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AG-LOD
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File 1

.....

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0000023

SYNOPSIS (Cont'd):

Aggregate value of US Government/Private Property reported stolen/
recovered: NA

The remains of DUCKWORTH were released to his next of kin on 9 April
1962.

(b)(6) (b)(7)(C) is presently at his residence in Taylorsville, Mississippi.

A check of the files of this office disclosed no previous incidents
involving (b)(6) (b)(7)(C) or DUCKWORTH.

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II. CONCLUSION:

From the foregoing investigation, it is concluded;

That (b)(6) (b)(7)(C) did, at Taylorsville, Mississippi, on or about 9 April 1962, while performing duty as an officer of the law, in the act of making an arrest, lawfully kill DUCKWORTH, by shooting him in the chest with a .38 caliber pistol.

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III. LIST OF EXHIBITS:

1. Attached:

- A - Copy of Oral Statement of (b)(6) (b)(7)(C) dated 11 April 1962.
- B - Copy of statement of (b)(6) (b)(7)(C) dated 11 April 1962.
- C - Copy of statement of (b)(6) (b)(7)(C) dated 12 April 1962.
- D - Copy of statement of (b)(6) (b)(7)(C) dated 19 April 1962.
- E - Copy of statement of (b)(6) (b)(7)(C) dated 21 April 1962.
- F - Copy of statement of (b)(6) (b)(7)(C) dated 24 April 1962.
- G - Copy of statement of (b)(6) (b)(7)(C) dated 1 May 1962.
- H - Copy of statement of (b)(6) (b)(7)(C) dated 3 May 1962.
- I - Copy of statement of (b)(6) (b)(7)(C) dated 4 May 1962.
- J - Copy of statement of (b)(6) (b)(7)(C) dated 11 May 1962.
- K - Copy of statement of (b)(6) (b)(7)(C) dated 21 May 1962.
- L - Copy of statement of (b)(6) (b)(7)(C) dated 29 June 1962.
- M - Photostat copy of Death Certificate, dated 9 April 1962.

2. Not Attached:

- a. Original copies of Exhibits A. through L, above, are retained in the files of Headquarters, 92nd Military Police Detachment (CI), Fort Rucker, Alabama.
- b. Original copy of Exhibit M, above, is retained in the files of the Health Department, State of Mississippi, Jackson, Mississippi.

IV. LIST OF WITNESSES:

1. Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
2. Mr (b)(6) (b)(7)(C), (b)(6) (b)(7)(C)
3. A/2e (b)(6) (b)(7)(C) AF (b)(6) (b)(7)(C) 112th Tactical Fighter Squadron, US Air Force, Route #4, Swanton, Ohio.
4. Pvt (b)(6) (b)(7)(C), RA (b)(6) (b)(7)(C) 4009th US Army Hospital, Fort Polk, Louisiana.
5. S/Sgt (b)(6) (b)(7)(C) RA (b)(6) (b)(7)(C) 92nd MP Detachment (CI), Fort Rucker, Alabama.
6. Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
7. Miss (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
8. SP7 (b)(6) (b)(7)(C) RA (b)(6) (b)(7)(C) 92nd MP Detachment (CI), Fort Rucker, Alabama.
9. Mrs (b)(6) (b)(7)(C), (b)(6) (b)(7)(C)
10. Pvt (b)(6) (b)(7)(C) RA (b)(6) (b)(7)(C) 7th Enlisted Training Company, US Army Ordnance School, Aberdeen Proving Ground, Maryland.
11. Miss (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
12. Pvt (b)(6) (b)(7)(C) RA (b)(6) (b)(7)(C) 5th Enlisted Training Company, Aberdeen Proving Ground, Maryland.
13. Mr (b)(6) (b)(7)(C) Chief Police, Taylorsville, Mississippi.
14. Dr (b)(6) (b)(7)(C) MD, Taylorsville, Mississippi.
15. Mr (b)(6) (b)(7)(C) Mayor, Taylorsville, Mississippi.
16. Mr (b)(6) (b)(7)(C) Sheriff, Smith County, Raleigh, Mississippi.
17. Reverend (b)(6) (b)(7)(C) Magee, Mississippi.
18. Mr (b)(6) (b)(7)(C) Attorney, Jackson, Mississippi.
19. Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
20. Mr (b)(6) (b)(7)(C) District Attorney, Raleigh, Mississippi.
21. Mrs (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)

3(92)-62-70

V. UNDEVELOPED LEADS:

None

(b)(6) (b)(7)(C)

SP 7

6

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STATEMENT

(AR 190-45)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Jackson, Mississippi	DATE 11 April 1962	FILE NO. 3(92)-62-70
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C)	SERVICE NO. RA (b)(6) (b)(7)(C)	GRADE SP 7
ORGANIZATION (If deponent is a civilian, give address) 92nd MP Detachment (CI), Fort Rucker, Alabama		

I HAVE BEEN INFORMED BY _____, WHO STATED HE IS (a) (an) _____, OF THE UNITED STATES (Army) (Navy) (Air Force), THAT HE IS CONDUCTING AN INVESTIGATION OF _____, [OF WHICH I AM (accused) (suspected).] (Strike out words between brackets, if inapplicable).

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) (has) (have) BEEN READ TO ME BY _____.

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

BEST COPY AVAILABLE

On 11 April 1962, I interviewed Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) in the presence of his attorney, Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) pertaining to the incident which occurred at Taylorsville, Mississippi, on 9 April 1962. (b)(6) (b)(7)(C) gave the following oral statement pertaining to the incident but on advice of (b)(6) (b)(7)(C) declined to execute a written statement.

That he is employed by the Continental Railways Bus Lines, Jackson, Mississippi, and on the date, 9 April 1962, he was the Operator of a bus from Jackson, Mississippi, to Mobile, Alabama. (b)(6) (b)(7)(C) stated that at about 1845 hours, 9 April 1962, a negro male, dressed in civilian clothes, approximately six feet two inches (6'2") tall, weighing approximately two hundred (200) pounds, boarded his bus with destination as Taylorsville, Mississippi. (b)(6) (b)(7)(C) stated that he detected a strong odor of alcohol on the persons breath when he entered the bus and that the person staggered when getting on the bus. After getting on the bus, the negro went to the rear of the bus and took a seat about four (4) seats from the rear of the bus and to the best of his knowledge the negro passed out or went to sleep shortly after boarding the bus. (b)(6) (b)(7)(C) stated that when he arrived in Taylorsville, Mississippi, he called out the stop several times because he knew that there was a passenger that was due to get off there. After calling several times, he went to the rear of the bus where the negro was seated and tried to awaken him. (b)(6) (b)(7)(C) stated that he shook the person several times in an effort to awaken him but the passenger gave no response. (b)(6) (b)(7)(C) stated that the negro was laying with his head on the outside arm rest with one leg over the seat in which he was sitting and the other leg was across the seat in front of him. (b)(6) (b)(7)(C) stated that he took hold of the negro and tried to sit him upright in the seat but was unsuccessful. After discovering that he could not awaken the passenger, (b)(6) (b)(7)(C) stated that he decided to ask local police for assistance in getting the passenger off the bus. (b)(6) (b)(7)(C) stated that he got off the bus and tried to locate the local police but could not find one, and got back into the bus and decide that he would take the passenger on to Laurel, Mississippi, and get the police there to assist him. Just as he was pulling off from the station, he saw the Taylorsville local police car and blinked his lights for the police car to stop. (b)(6) (b)(7)(C) stated that he explained to the police that he had a passenger on the bus that had been drinking and that he

EXHIBIT

A

DEPONENT (b)(6) (b)(7)(C)

PAGE 1 OF

PAGES

Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE _____ OF _____ PAGES."

