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been a very meticulous trial. Its been a case in which the State of North Carolina has paraded before you a lot of people; a case in which the State of North Carolina has paraded before you a lot of exhibits, many of them in the nature of pictures. But when you break it all down, and when you get down to the nitty gritty, and when you get down to the skelton of the State's case, when you look under the forty witnesses, and when you look under the ninety odd exhibits, the only thing you find is a man by the name of Allen Ray Hall. That is what the State's case is all about, ladies and gentlemen.

Mr. Becton told you about Allen Hall. I'm going to, in an effort not to bore you because, as I said, you have been here for some time, but we have an obligation, and I want to say a word about that. We have an obligation to represent our clients to the best of our ability. We have made an effort during the past five weeks to do just that.

You have an obligation, ladies and gentlemen of the jury, to sit here and to listen to the evidence and to find the facts, and I am confident that you will do that to the best of your ability.

Each of us here in this trial has a specific role

to play. His Honor has an obligation to preside, to be impartial in the trial of the case. The State of North Carolina has an obligation, and as I said, the defense lawyers have an obligation.

Now Mr. Becton mentioned the fact that much of the testimony of the witness-in-chief, and I say the witness-in-chief is Allen Hall. Then the witness-in-chief would be Allen Hall, the witnesses-in-chief would be Allen Hall, Jerome Mitchell and Eric Junius. Those are the people that you have heard here during your stay. And no doubt all of you will remember, as the witnesses testified, and no doubt you will recall that during the testimony of the witnesses there were numerous contradictions, some of which have been pointed out to you but I think the one thing that you will probably remember about these witnesses is that on many occasions when they were testifying they tended to say the same things in the same word, in the same manner.

And, of course, that may raise a question in your mind, as it did in mine, as to whether or not, in fact, the witnesses were playing roles or reading from a script possibly. Many of you might have heard about a man named Clifford Irving who wrote a book. He was an author. It turned out

that what Mr. Irving wrote was fictitious although it was portrayed to the people as the truth. But he was discovered. He was found out. I wonder, as we listen to some of the testimony here, whether or not we have had someone writing a script for Allen Ray Hall.

As Mr. Becton said to you again, and you will no doubt recall, the State of North Carolina through its many agents, the entire Wilmington police force, the entire Wilmington fire department, had on record no doubt as early as February 8, 1971, all of the evidence that they brought to you here in this trial, all of it.

The State of North Carolina talked to many of the witnesses back in February, 1971, in this case.

Let me back up and start at what I consider the beginning of this case, the beginning of the fantasy.

During early February of 1971 some students at the high schools in Wilmington, North Carolina, had what they considered some grievances, some problems, some things that they wanted to point out to the school administration as being wrong in the schools. And they sought to do something about those grievances, those problems. In my mind that is where we start.

Thereafter these same students had meetings. There has been testimony to that effect. They met with Mr. Bellamy, I believe the Superintendent of Schools in Wilmington, North Carolina. They met with him at the church you have heard so much about. You have see the picture of it. That church was Gregory Congretional Church. The pastor of that church at that time was Rev. Eugene Templeton, and he was gracious enough to allow these students to meet at his church. Now that was the reason that they were meeting there at that time, as I said. They met there to talk about these grievances, to decide a course of action, to decide what they could do to alleviate the problem that they saw in the school system. And I submit to you, ladies and gentlemen of the jury, that we live in an age now where people don't sit by if they see something wrong be they 66 years of age or be they 6. Young people nowadays feel an obligation to speak out when they see things going wrong in their opinions, and everyone has a right to his opinion.

They had a right to their opinion. So they spoke out, and they said to Mr. Bellamy and to the other people, "We see some problems in these schools. We'd like to have something done about it."

They began to have meetings outside of the school, and they went to Gregory Church. What happened when they got down to Gregory Church? You heard the testimony. Some people in the community got mad about that. They got upset about it, and they started making phone calls to the church, and they started threatening the church.

And at that point the students had to make another decision and that decision was "Do we give up what we feel is right and go home with our heads hanging down and say that somebody ran us out with a threat, or do we stand on what we feel is solid ground? Do we stand on what we feel is principal and do we stand on what we feel is right?"

And I submit to you, ladies and gentlemen, that they made a decision to stand at the church door, to stand on what they felt was right.

And I submit further that they had a right to do that. They had a right to stand at that church. They had been invited over there. So they stayed.

But that wasn't all because you have heard testimony that there was, in fact, sniping at the church after that time. And its sort of like if somebody comes around to your house and starts sniping at your house. You don't

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have any obligation to leave home. You can stand your ground, and you can defend yourselves with whatever it takes. And I submit to you, ladies and gentlemen, that although all of us are against violence as a means for accomplishing an end - I think all of us believe in right of self-defense.

I think President Nixon would say that he is against violence, but he believes the Vietnamese people had a right to stand their ground. So we are in Vietnam fighting a war.

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Now we have a situation here where the people are in the church and somebody wants them out. Somebody is mad with them and they got some grievances, and they feel like they are right and what happens? Some people start shooting at the church.

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Now a lot of people in the community in Wilmington, North Carolina, just like a lot of people in other places, didn't like the idea of what was going on down at the church. And they read about the shooting, some burning, and they jumped to some conclusions, and they were upset, and no doubt they started to call the people on the telephone and complaining and so you know in the classic sense we might

say that Wilmington had a problem.

But I am willing to say to you that Wilmington had a problem before February 5 and 6, 1971. Wilmington is going to have a problem after February 5 and 6, 1971, because its been or going to be a long time before people learn to live together. But we have got to do it at some stage. But it is not going to happen overnight.

I am willing to submit to you that the mere fact that some students from New Hanover High School and whatever other high school is down there decided to stand on their ground, on Holy ground you might say; that the mere fact that they made that decision was not because of any problems that Wilmington might have thought they had or may have had because I submit the problems were there before. So let's not blame people because they pointed out a problem. Let's praise them for having the courage to do so.

