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2 North Carolina. Seated on the far end of the table here is
3 Reverend Benjamin Chavis, of Oxford, North Carolina. And next
4 to Reverend Chavis is Marvin Patrick, of Wilmington, North
5 Carolina. We are all here defending against the charges which
6 have been brought against these young men. Now, you heard the
7 reading of the bills of indictment; and you understand that nine
8 of these persons I mentioned, everybody with the exception of
9 Mr. Kirby, is charged with three offenses: a conspiracy to
10 burn a place in Wilmington called Mike's Grocery; a conspiracy
11 to assault emergency personnel, that is, policemen, firemen, or
12 whoever might be on the scene who have some official position;
13 and also the burning of Mike's Grocery. This is alleged to
14 have occurred - the conspiracy is alleged to have occurred on
15 the 5th and 6th of February, 1971, in Wilmington, North Carolina.
16 The other defendant, Mr. George Kirby, is charged with only
17 two of those offenses. He is charged with two conspiracies:
18 conspiracy to burn, and conspiracy to assault emergency personnel.
19 I wanted you to be clear about that so you would understand the
20 questions that I am asking you. I want all of you to further
21 understand now that each one of these persons whom we represent
22 together have all come into court and pleaded not guilty to
23 each one of those charges. Now, with that understanding, let
24 me ask if any of you have ever served on a jury before? If
25 you have, indicate that by raising your hand.

1 (RESPONSE FROM THE JURY.)

2 MR. FERGUSON: I see you are the only one who has
3 served on the jury, Mr. Murray, so for the other members this
4 is a new experience. In light of that, let me briefly state
5 that I am going to ask you some questions. I will address
6 some questions to all of you as an entire panel. I will address
7 some questions to some of you individually. Some of these
8 questions you may have already been asked in some form or other,
9 but it is necessary that I go over some of the things anyhow
10 in order to assure that each of these persons that we represent
11 are getting a fair trial and in order for you to understand
12 and search your own self-conscious mind to determine whether
13 or not each of you can be fair and impartial as a juror should
14 you be eventually seated in the case. And I want each of you
15 to further understand that none of my questions, not a single
16 one of my questions, is intended to embarrass any of you or to
17 pry into your personal lives; but these young men are on trial
18 here and we represent them, and it is necessary that we ask
19 these questions in order to assure that they do have a fair
20 trial, the same as you would be entitled to if you were on
21 trial. The moment each one of these defendants pleaded not
22 guilty, our law provides that they are presumed to be innocent
23 of the charges against them, that is, every single one of them
24 right now is presumed to be innocent of these charges. That
25 means that the mere fact that a bill of indictment has been

1 returned against them is no evidence of their guilt. Now, let
 2 me ask you, and I am addressing this to everybody: Is there
 3 any person seated on the jury now who feels that the mere fact
 4 that these young men that I just introduced to you have been
 5 charged with these offenses means that they have done something
 6 wrong or they wouldn't be here? If you feel that way about it,
 7 just indicate it to me by raising your hand.

8 (NO RESPONSE FROM THE JURY.)

9 MR. FERGUSON: All right. You have heard it said
 10 that a person is never required in a criminal case to prove his
 11 innocence. Now, along with that it means that a person is not
 12 required to testify. A defendant is not required to testify in
 13 a criminal case if he chooses not to. Our Constitution provides
 14 that. In light of that principle of law, let me ask if there
 15 is any member of the jury who feels that he or she would have
 16 to hear something from these defendants before you could return
 17 a verdict of not guilty? If there is anyone who feels that
 18 they would have to tell you something or you would have to
 19 hear their side of the case before you could render a verdict
 20 of not guilty, does anyone feel that way about it? If you do,
 21 just indicate it to me by raising your hand.

22 MR. JONES: Well, I feel like I would have to hear
 23 the evidence of it before I could render a verdict on it, what
 24 they did do or didn't do. Innocent of these charges.

25 MR. FERGUSON: I understand, Mr. Jones. Now, are you

1 saying then you feel that unless these defendants presented
2 evidence to you, you would be inclined to find them guilty if
3 you didn't hear something from them, their side of the case,
4 is that correct?

5 MR. JONES: Well, I would feel that way.

6 MR. FERGUSON: Now, do you understand that our Con-
7 stitution provides that a defendant is not required to present
8 evidence. The burden is on the state to prove guilt beyond a
9 reasonable doubt. And in light of that now, do you feel though
10 that you would have to hear something from them before you
11 could decide this case?

12 THE COURT: Well, let me interrupt just a moment. If
13 the Court, following all of the evidence, instructs you that
14 that is a right guaranteed to these defendants and all other
15 defendants, that they may testify in their own behalf or they
16 may elect not to testify, that that is a right guaranteed them
17 under our law, the burden being upon the state to prove their
18 guilt, that they may or may not. The mere fact, if they elect
19 not to take the witness stand do you feel that if they chose
20 not to testify or any of them that you would hold that against
21 them in the sense that you would not be satisfied unless they
22 did testify?

23 MR. JONES: No, sir, I wouldn't feel that way.

24 THE COURT: What is that?

25 MR. JONES: No, sir.

MR. FERGUSON: I understand, Mr. Jones. Now,

1 THE COURT: Was your feeling as you expressed it in
2 response to Mr. Ferguson's question based upon the fact that as
3 of that moment you did not know that it was a legal right.....

4 MR. JONES: Yes, sir.

5 THE COURT:a Constitutional right for a defen-
6 dant not to take the stand if he so chose?

7 MR. JONES: Yes, sir.

8 THE COURT: All right. Mr. Ferguson, you may continue.

9 MR. FERGUSON: All right, sir. Do any other members
10 of the panel have any questions about that principle of law?
11 Is there anything about it you don't understand? I asked that
12 question because you will recall Mr. Stroud, the Solicitor for
13 the State, read to you a list of potential witnesses that the
14 defendants may call. That does not mean that the defendants or
15 any of them have made a decision that they've got to present
16 evidence in this case. It simply means that if they choose to
17 present evidence, any or some of them, that the list of people
18 you had may be called. And I want to be sure that no one would
19 hold it against any one of these persons I represent if none
20 of those persons were called. Is there anyone who feels like
21 they would hold it against a defendant if that should happen
22 after the state has completed its case?

23 (NO RESPONSE FROM THE JURY.)

24 MR. FERGUSON: Inasmuch as this is the first jury duty
25 for some of you, some of you may not understand that in the area

1 of criminal law we have the highest standard of proof known to 206
2 our system, that is, the standard of the reasonable doubt. Now,
3 the Judge will explain to you what a reasonable doubt is when
4 he gives his charge at the end of the case. It does mean the
5 state has the obligation of proving to the satisfaction of each
6 person sitting on the jury that each defendant who is brought
7 to trial is in fact guilty beyond a reasonable doubt before the
8 jury can lawfully find him guilty. Now, is there anyone seated
9 on the panel now who will not require the state to prove its
10 case beyond a reasonable doubt?

11 (NO RESPONSE FROM THE JURY.)

12 MR. FERGUSON: Going further along that line, ladies
13 and gentlemen, if after the state has presented its evidence
14 in this case, after they have called their witnesses to the
15 stand is what I mean, and after the whole case has been com-
16 pleted if you felt that either all or some of the defendants
17 were probably guilty but you weren't sure about it beyond a
18 reasonable doubt, would any of you hesitate to find them not
19 guilty just because you felt they possibly were guilty even
20 though you had a reasonable doubt in your mind?

21 (NO RESPONSE FROM THE JURY.)

