to register was?

A I went the third Monday in March 1963.

Q Were you accepted or rejected?

A I was rejected.

Q Did you go again before the 17th of June?

A Yes, I did.

Q What happened on that occasion?

Mr. Pitts: I object to this line of questioning. What the registrars did is not valid evidence on Jim Clark, Blanchard McLeod or Henry Reese or Dallas County.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, I did.

Mr. Doar: What happened on that occasion?

Mr. Pitts: Same objection, same ground.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, I did

Judge Thomas: He asked you what happened on that occasion.

A Well, I stood in line and I was able to get to the door, but I didn't get inside the office.

Mr. Doar: How long did you stand in line?

Mr. Pitts: I move to exclude that answer, because it does not go to prove or disprove the Government's allegations against Jim Clark or any of these Defendants.

Judge Thomas: She still has a right to answer. Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Which visit are you talking about?

Mr. Doar: The visit that took place on the 3rd of June, the one before the one she covered in her affidavit.

Mr. Doar: How long did you stand in that line?

Mr. Pitts: Objection, on the same grounds. What I am trying to get at, I don't want to be objecting to all this, if it is something that Jim Clark or some of these Defendants did -

Judge Thomas: She might say that the Sheriff came up there and did something. How do I know until they ask her? Overruled.

Mr. Pitts: Exception.

Mr. Doar: How long did you stand in line?

A I stood in line from 10:00 until 12:00, until the man said it was closed, he was going to lunch.

Q (Mr. Doar continuing) Speak up, please.

A The man came to the door and said they were going to close up for lunch.

Q The next time you went back was the the third time, on the 17th of June?

A If you make a motion to exclude the answer, I will exclude it.

Mr. Pitts: I move to exclude the answer.

Judge Thomas: Granted.

Mr. Doar: Exception.

Judge Thomas: Now, what is your question?

Mr. Doar: The third time you went, it was on the 17th of June?

A Yes.

Q (Mr. Doar continuing) In your affidavit, you have indicated that you were asked six or seven oral questions by the Board?

A Yes, I was.

Q What were those oral questions?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: I move that all these affidavits be excluded on the ground they are immaterial.

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I would like to move, specifically, that this affidavit be excluded on the ground that it is immaterial.

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I move, specifically, that the Court strike from the affidavit "I filled out an application and answered six or seven questions".

Judge Thomas: Overruled.

Mr. Doar: Exception.

Mr. Doar: I would like to ask the right to cross examine this witness with respect to what she said in her affidavit.

Judge Thomas: You have a right to do that.

Mr. Doar: What questions were asked you?

Mr. Pitts: Objection. What the Board may have done is not binding on these Defendants.

Judge Thomas: I will let her answer, and if it has nothing to do with the lawsuit, you may move to exclude the answer. Overruled.

Mr. Pitts: Exception.

A He asked me to name the departments of the Government, and then he asked me what type of Government I preferred, then he asked me what was Congress, and he asked me who makes the laws, and he asked me what do he mean when he says a person is "bona fide", what was "secular", and then he said what are the principles of the Government.

Mr. Pitts: I move to exclude that. It does not go to prove or disprove any of the allegations of the complaint. It would not be binding on any Defendant.

Judge Thomas: All right, granted.

Mr. Doar: Exception.

Mr. Doar: In your affidavit, you have testified you said that you were not threatened, intimidated or abused by any board member, county official or any other person before, during or after the time you registered to vote. Is that right?

A Yes, it is.

Q (Mr. Doar continuing) Now, do you know Bernard Lafayette?

A Yes.

Q Did you know that he was working in this county on voter registration?

A Yes.

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

for vagrancy?

A Yes, sir.

Q Did you know Basic Reese?

Mr. Pitts: Objection. I don't think it has any bearing on this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes.

Mr. Doar: Did you know that he was arrested by the Sheriff?

A Yes, I did.

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

A Yes, I did.

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

A Yes.

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

A Yes.

Q What effect did these arrests by the Sheriff have on you, with respect to being interested in getting involved in voting in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know whether or not there are any Negro people who were afraid to register to vote in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all.

RE DIRECT EXAMINATION

By Mr. Madison

Q I believe you said when you got to the registration office that day you stood in line?