Now I want to pause here for a minute, ladies and gentlemen. I want to read something to you from one of the bills of indictment that charges the defendants, nine of whom I am speaking for. This bill of indictment is dated May 22, 1972. It is signed by Allen Cobb, Solicitor, and

it reads in part "The Grand Jurors for the State, upon their oath, present that Reginald Epps, late of the County of New Hanover, on the 5th and 6th of February, 1971, did with other persons named, unlawfully, wilfully and feloniously assault law enforcement officers of the City of Wilmington Police Department and firemen of the City of Wilmington Fire Department, serving as emergency personnel, with and through the use of dangerous weapons, to wit: firearms in the area" and listen to this "in the area of 302 South Sixth Street in Wilmington, North Carolina, which was within the immediate vicinity of an imminent riot."

So in that particular bill of indictment the State of North Carolina is charging that the nine defendants did on this date assault emergency personnel in the area of 302 South Sixth Street in Wilmington, North Carolina. Nothing more. Nothing less.

There is another indictment that is dated the same date signed by Mr. Cobb that reads in pertinent part that reads "did wilfully, unlawfully, feloniously damage and burn the personal and real property owned and occupied by Mr. Mike Poulos, to wit, Mike's Grocery Store building and contents thereof, located at 302 South Sixth Street in Wilmington,

North Carolina, by the use of firebombs," et cetera.

302 South Sixth Street.

So then the State of North Carolina has placed on trial here before you ten people and has charged them with two offenses, one of which is, and I just read it to you, conspiracy to assault emergency personnel. The other of which is the unlawful burning of Mike's Grocery Store located at 302 South Sixth Street.

Now I ask you, ladies and gentlemen, was it then that all of this other evidence, if you call it that, what is it that it has to do with those two charges? And I want you to remember that as the State of North Carolina gets up to talk to you after we finish. And they are going to be telling you about a lot of things, a lot of the firemen and policemen and other people who are connected with these charges came in and told you about. And we are not going to have an opportunity to get up and rebut what they say, but you can believe they are going to do a good job of trying to rebut what we have to say. That is their right. That is their privilege. I am not criticizing them for that. I am saying to you that will be the situation.

You know lawyers learn a lot of things. I am

sure Mr. Stroud learned sometime ago when you don't really have a strong case you can do a lot of things, one of which is you can try something else. You can try the weekend of February 6, 1971, and you can try everything that happened in the City of Wilmington, North Carolina, and maybe by doing that and maybe by presenting all of these events that have been presented to you here, many of which we might say have no relevancy to the charges I have just read to you. Maybe by doing that the State of North Carolina would have you to believe that you have an obligation to convict these defendants because all of these events may have happened or some of them may have happened.

And you recall, ladies and gentlemen, when Allen Hall was on the witness stand testifying and every time he would say that some of the defendants or he shot at or into a car, he would place in that car a lady and a little child. Recall if you will the evidence about that. And he would say that somebody shot into the car, and he would say there was a lady and a little baby in the car. So then you are supposed to assume that these are bad guys who would go out shooting cars with ladies and little babies in them, and you are supposed to be infuriated at these defendants as a

result of that, and you are supposed to go out in the jury-room and convict them of some other crime with which they are charged based on that kind of evidence.

But I submit to you very humbly, ladies and gentlemen, that His Honor will charge you about and in regard to that evidence. And he will charge you that you are to consider only so much of it as may corroborate what Allen Hall had to say or what Jerome Mitchell had to say or what Eric Junius had to say.

Now I am sure you have decided by now that we are going to present four arguments for the nine defendants, and I will make an effort not to overly burden you with things that we don't consider relevant. But as I said before, we will try to fulfill our obligation to represent these young men to the best of our ability and arguing our contentions of the evidence to you is a part of that responsibility.

I said to you earlier that the State's case when you break it down and when you remove the surplusage and when you look at the case, you get to Allen Hall, and you get to Jerome Mitchell, and you get to Eric Junius. Well we ought to say a few things about those people.

I'd like to talk about Mr. Junius very briefly.

You recall he testified before you yesterday. And I say this young man appeared to be a smart young man, which is in the ways of the State at least. He said he made D's and C's and B's in school. But he is thirteen years of age and he has been around the City of Wilmington. He grew up with his grandmother. He's known Mr. Brown. He knows a few other police officers and he is aware, having been in training school for eleven months as he testified, he is aware that police officers had a lot of power and they can effect him one way or the other if they so choose.

So I submit to you that he wasn't exactly innocent when he came in here yesterday, took the witness stand and testified as to what happened; told you that he went to his doctor the third of last month; told you that he sees his doctor once a month for something he doesn't know what it is.

He remembers what Ann Shephard in 1971, February 6, he says, but he doesn't remember the name of his doctor nor the kind of doctor he is, but he would have you believe that he is going to that doctor to have his arm treated, and he would have you believe that he is qualified to play football and basketball, and does, in fact, play on an

organized team of football. But yet he goes to the doctor once a month for his arm.

He robbed the paper man, he said, with a knife so long. He is charged with armed robbery, and he admits that he sometimes will lie to help himself out of a situation that he may be in. That is one of the State's witnesses.

He testified in addition that he had on several occasions been in the company of one Allen Ray Hall. They had looked at pictures together of the defendants. He testified that the State of North Carolina came down to see him in Rocky Mount, but this was during the time that when he knew he was going to get out of training school anyhow. So it really didn't make any difference about him coming down to see him.

I submit that he also knew that he could go back to training school. He knows it right now. He knew it yesterday when he testified. So let's consider what he had to say in that light.

Going back to the witness-in-chief for the State around whom I submit to you this case rises or falls, and that is Mr. Hall. And going back to what I had to say about

the situation that existed in Wilmington, many of you as a matter of fact, ladies and gentlemen, I submit when you were being chosen to sit on this case, you recalled having read about this case in the newspaper. Maybe you take the Wilmington papers. Some of you, I recall, said that you had some opinion about these defendants, at least Rev. Chavis, but you said you could, in fact, put those opinions out of your mind, and they would not, in fact, affect the way you considered this case. I am going to call on you now in behalf of these defendants to keep that promise.