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

I, _____ HAVE HAD READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, 19 ____ AT _____

WITNESSED BY:

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case "to be a witness against himself."

DEPONENT'S INITIALS

Page 2 of . Pages .

needed assistance in getting the passenger off the bus. (b)(6) (b)(7)(C) stated that he explained to the policeman that the negro had not been causing any trouble and that he was only interested in getting him off. (b)(6) (b)(7)(C) stated that the policeman stated in a low normal voice, "I'll get him off". (b)(6) (b)(7)(C) stated that the policeman and himself, boarded the bus and they went to where the negro was sitting and the policeman called to the passenger, "hey fellow, this is where you get off", and began to shake the negro. After getting no response, the police picked the negro up from the seat and started towards the front of the bus with him. (b)(6) (b)(7)(C) stated that the policeman was guiding the passenger up the aisle to keep him from falling over on the other passengers and at one point the negro lost balance and almost fell into a lady passenger's lap. (b)(6) (b)(7)(C) stated that after getting the negro off the bus, he told the police that he had baggage and that the two of them returned to the inside of the bus to get the luggage, leaving the negro passenger on the outside. (b)(6) (b)(7)(C) stated that when he and the policeman got back off the bus the negro was stumbling around near the front of the bus. The police caught hold of the passenger and asked, "whats wrong with you". (b)(6) (b)(7)(C) stated that at this time the negro lunged forward towards the policeman and took a swing at him. The policeman then took hold of the negro and asked if he could see the car across the street and that he was under arrest. At this time the negro jerked loose from the policeman and struck the policeman with his fists. (b)(6) (b)(7)(C) stated that the policeman again told the negro that he was under arrest and for him to get into the car. The police then took the negro by the arm and proceeded towards the police car. (b)(6) (b)(7)(C) stated that he stepped out into the street to keep any oncoming traffic from hitting the two while they were crossing the street. (b)(6) (b)(7)(C) stated that the negro was swinging at the policeman while they were crossing the street and that the policeman still was holding his temper and trying to get the negro into the police car. (b)(6) (b)(7)(C) stated that after the two arrived at the police car, the policeman opened the left rear door of the car and told the negro to get in that he was going with him. The negro made no steps towards getting into the car and the policeman again told him he was under arrest and that he was going with him. (b)(6) (b)(7)(C) stated that the policeman at this time took hold of the negro and tried to put him in the car. At this time the negro struck the policeman on the head with his fists and the policeman almost went to the ground. The policeman took out his blackjack and struck the negro on the head several times but this did not seem to hurt the negro. (b)(6) (b)(7)(C) stated that the police took his gun out and fired one shot in the ground and told the negro to get into the car. The negro stated that no one was going to arrest him or some words to that effect. (b)(6) (b)(7)(C) stated that at about this time, someone from behind him said something and he looked around and at the same time he heard a second shot fired. As he turned he observed fire from the ground gun and the negro falling to the ground. (b)(6) (b)(7)(C) stated that the policeman turned to him and said, "I hated to do something like that but he was coming at me". (b)(6) (b)(7)(C) stated that the policeman again repeated, "Nobody knows how bad I hated to do that". (b)(6) (b)(7)(C) stated that at no time during the trip or while in Taylorsville, was segregation mentioned and there was no argument as to where anyone would sit on the bus. (b)(6) (b)(7)(C) stated that in his opinion the policeman was protecting himself and that if he had not done this the policeman would have probably got hurt himself. (b)(6) (b)(7)(C) added that the policeman was very nice and calm during the entire incident. (b)(6) (b)(7)(C)

STATEMENT

(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE	DATE	FILE NO.
Tylersville, Mississippi	11 April 1962	3(92)-62-70
DEPONENT (Last Name - First Name - Middle Initial)	SERVICE NO.	GRADE
(b)(6) (b)(7)(C)	Civilian	N/A
If deponent is a civilian, give address		

~~Police Department, Taylorsville, Mississippi~~

I HAVE BEEN INFORMED BY ~~SP 7~~ (b)(6) (b)(7)(C) _____, WHO STATED HE IS (a) (u)

MP Criminal Investigator

_____, OF THE UNITED STATES (Army) (Navy) (Air Force) ~~(Air Force)~~
Principal Investigator THAT HE IS CONDUCTING AN INVESTIGATION OF **Manslaughter**,
☐ OF WHICH I AM (accused) (suspected). (Strike out words between brackets, if inappli-
 cable).

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) (has) (have) BEEN READ TO ME BY SP 7 (b)(6) (b)(7)(C)

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

I have been with the Taylorsville Police Department, Taylorsville, Mississippi, for approximately two (2) years. On 9 April 1962, I was on regular patrol duty. At about 8:30 PM, the Trailway Bus pulled in from Jackson, Mississippi. The driver of the bus stopped me and said that he needed some assistance. The driver said that he had a drunk negro on the bus and could not get him off. The negro's destination was Taylorsville. I boarded the bus along with the driver and went back to the rear of the bus where this negro male was asleep. He was sitting on one seat with his feet propped on the seat in front of him. I shook the person and tried to pick him up. When I did this he took a swing at me and I pushed him on towards the front of the bus. When he passed by a white lady on the bus he made like he was going to sit with her and I pushed him on outside the bus. After getting him off the bus we started towards my car which was parked across the street. The negro was swinging at me during this time. When we got to the car I told him that he was under arrest and for him to get into the car. He started towards me fighting and I took out my black-jack and struck the negro several times. The negro struck me on the side of the head with a judo punch and I almost went to the ground. At this time I changed my black-jack from my right hand to the left and pulled my gun out with my right hand. I fired one shot at his feet and again told him that he was under arrest. He told me ~~that was~~ (b)(6) (b)(7)(C) ~~that was~~ that's no good and that he was not going no dam where. He made a dive towards me again and I fired another shot at him. This shot struck the negro in the chest and he took another step towards me with his fist clinched and fell to the ground. I did not intend to kill the boy but this was how it happened. I feel that if I had not got him he would have got me.

Q Did you know who this person was at the time of this incident?

A. No, I had never seen the fellow. If I had I did not know him.

Q. How was the person dressed?

A. He was dressed in a blue suit, civilian.

Q. Was the bus driver present during the shooting?

A. Yes, he was.

Q. Do you have anything further to add to this statement?

A. No. 12 **END OF STATEMENT**
 EXHIBIT DEPORTMENT **(b)(6) (b)(7)(C)** PAGE 1 OF 2 PAGES

Additional pages must contain the heading "STATEMENT OF TAKEN AT DATED CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE OF PAGES."

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

I, (b)(6) (b)(7)(C) ~~WHO HAS READ TO ME~~ (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY OF April 19 62 AT Taylorsville, Mississippi
WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

SP 7 Investigator
Art 136b UCMJ

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

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The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case "to be a witness against himself."