A Yes, sir.

Q Was there a line there?

A What day are you talking about?

Q The day you registered?

A Yes, sir.

Q How many people, do you recall?

A It was about ten or fifteen.

Q About ten or fifteen people?

A Yes.

Q Both colored and white?

A Well, I believe there were about two white people there.

Q And the rest of them were Negroes?

A Yes.

Judge Thomas: Thank you very much. You may go,
if you would like. Call your next witness.

Mr. Doar: I would like to call Sheriff James
Clark.

JAMES CLARK, 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 At the last hearing, I asked you to check to see whether
or not you had a list of license plate numbers that you had
taken down or your men had taken down at one or more of
the mass meetings. Did you look to see if your records
contain that list?

A They did not.

Q You looked to see if they had it and they were not there?

A Yes.

Q On the 29th of July, 1963, Sheriff Clark, did you direct
your men to arrest persons operating vehicles without a
license flood light around a mass meeting that night?

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant. The 29th of July was after this hearing

Judge Thomas: I am not going into anything that happened subsequent to July 25th, 1963. This case started on that date.

I mean the Plaintiff put on its case. The Defendants put on their case. I asked the Plaintiff if there was any rebuttal and the Plaintiff stated they had not had an opportunity of reading the affidavits, and they would advise me later, and I stated that would be quite all right. Mr. Doar, or someone representing the Government, advised me a day or two later that they did wish to put on rebuttal testimony, and to cross examine some of the people or maybe all of the people who had made affidavits that Defendants had offered. I stated that that was all right. That is the purpose of the hearing today. I sustain the objection.

Mr. Doar: Exception.

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

Judge Thomas: No, sir, I ruled on that.

Mr. Doar: I would like to respectfully ask the Court to give me five minutes to present that matter to the Court.

Judge Thomas: I am not going into anything that happened subsequent to July 25th, other than to permit the Government to

introduce the results of those two trials, which are already in.

Mr. Doar Your Honor, could I make for the record a statement, with respect to our theory of why this evidence is admissible?

Judge Thomas. I think you have that right, yes, sir.

Mr. Doar: Paragraph 19 of our complaint alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint. Under that paragraph of the complaint, we respectfully urge this Court that it is material as to the conduct of the Sheriff right up to the date of this hearing. If the Court were to not consider what has happened in Selma, Alabama, with respect to the acts of Sheriff Clark, as they are related to efforts by Negroes to register to vote, the Court would be doing an injustice both to the Government and to Sheriff Clark. Because of other business of the Court, the Court was not able to continue to hear the full case that day, and, as a result two months have expired. What happened within those two months is very material on whether or not the Court should or should not issue an injunction, as a Court of Equity.

We would propose to show to the Court four events that occurred during that time. The first event was the arrest of some twenty-nine people, Negroes, who were at a mass meeting for improper license tag lights on July 29th. The second would be the arrest of twenty-seven Negroes, who were picketing with voter registration signs in front of the courthouse on September 25th, and the fact that they were charged with unlawful assembly and inciting a riot, and that bond was set for those Negroes at either \$500.00 or \$1,000.00. The third fact we would show is that five Negroes were arrested in front of the courthouse on September 27th, carrying voter registration signs, and they were arrested and charged with inciting a riot and unlawful assembly, and their bonds were set at either \$500.00 or \$1,000.00. The fourth we would show that Sheriff Clark arrested on the 1st of October, five Negroes, who were parading or picketing in front of the courthouse, across the street, in front of the federal building, across the street from the courthouse, and charged those Negroes with unlawful assembly and inciting a riot, when they were peacefully carrying signs, urging people to register to vote. We would also show to the Court, if the Court please, that on the 2nd of October, there were two or three Negro students or young people who were carrying signs on federal property, and

standing on federal property, either at the old or new postoffice, and were permitted by Sheriff Clark to stand there all day, and they were there a substantial part of the day and were not arrested. On October 7th, at a voter registration date, where over two hundred Negroes lined up to register, Sheriff Clark required those Negroes to stay in line all day and did not permit any Negro to leave the line without losing his place, even if it was to go to the bath room, or get another pair of shoes, or get something to eat. Not one of those Negroes was permitted to leave the voter registration line to exercise and do any act unless they suffered the penalty of going to the rear of the very slowly moving registration line. We would show to the Court that Sheriff Clark and his deputies arrested two Negro students, who tried to bring food to those people who were standing, waiting to register to vote, and also that on the same date three pickets, three individual Negro students, who were standing on federal property with signs urging all citizens to register to vote, were arrested by Sheriff Clark and charged with unlawful assembly and inciting a riot.