But no doubt many people in the community down in Wilmington were somewhat outraged at what went on down there on February 5 or February 6, and they didn't know who may have been responsible, if anyone. Mr. Stroud can't know who may have been responsible, if anyone, and I submit no one knew who was, in fact, responsible.

But nonetheless with all of the police reports and with the reports of the fire department, along comes a man named Allen Hall who was in jail on two charges. And Mr. Hall has been thinking every since he got in jail, he said. But he has been just thinking, and I submit he has been thinking of a way to get out of jail. And finally

he got an opportunity to talk to either Mr. Stroud or Mr. Brown or to someone from the Wilmington Police Department, and he realized that this may be a golden opportunity for him to get out of jail. And so he became the missing link in the chain because if you take what Allen Hall says. I submit the State has no case and therefore he is a very vital link in the chain. He had already stated that he could not do twelve years. He had been thinking how to get around that.

Now Hall decided to give the State, the police, detectives some statements about Rev. Ben Chavis first. And you know for some reason the State of North Carolina has had some problems in accepting the fact that this man is a reverend. You no doubt recall that some of the questions asked by the State this man who wears a clerical collar, this man who calls himself a reverend. Well I don't recall that those questions were raised about any other reverend who testified who came into this trial. But be that as it may Mr. Hall gave the State of North Carolina a statement and it so happened that somewhere down the line we got a copy of that statement, and when Mr. Hall took the witness stand, and we confronted him with his own statement, one

that he had signed.

And there was a second statement Mr. Hall had signed. We confronted him with that. And you no doubt recall that he began to squirm a little bit in his chair, and he began to look at Mr. Stroud. And at one point when he got back completely into a corner around the lie he had told he came off the witness stand, and he ran around here to jump at one of the counsel, Mr. Ferguson. But this is the same man who decided to come back and tell the truth. He owed Wilmington something he said. He owed society something he said. That is why he was back.

And this is the same man, same righteous man who was out there trying to protect the children at the church and to prevent the women in the cars going by the street from getting shot. This is the same man, but this is also the same man who charged off the witness stand, and many of you, no doubt, will forever remember that moment in your lives. And this is the same man who wrote a threatening letter that you all read, and this is the same man around whom and around whose testimony the State's case is based because if you take what this man says then you do not have a case because he has got to, as Mr. Becton said, he's

got to shadow Rev. Ben Chavis.

He's got to be with him wherever he goes because he's got to see whatever he does because he's got to get on the witness stand and tell it, because that is the only way you can convict this man. So he comes over to the church on Friday afternoon the first time he has met Rev. Chavis, but for good measure he says he had seen him at sometime back in February or January, but he didn't meet him.

So he comes over to see who this man is, and Mr. Becton went through this, and he told you about it, but let me momentarily reiterate what he said on the witness stand.

He said, "I walked up, and I asked where was Ben Chavis. And somebody told me he was over in the parsonage. So I went over there to see him. And for some reason he was busy at that time, and I couldn't see him. So I had to go around to my cousin's house, and I started around to my cousin's house, but on the way to my cousin's house I met somebody on the street, the name I don't recall. I don't have it before me, and I stopped to rap with her for awhile, and then I realized I didn't have time to go to my cousin's house where I had started. So I turned

around and went back to the church."

Now as far as I know as far as his testimony goes this was the first time that he had been at the church, and as far as I know at that point he had not said that he had any specific responsibilities to carry out. But he had to rush back to the church at that time without getting to his original destination.

So he rushed on back at that time, and as he has testified he heard about the Chicago strategy. Rev. Chavis told him about it. This was their first meeting. He told him how it all went, and you heard it. And then he went on around with Rev. Chavis and the others on Oleander Drive down to Fields place, and they are riding in a white wagon.

You have seen the pictures of the white wagon. But you never saw the driver of the white wagon. The alleged driver. You saw a lady at the store who says that she saw Johnny Robinson buying some bullets, and it was so important to her that she thought she ought to call and let his boss man know that his employee was out buying some bullets, and she had just happened to have met this man a few weeks before that in the street, and I submit she didn't know his name at that time, but she remembered it. She saw the

wagon, and she called out to the chinchilla farm and told his boss about it.

But you can believe that, ladies and gentlemen, but you ought to also believe her when she said that she looked inside the wagon, and there was nobody in there. And you ought to compare that to the testimony of Allen Ray Hall because he said when they got out to go in and get the bullets the Rev. Chavis, Jim Grant and another dude were sitting in the wagon with the motor running. Remembered to take off as if they were robbing the bank. So you'd have an obvious conflict in the States own evidence.

And I submit that is one of many that you recall in the States own evidence. But nonetheless Mr. Hall comes on back. He is stopping to buy some gas, and Ben Chavis pays for it according to his testimony. And they come on back to the church, and this is on Friday night, and re-
that
member/this is the night before they allegedly committed the crime of burning Mike's Grocery.

But we are telling you all about Friday night. The witnesses that are produced by the State over which we have no control, and when they came back to the church and that was sometime after that they went down to Fifth and

Nun to get a white man out of a house who had cursed. I don't remember the facts about that, whether he cursed at a sister or whether he shot at somebody. I do remember that Hall said they went down to get this man out of the house, he and Chavis, and others of the defendants. But now they are not charged with that remember, but they did it anyway.

The State produced witnesses to testify who did it. So they go down towards this house and that somebody carries a firebomb, and they throw it; that it bounces off the house. You remember the testimony in that regard.

And Allen Hall talks about Saturday when he got up early in the morning and went over to Rev. Templeton's house. Rev. Chavis was there again and all of the defendants were there, and they were talking about getting some money to get some food. But by that time Allen Hall had run a little problem because at one point he said that he was at his uncle's house on Friday night drinking some Scotch, and his aunt took him down to get some Kentucky fried chicken. That was in his statement.

And then he changed his mind about that and said, "No, I went to my uncle's house. I didn't buy no liquor.