22 MR. FERGUSON: Do you all understand my question?
23 If you don't, just ask me. This is the only opportunity I get
24 to talk back and forth with you, and so anything I ask you
25 don't understand just let me know. Sometimes legal terms get a

1 little fuzzy even for me so I know it does for you, so I want
2 you all to be sure that you all understand what I am asking. I
3 am not trying to confuse you, and I am not trying to trick you,
4 but I just want to be sure that we understand each other. So,
5 we all understand that. And unless each one of you felt that
6 any given defendant was in fact guilty beyond a reasonable doubt,
7 you wouldn't hesitate to bring back a verdict of not guilty?
8 Do I understand that to be true? If that is not so, just nod
9 your head to me, please.

10 (NO RESPONSE FROM THE JURY.)

11 MR. FERGUSON: All right. Many of you have indicated
12 that you have heard or read something about this case in the
13 news media, either the newspaper or on T.V. or radio. Let me
14 ask you now, and I just want your honest answer: Those of you
15 other than Mrs. Boney - Mrs. Boney has already indicated that
16 she formed an opinion at one time - those of you who when you
17 first heard something about these cases, those of you who formed
18 an opinion about it at that time - I'm not asking whether you
19 have it now - if you formed any opinion about it at that time?
20 Would you just indicate that to me by showing your hands, please?

21 (NO RESPONSE FROM THE JURY.)

22 MR. FERGUSON: When you all received notices or summons
23 to come to court on yesterday, how many of you knew what cases
24 would be called for trial on yesterday? Just indicate to me
25 by raising your hand if you knew what was going on when you

1 came here?

2 (RESPONSE FROM THE JURY.)

3 MR. FERGUSON: You did, Mr. Jones?

4 MR. JONES: Yes.

5 MR. FERGUSON: And you did, Mrs. Eakins?

6 MRS. EAKINS: Yes.

7 MR. FERGUSON: No one else had any idea at all why
8 you were being called to court yesterday?

9 MRS. BONEY: May I ask a question?

10 MR. FERGUSON: Yes, ma'am.

11 MRS. BONEY: Was that before we got the letters or
12 after we got the letters?

13 MR. FERGUSON: Well, before you got the letters did
14 you know anything at all about it?

15 MRS. BONEY: No, I did not until after I got the
16 letter.

17 MR. FERGUSON: You learned before you got here yes-
18 terday?

19 MRS. BONEY: Yes.

20 MRS. SHINGLETON: I didn't know it before I got the
21 letter, and after I got the letter someone told me what it was.
22 I was at home. That was Friday, and Friday was when I received
23 my letter.

24 MR. FERGUSON: Yes, ma'am. Did you discuss it with
25 someone yesterday, Mrs. Boney?

1 MRS. BONEY: No, sir.

2 MR. FERGUSON: Well, I guess what I am really asking:
3 How did it come to your attention that these were the cases you
4 were going to be called for?

5 MRS. BONEY: How did I know this was it? I learned
6 it by listening to television on Friday afternoon is when I
7 heard it.

8 MR. FERGUSON: I see. Mr. Jones, you said you knew
9 what cases you were coming to hear. How did you know, sir?

10 MR. JONES: Well, there was - down at the Culess
11 they
(PHONETIC) Store/was talking about the case was coming to
12 Burgaw.

13 MR. FERGUSON: Now, at that time did you know what
14 cases they were talking about?

15 MR. JONES: Yes, sir.

16 MR. FERGUSON: When did you first hear about the cases?

17 MR. JONES: Friday evening.

18 MR. FERGUSON: Friday evening?

19 MR. JONES: Yes, sir.

20 MR. FERGUSON: Did the man who spoke to you at the
21 Culess Store express any opinion about the cases one way or
22 the other?

23 MR. JONES: Well, he said he wouldn't want to be on
24 the case.

25 MR. FERGUSON: That didn't give you any uneasy feeling

1 about sitting on this jury, did it?

2 MR. JONES: Well, I didn't know whether I would be
3 picked on that. I didn't talk one way or the other.

4 MR. FERGUSON: I see. Did he express any opinion
5 about any involvement of any of the persons seated at the table
6 here charged?

7 MR. JONES: Well, they said that they.....

8 MR. FERGUSON: Now, I don't want you to tell me what
9 they said; just tell me whether they did or not?

10 MR. JONES: Yes, sir.

11 MR. FERGUSON: Do you think that whatever opinion was
12 expressed might influence you in your deliberations in this
13 case should you be selected as a juror?

14 MR. JONES: Well, it really don't matter to me either
15 way, because I don't know until I hear both sides and then I'll
16 make up my own peace about it.

17 MR. FERGUSON: Suppose, Mr. Jones, you only heard one
18 side; suppose you only heard the state's side of the case, and
19 after hearing that side of the case the defendants didn't put
20 on any evidence, would you be able to look at the state's case
21 and still decide whether or not the defendants were guilty
22 beyond a reasonable doubt and if you didn't find them so, find
23 them not guilty?

24 MR. JONES: If I believed the state, I would have to
25 find them guilty if nobody else didn't prove no other way about

1 it.

2 MR. FERGUSON: Well, suppose the state didn't fully
3 prove each one of these persons guilty beyond a reasonable
4 doubt, do you still feel like you would want to hear something
5 from the defendants?

6 MR. JONES: Well, if they didn't prove to me that they
7 were guilty, I wouldn't say guilty.

8 MR. FERGUSON: All right. The state is represented
9 in this case, ladies and gentlemen, by Mr. Stroud, the gentleman
10 seated on the far end of the table over here. How many of you
11 know him? He is Assistant Solicitor in the District and I think
12 comes to Burgaw from time to time.

13 (RESPONSE FROM THE JURY.)

14 MR. FERGUSON: You know him, Mr. Rooks?

15 MR. ROOKS: Yes, sir.

16 MR. FERGUSON: What has been your occasion to know
17 him?

18 MR. ROOKS: He used to be director at the church we
19 attended.

20 MR. FERGUSON: Was that in Wilmington?

21 MR. ROOKS: No, sir. It was down on the sound,
22 Masonboro Sound.

23 MR. FERGUSON: Masonboro Sound?

24 MR. ROOKS: Yes, sir.

25 MR. FERGUSON: Now, did you know him personally during

1 that time?

2 MR. ROOKS: Yes, sir.

3 MR. FERGUSON: When was that?

4 MR. ROOKS: I guess I didn't meet him long before I
5 left, so I guess that would be some time in December or November.
6 I reckon December.

7 MR. FERGUSON: Of this past year?

8 MR. ROOKS: Yes, sir.

9 MR. FERGUSON: December, of '71?

10 MR. ROOKS: Yes, sir.

11 MR. FERGUSON: Did you ever have occasion to socialize
12 with him from time to time?

13 MR. ROOKS: Well, we were with the leaders.

14 MR. FERGUSON: Did you ever visit with him in his
15 home?

16 MR. ROOKS: We had meetings at his home as a group.

17 MR. FERGUSON: Did he ever visit with you in your home?

18 MR. ROOKS: No, sir.

19 MR. FERGUSON: Now, over what period of time did you
20 know him? How long was it?

21 MR. ROOKS: I would guess I knew him over - hardly
22 over a month, because I didn't meet him. He started working
23 with the youth I guess about a month or maybe a month and a
24 half or two months before I left.

25 MR. FERGUSON: Did you learn that he was the assistant

1 prosecutor for this district at that time?

2 MR. ROOKS: Well, I knew he was a district attorney.

3 MR. FERGUSON: Do you feel, Mr. Rooks, that by reason
4 of the fact that you know him and that he was -- You said that
5 he was the youth director or he was the youth director?