Now, it is that proof that we think is material under paragraph 19 of the complaint, which alleges that unless restrained, the defendants will continue to engage in unlawful acts, the same or similar to those described in the complaint.

In addition, if the Court please, if the Court feels that the complaint is not broad enough to cover that, I would respectfully ask the Court to take the evidence under Rule 15 (b) of the Rules of Federal Procedure, which provides if evidence is objected to at the time of the trial, on the ground that it is not within the issues made by the pleadings, the Court may allow the pleadings to be amended, and shall do so freely when the presentation of the case will be served thereby, and the objecting party fails to satisfy the Court that the admission of such evidence will prejudice him in maintaining his action in the defense upon the merits. In connection with that, at the conference that we had here in Selma, on the 2nd of October, it is my recollection that I advised the defendants that I would attempt to offer this evidence. The Court did indicate what his tentative ruling would be. I respect the Court's ruling, but I do urge the Court to reconsider its ruling, in the light of the evidence we would offer. It is all confined to arrests by Sheriff Clark of persons who were carrying voter registration signs out in the immediate vicinity of the courthouse, in a peaceful manner, where there were no crowds and no disturbance whatsoever. It also relates to the conduct of the Sheriff, with respect to Negro citizens, who were trying to register to vote, and what he did to them, and what rules he laid down

to them at the voter registration line last Monday.

Judge Thomas: I have re-considered my ruling and I still think it is right.

Mr. Doar: Would the Court permit me a minute to confer with other counsel, please?

Judge Thomas: Surely.

Mr. Doar: I would state to the Court that we have a number of witnesses that we called to prove these items that the Court has ruled on and considered not to be admissible, under the terms and limits of this ruling. If the Court would permit a recess at this time, so we could re-organize the remaining witnesses. I think there are three or four other witnesses we would call after lunch.

Judge Thomas: You can call them before lunch. I will recess for five minutes.

Thereupon, a five minute recess was had.

Thereafter, Court re-convened and the following transpired:

Judge Thomas: All right, proceed, please.

CROSS EXAMINATION

By Mr. Pitts

Q Mr. Clark, did you go to Clara Bell Smith's house to get the affidavit?

A I did not.

Q Were you present at the time any of those affidavits were taken?

A I was not.

MARIE FOSTER, 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 You testified before at the first hearing, did you not?

A Yes, I did.

Q You also identified a note book, in which you kept track of the number of persons that attended a number of registration clinics that you conducted?

A Yes.

Q Did you, at my request, make a computation of the number of Negro persons that attended your voter registration clinic and the dates they were held, between February 5th and July 16th, 1963?

A I did.

Q Did you obtain these counts from the document which was offered in evidence at the last hearing?

A I did.

Q Would you examine this document and tell me if that is a copy of the list that you compiled at my request and Mr. Wasserstrom's request?

A It is.

Mr. Doar: I would like to ask that this be marked as Plaintiff Exhibit 50 and shown to the Defendants and then offered in evidence.

Judge Thomas: Let me see if I understand it. The document from which this computation has been made, is it in evidence?

Mr. Doar: Yes, your Honor, it is.

Judge Thomas: Do you know what number it is.

Mr. Doar: I can tell you in a minute.

Judge Thomas: It is probably 16.

Mr. Doar: It is probably 34 or 35.

Judge Thomas: I beg your pardon. It is after 33.

Mr. O'Connor: Is it a book like this? It is 34 and 35.

Judge Thomas: Is that correct?

Mr. Doar: Yes, sir.

Judge Thomas: The books themselves are the best evidence, but

this is merely a computation for the convenience of the parties

Mr. Doar: Yes, sir, and the Court, because it takes quite a while to dissect this out, because the Court only admitted part of the pages in the books.

Thereupon, said computation was marked Plaintiff Exhibit 50.