DEPONENT'S INITIALS

STATEMENT
(AR 190-45)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE (b)(6) (b)(7)(C)	DATE 12 April 1962	FILE NO. 3(92)-62-70
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C) (M-CAU) (b)(6) (b)(7)(C)	SERVICE NO. Civilian	GRADE N/A
ORGANIZATION (If deponent is a civilian, give address) (b)(6) (b)(7)(C)		

I HAVE BEEN INFORMED BY **SP 7 (b)(6) (b)(7)(C)**, WHO STATED HE IS (a) ~~(an)~~ **MP Criminal Investigator**, OF THE UNITED STATES (Army) ~~(Navy)~~ THAT HE IS CONDUCTING AN INVESTIGATION OF **Manslaughter**, OF WHICH I AM ~~(accused) (suspected)~~ (Strike out words between brackets, if inapplicable).
a witness

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"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) ~~(has)~~ (have) BEEN READ TO ME BY **SP 7 (b)(6) (b)(7)(C)**. I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

I have resided in this part of the country for almost my entire life. I was a Police Marshal in State Line, Mississippi, for seven (7) years. On 9 April 1962, I went by bus to Jackson, Mississippi, to see about getting into the VA hospital there. I could not get in because there was no room. At about 6:45 PM I boarded a Trailway bus in Jackson to return to my home. At about 8:30 PM the bus arrived in Taylorsville, Mississippi. The bus driver called out several times the Taylorsville stop. After the driver had called several times, he walked back to the rear of the bus and tried to awaken a negro male who was asleep or passed out. I do not know which one. Anyway the driver was unable to awaken the soldier and stated that he guessed he would have to get the law to assist him. The driver got off the bus and tried to find the law and returned to the bus and said that he would have to take the passenger on to Laurel and get the police there to help get him off. The driver started to pull off and I would say that he drove forty or fifty feet and the Taylorsville Police car came around the corner. The bus driver blinked his lights and the police car stopped across the street from the bus. The bus driver got out of the bus and met the policeman. I did not hear what the two were saying. They entered the bus and the policeman went to where the negro male was sitting and asked him to get up. The negro did not respond and the police officer finally picked the negro up and guided him out of the bus. The Policeman was just as nice to the negro as anything. He did not raise his voice at the negro at anytime. While they were leaving the bus the negro almost fell over on a lady passenger. The police and driver took him on off without any incident. When the negro got out of the bus he started to walk off and the police officer told him that he was under arrest. The policeman was trying to get the negro into the police car. The police officer opened the door of the police car and told the negro to get in. At this time the negro started fighting at the policeman. The first time he struck at the policeman the officer dodged him. The negro struck at the policeman again and the officer pulled out his blackjack and struck the negro several time on the side of the head. The blackjack blows did not seem to hurt the negro and he struck the policeman with his fist. You could tell that this blow hurt the policeman. The policeman at this time pulled his gun and fired one shot. I dont know whether he fired at the negro or into the ground. The negro did not stop and kept coming towards the police officer. At this time the

EXHIBIT C	DEPONENT'S (b)(6) (b)(7)(C)	PAGE 1 OF 2 PAGES
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Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE _____ OF _____ PAGES."

A. No. / / / / / / / / / / / / / / / / END OF STATEMENT

U.S. GOVERNMENT PRINTING OFFICE : 1961 O-582432

STATEMENT
(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Swanton, Ohio	DATE 19 April 1962	FILE NO.
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C) (M-CAU- (b)(6) (b)(7)(C)	SERVICE NO. AF (b)(6) (b)(7)(C)	GRADE A/2C
ORGANIZATION (If deponent is a civilian, give address) 112th Tactical Fighter Squadron, US Air Force, Route 4, Swanton, Ohio		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS (A) ~~ARMY~~
Military Police Criminal Investigator, OF THE UNITED STATES (Army) (Navy) (Air Force).
 THAT HE IS CONDUCTING AN INVESTIGATION OF a fatal shooting on 9 April 1962
☐ OF WHICH I AM (A) ~~ARMY~~. [Strike out words between brackets, if inapplicable.]
~~ARMY~~ **a witness.** (b)(6) (b)(7)(C)

BEST COPY AVAILABLE

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the U.S. Constitution) (Strike out only if per a mem-
(has) (not) BEEN READ TO ME BY (b)(6) (b)(7)(C)

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

QUESTIONS ASKED BY INVESTIGATOR (b)(6) (b)(7)(C) ANSWERS GIVEN BY A/2C (b)(6) (b)(7)(C)

Q: Airman (b)(6) (b)(7)(C) are you aware of the nature of this investigation?

A: Yes, it's about a shooting that I witnessed on the night of 9 April 1962.

Q: I have information that you witnessed a police officer shoot and kill a negro soldier by the name of Roman W. DUCKWORTH near a bus station in the town of Taylorsville, Mississippi on the night of 9 April 1962. Is this information correct?

A: That is correct, except that I didn't know what the man's name was until now. I was riding a Continental Trailways bus from Vicksburg, Mississippi to Laurel, Mississippi and we stopped at Taylorsville, Mississippi, which is about 20 miles south of Laurel. When the bus stopped at Laurel, the driver came back and tried to waken a negro man in civilian clothing who was sleeping in his seat. The driver couldn't get the man to wake up, so he left the bus and I heard him ask a passenger that was getting on where he could find a policeman. The driver was put off the bus for about 10 minutes and then came back and started the bus again. He drove for about a city block and we met the police car. The bus driver blew the horn and stopped the police car. I saw a man in civilian clothing with a pistol belt and holster on get out of the police car and come over to the bus. He came on the bus and shook the negro man and got him awake. He told the man to get off the bus, as this was his stop. The negro got up and started off the bus. He was staggering as though he was drunk. The police officer and the bus driver followed the negro off the bus. I heard the policeman ask the negro if he could see the police car parked accross the street and the negro answered that he could see it. The police man then told the negro to go over and get into the police car. The negro didn't move so the policeman took hold of his arm and started to take him accross the street. When they got to the side of the police car they started to fight. I saw several swings by both parties but I couldn't tell who was landing the blows. I don't know who got the worst of the fight. The policeman drew his pistol during the fight and fired a shot. The negro man took another swing at the policeman and he shot again. This time the negro fell down in the street. We were kept there until after the doctor arrived and they took statements from all of us, then we went on. The bus driver told me that the man was dead while we were standing around there after the doctor arrived. (Statement continues)

EXHIBIT D DEPOSITOR'S INITIAL (b)(6) (b)(7)(C) PAGE 1 OF 2 PAGES

Additional pages must contain the heading "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE OF PAGES."

Q: Did the policeman's first shot hit the negro man?

A: I don't know for sure. The bus driver told me that the policeman had fired at the man's feet.

Q: Were you able to see where the negro man was actually shot?

A: I looked at him as he was lying in the street and I saw blood on his left chest, so I assume that he was shot near the heart.

Q: In your opinion, what was the condition of the negro man during this incident?

A: I would say that he was drunk. He was not belligerent to either the driver or the policeman, as he didn't speak a word to either of them while I was close enough to hear him. He was talking to the policeman just before the fight though.

Q: What was the attitude of the policeman?

A: He wasn't rough or arrogant in my presence. He merely shook the negro man and told him to get off the bus, as this was his stop. I couldn't hear what was said after they got off the bus though.

Q: When did you learn that the negro man was a member of the US Army?

A: There were two soldiers on the bus and after the shooting they told me that they had seen the negro man's Army ID card.

Q: How many statements have you made regarding this incident?

A: This the fourth one. I made a statement in Taylorsville at the time of the shooting, I made another one in Laurel, Mississippi to a lawyer from the bus company and I made another one to the FBI in Alexandria, Louisiana on the 12th of April, now this one.