6 MR. ROOKS: I was youth director.

7 MR. FERGUSON: You were youth director at his church
8 and that you visited with him in his home from time to time; do
9 you think you might tend to favor his side of the case more so
10 than the other side because of your personal knowledge and close
11 association with him?

12 MR. ROOKS: No, sir. We left everything. He didn't
13 mention anything the whole time I knew him. That was outside
14 of the job.

15 MR. FERGUSON: Well, Mr. Rooks, what you do know about
16 him, do you feel like you would be more inclined to listen to
17 what he had to say and more readily believe what he had to say
18 than some other person involved in the case, some/other lawyers
19 in the case?

20 MR. ROOKS: No, sir.

21 MR. FERGUSON: You still think you could be objective
22 about it and look at the evidence as it is presented from the
23 witness stand?

24 MR. ROOKS: Yes, sir.

25 MR. FERGUSON: Would it embarrass you in any way to

1 render a verdict which would mean that the side of the case
2 which he represents would lose?

3 MR. ROOKS: Not in the least.

4 MR. FERGUSON: You wouldn't have any difficulty in
5 facing him the next day if you found each one of these young
6 men not guilty, is that correct?

7 MR. ROOKS: Yes, sir.

8 MR. FERGUSON: Did you hold your hand up when I asked
9 which jurors knew what the cases were about before you.....

10 MR. ROOKS: Yes, sir. I misunderstood your question
11 to start with, because I didn't know until I received the letter
12 or previous to the letter, but I saw it in the paper Saturday.

13 MR. FERGUSON: I see.

14 MR. ROOKS: So, that's what I was going to tell you.

15 MR. FERGUSON: Oh, yes. Did you have occasion to
16 discuss it with anybody?

17 MR. ROOKS: No, sir. I just knew -- My wife knew I
18 was going to be on the jury, because I told her, and I showed
19 her the paper that it was going to be over here.

20 MR. FERGUSON: That didn't cause you to form any
21 opinion about it?

22 MR. ROOKS: No, sir.

23 MR. FERGUSON: It has been a long time since you all
24 heard who the witnesses for the state might possibly be in this
25 case.....

1 THE COURT: Mr. Ferguson, I believe at this point -
2 it is now five-thirty - we perhaps should take out for the day.
3 Let me say this: The Court has observed that at recess many of
4 the audience have crowded forward to greet or to speak to cer-
5 tain of the defendants here. That is a perfectly natural im-
6 pulse, and the Court understands it, but it is a practice that
7 cannot be permitted to continue because of occurrences that have
8 happened at other places in other states for which precautions
9 must be taken. If there is any particular friend or relative
10 who desires to speak with any defendant, please contact their
11 attorneys and appropriate arrangements will be made to do so,
12 but we must until further notice hold with that rule for the
13 present. I hope you will understand that. There is a desire not
14 to prevent you if you come to see a defendant to do it in that
15 way, but we cannot permit a crowd to gather up here wholesale
16 as I described. Accordingly, when we recess, I desire that the
17 defendants maintain their position until the audience has
18 departed. Members of the jury, in the box and those of you who
19 have not yet been called to the box, -- First, let me say that
20 any who have been called and excused need not return tomorrow;
21 you are excused for the term. All who have not been called,
22 of course, must return. And I say that to you and to those of
23 you in the box throughout the afternoon observe the admonition
24 I have previously given you. Do not discuss this case between
25 any two or more of you. Do not seek to obtain information about

1 it or listen to others about it or talk to others about it,
 2 because some or many of you may be selected finally, and it is
 3 your duty to maintain an open mind unbiased by anything you may
 4 have heard or read or said if you are selected, and it is your
 5 duty to protect yourself, so to speak, from influences which
 6 might make it difficult for you to perform your duty in that
 7 respect. And if there is any person who insists upon talking
 8 to you about it indicating an interest and insists upon it, it
 9 will be your duty to report it to the Court when you return here
 10 tomorrow. All right. Sheriff, take a recess until tomorrow
 11 morning at nine-thirty.

12 JUNE 7, 1972:

13 THE COURT: All right. We will resume business. Mr.
 14 Ferguson, you will resume your examination.

15 MR. FERGUSON: Very well, your Honor. They are bring-
 16 ing the defendants in.

17 (THE DEFENDANTS IN CUSTODY TAKE THEIR SEATS IN OPEN
 18 COURT.)

19 THE COURT: Mr. Ferguson, you may continue with your
 20 examination.

21 MR. FERGUSON: Thank you, your Honor. Good morning,
 22 ladies and gentlemen of the jury. Before asking any particular
 23 questions this morning, let me just ask if since leaving court
 24 yesterday any of you have had any discussion or heard anything
 25 at all about this case which might have some influence on you

1 if you should sit as a juror on the case?

2 (NO RESPONSE FROM THE JURY.)

3 MR. FERGUSON: I take it that no one has then. Thank
4 you. Mr. Thompson, I believe it is?

5 MR. THOMPSON: That's right.

6 MR. FERGUSON: Do you belong to any civic clubs or
7 organizations in the community?

8 MR. THOMPSON: No, sir. Only with the church.

9 MR. FERGUSON: Sir?

10 MR. THOMPSON: Only with the church.

11 MR. FERGUSON: Only with the church. What is your
12 church affiliation?

13 MR. THOMPSON: Boney (PHONETIC) Vista Baptist Church.

14 MR. FERGUSON: Do you hold any office in the church?

15 MR. THOMPSON: Yes, sir. I am treasurer of the church.
16 I have been there for about twenty-five years.

17 ✓ MR. FERGUSON: Have you ever belonged to any organiza-
18 tion which has or had as one of its basic tenets the support of
19 the local police force or support of the police?

20 MR. THOMPSON: No, sir.

21 ✓ MR. FERGUSON: Have you ever belonged to any organiza-
22 tion which held to the view of white supremacy?

23 MR. THOMPSON: No, sir.

24 MR. FERGUSON: Did you spend any time in the military,
25 Mr. Thompson?

1 MR. THOMPSON: No, sir.

2 MR. FERGUSON: Are there law enforcement officers -
3 and by that I mean police, sheriffs, highway patrolmen, anyone
4 connected with a law enforcement agency - with whom you are
5 close friends?

6 MR. THOMPSON: No, sir.

7 MR. FERGUSON: Now, Mr. Thompson, in the course of
8 this trial the state will present witnesses who are police of-
9 ficers. If you are called to sit as a juror in this case,
10 would you more readily believe what a police officer said than
11 what other witnesses said? Do you believe police officers are
12 more prone to tell the truth than anyone else?

13 MR. THOMPSON: Not necessarily so.

14 MR. FERGUSON: Now, you say not necessarily so. Do
15 you have some inclination in that direction, that they might be
16 more likely to tell the truth than lay witnesses, other people?

17 MR. THOMPSON: I would believe one as much as I would
18 the other. I would use my own judgment.

19 MR. FERGUSON: Sir?

20 MR. THOMPSON: I would use my own judgment. I would
21 believe one as much as I would the other, unless I find out
22 different.

23 MR. FERGUSON: All right. Then I gather you would
24 assume that whatever a police officer had to say was true because
25 he was a police officer, then, is that right?

1 MR. THOMPSON : That's right.

2 MR. FERGUSON: And under proper circumstances you
3 could disbelieve what a police officer said if the circumstances
4 should
/so warrant it?

5 MR. THOMPSON: That's right.

6 MR. FERGUSON: I am going to ask you a few questions,
7 Mr. Thompson, about your racial views. You will recall that
8 on Monday morning the Court explained to you that these trials
9 had been moved over here from New Hanover County because of
10 certain things taking place there in the county/and racial
because of tensions,
11 tensions, and certain things happening. You recall that?