I didn't go to the liquor store. When I actually went to the liquor store was on Saturday morning, and I bought a pint of liquor, and I went around to my cousin's house on Sixth Street, and we consumed that. Some other people at the house drank part of it."

But I haven't yet seen his cousin come in and testify anything about that to corroborate Allen Hall in that regard. But I have seen a lot of corroborated evidence, so called.

And then Allen Hall later on that Saturday morning after, as Mr. Becton said, after he had now become the right hand man of Rev. Chavis. He is a lieutenant. So he rides down with Rev. Chavis to East Arcadia because there is a man down there that is supposed to get a truck load of guns out of District of Columbia, and I don't know what that has got to do with this case, but that is what Mr. Hall said they went down there for, to see this man because he said that Rev. Chavis had hired him, that this man was a good truck driver, and he could get the guns out of the District of Columbia and bring up to Wilmington.

And then they came back and this is when he says in the statement, I believe, that he had been messing around

Saturday afternoon. And we confronted him with the fact that he previously stated that he was messing around. He decided to define messing around for you. So he said he was messing around, took some guns from the church, took them down to the community center, broke in, just messing around.

Then they decided that that wasn't a good place so they messed around on over to the community hospital and broke in and he said that during this time when they were talking with the guns sticking down in their pants that Ann Shephard was with them. She had a gun. She was just messing around I suppose. And then they decided to come back to the church for some reason. This was Saturday evening.

And he came back to the church. He said later Saturday night, and there was an interesting point that he testified about, but he remembers specifically that Rev. Chavis got a group together to go down to Fifth and Nun Street again to get this man out of his house down there because he had a .30-.30 rifle, and he was shooting.

So Rev. Chavis, Allen Hall, his lieutenant, all of the defendants go to Fifth and Nun once again. They are

not charged with that, and this time Mr. Hall says that there were some barricades at the corner of Sixth and Nun Street, but Chili and another man went on down on the left side, and he and Mr. Chavis and some other people came down on the right side, and they got about half way down the street, and he said this was around 9:30, as I recall. And after the man had thrown the firebomb a police car pulled up. He said a detective's car. And he said he recognized it as being a detective's car because of the helmets that they had.

I think it was as this point or some point earlier that he was confronted with his previous sworn testimony, at which time he had stated under oath in court that he had never got any further than Sixth and Nun Street going down toward Fifth and Nun; and, as Mr. Becton has adequately pointed out, he began to move the intersection of Sixth and Nun all over the place because Mr. Hall has to be telling the truth, because Mr. Hall is the hub and the substance of the State's case. And if you don't believe Mr. Hall then you can't believe the States got a case. If you don't believe the States got a case, you can't convict the defendants. So Mr. Hall can't tell anything wrong on the

stand.

And so he begins to wiggle and squirm, and as he is confronted with one contradiction on top of another contradiction he becomes a little bit ambiguous, and he invents an amended statement, we allege to you, or we contend he did, that he invents an amended statement, and we say we don't have a copy of that invented statement that he invented of that amended statement that he invented. So we can't contradict him when he says something that is in the amended statement.

And so everytime that we ask him something that he said earlier that contradicts what he is saying now, he puts it in the amended statement. And so he is not telling anything wrong on the witness stand. He is telling the truth.

But Mr. Stroud, Mr. Meticulous Stroud, who doesn't miss much, I contend, is how while he is down in Lumberton getting all these amendments, is how when he is down there getting the statement rather, he misses all these things that Mr. Hall says that he told him about the defendants. And it is no concern of Mr. Hall why the State didn't put it in there because he told them about it. And it wasn't his

responsibility to make sure that they wrote it down even though he signed his name to it.

There are a lot of reasons why it wasn't in there, one of which I submit is because Allen Hall never said it before. But he is saying it now, and he doesn't want to be inconsistent. So he puts it in the amended statement. And you know one of the men he says was down there when he gave that statement was Mr. W. C. Brown.

Mr. W. C. Brown has done a lot of work in this case, I submit, but Mr. W. C. Brown never came up to corroborate what Mr. Allen Hall had to say about the amended statement.

And I submit to you, ladies and gentlemen of the jury, that in an effort to bolster this key witness of the State if, in fact, the State of North Carolina had an amended statement as Allen Hall says he gave, then Mr. Brown would have been up there with the statement. Don't you know that? And the State of North Carolina is going to come along and tell you that the reason this was an amended statement was because these were the Solicitor's notes that he wrote on the statement.

And so, ladies and gentlemen, I don't have to give

these defendants my personal notes. And they are going to have you believe that.

But you know I am like an old friend of mine who is a Solicitor. I have got some friends who are Solicitors. We are not hostile with Mr. Stroud. But an old friend of mine who is a Solicitor down in Woodland, North Carolina - I am sure Mr. Stroud knows him. His name is Bill Burgwyn. And when Mr. Brown doesn't come up with the corroborating statement and Mr. Stroud doesn't put him on, he would have you believe that these are his personal notes. But I submit to you that there just was not. There hasn't been an amended statement.

Now during the time that Allen Hall stayed on the witness stand, and I believe he took the stand on about the 26th day of September, and he was up there on direct examination for approximately three days, from Tuesday until Thursday afternoon, and he had a lot to say.

He introduced a lot of pictures as to what he had seen, and then he was cross examined, I believe, from Thursday afternoon, Friday morning and we began on Monday morning, and that is when he made the mad dash at counsel table.

But I want to say to you just one last time that

I find it very difficult to accept the statement of Allen Hall, and I submit that you have some difficulty, ladies and gentlemen, accepting the statement of this man. He has an obvious interest in getting out of jail. He has been in long enough to know how the system operates. And he is making his pitch to get out. But he doesn't want to come to you looking like the criminal that he is. He wants to come to you looking like a man who is the tenant from the sin of the past, who has decided in a new direction in his life.