Q: Is this statement true to the best of your knowledge and belief?

A: Yes, it is true. (b)(6) (b)(7)(C)

////// End of Statement //////////////////////////////////////

AFFIDAVIT BY DEPONENT

(b)(6) (b)(7)(C)

I, A2C (b)(6) (b)(7)(C) HAVE READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF April 19 62 AT Swanton, Ohio

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

WO-1, Investigator, CID
UCMJ, 1951, Art 136(b)(4)

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case "to be a witness against himself."

DEPONENT'S INITIALS

(b)(6) (b)(7)(C)

Page 2 of 2 Pages

STATEMENT

(AR 190-45)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Fort Polk, Louisiana	DATE 21 April 1962	FILE NO.
DEPONENT (b)(6) (b)(7)(C) Middle (b)(6) (b)(7)(C)	SERVICE NO RA (b)(6) (b)(7)(C)	GRADE Pvt (E-1)
ORGANIZATION (If deponent is a civilian, give address) 4009th US Hospital, Fort Polk, Louisiana		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS (an) Investigator, OF THE UNITED STATES (Army) (Navy) (Air Force) THAT HE IS CONDUCTING AN INVESTIGATION OF Manslaughter OF WHICH I AM ~~(accused/suspected)~~ (Strike out words between brackets, if inapplicable).
Witness

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, ~~(Article 31 of the Uniform Code of Military Justice)~~ (Strike out only if deponent is a member of the Armed Forces) ~~(has)~~ (have) BEEN READ TO ME BY (b)(6) (b)(7)(C). I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

Q. Have you been advised of your rights under article 31 of the UCMJ regarding making this statement?

A. Yes.

Q. (b)(6) (b)(7)(C), on or about 9 April 1962, were you on a bus enroute to PENSACOLA, Florida when a man was shot?

A. Yes.

BEST COPY AVAILABLE

Q. Will you tell me what you know of the circumstances surrounding the shooting?

A. On or about 9 April 1962 I boarded a Trailways Bus at a small town near Memphis, Tenn. I was on my way to Pensacola, Florida and this bus was on the way to Mobile, Alabama. While I was waiting to board this bus, I was standing outside talking to two other soldiers whose names I do not know, when a colored man wearing civilian clothing came over to us. He told us that he was a Corporal in the Army and asked us if we had just got out of basic training. We talked a few minutes and got on the bus, which then pulled out. I took a seat on the left side of the bus near the front. The two soldiers in uniform took seats right across from me on the right side. The colored man who said that he was a soldier took a seat in the rear of the bus left side of the bus. The next time I noticed the colored soldier was at Taylorsville, Mississippi when the driver stopped and went back to him. The driver attempted to wake him and kept telling him that it was his stop to get off. The man would not wake up and the driver gave up and started driving again. I went to the rear of the bus to the latrine and while I was in there there bus stopped. As I came out of the latrine, I saw the bus driver and a uniformed policeman coming to the rear of the bus. I took a seat about three rows behind the colored man and sat there while they tried to get him awake. He wouldn't wake up for a few minutes but he finally did. The bus driver and the policeman took hold of his arms and were helping him off the bus. They took him off the bus and I took my seat at the front and didn't pay anymore attention at that time. I had just taken my seat when I heard what seemed to be a shot. I looked out the window and saw the colored man standing near a car with his fists clenched facing the

EXHIBIT	DEPONENT'S (b)(6) (b)(7)(C)	PAGE 1 OF 3 PAGES
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Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE _____ OF _____ PAGES."

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

(b)(6) (b)(7)(C)

I, 3 HAVE HAD READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE

ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF April 19 62 AT Fort Polk, Louisiana

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

CWO-2

Att 136, (b) (4) UCMJ, 1951

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

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DEPONENT'S INITIALS

(b)(6) (b)(7)(C)

Page 2 of 3 Pages

STATEMENT OF (b)(6) (b)(7)(C) TAKEN AT Fort Polk, Louisiana DATED 21 Apr 62
CONTINUED.

officer. The officer had his revolver in his hand and had it pointed at the colored man. I could'nt hear any conversation taking place. Then the colored man swung at the officer with his hand and the officer stepped back and shot him. The colored man just stood there for a few seconds and then fell to the ground. Someone called an ambulance and the office came on the bus and said that he did not want to shot the man but that the man was swinging at him. We were delayed ab ut an hour and continued on to Mobile, Alabama where my parents met me.

Q. When the colored soldier first approached you and the other boys, did you notice anything unusual about him? (b)(6) (b)(7)(C)

A. Yes. He appeared to be drunk. He was staggering, had trouble talking and fell once when he was getting on the bus.

Q. Did you notice if the colored soldier gave anyone any trouble of a physical nature prior to the time you heard the shot? (b)(6) (b)(7)(C)

A. No.

Q. When the policeman and the driver helped the man off the bus did you take your original seat on the bus?

A. No. When I went back I took a seat on the right side of the bus and the policeman had the man on the outside of the left side of the bus.

Q. At any time during this incident did you hear or observe and action that the race of the colored soldier had any bearing on the way that he was handled.

A. No.

Q. Do you think that this incident would have benn handled any differently had a white soldier been involved?

A. No. I don't think so.

Q. Do you ha e anything to add to this statement?

A. No.

//////////////////////END OF STATEMENT//////////////////////

(b)(6) (b)(7)(C)

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DEPONEE'S INITIALS (b)(6) (b)(7)(C)

PAGE 3 OF 3 PAGES

FOR OFFICIAL USE ONLY 000049 20

STATEMENT
(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Fort Rucker, Alabama	DATE 24 April 1962	FILE NO.
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C)	SERVICE NO. RA (b)(6) (b)(7)(C)	GRADE SSgt E-6
ORGANIZATION (If deponent is a civilian, give address) 92nd Military Police Detachment (CI) Fort Rucker, Alabama		

I HAVE BEEN INFORMED BY _____, WHO STATED HE IS (a) (an) _____, OF THE UNITED STATES (Army) (Navy) (Air Force), THAT HE IS CONDUCTING AN INVESTIGATION OF _____, [OF WHICH I AM (accused) (suspected).] (Strike out words between brackets, if inapplicable).

BEST COPY AVAILABLE

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) (has) (have) BEEN READ TO ME BY _____.

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

This investigator's statement is pertaining to an interview with Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (M-Car (b)(6) (b)(7)(C) 24 April 1962. Substantially as follows.