12 MR. THOMPSON: Yes, sir.

13 MR. FERGUSON: Do you -- First of all, do you, yourself,
14 have any prejudices against persons who are black simply because
15 they are black?

16 MR. THOMPSON: No, I don't.

17 MR. FERGUSON: Do you oppose or favor integration in
18 the schools?

19 MR. THOMPSON: No, sir.

20 MR. FERGUSON: Well, let me rephrase that: Do you
21 oppose integration in the schools?

22 MR. THOMPSON: What was that?

23 MR. FERGUSON: Do you oppose integration of the races
24 in the schools? Are you against that?

25 MR. THOMPSON: No, sir.

1 MR. FERGUSON: Are you for it?

2 MR. THOMPSON: I am for it. Anything that is the law,
3 I am for it. That's the law, so I'm for it.

4 ✓ MR. FERGUSON: All right. Do you have any objections
5 to social relationships between persons of opposite races?

6 MR. THOMPSON: I associate with them every day.

7 MR. FERGUSON: Sir?

8 MR. THOMPSON: I associate with black or colored people
9 every day.

10 MR. FERGUSON: Are there any black persons who are
11 members of the church that you attend?

12 MR. THOMPSON: No, sir.

13 MR. FERGUSON: Have you ever belonged to any organiza-
14 tion which have members of the black race as a part of it?

15 MR. THOMPSON: No, sir.

16 ✓ MR. FERGUSON: Now, it so happens, Mr. Thompson, that
17 in the trial of this case ten of the defendants are black and
18 one is white. Will you more readily convict the defendants in
19 this case because they happen to be black, those who are black?
20 Would that be a factor in your verdict at all?

21 MR. THOMPSON: No, sir, it would not.

22 ✓ MR. FERGUSON: And you would not hold it against the
23 other defendant, the fact that she happens to be white?

24 MR. THOMPSON: No, sir.

25 MR. FERGUSON: You would be able to erase from your

1 mind all racial distinction?

2 MR. THOMPSON: That is correct.

3 ✓ MR. FERGUSON: If it should appear during the course
4 of this trial that at the time these incidents occurred in
5 Wilmington, in February, of '71, whatever happened there, if it
6 should appear that there was racial tensions, racial protests,
7 and some or all the defendants were involved in a racial protest
8 movement, would you more readily convict them of these offenses
9 of
10 simply because/their activities in a racial movement protesting
11 discrimination against black persons?

12 MR. THOMPSON: No, sir; I would have to go from the
13 evidence brought before the court.

14 ✓ MR. FERGUSON: Do you believe then that persons who
15 feel that they have a just complaint - who feel they have a just
16 complaint whether you agree with it or not - have a right to
17 join together in protest of those complaints?

18 MR. THOMPSON: Oh, yes.

19 ✓ MR. FERGUSON: All right. The defendants and some of
20 them or all of them, or those who are black, are members of the
21 First Congregational Church of the Black Messiah, in Wilmington,
22 North Carolina. Have you heard of that church?

23 MR. THOMPSON: I've heard of it just by reading it in
24 the paper.

25 MR. FERGUSON: Sir?

MR. THOMPSON: Just by reading it in the paper. I

1 don't know where it's at. I've never seen it. 22.

2 MR. FERGUSON: All right, sir. Now, Reverend Ben
3 Chavis who is on trial here is pastor of that church.

4 MR. THOMPSON: Repeat that question, please.

5 ✓ MR. FERGUSON: Reverend Ben Chavis, the gentleman
6 seated here, is pastor of that church. The other nine defendants
7 whom I represent are members of that church. Now, do you hold
8 any views whatsoever that would cause you to be opposed to them
9 because of their membership in that church?

10 MR. THOMPSON: No, sir.

11 MR. FERGUSON: All right. Now, you say you read about
12 the church?

13 MR. THOMPSON: That's right.

14 ✓ MR. FERGUSON: In the paper. In reading about the
15 church, did you form any opinion about it or any opinion about
16 any of the members of it?

17 MR. THOMPSON: No, sir.

18 MR. FERGUSON: You have no opinion whatsoever?

19 MR. THOMPSON: No, sir.

20 MR. FERGUSON: Do you recall about when it was you
21 read about it?

22 MR. THOMPSON: Repeat that, please.

23 MR. FERGUSON: Do you recall about when it was that
24 you read about the church?

25 MR. THOMPSON: Well, it was *AFTER* the date that you

1 said a while ago in February. It was some time after that. I 223
2 couldn't tell you exactly.

3 MR. FERGUSON: Some time after that?

4 MR. THOMPSON: That's right.

5 MR. FERGUSON: Do you recall reading any of the defen-
6 dants' names in connection with the church at that time?

7 MR. THOMPSON: The only name that I remember seeing
8 about the church was Mr. Chavis.

9 MR. FERGUSON: You don't recall any of the other
10 defendants' names?

11 MR. THOMPSON: No, sir.

12 MR. FERGUSON: One of the defendants, Mr. Thompson,
13 George Kirby, is an organizer for the Southern Christian Leader-
14 ship Conference. Do you know what the Southern Christian
15 Leadership Conference is?

16 MR. THOMPSON: I don't know anything about it.

17 MR. FERGUSON: All right. Just let me tell you a
18 little bit about it. That is an organization which was started
19 by the late Dr. Martin Luther King and/ ^a part of his non-violent
20 movement involved that organization for protesting racial
21 injustices in this country in various cities and towns in states
22 in the United States. Now, would you hold it against Mr. Kirby
23 that he is an organizer for an organization of that kind?

24 MR. THOMPSON: No, sir.

25 MR. FERGUSON: You understand then that he is perfectly

1 within his rights in being engaged in such activities, is that
2 correct, so long as they don't run afoul of the law?

3 MR. THOMPSON: Yes, sir.

4 MR. FERGUSON: All right, sir. In addition to being
5 pastor of the church that I've mentioned to you, Reverend Chavis
6 is also a field representative of the North Carolina-Virginia
7 Commission on Racial Justice. That is another organization
8 which was formed and founded for the purpose of protesting and
9 fighting against racial discrimination against black persons
10 in this country. Would you hold his position as an organizer
11 of that organization against him in any wise in this trial?

12 MR. THOMPSON: No, sir.

13 MR. FERGUSON: Now, Mr. Thompson, have you ever appeared
14 as a witness in the trial of a criminal case before? Have you
15 ever testified for the state in the trial of a criminal case?

16 MR. THOMPSON: No, sir.

17 MR. FERGUSON: Do you take any newspaper regularly
18 in your home?

19 MR. THOMPSON: Yes, sir.

20 MR. FERGUSON: What newspaper do you take?

21 MR. THOMPSON: The Wilmington paper.

22 MR. FERGUSON: Is that the Wilmington Star News?

23 MR. THOMPSON: That's right.

24 MR. FERGUSON: Any other paper other than the Wilming-
25 ton paper?

1 MR. THOMPSON: Only the Pender County paper.

2 MR. FERGUSON: All right, sir. When you stated earlier
3 that you had read some accounts of the incident, did you read
4 them in the Wilmington Star News, is that where you read them?

5 MR. THOMPSON: Yes, I did.

6 MR. FERGUSON: Did you read any in the Raleigh News
7 and Observer?

8 MR. THOMPSON: No, I haven't read that.

9 MR. FERGUSON: Do you subscribe to the Hanover Sun?

10 MR. THOMPSON: No, sir.

11 MR. FERGUSON: Have you read any accounts of anything
12 concerning any of these defendants in the Hanover Sun?

13 MR. THOMPSON: No, sir. The only paper I read about
14 it was in the Star News out of Wilmington.

15 MR. FERGUSON: You read the paper practically every
16 day, so whatever was in that paper you would have read it.....

17 MR. THOMPSON: Yes, I read the paper most everyday.
18 That's right.

19 MR. FERGUSON: Now, Mr. Thompson, in reading those
20 articles in the Star News, did you read the names of the defen-
21 dants' in some of those articles, the names of any of them?