And so he gets up on the stand, and he tells you he was shooting above people and below people. He tells you he was shooting with his head turned this way and that. And everytime, as I said before, he brings you a car that somebody allegedly shot in, he puts a lady and a little child in it. And then for tickers he tells you that he owes society something. He owes the City of Wilmington something. You can believe that if you will. I submit that you will not.

I'm not going to comment on all of the things that all the witnesses for the State of North Carolina had to say. But I think I can place the policemen and the firemen into one posture, and I can place the other witnesses into another,

and even if you believe what all the policemen and what all the firemen had to say when they came up here, even if you believe every word that they had to say when they were on the witness stand, you cannot convict these defendants unless you also believe what Hall had to say and what Mitchell had to say and what Eric had to say, and I'd like to say that there must have been some reason why the State of North Carolina would bring you six or seven witnesses surrounding an incident involving the death of Steve Corbett. There must have been some reason unknown to me why the State would spend approximately a half day on that event.

Steve Corbett has gone from this world, and nobody at this stage at this trial, at least, is questioning how he met his death. That is not an issue in this case, ladies and gentlemen, I submit to you. But the State spent six witnesses on that. And, as I say, even if you believe what these people had to say, you have got another hurdle to get over before you reach the finish line. That is Allen Hall. I don't think you can get over that hurdle.

Let me comment before I stop talking on Jerome Mitchell. Now after the State of North Carolina had located and, I submit, computerized and programed Mr. Hall, the

State goes back and took a look at his case and said, "Well you know if we go in with just this, somebody might not believe it. So we'd better get a second witness."

And I submit to you that is how Mr. Mitchell came on the scene. Now you know who Jerome Mitchell is. He is the man who was sitting back bowing his head up and down whenever his name was mentioned. You saw him. He stood up one time when Mr. Ferguson mentioned his name, stuck his chest out as if he had something to be proud about, and he took the witness stand, swore on the Bible to tell the truth, and he told his version of it, we submit, and I'd like to say ^{that} Mr. Becton used "Have witness will travel" because I submit to you, ladies and gentlemen, that this man came in here for no other purpose than to try to better his own condition.

Let me pause and get a drink of water if you don't mine.

But talking about Jerome Mitchell, 17 years of age, serving 0 to 30 years for second degree murder, serving 2 to 5 years for common law robbery.

Now he also made a statement to the State of North Carolina through his agents and in that statement he

talked about Friday night, and he talked about what he said he did Friday night, but he never said one single word about Saturday. So it is then when he gets on the witness stand and starts talking about Saturday so it is that when the question is raised as to why he never in the statement mentioned Saturday.

So then he too takes a cue from his fellow traveler and he tells you and wants you to believe that he made an amended statement. And that amended statement was all the things that he said here on the stand. He says he recognized the statement. He saw it. He didn't say he read it. He said he read some of the amendments that Mr. Waldon, Mr. William S. Waldon, Special Agent. He read some of the things Mr. Waldon wrote down on that statement. I don't think Mr. Waldon is here today. He was here earlier this week. He was here last week. He was here week before last, but Mr. Waldon never took the witness stand and produced or explained to you circumstances of his getting an amended statement. He never did. And I know Mr. Jay Stroud wouldn't have slipped that one if he had an opportunity to bolster up one of his key witnesses. He wouldn't have by-passed that opportunity, ladies and gentlemen. You can believe that.

But Jerome Mitchell, the man who is an escapee from a training school, I don't recall the town, but he is an escapee. He says on the witness stand at the very time he is down here in Wilmington at the church and walking up and down two blocks from the police station in Wilmington on Friday night, he says he is wanted by the police. But he walks up and down the street and he walks behind cars that he says he saw some of the defendants shooting too, and he sees a man that was in the car, and he remembers that he was so tall, approximately how much he weighed, and he was light skinned. He remembers that. He showed up just in time to observe those facts.

And then he went around to a non existent club we submit, a place called the Liberation Club and listened to the records and jived around. Now I have got a feeling, when we get these feelings. When we get these feelings sometimes, that the State is going to make the pool hall the Liberation Club. At least they are going to try to do that when they get up here and argue to you. But I submit to you that this building on the corner of Seventh Street on Castle that Jerome Mitchell says he went to is the Liberation Club was somewhere between a furniture store

and a pool room.

And Jerome Mitchell leaves that place and comes back just in time again, as Mr. Becton has stated to you, to observe some other things that will make him a credible and valid witness. He gets back in time to hear the remarks made by Rev. Chavis over the microphone or the P.A. system, as you will, just in time to see the young men allegedly leaving the church to go down to Fifth Street and Nun. And he is curious enough to walk out of the front door of the church and walk across the street into the street so that he can see two young men as they go across the intersection of Sixth and Nun. That is just how interested he is in seeing what went on. And then he is there when they come back after this incident.

They come back to the church, and he hears some more speeches, and then when these people leave the church again allegedly to go down to the corner of Sixth and Ann to burn Mike's Grocery Jerome Mitchell had just walked around the church and somebody down in the basement of the church said they wanted something, and he couldn't testify as to what they said to him, but he later made it perfectly clear that ^{they} had asked him for some shotgun shells.

So he goes back in and gets the shells, and he comes around just in time at the back of the church to see the firebombs being disbursed passed out, and he again is curious. Instead of going and taking the shells to the man as he has been asked to do, he tells you he walks on down the path here far enough to see where these men are going, and he walks far enough to see four men that he cannot identify. Of course, he tells you to see them go across the street. And you will, of course, remember that Allen Hall has already told you that four defendants went across the street and went down Ann Street.

This is Jerome Mitchell. Jerome Mitchell later tells you and wants you to believe that he left the church during the day Saturday. He earlier tells you this, and he went up into the various places that we have already talked about, but one interesting thing I want to point out to you. He says at approximately 5:00 o'clock he was over in Houston Moore, I believe is the name of the area, and he is at the home of Ann Shephard.

Now approximately 4:30 Allen Hall has Ann Shephard and the other nine defendants leaving the church with a lot of guns and going over to store them in the old

community building or the old community hospital, all of the defendants. At the same time you remember, I believe Mr. Becton pointed out to you, that Jerome Mitchell had seen some of the other defendants uptown at some other place. So you have again numerous inconsistencies in the primary witnesses in this case.