- Q. Mr. (b)(6) (b)(7)(C) you are being interviewed concerning the fatal shooting of Cpl. Roman Ducksworth, Soldier, U. S. Army. Will you relate to me all the knowledge you have concerning this incident?
- A. Yes. I had bought a ticket in Taylorsville, Mississippi and was going to Laurel, Mississippi. The bus pulled up and the bus driver opened the door and I stepped into the bus, the driver was going to the back of the bus so I stopped and waited for him to take my ticket. I looked to the back of the bus and Ducksworth was laying down and looked like he had passed out, the driver called him and told him this was his destination, the driver called him four (4) or five (5) times, but Ducksworth would not get up and get off the bus. The driver started back to the front of the bus and I stepped off the bus. The driver told me to get on so I did. He drove down the street one (1) block and saw the police car and stopped the car and told Officer (b)(6) (b)(7)(C) he needed help to get a man off the bus. Officer (b)(6) (b)(7)(C) came on the bus and he and the driver went back to get Ducksworth up and off the bus, Ducksworth refused to get off. Officer (b)(6) (b)(7)(C) and the driver took him by his arms and walked him off the bus. Then I got off. Ducksworth was about two (2) steps from the bus when Officer (b)(6) (b)(7)(C) and the driver turned him loose. Ducksworth staggered and fell back against the bus, Officer (b)(6) (b)(7)(C) got him by the arm and straightened him up, Ducksworth again staggered and fell against the bus, Officer (b)(6) (b)(7)(C) then straightened him up and said you are under arrest. Ducksworth said no body is going to arrest me, Officer (b)(6) (b)(7)(C) told him to get into the police car, Ducksworth said no, Officer (b)(6) (b)(7)(C) got him by the arm and said again you are under arrest. Ducksworth then hit Officer (b)(6) (b)(7)(C) about the head, Officer (b)(6) (b)(7)(C) then hit Ducksworth four (4) or five (5) times with a black-jack and it did not seem to phase Cpl. Ducksworth. When he quit hitting Ducksworth, Ducksworth started fighting Officer (b)(6) (b)(7)(C) again, then Officer (b)(6) (b)(7)(C) pulled his gun and fired one (1) shot at Ducksworth's feet and said you are under arrest, then Ducksworth said that is no good I'm not going any damn where, and kept coming on Officer (b)(6) (b)(7)(C) Officer (b)(6) (b)(7)(C) then fired

EXHIBIT	DEPONENT'S INITIALS	PAGE 1 OF PAGES
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Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE OF PAGES."

the shot that killed Ducksworth.

Q. Was the soldier dressed in uniform?

A. No.

Q. Did Officer (b)(6) (b)(7)(C) make any derogatory remarks?

A. No.

Q. Did Cpl Ducksworth appear to be drunk or under the influence of alcoholic beverages?

A. He had all the symptoms of a drunk person.

Q. In your opinion had all other means of apprehension been exhausted?

A. Yes.

Q. Do you desire to add to, delete from or change any part of this statement?

A. No.

//////////////////////END OF STATEMENT//////////////////////

AFFIDAVIT BY DEPONENT

I, _____ HAVE HAD READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 19____ AT _____ Investigator

WITNESSED BY:

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

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DEPONENT'S INITIALS

Page 2 of

Pages

STATEMENT
(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE (b)(6) (b)(7)(C)	DATE 1 May 1962	FILE NO.
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C) (F-CAU- (b)(6) (b)(7)(C)	SERVICE NO. N/A	GRADE Civilian
ORGANIZATION (If deponent is a civilian, give address) (b)(6) (b)(7)(C)		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS (a) (an) Military Police Criminal Investigator, OF THE UNITED STATES (Army) ~~XXXXXX~~, THAT HE IS CONDUCTING AN INVESTIGATION OF Fatality (Shooting), [OF WHICH I AM (~~XXXXXX~~) (Strike out words between brackets, if inapplicable).

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, AND the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) (has) (~~been~~ BEEN READ TO ME BY (b)(6) (b)(7)(C). I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

On 9 April 1962, I boarded a Trailways Bus at Vicksburg, Mississippi, to go to my home in (b)(6) (b)(7)(C). At Jackson, Mississippi, a negro man, dressed in a blue suit and white shirt got on the bus and gave the bus driver a ticket. I heard the bus driver say thank you, to the negro man. I could not tell if the negro man had been drinking, but he walked like he had, or else there was something wrong with him. I think this man sat about four (4) seats from the rear of the bus. When the bus arrived at Taylorville, Mississippi, the Bus Driver, (b)(6) (b)(7)(C) tried to tell the negro man that it was the place he was supposed to get off at. The Bus Driver had to get the Law, a policeman to help get the negro off the bus. I saw that the policeman had to push this man toward the police car, and when they got near the car this negro man turned and hit the policeman with his fist, it seemed with all his might. The Policemans back was to me, and the next I saw was a flash of fire, and I heard a shot. Again I saw a flash of fire and heard a shot, and I knew that the Policeman had shot the negro man. The policeman felt bad about having to shoot the negro because I heard him say " Lord what have I done". I later learned that the negro man was a soldier, and that his name was Duckworth. At no time did I see or hear anyone talk to Duckworth while he was on the bus. I would say that Duckworth was at fault for hitting the policeman the way he did, and I am sure the policeman shot in self defense. I don't see what else he could have done the way Duckworth acted.

Q. Prior to this incident did you ever see Duckworth, or the policeman?

A. No, I never saw either of them before.

Q. You say you heard two shots, how far apart were they spaced?

A. I can't say for sure, but a few seconds apart I guess.

Q. Is there anything further you wish to add to this statement?

A. No.

Q. One other question, did you see the policeman hit Duckworth with a blackjack, night stick, or his fist?

A. No.

BEST COPY AVAILABLE

EXHIBIT F	DEPONENT'S INITIALS (b)(6) (b)(7)(C)	PAGE OF 2 PAGES
Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE _____ OF _____ PAGES."		

NOT USED

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

I, (b)(6) (b)(7)(C), HAVE READ THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1 DAY OF May 19 62 AT (b)(6) (b)(7)(C)
 WITNESSED BY:

(b)(6) (b)(7)(C)

ART. 136 b, (4), U.C.M.J.
 (AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

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DEPONENT'S INITIALS

(b)(6) (b)(7)(C)

Page 2 of 2 Pages

(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE (b)(6) (b)(7)(C)	DATE 3 May 1962	FILE NO. 3(93)-62-80
DEPARTMENT (Last Name - Middle Initial) (b)(6) (b)(7)(C)	SERVICE NO.	GRADE Civilian
ORGANIZATION (If document is a civilian, give address) (b)(6) (b)(7)(C)		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS (S) (an) MP Criminal Investigator, OF THE UNITED STATES (Army) (~~Air Force~~) (Air Force). THAT HE IS CONDUCTING AN INVESTIGATION OF Homicide, [OF WHICH I AM (~~NOTHING~~ ~~CONCERNED~~)] (Strike out words between brackets, if inapplicable).

a witness

BEST COPY AVAILABLE

"~~XX~~ (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement is a member of the Armed Forces) (has) ~~XXXXXX~~ BEEN READ TO ME BY (b)(6) (b)(7)(C) _____"

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

Q: Mrs. (b)(6) (b)(7)(C) is the above listed address permanent?

At No. As of 15 June 1962, I shall be residing at my permanent address, (b)(6) (b)(7)(C)

Q: Please describe in detail, the unusual event witnessed by you at Taylorsville, Mississippi, while at a stop-over in that city during your recent bus trip across country?

At about 2100 hours, on Monday, 9 April 1962, the Trailways Bus, on which I was riding between (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) stopped at a town called Tyerville or Taylorsville, Mississippi. There were about 12 of us passengers on the bus at the time, including two negroes, a man and a woman. I was sitting about midway in the bus, the negroes were behind me a few seats. I had been dozing in my seat and don't recall where the negro man got on the bus. In any event, I awoke when the bus arrived in Taylorsville, Mississippi. The bus driver announced the name of the town and then walked to the rear of the bus and tapped the negro man on the shoulder and said "Here's where you get off", or something to that effect. The negro appeared to be sleeping and did not respond to the bus driver's call or action. The driver then shook the negro's shoulder in an obvious effort to awaken him. He could not arouse the negro, who was either fast asleep from exhaustion or possibly had been drinking. I have no way of knowing about that. I did not see him drinking. The driver then got off the bus and walked across the street, where he made a phone call from what appeared to be a police call box. I may be wrong about that, however. It may have been a regular telephone. A few minutes later, a police car arrived and parked near the bus. A white policeman emerged from the vehicle and entered the bus. He tried to awaken the negro man by calling to him and shaking him, but had no success for several minutes. Finally the negro awoke and he and the policeman left the bus together and headed for the police car. The policeman was pushing the negro ahead of him.