Mr. Doar: Mrs. Foster, what has been the effect on voter registration activities by you of the arrests of Bernard Lafayette, Basic Reese and Alexander Brown?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Mrs. Foster, how long have you lived in Selma?

A: I have lived in Selma around forty years.

Mr. Doar: Has there ever been as much activity among the Negro citizens concerning voter registration as there has been this past summer?

A: No.

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: Mrs. Foster, if you will, before answering the question, wait to see if the defense attorney objects.

They should have an opportunity to make an objection

before you answer. Will you do that? Mrs. Foster, in connection with your work as a teacher at the voter registration clinic, will you tell me whether or not any specific

Negroes told you they were afraid to continue to come to the clinic, because of the arrests of Bernard Lafayette,

Sonie Reese or Alexander Brown by Sheriff Clark?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you have an opinion, Mrs. Foster, as to why the number of persons who attended your voter registration clinic dropped off in the middle of June and throughout July?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: That is all.

Judge Thomas: Any Re Direct?

Mr. McLeod:

No, your Honor.

Judge Thomas.

Thank you very much. You may be

excused.

AMELIA BOYNTON, 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 You testified before in this trial, is that correct?

A Yes, sir.

Q Would you tell the Court what your full name is?

A Amelia Platts Boynton

Q How long have you lived in Selma?

A I have been in Selma since 1930. It is thirty-three years.

Q How long have you been active in working on voter registration?

A For the past fifteen years.

Q Have you been active continuously during that period?

A I have been active continuously but to a small degree.

Q What was the situation in Selma during that period, or in

Dallas County, with respect to Negroes attempting to register to vote?

Mr. Pitts: Objection. That is way beyond the time that Jim Clark was ever Sheriff of Dallas County.

Judge Thomas: What period?

Mr. Doar: The period between 1946 and the summer of 1963.

Mr. Pitts: That was prior to the time of Sheriff Clark.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: Your Honor, one other thing I would like to point out to the Court. I object on the ground that it is covering a period when this defendant, Jim Clark, was not in office. I point out to the Court that it is calling for testimony that has nothing to do with this case at all. It is a question of whether or not Jim Clark intimidated anyone to keep them from voting. That is the question that is involved in this case.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Pitts: I would like to object further on the ground that she is not qualified.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Judge Thomas: Give the Defendants an objection to this line of testimony.

A When I first started, I was working with my husband, getting people to register, by holding clinics. Negroes were not registering in large numbers. Perhaps two or three of them would be up there at a time, and sometimes just one. There was a statement made by one of the officials that "we cannot afford to let Negroes register in large numbers" -

Mr. Pitts: Objection.

Judge Thomas: Sustained. The question is too broad. Ask her specific questions, Mr. Doar.

Mr. Doar: Exception.

Mr. Doar Mrs. Boynton, to your knowledge, about how many Negroes registered prior to the summer of 1963 in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Judge Thomas: The record is all in any way, most of it.

Mr. Doar: What did the Court say?

Judge Thomas: Objection sustained.

Mr. Doar: Exception.

Mr. Doar: Did you keep a record of the number of Negroes who became registered to vote during the period through the 50's?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Mrs. Boynton, has there ever been as much activity in connection with voter registration of Negroes in Dallas County, in your experience in the last fifteen years, as there was this summer?

A No.

Mr. Pitts: Objection, on the same ground.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A No, there has not been as much activity previously that there was this summer.

Mr. Doar: In connection with the Negro people in Dallas County, upon whom do they depend for their economic livelihood?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Can you tell me whether or not Negroes are dependent upon the white community for their jobs?

A They are.

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: You knew Bernard Lafayette?

A Yes.

Q (Mr. Doar continuing) You knew Bosie Reese?

A Yes.

Q You knew Alexander Brown?

A Yes.

Q Did you know that those three persons had been working with your league on voter registration during this year in Selma?

A Yes.

Q Did you know that they were arrested by Sheriff Clark on various criminal charges?

A Yes.

Q What has been the effect of their arrests on the Negro citizens in Dallas County?

A They are very fearful.

Mr. Pitts: Objection.

Judge Thomas: Don't answer the question until they have an opportunity to object and I rule. Objection sustained.

Mr. Doar: Exception.