I believe Mr. Becton mentioned to you that the State produced evidence to show that on Friday evening one of the defendants along with Jerome Mitchell allegedly went over to Dock Street or somewhere in that area and was shooting at houses, and I fail to see how that ties into these cases. But that is for your consideration.

But I have talked about the three principal witnesses, and I have talked about the witness, the key witness, because he is the only one who has ever said to you that he saw these defendants doing these things; that is the burning of Mike's Grocery Store. So he does become the key witness. And I submit when you strip the case, as I have said earlier, when you strip it down you find Mr. Hall, and I said to you before and I say again, that we are not here during this five weeks trying the weekend of February 5 and 6, and we are not here this weekend trying to justify

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what the police may have done in shooting somebody, and we don't serve as a Grand Jury here to look into everything that went on down there in Wilmington that weekend.

You, twelve of you, will be charged by His Honor with the specific duty and obligation, and that is now that you have listened to the witnesses in this case and after you have listened to the lawyers argue their various contentions in this case to decide the facts as regard the two charges. Nothing else. The facts as regard the conspiracy to assault emergency personnel in the vicinity of 302 South Sixth Street, not Fifth and Nun, not Fifth and Ann, to decide the facts in regard to the burning of Mike's Grocery, not the firebombing of some automobile at some other time, at some other place.

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I am sure you feel the seriousness of your responsibility in this regard. I am sure that despite some of the obstacles that have been placed in your path that you will do your duty in this regard. Each of you have a solemn oath as a juror, and each of you have told us that you will not have other matter influencing your verdict in this case.

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It really doesn't matter, ladies and gentlemen,

whether you like Rev. Ben Chavis or whether you hate him. That is not a factor in your deliberations in this case. The same thing applies to Connie Tyndall and each of the other defendants. It has got nothing at all to do with it, and that is why we spend so much time asking questions, and I am sure at sometime or another you wondered why we were asking so many questions. We were looking for people who as near as humanly possible will try to divorce their mind from other feelings, whether they be feelings of love, of sympathy, of hate or prejudice or what have you.

These men don't need any sympathy. We are not here asking you for any sympathy. We are asking you for a fair trial, and that is all we want. If we get that, we will be satisfied because it has nothing to do with whether you are sympathetic to what they may believe or whether you are antagonistic to what they may believe. That will not enter into your deliberations and should not.

You may sometimes wonder whether there is, in fact, a generation gap. I don't know whether there is or not. I use to think that I was young, but I am passed my 30th birthday now. But these are all the nine men that we represent are young men. And they have a full life

ahead of them. They have been charged with some serious crimes. They have come into court and said to you, through their pleas, that they are not guilty of these charges. The burden of proof rests solely and wholly upon the State of North Carolina. They have no burden whatsoever to prove anything or to disprove anything. That is the obligation of the State.

We ask simply that you, the twelve of you, who are chosen, who finally sit in this case, that you give these young men what they are entitled to under the law, and that is a fair and impartial trial, influenced only by the testimony, the Charge of the Court, considering the contentions and arguments of counsel. Remember that when you go back into the juryroom. And when you come back into open court to deliver your verdict let it be a just one. Each of you have a solemn obligation because you see next week and next month and next year each time you look in the mirror you have got to live with yourself. You probably won't see me anytime soon, but you do have to face yourself, and you have got to be true to yourself because a young man once was going away from home and his father called him over to say to him, said, "Son I don't have any money that

I can give you."

He said, "But I will give you some advice."
Said, "Don't borrow anything and don't lend anything. But
most of all, son, to thine own self be true."

And I am confident that everything will be all-
right. Be true to yourselves, ladies and gentlemen, when
you go back into the juryroom. You have a solemn obliga-
tion. These men don't expect any sympathy from you. They
don't expect any prejudice from you. They expect you to
decide this case on the facts, and I submit that you do not
have sufficient facts before you to convict these young
men of these charges. And as I say again, that these are
the charges, the only charges that they are accused of.
Thank you.

(Conference at the bench.)

THE COURT: We'll take about a ten minute recess.

(The Court recessed from 3:15 until 3:45.)

(The Jury came into the Jury Box.)

(Mr. Harmon summed to the Jury on behalf of the nine defendants.)

May it please the Court, members of the Jury, let me reintroduce myself. I haven't had much to say during this five week period. I am John Harmon, Attorney, from New Bern, North Carolina, about seventy miles from here; and all of you, if you can, I want you to look at this diagram for a moment. See if you can see the corner of Sixth and Ann Street where it says "Mike's Groceries." And look, if you will, at the Gregory Congretional Church between Sixth and Seventh on Nun. Now that is what this case is all about. Two places, Gregory Church, Mike's Groceries, 302 South Sixth Street.

You heard the indictment read. It said Mike's burned and with conspiracy at the church to assault emergency personnel in the area of 302 South Sixth Street.

Look at the diagram. But do you see Dock Street on that diagram? Dock Street is so far removed from these charges, it is not even on the diagram. So what does Dock Street have to do with this case? Why was any mention ever made of Dock Street? What does a man's house, someone throwing

a firebomb at a residence on Dock Street have to do with whether or not Mike's burned or whether or not there was an agreement to assault emergency personnel at 302, in the area of 302 South Sixth Street?

Now for a moment I want to say a few words of what this case is really about. In a larger sense this case is not even about Mike's Groceries. It is not about 302 South Sixth Street in a larger sense. This case is about our entire American System of Justice and whether or not it is able mind you, it is able, to give all people fair and impartial trials. Of course, you all know that anybody charged with a crime is entitled to assistance of counsel. These defendants have counsel. Any defendant is also entitled to be tried by a Jury of his peers. In this case you, the Jury, are these defendants' peers.

Let's think for a moment what justice used to be about. Let's go back to the caveman. You know what justice was then. The caveman with the biggest stick he had the justice.

