

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Hosea Williams, John Lewis
and Amelia Boynton, on behalf
of themselves and others
similarly situated,

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

vs

Honorable George C. Wallace, as
Governor of the State of Alabama;
Al Lingo, as Director of Public
Safety for the State of Alabama;
and James G. Clark, as Sheriff of
Dallas County, Alabama,

Defendants.

Civil Action

No. 2181-N.

FILED

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J. J. M.
Clerk

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Before Hon. Frank M. Johnson, Jr., Judge, at Montgomery,
Alabama, March 11-12-13-15-16, 1965.

VOLUME II of three volumes. (This volume contains pages
266 to 530, inclusive; see
Volume I for pages 1 to 265;
see Volume III for pages 531
to 788.)

Glynn Henderson,
Official Court
Reporter.

pending in the Southern District where all of this stuff is gone into, and the Student Non-Violent Coordinating Committee, and I think John Lewis -- was he one of the plaintiffs?

MR. HALL: I think he might be.

MR. McLEAN FITTS: I am not sure whether he was or not, but -- and all this stuff was gone into, and then in addition to that, in your three-Judge District Court case in Selma, a good bit of this was gone into.

THE COURT: I understand --

MR. McLEAN FITTS: That is -- I don't think it pertains to this march.

THE COURT: -- the legal principles that are controlling in this case presently being heard and before me involve generally a balancing of rights; as I thought I made clear yesterday, I was going to permit a certain amount of history on both sides, as far as the demonstrations and the reasons for the demonstrations and the extent of any mistreatment that -- that any complain of, and that is the reason that I am going to admit it.

MR. McLEAN FITTS: All right, sir.

Q Mr. Lewis, did your organization participate in an attempted march from Selma to Montgomery, Alabama, on Sunday, March 7, 1965?

A We did participate in attempted march from Selma to Montgomery on March 7, 1965.

Q Did you, yourself, participate in this attempted march?

A I did.

Q Were you one of the leaders of the march?

A Hosea Williams and I was at the front of the line.

Q I show you, Mr. Lewis, a photograph marked Plaintiff's Exhibit 4, and ask you if you can identify it for us, sir?

A Yes, I can.

Q Can you tell us what it is?

A This photograph is a scene where State Troopers are pushing and tramping and beating some of us that was in the line, and I see myself is here, and a State Trooper is standing over me.

Q You see yourself in this picture?

A Right.

Q And this is a true likeness of what occurred at that time?

A It is.

MR. SMITH: No objection.

MR. McLEAN PITTS: What Exhibit is that?

MR. HALL: A, I believe; 4. Your honor please, we offer this into evidence.

THE COURT: It will be admitted.

Q Mr. Lewis, I show you a photograph marked Plaintiff's Exhibit 5 for identification, ask you to examine it and see if you can identify it?

MR. McLEAN PITTS: How many more you got?

MR. HALL: How many more you got?

A I can identify this photograph.

Q Can you tell us what it is?

A It is the line of march is being rushed back, beat down by a line of State Troopers; I see Mr. Hosea Williams on the ground, and I see where a State Trooper has just hit me, and I have my hand up like this.

Q And this is a true likeness of what happened at that time?

A It is.

Q At that place?

A A true likeness; yes, sir.

MR. McLEAN PITTS: That is what Exhibit?

MR. SMITH: No objection.

MR. HALL: If your honor please, we offer --

THE COURT: Plaintiffs' 5 admitted.

MR. McLEAN PITTS: That is Exhibit -- what was that?

MR. HALL: 5.

MR. McLEAN PITTS: 5.

MR. GRAY: 5.

MR. HALL: 5.

Q Mr. Lewis, were you --

THE COURT: Let me see that.

Q Were you, on Sunday, March 7, 1965, allowed to go across the Edward Pettus Bridge in Selma in your attempt to march to Montgomery?

A Yes.

Q How many persons were in that line, in your best judgment?

- A I would say between six hundred and fifty and seven hundred.
- Q Did -- and you and -- Mr. Williams and you, as you have said, were in front of the line?
- A Right.
- Q You got across the bridge; is that correct?
- A Right.
- Q In your best judgment, how far across the bridge did you get?
- A I would say we moved about a block and a half or two blocks beyond the bridge.
- Q Will you tell the court what then happened?
- A About fifty feet away from the line of State Troopers a State Trooper wearing a State Trooper --
- Q May I interrupt you just a moment?
- A Uh, huh.
- Q Do I understand you to say there were some State Troopers?
- A Right; before we crossed the bridge, we could see a line of State Troopers.
- Q You did see some State Troopers?
- A Right.
- Q In your best judgment, how many Troopers did you see?
- A Well, I saw many, and it would be very hard and difficult for me to --
- Q You have no judgment as to how many?
- A I would say between eighty and a hundred.
- Q Where were these Troopers stationed?