Q: Did the policeman use any unnecessary roughness while escorting the negro from the bus to the police car? (b)(6) (b)(7)(C)

EXHIBIT	DEPONENT'S INITIALS	PAGE 1 OF 3 PAGES
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Additional pages must contain the heading "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE ____ OF ____ PAGES."

STATEMENT (Continued)

A: It didn't seem to me as if there was any force necessary to keep the negro from coming down the stairs, other than that, no force.

Q: Please continue.

A: Well, they then arrived at the sidewalk. The negro was resistant all along and apparently wanted to enter the police car. He came around to the left rear corner of the car and would not leave.

Q: Would you have any interaction between the negro and the policeman?

A: Yes, the door windows were closed.

Q: How far away was the bus where you were seated from the police car?

A: About 15 feet, I would estimate.

Q: What happened next?

A: I saw the policeman strike the negro man on the head with something. It was too dark to see exactly what he used. Possibly a gun or a club. I couldn't tell. The policeman struck the negro at least twice. I turned away for a moment, not relishing the sight of violence. When I turned back a few seconds later, I saw the negro swing his fist at the officer. He appeared to strike the policeman on the face. The policeman backed up a foot or so, out of range of the negro's fist. The negro continued to swing his fist at the policeman but I don't believe he hit him again. The policeman then fired his gun into the ground.

Q: Did you notice the policeman take his weapon from its holster?

A: No. He may have had it in his hand from the beginning. I don't really know.

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

(b)(6) (b)(7)(C)

I, (b)(6) (b)(7)(C), HAVE READ AND HAVE READ THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY AND WITHOUT COERCION, REWARD WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 3rd DAY OF May IS 62 AT

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

Art 136b (4). 6733, 1961

(AUTHORITY TO ADMINISTER)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

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Best copy available

STATEMENT

(AR 190-47)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Aberdeen Proving Ground, Maryland	DATE 4 May 1962	FILE NO. ORD(A)-62-24
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C) (M-CAU) (b)(6) (b)(7)(C)	SERVICE NO. RA (b)(6) (b)(7)(C)	GRADE Pvt
ORGANIZATION (If deponent is a civilian, give address) 7th Enlisted Training Company, U. S. Army Ordnance School, APG, Md.		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS (X) (an)
Investigator, OF THE UNITED STATES (Army) ~~(Sergeant)~~.
THAT HE IS CONDUCTING AN INVESTIGATION OF involuntary manslaughter
OF WHICH I AM Witness ~~(Strike out words between brackets, if inapplicable).~~

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, ~~(Sergeant)~~
~~(Sergeant)~~ (Strike out only if person making statement IS a member of the Armed Forces) (has) ~~(Sergeant)~~ BEEN READ TO ME BY (b)(6) (b)(7)(C).
I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE
MAY BE USED AS EVIDENCE AGAINST ME."

On or about 9 Apr 1962, I was on leave, enroute to (b)(6) (b)(7)(C) my home town, from (b)(6) (b)(7)(C). I was traveling by bus. Traveling with me was Private (b)(6) (b)(7)(C).

At about 1830 hours, 9 Apr 1962, we changed busses in Jackson, Mississippi. While waiting to board the bus a conversation between myself, (b)(6) (b)(7)(C) and a colored corporal started. I was able to identify (b)(6) (b)(7)(C) a corporal because he showed me his I. D. card, he showed it as a result of common G. I. talk. This corporal was dressed in civilian clothes. He did not say where he was going.

While talking with him, maybe five minutes, I noticed the smell of alcohol on his breath (b)(6) (b)(7)(C) from his conversation and actions he did not appear to be under the influence, ~~and~~ he didn't raise his voice or do anything out of line.

When we boarded the bus, the corporal sat in the rear. I didn't hear anything of or from him after we got on the bus. At no time did I see him taking a drink.

When we got to Taylorsville, Mississippi, the bus driver walked back to where the corporal was and tried to wake him up. He shook him and called to him, but he couldn't wake the corporal. The bus driver then walked off the bus and was back in a couple of minutes. He then drove the bus a couple of blocks where he met the law. The police car was just coming around a corner. The bus driver sounded his horn, stopped the bus, and walked across the street to the police car. Then they both returned to the bus.

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The policeman got on first, walked to the back where the corporal was while the bus driver followed. The policeman started shaking and calling to the corporal "Buddy, Buddy." He didn't seem to be able to wake him up, so he reached in between the seats, pulled his legs out, stood him up and I guess the corporal woke up about this time. I heard the policeman say, "let's go." The corporal started walking off the bus -- he walked out on his own. He was staggering when he walked out but was

(Continued)

EXHIBIT <u>AI</u>	DEP <u>(b)(6) (b)(7)(C)</u>	PAGE 1 OF 3 PAGES
Additional pages must contain the heading "STATEMENT OF <u>TAKEN AT</u> <u>DATED</u> <u>CONTINUED</u> ." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE <u>OF</u> <u>PAGES</u> ."		

not falling all over the seats. I don't know if this was as a result of being drunk or sleepy.

The policeman and the corporal walked to the front of the bus and they started talking and arguing. I could see the policeman's mouth moving, but I couldn't hear what they were saying. The corporal had his right side to me. As they were facing each other, the policeman started pushing him in the chest toward the police car. They ended up at the side and rear of the police car and the policeman opened the rear door. The police officer then motioned toward the rear seat, trying to get him in, I guess.

He grabbed the corporal by the left arm, I think, and tried to get him in the car. The colored guy shrugged loose and showed he didn't want to get in. It appeared to me that the policeman was getting mad, he kinda backed up and started shuffling his feet. He reached in his right back pocket and got out his blackjack and appeared to be still arguing while he held the blackjack behind him. When the soldier still didn't want to get in, the policeman hit him one time near the head. It didn't appear to bother the soldier, he just sort of turned his head sideways and then turned it back. After he hit him the first time, the policeman said a few more words, none of which I could make out because I was too far away and the windows were up in the bus. Then the policeman hit him four or five more times about the head with the blackjack. The policeman then backed up a few steps and the soldier still wouldn't get into the car.

The policeman pulled out his pistol, fired a shot to the ground and then he approached the colored guy. The colored guy either swung at the policeman or sort of fell on him. The policeman then backed up about three to four feet and shot the

(Continued) (b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

(b)(6) (b)(7)(C)

I HAVE READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7 DAY OF May 1962 AT Aberdeen Proving Ground, Maryland

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) Investigator
1st Lt 135 (A), and 1st Lt,
SO #13, 21 Feb 1962, as amended by
Par 1, SO #21, 5 Apr 1962.
(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence or unlawful inducement shall be received in evidence against him in a trial by court-martial.

The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself.