22 MR. THOMPSON: I don't recall none of the names, but
23 I do remember Mr. Chavis' name mentioned a time or two, but I
24 don't know nothing about the rest of the names. I can't remem-
25 ber those names.

1 MR. FERGUSON: Well, did you come away with some im-
2 pression of Mr. Chavis after reading the various articles in
3 the Star News?

4 MR. THOMPSON: No, sir.

5 MR. FERGUSON: You have no impression about him whatso-
6 ever?

7 MR. THOMPSON: No, sir.

8 MR. FERGUSON: Did you think about the articles when
9 you read them?

10 MR. THOMPSON: How is that?

11 MR. FERGUSON: Did you think about the articles when
12 you read them?

13 MR. THOMPSON: No.

14 MR. FERGUSON: There is no secret there has been a
15 lot of publicity about these cases. Would you find it in any
16 way embarrassing to render a verdict of not guilty in these cases
17 if the evidence should so warrant such a verdict?

18 MR. THOMPSON: No, I wouldn't be embarrassed at all.

19 MR. FERGUSON: You wouldn't have any hesitation at
20 that; you wouldn't be afraid to face your neighbors the next
21 day or anything of that sort?

22 MR. THOMPSON: No, sir.

23 MR. FERGUSON: You feel you could hear this evidence
24 and base your verdict on the evidence and make up your own mind
25 about this case?

1 MR. THOMPSON: That's right.

2 ✓ MR. FERGUSON: You may have heard me ask yesterday,
3 Mr. Thompson, whether or not you and the other jurors would hold
4 it against the defendants if they should exercise their right
5 not to testify in this case and to present any evidence if
6 they chose to do that. Going a little further along that line,
7 suppose during the trial of this case some of the defendants
8 decided to present evidence or decided to testify and some of
9 them didn't. Would you be able to judge each case individually
10 in that circumstance?

11 MR. THOMPSON: I would think so, but I wouldn't be
12 definite about it. Yes, I think so.

13 ✓ MR. FERGUSON: All right. What I am asking is, if
14 some of the defendants decide to testify, /if they choose to, and
15 some of them decide not to, as they can if they choose to, would
16 you tend to hold it against those who did not testify?

17 MR. THOMPSON: No.

18 ✓ MR. FERGUSON: Would you tend to think they were keep-
19 ing something from you or hiding something from you, holding
20 back something?

21 MR. THOMPSON: I think it would be up to the Court
22 if they testified or not.

23 MR. FERGUSON: Well, sir, I'm saying it's not up to
24 the Court; it's up to the defendants. They have a right if they
25 choose to present evidence in this trial, and by the same token

1 they have a right if they choose not to present any evidence but 226
2 to rely on the weakness of the state's case, and that doesn't
3 mean that if one defendant presents evidence that all of them
4 have to; each defendant is separately on trial here. Each one
5 is charged with his own individual offenses; and I'm asking you
6 if during the course of this trial some defendants decide they
7 wanted to testify and others decided they didn't, would you tend
8 to hold it against those who did not?

9 MR. THOMPSON: No.

10 MR. FERGUSON: Would you attempt to confer some bene-
11 fit on those who did?

12 MR. THOMPSON: No, sir.

13 ✓ MR. FERGUSON: Now, as it stands right now, do you
14 presume that each one of these eleven people sitting here at
15 this table on trial are innocent of these charges; do you feel
16 that way right now?

17 MR. THOMPSON: Yes, sir, I do at the present time.

18 ✓ MR. FERGUSON: So, if you had to decide the case right
19 now you would find all of them not guilty, is that right?

20 MR. THOMPSON: I would have to hear the evidence before
21 I could say anybody was guilty.

22 MR. FERGUSON: Well, I think what I'm just getting at,
23 Mr. Thompson, is this: You've been here in court since Monday;
24 you've seen the defendants come into the court room; you've seen
25 them go out; you've seen the sheriff standing at these doors;

1 you've seen the sheriff standing at the back doors and you've
 2 seen the sheriff come into the room sometimes and go out some-
 3 times. Now, does that create any impression in your mind about
 4 these ten defendants being escorted by the sheriff back and
 5 forth?

6 MR. THOMPSON: Yes, sir, it does.

7 MR. FERGUSON: All right, sir. What impression is
 8 that?

9 MR. THOMPSON: I think that they have to be on the
 10 alert to be cautious about what is going on here. Now, that's
 11 how I feel about it.

12 MR. FERGUSON: Well, do you feel that there is some-
 13 thing that the defendants' have done to cause the sheriff to
 14 be on the alert?

15 MR. THOMPSON: That's right.

16 MR. FERGUSON: Well, then, you feel if these defendants
 17 hadn't done something wrong that they wouldn't be escorted by
 18 the sheriffs and be on the alert?

19 MR. THOMPSON: The last question you asked me, I
 20 wouldn't say so about that; but the first question, I would.

21 MR. FERGUSON: Well, what I'm trying to understand,
 22 Mr. Thompson, - and we are just talking here freely and I want
 23 you to understand me and I want to try to understand you, and I
 24 think the only way to do it, to get at this, is put all the
 25 cards on the table and be perfectly open with me and me with

1 you. I'm asking you if you have formed any impression about
2 these defendants here by reason of the security measures which
3 are in effect here? I believe you answered me that you felt
4 they had to be on the alert, is that correct?

5 MR. THOMPSON: That's right.

6 MR. FERGUSON: Now, my question to you is: Do you
7 feel there is something that these defendants have done which
8 causes them to have to be on the alert?

9 MR. THOMPSON: I wouldn't say/something these defen-
10 dants have done, but that they have done it in other places. It
11 might be that; it might be the reason. I couldn't say about
12 that.

13 MR. FERGUSON: All right, but I mean, you haven't
14 formed any impression in your mind there is any particular
15 danger connected with these ten or eleven persons on trial?

16 MR. THOMPSON: No, I don't think so.

17 MR. FERGUSON: You understand, do you not, that when
18 a person is arrested they can be placed in jail even if they
19 have done nothing and if they can't post bond, if they don't
20 have money to post bond, then these kind of security measures
21 can be imposed on them if they have done nothing in the world,
22 do you understand that?

23 MR. THOMPSON: I understand.

24 MR. FERGUSON: And so then you won't be influenced by
25 this array of authority here in the court room, is that correct?

1 MR. THOMPSON: No, sir.

2 MR. FERGUSON: Does the number of the defendants on
3 trial here create any impression in your mind they must have
4 all done something together? There are eleven people on trial
5 here; you have heard no evidence in the case; this is a large
6 number of defendants for/a trial. Does the fact that they have
7 all been charged and brought here together for trial indicate
8 to you that they all were together and working on something
9 together at the time the offenses were committed?

10 MR. THOMPSON: The only thing I have in my mind, they
11 have been charged with something but they haven't been proven,
12 so that's the way I feel about it.

13 MR. FERGUSON: You realize there is a possibility
14 then that in February, 1971, these defendants may not have been
15 anywhere near each other at the time these offenses were com-
16 mitted if they were committed?

17 MR. THOMPSON: I couldn't say they were.

18 MR. FERGUSON: You realize that possibility?

19 MR. THOMPSON: Oh, yes.

20 MR. FERGUSON: Now, Mr. Thompson, is there any reason
21 that -- Strike that. Have you ever been the victim of any crime?