A Some were standing across the highway all the way across; others were standing on the side; there was others in the background.

Q How close did you approach to these officers before your line stopped?

A We were able to move about fifty feet, and at that time a State Trooper made announcement on a bullhorn or megaphone, and he said, "This march will not continue."

Q What happened then; did the line stop?

A The line stopped at that time.

Q You stopped still?

A Yes, sir.

Q You didn't advance any further?

A We stopped right then.

Q Then what happened?

A He said, "I am Major Cloud, and this is an unlawful assembly. This demonstration will not continue. You have been banned by the Governor. I am going to order you to disperse."

Q What did you then do?

A Mr. Williams said, "Mr. Major, I would like to have a word, can we have a word?" And he said, "No, I will give you two minutes to leave." And again Mr. Williams said, "Can I have a word?" He said, "There will be no word." And about a minute or more Major Cloud ordered the Troopers to advance, and at that time the State Troopers took their position, I guess, and they moved forward with their clubs up over their -- near their

shoulder, the top part of the body; they came rushing in, knocking us down and pushing us.

Q And were you hit at that time?

A At that time I was hit and knocked down.

Q Where were you hit?

A I was hit on my head right here.

Q What were you hit with?

A I was hit with a billy club, and I saw the State Trooper that hit me.

Q How many times were you hit?

A I was hit twice, once when I was lying down and was attempting to get up.

Q Do we understand you to say you were hit --

A (Nodded to indicate affirmative reply)

Q -- and then attempted to get up and were hit -- and was hit again --

A Right.

Q -- is that correct?

A (Nodded to indicate affirmative reply)

Q Can you identify the Trooper who hit you?

A I am not positive that I could identify the Trooper; from the picture I -- I can identify the trooper from the picture.

Q Were you knocked unconscious?

A I was not knocked unconscious.

Q Did you see other people around you hit?

A I saw other people that was behind me hit and knocked down; I did see them.

Q Were -- was any words said by the Troopers?

A Well, the Troopers -- most of them kept saying, "Move back, move back, you niggers, disperse," and calling people black bitches and son of bitches and things like that.

Q They did use profanity?

A Right.

Q Did you see any of the marchers use any violence at all in an effort to defend themselves or to fight the police officers?

A There was no act of violence or any type of retaliation, rather retaliatory acts, on the part of any of the demonstrators.

Q After you were stopped, at some subsequent time was tear gas used by the State Troopers, or some form of gas?

A Right.

Q Will you tell us about that?

A Well, when we were forced back, most of the people in line knelt in a prayerful manner; they had back toward the -- Selma, kneeling, the line all the way back was almost a spontaneous reaction on the part of all the people in the line as far back as you could see, and at that time the Major ordered the Trooper to put on their gas masks, and they started throwing gas, and people became sick and started vomiting, and some of us was forced off of the highway and behind some buildings in the woods.

- Q Did you see Sheriff James Clark on that side of the bridge at that time or at any time during this happening?
- A I didn't see Sheriff Clark at that particular time. On the way back into Selma, I saw Sheriff Clark in his car going across the bridge.
- Q Going across the bridge?
- A Back into Selma.
- Q You saw James --
- A I saw --
- Q -- Sheriff Clark --
- A -- Sheriff Clark.
- Q -- come across the bridge into Selma?
- A Right.
- Q You saw that?
- A (Nodded to indicate affirmative reply)
- Q Did you see any of the Sheriff's deputies across the bridge?
- A I saw --
- Q At the time you saw the State Troopers?
- A I saw members of the Sheriff's deputy -- I saw some of the Sheriff's deputies, I saw at least one rider on a horseback, and I know this one very well, because I have seen him in the court room many, many times in the County Court House in Selma.
- Q In Selma; you saw this -- this man on a horse on the east side of the river?
- A Right; he was on the bridge.

Q Where the incident occurred, you saw what -- did you see any other mounted officers?

A No.

Q Officers mounted on horseback?

A I saw many members of the Posse --

Q You did?

A -- that I have recognized from previous occasion riding horses.

Q Well, what were they doing over there?