DEPONENT'S INITIALS

(b)(6) (b)(7)(C)

FOR FILE

STATEMENT OF (b)(6) (b)(7)(C) TAKEN AT ABERDEEN PROVING GROUND ON 4 MAY 1962,
CONTINUED:

corporal. Later when I got off the bus, I saw the corporal was shot in the left chest. The corporal tried to get up twice after he was shot.

QUESTIONS BY INVESTIGATOR (b)(6) (b)(7)(C)

Q. In your opinion, was the corporal under the influence of alcohol?

A. I know he was drinking by the smell, but he wasn't falling around.

Q. Did he appear to be in control of his senses?

A. Yes.

Q. Was there at any time any reference made by the policeman to the corporal's race?

A. Not that I heard.

Q. In your opinion, did the policeman use more force than necessary, that is before the shooting?

A. No, I don't think he did.

Q. In your opinion, was it necessary for the policeman to shoot the soldier?

A. No.

Q. What was the relative size of the corporal to the policeman?

A. The corporal was a big man. I'd say about 6'2" to 6'3" and weighed at least 200 pounds. The policeman looked to be short and stocky, about 5'8" to 5'10", weighing about 175 pounds.

Q. Did you hear the corporal raise his voice at any time?

A. No, he didn't look like he was raising his voice. I couldn't hear any of the conversation.

Q. Did you hear the policeman at any time?

A. I couldn't hear him, but it looked like he was raising his voice. When I got out there after the shooting, I think I heard the policeman say that the colored guy took a swing at him.

Q. Did the soldier at any time attempt to strike or hit the policeman?

A. I couldn't tell whether the soldier was falling on the policeman or swinging at him.

Q. Do you know where the corporal was going when he boarded the bus?

A. No, but I heard later that he was going to Taylorsville on emergency leave to see his wife.

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Q. Do you have anything to add?

A. I don't see why the soldier was shot. He wasn't committing a crime. He didn't appear to be actually assaulting the policeman. It appeared to me that he didn't want to get arrested and taken to the police station. It appeared to me that the colored man wasn't saying anything, just shaking his head.

////////////////////// END OF STATEMENT ////////////////////////
(b)(6) (b)(7)(C)

PAGE THREE OF THREE PAGES

FOR OFFICIAL USE ONLY

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STATEMENT
(SR 190-45-1)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE (b)(6) (b)(7)(C)	DATE 11 May 1962	FILE NO. 3(93)-62-80
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C)	SERVICE NO.	GRADE Civilian
ORGANIZATION (If deponent is a civilian, give address) (b)(6) (b)(7)(C)		

I HAVE BEEN INFORMED BY (b)(6) (b)(7)(C), WHO STATED HE IS ☒ (an) MP Criminal Investigator, OF THE UNITED STATES (Army) ~~(Air)~~ ~~OUTSIDE~~ THAT HE IS CONDUCTING AN INVESTIGATION OF Homicide, [OF WHICH I AM ~~OUTSIDE~~ ~~INTERESTED~~]. (Strike out words between brackets, if inapplicable).

a witness

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BEST COPY AVAILABLE

"~~THE FIRST, SECOND, THIRD, FOURTH, AND FIFTH~~ (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement is a member of the Armed Forces) (has) ~~(has)~~ BEEN READ TO ME BY (b)(6) (b)(7)(C). I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

Sometime after dark on 9 April 1962, the Trailways bus on which I was riding between (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) arrived at Taylorsville, Mississippi. I was sitting toward the rear of the bus and in the seat across the aisle, was a negro man. He had gotten on at Jackson, Mississippi also. I did not speak to this negro at any time and do not recall hearing his name mentioned. I did hear that he was a soldier but he was not dressed in his uniform. He and I were the only negroes on the bus. The soldier sprawled out in the seat and went to sleep soon after he got on the bus. When we arrived in Taylorsville, Mississippi, the bus driver tried to wake him up but couldn't. I don't know if Taylorsville was his destination or not. The driver got off the bus and called for a policeman. When he arrived a short while later, he got on the bus and finally awoke the negro soldier by shaking him. The soldier staggered down the aisle toward the door as if he were drunk. I didn't see him take a drink, however. The policeman followed the soldier and pushed him whenever the soldier stopped walking.

Q: Did the policeman use unnecessary force or roughness in escorting the negro soldier from the bus?

A: No. He just pushed the soldier a couple of times to keep him moving.

Q: What happened when the soldier and the policeman got off the bus?

A2: They were walking toward the police car. The soldier tried to walk away from the policeman, but had gotten only a few yards when the policeman overtook him and headed him back toward the police car. The soldier didn't seem to want to go to the car. I didn't hear anything that may have been said between them. The next thing I saw was the soldier swinging his fist at the policeman. He hit him on the face, I believe. I did not see the policeman strike the soldier first. The policeman then shoved the soldier back up against the police car. The soldier hit the policeman again. Then the policeman

EXHIBIT	DEPON	(b)(6) (b)(7)(C)	1 of 3	PAGES
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Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATES _____" The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE NO. _____ OF _____ PAGES."

hit the soldier about three times with a club or a blackjack. I couldn't see too well as it was dark outside. Everything happened so fast from this point on its hard to describe it accurately. It is my impression however, that the policeman then fired his gun at the negro twice. I didn't see him draw the gun but I did see him point it at the soldier and heard it fire twice in succession. There was just a few seconds between shots. The soldier fell to the ground and didn't move. After some time, a crowd gathered around and they picked up the soldier and moved his body to the side near the curb. I didn't see anything more because of the crowd. I did not leave the bus at any time.

Q: Did you see the soldier attack the policeman with anything but his fists?

A: No.

Q: Are you quite certain that the soldier struck the policeman first?

A: Yes.

Q: Based on your observations of the incident, is it your opinion that the policeman was justified in shooting the soldier?

A: The soldier was not attacking the policeman with any weapon. As far as I could tell, he had no gun, club or knife. I do not believe the shooting was justified. I think the soldier was drunk and was just scuffling with the policeman.

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

(b)(6) (b)(7)(C)

HAVE READ THIS STATEMENT WHICH BEGINS ON PAGE

ONE (1) AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[Signature]
(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY OF May 19 62 AT (b)(6) (b)(7)(C)
WITNESSED BY

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

INVESTIGATOR

Art 136b, (4), UCMJ, 1951

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request a statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. Any statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall not be received in evidence against him in a trial by court-martial.

The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself.

(b)(6) (b)(7)(C)

DEPONENT'S INITIALS

Statement of (b)(6) (b)(7)(C) taken at (b)(6) (b)(7)(C) dated 11 May 1962.
(Continued)

Q: Had there been any racial disorder or discrimination on the bus at any time?

A: No.

Q: How far away was the policeman from the soldier when the shots were fired?

A: About 3 feet.

Q: Was the soldier attempting to run away or was he standing facing the policeman?

A: He was standing facing the policeman.

Q: Was the first of the two shots fired into the ground or air or did they both appear to be aimed at the soldier?

A: They both appeared to be aimed at the soldier. I don't know if he were hit twice or not, but I do remember seeing the gun pointed at the soldier when both shots were fired. (b)(6) (b)(7)(C)

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

Miss (b)(6) (b)(7)(C)
Signature of Dependent

(b)(6) (b)(7)(C)
(b)(6) (b)(7)(C)
Investigator

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Exhibit *T*

(AR 190-45)

PLACE

DATE

FILE NO.

DEPONENT (Last Name - First Name - Middle Initial)

SERVICE NO.