Mr. Doar: Did you attend most of the mass meetings that were held this summer in connection with voter registration?

A Yes.

Q (Mr. Doar continuing) After the arrest of Bernard Lafayette, can you tell me whether or not any Negro citizens of Dallas County told you that they didn't want to become involved in voter registration because of this arrest?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know of any Negro citizens in Dallas County who have not tried to register to vote, because of Bernard Lafayette's arrest?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Judge Thomas: Is there any Cross?

Mr. Pitts. No questions.

Judge Thomas: Thank you very much. You may be excused.

PETTUS GILFORD, 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 Mr. Gilford, will you tell the Court your full name, please?

A Pettus Gilford.

Q How old are you?

A Forty-seven.

Q What is your race?

A Negro.

Q By whom are you employed?

A I am self employed.

Q What do you do?

A Farm.

Q Did you sign an affidavit in connection with this case, about your experience in attempting to register on June 17th?

A Yes, sir.

Q How far have you gone in school?

A I finished High School.

Q When you went up to try to register on June 17th, was that the first time you tried to register?

A No, sir.

Q When did you first try to register?

A I tried to register, I guess, several years ago.

Q Were you able to become successful in registering?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: How many times have you tried to register before June 17th?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Twice.

Mr. Doar: Now, when you were up in the line there on the 17th of June, did Alexander Brown ask you if he could take your picture?

A He did.

Q (Mr. Doar continuing) Did you tell him that he could take your picture?

Mr. Pitts: Objection, as leading.

Mr. Doar: This is their witness. This is Cross Examination. Did you tell him that he could take your picture?

A I told him it was all right.

Q (Mr. Doar continuing) Would you speak up loud, please?

A I told him it was all right with me.

Q Now, do you know whether or not there are any Negroes in Dallas County who are afraid to try to register to vote?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: When you went in to try to register to vote on the 17th of June, did the Board of Registrars or any one of the members ask you any questions?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A Yes, sir.

Mr. Doar: What questions were asked you?

A One question was: what does the word "secular" mean.

Q (Mr. Dear continuing) What other questions were asked?

A What do you mean by "bona fide".

Q Were you asked any other questions?

A One question I was asked was: What was the Constitution of Congress. That is what I understood him to say.

Q Were you accepted or rejected when you tried to register?

A Rejected.

Q While you were up in the hall there, waiting to register, did you see Bosie Reese or the other young men there bothering anyone in the hall?

A No, sir.

Q Were you in a position to observe what they were doing while they were inside the courthouse?

A Yes, sir.

Q Did they bother anybody that day?

A I didn't see them bother anybody.

Judge Thomas: Any Re Direct?

Mr. Pitts: None.

Judge Thomas: Thank you very much. You may go.

Mr. Dear: I would like to offer in evidence notice of the registration periods in Dallas County, official special notice, during the remainder of this month and next month.

Mr. McLeod: Objection. That has nothing to do with this case.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Would the Court permit the document to be made a part of the record?

Judge Thomas: You have a right to have it identified.

Thereupon, said document was marked Plaintiff Exhibit 51 for identification.

EDWIN M. MOSS, 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 Will you tell the Court your full name, please?

A My name is Edwin M. Moss.

Q What is your race?

A Negro.

Q How long have you lived in Selma?

A Forty-eight years.

Q Have you been active in connection with the voter registration program of the Negro community this summer in Selma?

A I have.

Q Can you tell me how the activity concerning voter registration in the Negro community compares this summer with former years in Dallas County?

Mr. Pitts: Objection.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

A I would say that the participation for this particular drive has been the greatest participation that I can recall.

Mr. Dear: You were aware of the arrest of Bernard Lafayette for vagrancy?

A I am.

Q (Mr. Dear continuing) you knew of the arrest of Bernard Lafayette for vagrancy?

A I did.

Q You were aware of the arrest of Bosie Reese, while he was at the courthouse on an assignment in connection with voter registration?

A I am.

Q Are you aware of the arrest of Alexander Brown near a mass meeting on the 22nd of July?

A Yes, sir.

Q You know that those three people were working on voter registration?

A I did.

Q Can you tell me whether or not they had or had not had wide contact with Negroes in Dallas County prior to the time they were arrested?

A They had.