A On the way back and across the bridge, members of the Posse would get -- would attempt to make the horse get on the sidewalk, get on the -- to the walkway on the bridge, and they would force people, they would get between the group of marchers, and they would run the horses up near the people, and at one time one of the Posses made the horse rear back and start pawing people in the back, and they start taking whips and bullwhips, and the whips about eight to ten feet long, beating people, and I saw one incident, myself, where a member of the Posse start beating a Negro woman, she dropped her bag, she lost her shoes and everything, she was trying to run, and she sort of turned around and stared at the posseman who was beating her, and he said: "Get on, you black nigger woman, you."

Q Were you able, Mr. Lewis, to walk back to the church?

A Well, I was able to walk back, but with the aid and assistance of some of our staff people and other people that was in the line.

Q By aid and assistance, do you mean that they partially supported

you?

A Right.

Q Wrapped their arms around you?

A (Nodded to indicate affirmative reply)

Q So you were able to get on back to the church. Now, did you observe any police activity on the way back to the church?

A All the way back to the church there was hundreds of marchers, people who had been in the march line, woman, men, children, that was forced back toward the church. Some was running, because the posse or riding horses, some running through one streets, were running them down, and people was running for safety toward the church.

Q Did you see any of the Dallas County Deputy Sheriffs?

A I did.

Q At this time?

A (Nodded to indicate affirmative reply)

Q Were they also --

A They were engaged in the same type of activity that the members of the posse was engaged in.

Q And you went on back to the church? Now, did you at some subsequent time lose consciousness or become ill?

A I did not lose conscious; I arrived back at the church, and I spoke to the group at the church; some of the people had gathered, some of the people had remained at the church; for about two minutes, and while I was speaking I began to feel

MR. SMITH: All right.

MR. P. H. PITTS: We have no objection.

MR. GRAY: Thank you.

MR. DOAR: All newspaper people are excused from the rule.

MR. WILKINSON: That was our understanding.

MR. DOAR: That your understanding, Mr. Gray?

MR. GRAY: Yes, sir.

THE COURT: Proceed.

MARTIN LUTHER KING, JR., witness for the Plaintiffs, having been duly sworn, testified as follows:

DIRECT EXAMINATION:

BY MR. GREENBERG:

Q Would you please state your name for the record?

A My name is Martin Luther King, Jr.

Q What is your position, Dr. King?

A I am President of the Southern Christian Leadership Conference and Co-pastor of the Ebenezer Baptist Church in Atlanta, Georgia.

Q What is the Southern Christian Leadership Conference, Dr. King?

A The Southern Christian Leadership Conference is an organization working in the civil rights movement that came into being in 1957 to serve as a channel through which local protest organizations in the South could channelize their protest activities; it works for the complete integration of the Negro

us that they only had some three hundred and twenty Negro registered voters out of a potential of fifteen thousand, one hundred and twenty-five, I believe that is, they had that many Negroes or they have that many Negroes in Dallas County of voting age, wherein there are some fourteen thousand whites of voting age and more than nine thousand registered, and these facts were brought out to us in urging us to make Dallas County one of the pivotal points of our total thrust into Black Belt.

Q And so then you proceeded in Selma; and what form did your participation in the Selma movement take, Dr. King?

A Well, we started out having mass meetings; we felt that we had to do something to arouse people all over the community, realizing that when people have --

MR. McLEAN PITTS: Your honor, I object to what he felt like; it calls for an answer as to what form it was, what type of people, I just want --

THE COURT: Well, I will sustain that objection; it is not responsive to the question. The question was what form of action did the movement take?

Q Did you hold meetings, Dr. King?

A Yes, we held mass meetings; we also organized ward meetings throughout the city and the county. We were having these ward meetings all to stimulate the Negro people of Dallas County to seek to go to the Court House to register.

Q Did you engage in any other forms of public protest or encouragement?

Belt counties of Alabama, and also, we had statistics to demonstrate this, revealing that in Lowndes County and Wilcox County you did not have a single Negro registered to vote, and in other counties the number was very, very small, and then going on to state that appealing -- appealing to the Governor to set forth a voter registration plan or structure in the State of Alabama that would make it possible for everyone to vote without facing any obstacles. Along with that was the second part dealing with the fact that we have constantly faced harassment, intimidation, brutality, and even physical death in an attempt to vote, or at least protest the fact that we can't vote.

Q Dr. King, you, yourself, did not participate in any attempted march on the Sunday in question, did you?

A No, I did not participate in the Sunday march.

Q In your capacity as President of the Southern Christian Leadership Conference, did you receive reports concerning what occurred on that Sunday?

A Yes, I did; I was in --

MR. SMITH: We object to the reports, now; they are not material.

THE COURT: He is not asking what the reports were; he asked if he received them; he said he had.

Q Did you receive them?

A Yes, I talked with my staff members, I would say, almost every half hour, every hour, after the march up until midnight, or even