That is no longer the case. Back in caveman time you didn't have a Judge. You didn't have a Jury. You didn't have a Solicitor. You didn't have a Defense Counsel. Every man was his own Judge, his own Jury, his own Witness. But

times have changed. We now have Lawyers. We have Judges. We have Solicitors. We have Witnesses. We have Jurors.

You will recall that when you were empanelled you took an oath, sit together, hear the evidence, and render your verdict accordingly.

Let me talk about one other thing. In the Superior Court a case comes to trial, felony cases. These are felony cases through the use of an indictment. All an indictment is is an accusation, a charge. Again I refer you to the diagram, Mike's Grocery at 302 South Sixth Street. That is all the indictment talks about, Gregory Congretional Church. Now who shot into Mrs. Watt's car up there by Seventh and Nun? Do we know? Or does that really matter who shot into her car? Why was she put on this stand where she said she got shot in the finger? She cried a little, and do you know why she went on that stand to cry in front of you? To influence you. No other reason. She didn't say Reginald Epps, Wayne Moore, Connie Tyndall, Jerry Jacobs, Marvin Patrick, Ann Shephard, anyone else shot in her car, did she? So what was her testimony used for? She didn't say Connie Tyndall, Willie Vereen, Wayne Moore, Jerry Jacobs, Reginald Epps, Joe Wright, Reverend Chavis, Wayne Moore, Marvin Patrick. Did she say they conspired to assault emergency

personnel? What was she put on the stand for? I don't know. Perhaps you do. I don't know. I have been here the whole time like you have. I haven't figured out why she went up there except for one reason. To inflame you, to make you think, well, if somebody was shooting at this lady in her car, well then these guys must have done that, too. She didn't say anybody else did it.

Let's talk about 78 year old Mr. Smith over on Dock Street. Did he mention any of these defendants' names? Did he say any of them threw a firebomb on his porch? He did not. Did he say that anybody at Gregory Congregational Church conspired to assault somebody at 302 South Sixth Street? You don't see Dock Street, do you? So its so far away you can't even see it.

Let's go back to Fifth and Nun. There was supposed to be some man in an apartment with a .30-.30 rifle he had been shooting at somebody. Now what did that have to do with 302 South Sixth Street? Everybody in this Courtroom knows that Mike's burned. We knew that before the case started. You all said you knew that. It burned.

Let's talk about another thing for a minute first. Let's talk about what we mean by corroborative evidence. Simply to corroborate means to support. So in other words,

when a State puts on a witness to say such and such happens, then they will put on another witness to say, "Yes, it happened. I was there. I saw it."

When the State does not put on evidence to corroborate, what does that mean? It means simply one thing. The State doesn't have. Can't put it on.

Mr. Allen Hall's uncle, Charles Graham, he lives on Fourteenth and Castle. Where is Celestine Graham, his aunt? She lives at the same place. Where is Sandra Marshall, his girl friend, he was so concerned about? He left New York to come back down to see her. Where are the records of New Hanover County Hospital showing she was in the hospital during that time? Well maybe Mr. Stroud couldn't get them. Maybe the hospital wouldn't give them to him. You know hospitals are very funny. Sometimes they won't give up records, but he could have subpoenaed them. Here is a man now who brings in ten pictures of each side of Gregory Congretional Church. I know all of you know all about that church, where every room is, where every window is. Everyday his picture showing the front, showing the back, pictures of all sides, but not one record showing that Sandra Marshall was ever in the hospital. Did you hear Sandra Marshall testify from this witness stand? "I was sick such and such a time. Allen

Hall is my boy friend. He came down." Did you hear her say that? What does it mean if you didn't hear it? She wasn't sick. Probably there is no Sandra Marshall anywhere. Another figment of Allen Hall's imagination.

You just can't talk about Allen Hall too much because he says so much. He made a statement May 30, 1971. He mentions two people. Then he makes one February 18. He mentions everybody. Now you might say, "Well what does it matter whether or not he bought the liquor on Friday night or Saturday morning?" Does it make any difference? Well it does make a difference. You have all heard that song "Little Things Mean a Lot." Well they do. Because if he bought that liquor Friday night, Fifth of Scotch, if he was drinking, he didn't stop until he drank it all up. And if he was somewhere drunk, he wasn't at that church. But who could have proven when he bought the liquor and when he went by his uncle's house? Who else but his uncle, Charles Graham? Is Charles Graham dead? Is he unavailable? The State can't get him? Well maybe he refused to come to Court, you know. Was he subpoenaed? Is he here? No. Why isn't Charles Graham here?

W. C. Brown, fine job of investigating. They must have had his name now. They had his statement, his statement

listing his name. Where is Charles Graham? He is probably out of town somewhere. Couldn't get him here. This trial has been going on five weeks. Couldn't get him here. There may not even be any Charles Graham; maybe another figment of Allen Hall's imagination. Where is the aunt Celestine Graham? Had the same period of time to get her. Mr. Brown, Mr. Fredlaw, they didn't testify about Celestine Graham. He said this, "Well I actually bought the liquor on Saturday morning, and well I went by this friend's house on Sixth Street, I stayed there a few minutes, then I went to my cousin's house, and all my counsin's friends, had a drink. I didn't drink anything myself." Where is his cousin? Here is a man with no relatives apparently. We have seen none. Where is his cousin? I think he said her name is Gwen Carrol. Where is she? Mr. Brown could have gotten her.

I know the Wilmington Police Department. They do a fairer job of everything. They get twenty pictures of everything. They get a picture of a picture. Where is the cousin? Is there such a cousin? I submit there is no cousin.

Now let's talk for a minute - now look at the diagram a minute. Do you see where Fifth and Nun is?