22 MR. THOMPSON: Have I what?

23 MR. FERGUSON: The victim of any crime? That is, have
24 you ever been assaulted by anyone?

25 MR. THOMPSON: No, sir.

1 MR. FERGUSON: Robbed, or had any property destroyed
2 by anyone?

3 MR. THOMPSON: No, sir.

4 MR. FERGUSON: Is there anything about the nature of
5 these charges against these defendants which would cause you to
6 more readily convict them than it would if they were charged
7 with some other crime? By that I mean, do you have any real
8 strong feelings about a charge of conspiracy to burn or conspiracy
9 to assault or burn; do you feel more strongly about those of-
10 fenses than you do some other offenses which might cause you to
11 more readily convict someone charged with those offenses rather
12 than some other offense?

13 MR. THOMPSON: No, sir.

14 MR. FERGUSON: The owner of the store in question here
15 a man by the name of Mike Poulas, he will be a witness in this
16 trial and he is a white man. The store is located in a black
17 neighborhood. Now, will the fact that the store was owned by a
18 white man and that these defendants are charged - some of them
19 charged with conspiring to burn and others charged with burning
20 - do you think that fact right now would cause you to be more
21 sympathetic to the state's case rather than to the defendants'
22 case?

23 MR. THOMPSON: No, sir. I think if the man who owned
24 the store was a colored man he would have done his job just as
25 good,

1 MR. FERGUSON: So, you don't feel then that the race
2 of the man who owned the store there would have anything/to do
3 with your verdict?

4 MR. THOMPSON: That's right.

5 MR. FERGUSON: Now, I have mentioned to you that the
6 defendants are members of a church called the Black Messiah,
7 the First Congregational Church of the Black Messiah; they are
8 now members of that church. Does that fact alone, nothing more
9 than that fact, cause you to feel that they must have conspired
10 to do something in February, of '71?

11 MR. THOMPSON: No.

12 MR. FERGUSON: Now, Mr. Thompson, you are aware, are
13 you not, of the constitutional right that citizens have to bear
14 arms, are you not?

15 MR. THOMPSON: I am.

16 MR. FERGUSON: And do you feel that a citizen does
17 have the right to bear arms and to arm themselves for self-
18 defense in certain circumstances?

19 MR. THOMPSON: For citizens to bear arms in self-
20 defense?

21 MR. FERGUSON: Yes, sir.

22 MR. THOMPSON: No, sir.

23 MR. FERGUSON: You do not feel so?

24 MR. THOMPSON: I do not feel so, no, sir.

25 MR. FERGUSON: All right. So that if a person were on

1 trial and that person raised a question of self-defense and a
2 given person was armed - this person on trial was armed at the
3 time the incident took place - would you hold the fact that he
4 was armed against him?

5 MR. THOMPSON: Repeat the question.

6 MR. FERGUSON: If a person were on trial for an assault
7 and that person raised a defense of self-defense and the circum-
8 stances showed that at the time the incident took place that the
9 person was armed - the person charged and on trial was armed at
10 the time - would the mere fact that that person was armed cause
11 you - would you be opposed to that person simply because he was
12 armed at the time?

13 MR. THOMPSON: I would.

14 MR. FERGUSON: So that if the evidence in this case
15 should show that there were arms, firearms, found at a place
16 where some of the defendants were alleged to have been, would
17 you tend to hold that fact against the defendants?

18 MR. THOMPSON: Yes, sir.

19 MR. FERGUSON: You would have some difficulty then,
20 Mr. Thompson, I think in being fair to a person being associated
21 with firearms in some sense, is that correct?

22 MR. THOMPSON: Yes, sir.

23 MR. FERGUSON: If your Honor please, we would challenge
24 the juror for cause.

25 THE COURT: Let me ask you this, Mr. Thompson: You

1 have indicated as the Court understood you that in general you 23:
2 do not believe in the right of people to go armed, that is,
3 carry weapons. Mr. Ferguson has stated, and it is true, that the
4 Constitution of the United States does clearly state the principle
5 that the people have a right to own and bear arms. That principle
6 is preserved in our law, although there are certain limitations
7 and regulations as to the circumstances under which citizens
8 may bear arms. Now, having stated your general feeling or
9 opposition to bearing arms, if you are instructed by the Court
10 if you recognize the constitutional right under certain rules
11 and regulations, even though you are personally not in sympathy
12 with it, would your verdict in this case, your being instructed
13 as to the applicable law, would your verdict in these cases be
14 influenced by your personal feelings about the right to bear
15 arms? Have I made myself reasonably clear?

16 MR. THOMPSON: I'm afraid I would have to say yes.

17 THE COURT: You feel that despite legal and constitu-
18 tional principles that it would tend to influence your feelings
19 about the guilt or innocence of these defendants?

20 MR. THOMPSON: It would.

21 THE COURT: Going just a bit further, is your feeling
22 against the carrying of arms, weapons of death if necessary, is
23 your feeling so strong as that there are no circumstances or
24 conditions under which you feel that people are justified in
25 going armed?

1 MR. THOMPSON: I don't -- I never -- I don't think
2 that a person should be justified in being armed just in everyday
3 life and through the neighborhood or anywhere in the state he
4 wants to go. I don't imagine/if he were armed and on his own
5 premises in case of protection of his own household and his own
6 family, but otherwise I don't think it is necessary to carry
7 arms.

8 THE COURT: We do not here, of course, know what the
9 evidence is or will be with respect to these cases concerning
10 carrying arms. We do not yet know whether the circumstances
11 from the evidence would indicate that firearms were present under
12 legal circumstances or under illegal circumstances, but are you
13 saying that if the evidence here should include any evidence of
14 the presence of firearms in the possession of any defendants
15 under any conditions whatsoever except in their own homes under
16 their own - on their own property, that it would gravitate
17 against them in your mind as to their guilt or innocence on
18 these charges?

19 MR. THOMPSON: It would.

20 THE COURT: Approach the bench, gentlemen.

21 (COUNSEL CONFER WITH THE COURT AT THE BENCH.)

22 THE COURT: Mr. Thompson, the Court is of the opinion
23 that your answers in response to the questions asked you by the
24 attorney have been completely honest and frank.....

25 MR. THOMPSON: I couldn't understand that.

1 THE COURT: I say that the Court feels that your
2 responses to the questions addressed to you by counsel have been
3 completely honest and sincere and frank, and that's the way they
4 should be. However, the Court is of the opinion that under the
5 circumstances your honest feelings with respect to bearing fire-
6 arms are such as might perchance be a factor in your jury de-
7 cision if you were to sit on the jury in this case, and accord-
8 ingly I must grant the request that you be excused. Thank you.

9 MR. THOMPSON: Thank you.

10 MR. FERGUSON: Thank you, your Honor. We appreciate
11 your honest answers, Mr. Thompson.

12 CLERK: Christine Wooten Watkins (BLACK).

13 MR. FERGUSON: Mrs. Boney, do you belong to any social
14 or civic organizations in the community?

15 MRS. BONEY: Nothing but the church.

16 MR. FERGUSON: Ma'am?

17 MRS. BONEY: Nothing but the church.

18 MR. FERGUSON: And what church are you affiliated with?

19 MRS. BONEY: Shiloh Baptist, on 421 Highway.

20 MR. FERGUSON: Now, what about your husband; does he
21 belong to any social or civic organizations in the community?

22 MRS. BONEY: No, he is not.

23 MR. FERGUSON: Now, you indicated that he is a con-
24 struction foreman in Wilmington, is that correct?

25 MRS. BONEY: That's right.

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MR. FERGUSON: And what company is that again?