Q Can you tell me what the effect of their arrests has been upon the Negro community, in connection with their desire to participate in voting?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Do you know of any particular Negroes who have held back from getting involved in voter registration activities, because of those arrests?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Who was responsible for Negro voter registration activity this summer in Selma?

Mr. Pitts: Objection.

Judge Thomas: I think that calls for a conclusion. Sustained.

Mr. Doar: Exception.

A: Would you please repeat the question?

Judge Thomas: I don't think it is admissible.

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

Judge Thomas: Thank you very much. You may be excused.

CLAUGHTON MELVIN PORTER, 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: What is your full name, please?

A: Claughton Melvin Porter.

Q: How old are you?

A: I am twenty-six years old.

Q: Where do you live?

- A 1614 Church Street, Selma, Alabama.
- Q How long have you lived in Selma?
- A I was born here.
- Q How far did you go in school?
- A A year and three summers in college.
- Q What is your race?
- A Negro
- Q Did you sign an affidavit, with respect to your registration experience in Dallas County this summer, at the request of a state investigator?
- A Would you repeat that, please?
- Q Did you sign an affidavit in connection with this case, at the request of a state investigator, dealing with your voter registration experience here?
- A Would you explain experience?
- Q You did sign an affidavit, with respect to going up and trying to register in February 1963?
- A I did.
- Q Was that the first time you tried to register?
- A No.
- Q How many times prior to that date had you tried?
- A Eight times.

Mr. Pitts: Objection, as incompetent, immaterial and irrelevant.

This is not part of a registration case, unless it involves intimidation in some way by the Sheriff.

Judge Thomas: When was the first time?

A When I came out of the Air Force.

Judge Thomas: Just give me the date?

A July 1955.

Judge Thomas: Then, the last time you went was in February 1963, is that right?

A That is right.

Judge Thomas: You went six times in between those two dates?

A Seven times.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: Now, in your affidavit, you say that you were not threatened, intimidated or abused by any members of the board or any county officials. At that particular time, the eighth time, you were referring just to the time you went up to register?

Mr. Pitts: I object to what he was referring to. The affidavit speaks for itself. He says he was not threatened, intimidated or abused by any members of the board or any county officials.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: You were referring just to the time you went up
in February, in your affidavit?

A Yes, sir.

Q (Mr. Doar continuing) Do you know Sheriff Clark?

A Yes.

Q Do you know of any instances where he has intimidated
any Negroes, in connection with their voter registration
activities?

Mr. Pitts: Objection, as incompetent, immaterial and irrele-
vant. The period is not defined. It would have to be prior to
July 25th, 1963.

Judge Thomas: Overruled.

Mr. Pitts: Exception.

Mr. Doar: You may answer.

A Yes.

Q (Mr. Doar continuing) Would you give the Court those in-
stances, confining yourself to prior to the 25th of July,
1963?

A Monday, October 7th.

Mr. Pitts:

Judge Thomas: I grant the motion That is after the time in question.

Mr. Doar: Before July 25th?

A No.

Q (Mr. Doar continuing) Do you know Bernard Lafayette?

A Yes.

Q Did you know he was arrested by Sheriff Clark?

A Yes.

Q Did you know Rosie Reese?

A Yes.

Q Did you know that he was arrested by Sheriff Clark?

A Yes.

Q Did you know Alexander Brown?

A Yes.

Q Did you know that he was arrested by Sheriff Clark?

A Yes.

Q Do you know whether those people were engaged in voter registration activities in Dallas County?

A Yes, I do.

Q What effect did those arrests have on the Negro community?

Mr. Pitts: Objection.

Judge Thomas: Sustained.

Mr. Doar: Exception.

Mr. Doar: Have you been working in voter registration activi-

ties in Selma this summer?

A I didn't hear you.

Q (Mr. Doar continuing) Have you been working in voter registration activities in Selma this summer?

A Yes.

Judge Thomas Any Re Direct?

Mr. McLeod: No questions, your Honor.

Judge Thomas: Thank you very much. You may go.

FATHER MAURICE OULLETT, 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 Will you tell the Court your full name, please?

A Father Maurice Oullett.

Q What is your race?

A White.

Q Are you a Catholic priest?

A Yes, I am.