Do you see where Sixth and Nun is? Can you see on that diagram where Sixth and Nun run into Fifth and Nun? Or where Sixth and Nun run into Seventh and Nun? I guess it does a little further over. But it doesn't do it in the area of Sixth and Nun and Fifth and Nun. They don't run together. Well Allen Hall, again when he testified, he admitted on this stand that he testified before and he never got any closer than Sixth and Nun. When he testified this time he said, "I got down almost to the intersection of Fifth and Nun, and when I said Sixth and Nun I thought at that time that Sixth and Nun ran into Fifth and Nun." Did Allen Hall over on the witness stand ever admit that he had made a mistake about everything? This is the perfect man to hear him tell it, no mistakes. No sir; so this is Allen Hall for you. Seventeen years old or eighteen year old arsonist. That is what he is. He said he pleaded guilty to arson.

Here is a man if he saw you somewhere he'd likely to throw a bottle and hit you. He has done it before. That teacher hadn't done a thing to Allen Hall. Just picked up a bottle and threw it. As my colleague, Mr. Becton, said. He is now a savior of the people, the man riding the white horse with the white houses, now the good guy. You have all seen the commercial on T.V. Man comes through dirty. Here

is the swan. He is clean. Who hit Allen Hall? Who cleansed him? Did the State cleanse him? The Wilmington Police Department? Think about that a lot.

Allen Hall can't pull those twelve years. I would agree with him. I wouldn't want to pull twelve years either, and I would do anything I could to get out of it. I don't care what it is. And he will, too. Think about Allen Hall, the good guy all of a sudden. You know, this great protector. He has now become non-violent, you know. But did you see him when he charged from that witness stand like a madman? You saw Mr. Stroud try to hold him. Pushed right back. You saw Mr. Brown grab him. About six other guys grabbed him. Couldn't hold him. He got this close to you. He ran you out of the Jury box. You know what he did. I don't have to tell you about it. This is the good guy in the white hat, Allen Hall. Maybe he is, but the good guys I know don't act that way.

But now why did he do it? He had got trapped in his own lies and couldn't get out of it. So the only thing he knew was charge straight ahead. That is what he did. But the even the State didn't believe Allen Hall because they weren't satisfied with Allen Hall. They had to get somebody else,

and they said, "Well Allen Hall only committed arson. Let's go out and find ourselves a murderer."

In comes Jerome Mitchell who admitted he killed an old man in a store after taking his money. At least Jerome Mitchell didn't say he was a good guy. He was just a wise guy. And Jerome Mitchell made a statement February 18 in Goldsboro. They signed it March 2 in which he said, "I was at the church Friday night." And the next thing he talks about is Sunday or Monday. Doesn't even mention being at the church Saturday night.

Allen Hall and Jerome Mitchell have a lot of things in common. They both went to Cherry Hospital. Now why do people go to Cherry Hospital? Is it vacations? To get away from it all? Take a little break? I am surprised that Jerome Mitchell didn't call Cherry Hospital the Cherry Hotel. You know relaxation and recreation. They both went there to try to beat the raps. You can't really blame them for going there. When you get in trouble you try to get out. You don't worry about the morality of what you were doing. You try to get out - or the legality of it.

And certainly Jerome Mitchell had much more reason to get out of the thirty-five years. He is sixteen or seventeen.

That is fifty-two by the time he gets out. That is a whole new country. Nobody wants to stay in jail thirty-five years. So the State says, "Okay, Jerome Mitchell, we want you to do this. Now you play this part. You support some of the things that Allen Hall says. But we won't put you doing anything though. You just have to be there all the time."

At least Allen Hall said, "I threw the firebomb. I shot at the people." But Jerome Mitchell, in order for him to show up every place he did when he did, he would have to have been assigned a certain part to play.

Well Mitchell at 4:00 o'clock, you show up here. At 4:30 you show up here. I submit that Jerome Mitchell was not even at the church Saturday night, wasn't even there.

But think about this now. They have another thing in common. They both made ammended statements. Where are they? I don't have them. You don't have them. Well perhaps Mr. Brown has them. Won't let us see them. Where are those amended statements where they made all these changes?

Allen Hall testified that James Stroud was the only person taking notes in Goldsboro. Now this is his witness now. He took all the notes down. And do you think James Stroud would put down he bought liquor Friday night if he bought the liquor Saturday morning? How can you make that kind of

mistake from Friday night to Saturday morning? Was Allen Hall going so fast he couldn't get it all down, and he just put anything in there? No. That is what he told the Solicitor. Bought this liquor Friday night. But that is the funny thing about this case. Allen Hall is exact on everything Reverend Chavis said or did, on everything anybody else did. He even told you, "Eighteen months ago Jerry Jacobs I believe fired three shots. Somebody else fired five. In the dark now. Somebody else fired four shots." Over eighteen months ago he remembers how many shots every particular individual fired. But he doesn't remember when he bought the liquor. Well did he buy it? Does it make any difference?

Jerome Mitchell said, "Well I didn't exactly mean that in my statement. I told Mr. Walden what I really said."

He wrote down he looked at it. There it was. Where is Mr. Walden? Where is that statement that Jerome Mitchell made? You know what happened? They just made up some things. They signed the statement, but see, that is how a case goes awry. You are so careful about details on the main things, you leave out little side things, get them all wrong.

Now Jerome Mitchell he would have you to believe that he chased a car that had been going a hundred miles an

hour, and he got to Castle Street the same time the car did. Do you believe that? Isn't that preposterous? You know it is.

Listen to his language. Emergency personnel coming from a murderer. Jerome Mitchell, emergency personnel. He would have said cops, police, anything, ambulance drivers. That is not his words. That is the State's words, emergency personnel. You don't even refer to them as emergency personnel, do you? You call them police, ambulance attendants. You don't call them emergency personnel. You call them firemen. Why did Jerome Mitchell say emergency personnel? Here is a man wanted by the police, and he is going to sit there and wait for the police to come and take somebody away. So again it is preposterous. But he would have you believe that.

Then you got the little fella, Motor Mouse, he calls himself. He comes in - well first of all, he said that somebody said, "We have got to show those crackers." Then two sentences later he said, "We have got to show those hunkies." Didn't say the same thing. All the statements have been rehearsed, when to jump, when to not jump. They have been rehearsed. We don't know who rehearsed them.