MRS. BONEY: Hanover Construction Company.

MR. FERGUSON: Hanover Construction Company?

MRS. BONEY: Yes.

MR. FERGUSON: Where is that located, Mrs. Boney, if you know?

MRS. BONEY: I think it's Leland.

MR. FERGUSON: Leland?

MRS. BONEY: Yes.

MR. FERGUSON: Now, does he work there at the company or does he work out at various construction sites?

MRS. BONEY: In Wilmington, and up here at Burgaw a lot. He works at various places.

MR. FERGUSON: Various places where they are doing construction work for that company, is that right?

MRS. BONEY: That's right.

MR. FERGUSON: Do you recall whether or not he was working in Wilmington during the week of February 5th and 6th?

MRS. BONEY: Yes, he was.

MR. FERGUSON: Do you happen to know at what particular location he was working at that time?

MRS. BONEY: No, I don't, but he went to pick up some workers that lived close in there, because he couldn't go in and they would walk out to ride with him to work.

MR. FERGUSON: You mean there was an area there in

1 Wilmington that he couldn't get into when he went to pick up
2 some of his workers?

3 MRS. BONEY: Yes, sir.

4 MR. FERGUSON: And this was during that weekend that
5 these offenses are alleged to have occurred, is that correct,
6 February 6th, 1971, or during that week?

7 MRS. BONEY: I think so. I don't know exactly what
8 dates it was.

9 MR. FERGUSON: Was he upset about the fact that he
10 couldn't get in to get his workers?

11 MRS. BONEY: He didn't seem to be.

12 MR. FERGUSON: Did he discuss the matter with you?

13 MRS. BONEY: Some.

14 MR. FERGUSON: Was that the time that you formed an
15 opinion about this matter?

16 MRS. BONEY: Well, it helped me to form an opinion,

17 MR. FERGUSON: Ma'am?

18 MRS. BONEY: It helped me form an opinion, but mostly
19 where I got my opinion/^{was}from the paper and the television.

20 MR. FERGUSON: Now, at this particular time in February
21 - we are talking about February, 1971 - were you reading the
22 paper then about what was going on in Wilmington then?

23 MRS. BONEY: Yes.

24 MR. FERGUSON: Do you recall at that time reading the
25 names of any of these defendants in connection with what was

1 going on in Wilmington?

2 MRS. BONEY: I remember Mr. Chavis' name; and I don't
3 know whether it was them or not, but I remember a Kirby and a
4 Wright, but now, whether they were the ones who are here or not,
5 I don't know.

6 MR. FERGUSON: So, you remember reading about some
7 person named Chavis and someone named Kirby and someone named
8 Wright, is that correct?

9 MRS. BONEY: Yes, sir.

10 MR. FERGUSON: Now, at that time, while you were read-
11 ing these various articles, did you form some impression about
12 Reverend Chavis? I'm not asking what that impression was right
13 now; I'm just asking you if you formed in your mind some im-
14 pression about Reverend Chavis based on what you read in the
15 paper?

16 MRS. BONEY: Yes.

17 MR. FERGUSON: Did you form some impression about the
18 person named Kirby that you read about in the paper at that
19 time?

20 MRS. BONEY: Yes.

21 MR. FERGUSON: Did you form some impression about the
22 person named Wright that you read about at that time?

23 MRS. BONEY: Yes.

24 MR. FERGUSON: Now, whatever that impression was, Mrs.
25 Boney, has anything occurred since that time to cause you to

1 change whatever impression it was that you formed at that time?

2 MRS. BONEY: Well, I don't remember all that I read
3 then. I just remember those names.

4 MR. FERGUSON: You remember the names and you remember
5 the impression that you formed, do you not?

6 MRS. BONEY: Yes, sir.

7 MR. FERGUSON: All right. Now, what I am asking you
8 is: Have you read anything or has anything occurred that came
9 to your attention which has caused or would cause you to change
10 the initial impression that you formed of these three people?

11 MRS. BONEY: Well, I don't have an opinion either way
12 now about them.

13 MR. FERGUSON: When did you cease to have the opinion
14 or impression that you originally formed, Mrs. Boney?

15 MRS. BONEY: Well, when it wasn't much about it in
16 the paper to read about, and I just forgot about it.

17 MR. FERGUSON: Yes, ma'am. Now, when you received the
18 summons last Thursday -- Was it Thursday or Friday that you
19 received the summons/down here?
to come

20 MRS. BONEY: Friday.

21 MR. FERGUSON: You found out before coming to court
22 that these were the cases you were going to be trying, didn't
23 you?

24 MRS. BONEY: Yes.

25 MR. FERGUSON: And when you found/out, did it remind
that

1 you of the impression that you had formed some time ago about
2 these cases?

3 MRS. BONEY: Did it what?

4 MR. FERGUSON: Were you reminded of the impression
5 that you formed some time ago regarding these defendants?

6 MRS. BONEY: Yes, it did.

7 MR. FERGUSON: All right. So, you are aware right
8 now of what impression it was you formed of these three persons,
9 is that correct?

10 MRS. BONEY: Yes.

11 MR. FERGUSON: Do you feel that it would take some
12 evidence from them to change whatever impression it was you
13 formed?

14 MRS. BONEY: I believe it would.

15 MR. FERGUSON: And in the absence of some evidence to
16 change that impression, is it possible that - or likely that
17 you would hold that impression against them or that it would
18 influence your decision in this case? If you honestly feel that
19 it would, I just want you to tell me that now.

20 MRS. BONEY: Would you repeat that, please?

21 MR. FERGUSON: I will do the best I can: If there
22 were nothing shown to you by them - talking about Reverend
23 Chavis, Mr. Kirby, and Mr. Wright now - to change the initial
24 impression that you formed, that is, if they didn't present any
25 evidence to change that impression, do you feel that that

1 impression such as it was might influence your decision in this
2 case as a juror?

3 MRS. BONEY: Well, they don't necessarily have to
4 tell me themselves, but I would certainly want somebody to say
5 something about it.

6 MR. FERGUSON: You feel like they would have to present
7 somebody, the defense would have to present somebody, to over-
8 come that impression you have even if it wasn't the three of
9 them, is that correct?

10 MRS. BONEY: Yes, sir.

11 MR. FERGUSON: All right. So, that if they didn't
12 do that, then you might be influenced by whatever it was you
13 read and heard about it at that time, is that correct?

14 MRS. BONEY: That's right.

15 MR. FERGUSON: If your Honor please, we would submit
16 the juror for cause.

17 THE COURT: I believe so. Lady, you may be excused.

18 MR. FERGUSON: Your Honor, may we approach the bench?

19 THE COURT: Of course.

20 (ALL COUNSEL CONFER WITH THE COURT AT THE BENCH.)

21 (THE FOLLOWING WAS DICTATED TO THE REPORTER AT THE
22 BENCH FOR THE RECORD:

23 THE COURT: Let the record show that at this time
24 counsel for the defendants, other than the defendant Shepard,
25 counsel for all other defendants renew their motion to sequester

1 the jury panel in the selection of the jury. Is that your
2 motion?

3 MR. FERGUSON: Yes, your Honor.

4 THE COURT: And that after consideration the Court,
5 in its discretion, denies the motion; and exception.

6 MR. FERGUSON: All right, sir. Thank you.

7 (END OF DICTATION AT THE BENCH.)

8 THE COURT: You may proceed.

9 CLERK: Vernon Glenn Bryant (WHITE).

10 MR. FERGUSON: Mr. Rooks?

11 MR. ROOKS: Yes, sir.

12 MR. FERGUSON: Tell me again how old you said you were?

13 MR. ROOKS: Twenty-one.

14 MR. FERGUSON: Where did you attend high school, Mr.
15 Rooks?

16 MR. ROOKS: Atkinson High School.

17 MR. FERGUSON: Atkinson High School. Is that here in
18 Pender County?

19 MR. ROOKS: Yes, sir.

20 MR. FERGUSON: You indicated to me on yesterday that
21 you were a member of the same church that Mr. Stroud was a
22 member of at one time?

23 MR. ROOKS: No, sir. I served as youth director for
24 about four months, but I was never a member of that church.

25 MR. FERGUSON: All right. You were employed as a

1 youth director, is that correct?

2 MR. ROOKS: Yes, sir.

3 MR. FERGUSON: Now, what church was that? What is the
4 name of the church?

5 MR. ROOKS: Masonboro Baptist.

6 MR. FERGUSON: What organizations, clubs are you
7 affiliated with?

8 MR. ROOKS: The church is the only one.

9 MR. FERGUSON: The church. Are you a member of some
10 church here in Pender County?

11 MR. ROOKS: Not in Pender. I live, I guess, about
12 five or six miles from the county line, so I go to a church in
13 Bladen County.

14 MR. FERGUSON: Bladen County. Do you have any rela-
15 tives in Wilmington?

16 MR. ROOKS: No, sir.

17 MR. FERGUSON: Did you have occasion to be in Wilming-
18 ton during February, of 1971?

19 MR. ROOKS: Monday through Friday I attended school,
20 but that's outside the city limits.

21 MR. FERGUSON: You were attending UNCW at that time?

22 MR. ROOKS: Yes, sir.

23 MR. FERGUSON: Are you still attending there?

24 MR. ROOKS: Yes, sir.

25 MR. FERGUSON: What field are you in?

1 MR. ROOKS: Philosophy and Religion.

2 MR. FERGUSON: Just for my own information, does that
3 mean that you are aspiring to be a minister or a teacher of
4 religion?

5 MR. ROOKS: A Minister.

6 MR. FERGUSON: A minister?

7 MR. ROOKS: A minister.

8 MR. FERGUSON: I believe you are married and have no
9 children, is that correct?

10 MR. ROOKS: That is correct.

11 MR. FERGUSON: Now, during February, of 1971, were you
12 aware of racial disturbances or racial protest movements taking
13 place in the City of Wilmington?

14 MR. ROOKS: Yes, sir.

15 MR. FERGUSON: Was it a matter of discussion at the
16 school?

17 MR. ROOKS: No. At U.N.C.W. we were not involved in
18 anything. It was quiet and peaceful. We had no trouble or
19 discussions.

20 MR. FERGUSON: But did the people talk about it? Did
21 the people you associated with talk about it out there at the
22 school?

23 MR. ROOKS: In a couple of my classes I would have a
24 couple of national guardsmen from the city or town throughout
25 the class, but that's about as far as it went.

1 MR. FERGUSON: These national guardsmen/in your class, 247
2 did they talk about it?

3 MR. ROOKS: No. When they came back I heard them say
4 they were in the area, but as far as discussing it, I didn't.

5 MR. FERGUSON: Were you in the presence of anyone who
6 expressed any opinion about what was happening at that time that
7 you can recall?

8 MR. ROOKS: I was -- I heard a guy that was a member
9 of the National Guard say different things, but I don't know as
10 he said he had an opinion as to all of it.

11 MR. FERGUSON: All right. Now, during that period of
12 time do you recall reading the names of any of the defendants
13 in connection with various newspaper articles?

14 MR. ROOKS: I have heard Mr. Chavis' name mentioned;
15 and I read the headlines and his name was - made the headlines/^{before}
16 but that's all.

17 MR. FERGUSON: Did you read the article accompanying
18 the headline?

19 MR. ROOKS: I don't read the articles. I just -- I
20 can tell what is happening just by reading the headlines. So,
21 I may have read some of them, I don't know. I'm not really sure.
22 I would hate to say.

23 MR. FERGUSON: Do you recall reading the names of any
24 of the other defendants at that time?

25 MR. ROOKS: I remember a Kirby mentioned, but I don't

1 think it's this one.

2 MR. FERGUSON: Was it George Kirby?

3 MR. ROOKS: No, I don't think it was George Kirby.

4 MR. FERGUSON: Some other Kirby?

5 MR. ROOKS: Yes, sir.

6 MR. FERGUSON: Any others?

7 MR. ROOKS: I'm sure that George Kirby doesn't sound
8 right,

9 MR. FERGUSON: Sir?

10 MR. ROOKS: George Kirby doesn't sound right, but I
11 remember hearing a Mr. Kirby mentioned.

12 MR. FERGUSON: All right, sir. Now, since that time,
13 since February of '71, do you recall reading anything in the
14 papers about any of the defendants?

15 MR. ROOKS: I saw in the paper where the trial was
16 mentioned a couple of times, but it was always Ben Chavis. I
17 don't know anything about any of the other defendants or heard
18 their names mentioned.

19 MR. FERGUSON: So, the only one that you can recall
20 at all then is Reverend Chavis, is that correct?

21 MR. ROOKS: Yes, sir.

22 MR. FERGUSON: Did you have occasion at any time to
23 discuss the matter of the trial with anyone?

24 MR. ROOKS: I've heard talk, but I haven't got in any
25 discussions with anyone.

1 MR. FERGUSON: Did you hear any talk from anyone who
2 expressed an opinion about Reverend Chavis?

3 MR. ROOKS: Yes, sir. I paid little attention to what
4 people said. Most of them didn't know what they were talking
5 about.

6 MR. FERGUSON: Did you, yourself, form any impression
7 of Reverend Chavis as a result of anything you heard or read in
8 the newspapers or saw on the news media about it?

9 MR. ROOKS: I knew that he was a member of the Black
10 Messiah Church, but that's as far as it goes.

11 MR. FERGUSON: Have you read or heard anything at all
12 about the Church of the Black Messiah?

13 MR. ROOKS: The name is as much as I know. That's all
14 I know.

15 MR. FERGUSON: Just the name?

16 MR. ROOKS: Just the name.

17 MR. FERGUSON: Is there anything about the name of
18 the church that conflicts with any religious views that you have?

19 MR. ROOKS: I don't know anything about the church.
20 The name doesn't. As far as their beliefs, I don't know what
21 they are.

22 MR. FERGUSON: Does the concept of a black Messiah
23 bother you?

24 MR. ROOKS: No, sir.

25 MR. FERGUSON: If the -- Strike that. You heard me

1 mention that Reverend Chavis is the minister and the other
2 defendants are members of the church?

3 MR. ROOKS: Yes, sir.

4 MR. FERGUSON: Is there anything about your religious
5 philosophy or your religious views which would cause you to
6 hold that fact against them?

7 MR. ROOKS: No.

8 MR. FERGUSON: You believe in the right of persons to
9 pursue their own religious views?

10 MR. ROOKS: Yes, sir, I believe that.

11 MR. FERGUSON: As guaranteed even in the First Amend-
12 ment of our Constitution?

13 MR. ROOKS: Yes, sir.

14 MR. FERGUSON: And the mere fact that a given person's
15 religious views might conflict with yours would not cause you
16 to hold that fact against that person if you were called to
17 sit in judgment on them, is that correct?

18 MR. ROOKS: That's right.

19 MR. FERGUSON: Are there -- Strike that. Were there
20 any black persons under your direction at the Masonboro Baptist
21 Church when you were Youth Director there?

22 MR. ROOKS: No, sir.

23 MR. FERGUSON: Were there any black members of the
24 church to your knowledge?

25 MR. ROOKS: No, sir.