GRADE

ORGANIZATION (If deponent is a civilian, give address)

I HAVE BEEN INFORMED BY

(b)(6) (b)(7)(C)

WHO STATED HE IS (●) ~~(207)~~

Criminal Investigator

OF THE UNITED STATES (Army) (XXXXXX)

THAT HE IS CONDUCTING AN INVESTIGATION OF Involuntary Manslaughter,
[OF WHICH I AM ~~(a person, person, person)~~]. (Strike out words between brackets, if inappli-
cable).
a witness

*THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, ~~XXXXXXXXXXXXXXXXXXXX~~

~~Source is not a member of the Armed Forces~~ (Strike out only if person making statement IS a member of the Armed Forces) (has) ~~(b)(6) (b)(7)(C)~~ BEEN READ TO ME BY (b)(6) (b)(7)(C)

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

On or about 9 Apr 1962, I was on leave enroute to (b)(6) (b)(7)(C) my home town, (b)(6) (b)(7)

From (b)(6) (b)(7)(C) I was traveling by bus in the company of Private (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) About 1830 hours, we changed buses in Jackson, Miss. While waiting to get on a bus a conversation between (b)(6) (b)(7)(C) myself and colored corporal started. I found out he was a corporal when he showed us his ID card. The conversation was GI talk. The corporal was dressed in civilian clothes. We were in uniform. We only talked a few minutes before we got on the bus. (b)(6) (b)(7)(C) I noticed that the corporal had been drinking by the way he acted. I could not smell any alcohol and I noticed that when he got on the bus he stumbled, but this is the only way that I could tell that he had been drinking. At no time was he disorderly or loud. When we got on the bus he sat in the rear. After we got on the bus I didn't see or hear anything of him. At no time did I see him take a drink. When we got to Taylorsville, Miss., the bus driver walked back and tried to wake him up. He shook him and called him and couldn't wake him up. The bus driver walked outside and I guess he asked for the law, and then got back in the bus and drove about a block or a block and a half where he met a police car. The bus driver got out and talked to the policeman and they both came back to the bus. The policeman walked to the back and called the corporal four or five times and shook him and helped him up. He kinda lifted him. The corporal was stumbling when he got off the bus. I don't know if he was drunk or sleepy. As he got off the bus the corporal was trying to put his shirt tail in. I heard the law tell him to get in the car. The policeman was shoving the corporal towards the car. The next time I saw them they were by the police car across the street. I heard what sounded like a thud and I looked up and I saw the policeman hitting the colored corporal about the head four or five time with a blackjack. He didn't knock the corporal down. I didn't see if the corporal was swinging back. I sat down and then I heard a shot. I looked up. They were both still standing and then I sat down again. I heard another shot and looked up and saw the corporal was lying on the ground. When I arrived there a few minutes later someone covered the corporal up so I guess he was dead.

BEST COPY AVAILABLE

BEST COPY AVAILABLE

QUESTIONS BY INVESTIGATOR (b)(6) (b)(7)(C)

Q: In your opinion, was the corporal under the influence of alcohol?

A: Yes, I would say he had been drinking.

EXHIBIT

DEP(h)(6) (h)(7)(C) ALS

PAGE 1 OF 3 PAGES

Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE _____ OF _____ PAGES."

- Q. Did the corporal at any time attempt to hit or stab the policeman?
- A. Not that I saw.
- Q. Do you know where the corporal was going?
- A. No, sir.
- Q. What was the size of the policeman?
- A. 5' 11" and about 170 - 180 pounds.
- Q. What was the size of the corporal?
- A. 6' to 6'1" and about 190-200 pounds.
- Q. Did you hear the policeman say anything after the shooting?
- A. I heard him say he hated that he shot him. The policeman was kinda nervous.
- Q. Was there any reference made to the corporal's race when you spoke to the policeman?
- A. No, Sir.
- Q. Do you have anything to add to this statement?
- A. No, sir. (b)(6) (b)(7)(C)

AFFIDAVIT BY DEPENDENT

I, (b)(6) (b)(7)(C), ~~XXXXXXXXXXXX~~ (HAVE READ THE STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF May 1962 AT Aberdeen Proving Ground, Maryland

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) Investigator
USCM, Art 136 (4), and Par 1,
SC #13, 21 Feb 1962, as amended
by Par 1, SC #24, 5 Apr 1962

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER USCM, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

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DEPENDENT'S NAME

(b)(6) (b)(7)(C)

Q. Could you smell anything?

A. No, Sir.

Q. Was he staggering around or falling?

A. No, sir. Not until they started getting him off and I don't know whether or not he was sleepy or not.

(b)(6) (b)(7)(C)

Q. Was he in control of his senses?

A. I couldn't say.

Q. Was there at any time anything said by the policeman in regard to the corporal's

re (b)(6) (b)(7)(C)

A. Not that I heard.

Q. In your opinion, do you think the corporal should have been shot?

A. No, sir, I don't think he should have been shot and I don't think he should have been killed, if he was shot. There isn't any use to shoot a man.

Q. Did the policeman, in your opinion, use more force than necessary before the shooting?

A. He was hitting him with a blackjack. I won't say he was doing it too much. It all depends on how much he had to do it. I don't know how much you are supposed to hit a man.

Q. Did you hear the corporal raising his voice at any time?

A. No, Sir.

(b)(6) (b)(7)(C)

AFFIDAVIT BY DEPONENT

I, _____ HAVE HAD READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

BEST COPY AVAILABLE

(SIGNATURE OF DEPONENT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 19____ AT _____

WITNESSED BY:

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

(AUTHORITY TO ADMINISTER OATHS)

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DEPONENT'S INITIALS

(b)(6) (b)(7)(C)

STATEMENT

(AR 190-43)

Explain the nature of the investigation. If deponent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE 92nd MP Detachment (CI), Fort Rucker, Alabama	DATE 29 June 1962	FILE NO. 3(92)-62-70
DEPONENT (Last Name - First Name - Middle Initial) (b)(6) (b)(7)(C)	SERVICE NO. BA (b)(6) (b)(7)(C)	GRADE SP 7
0. If deponent is a civilian, give address 92nd MP Detachment (CI), Fort Rucker, Alabama		

I HAVE BEEN INFORMED BY _____, WHO STATED HE IS (a) (an) _____, OF THE UNITED STATES (Army) (Navy) (Air Force), THAT HE IS CONDUCTING AN INVESTIGATION OF _____, [OF WHICH I AM (accused) (suspected).] (Strike out words between brackets, if inapplicable).

BEST COPY AVAILABLE

"THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement IS a member of the Armed Forces) (has) (have) BEEN READ TO ME BY _____.

I UNDERSTAND THAT I DO NOT HAVE TO MAKE ANY STATEMENT WHATSOEVER AND ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME."

On 11 April 1962, Mr (b)(6) (b)(7)(C) Sr, Chief of Police, Taylorsville, Mississippi, was contacted and information pertaining to the investigation was obtained. (b)(6) (b)(7)(C) stated that he was not present when the incident occurred but was called to the scene shortly after it happened. (b)(6) (b)(7)(C) explained that the Bus Station, as such, was located at the C. E. BOYKIN Hardware Store, in Taylorsville, and tickets were purchased there and the bus companies used this as a stopping point. (b)(6) (b)(7)(C) stated that immediately after being notified of the incident, he notified the Sheriff of Smith County, Mississippi, Mr (b)(6) (b)(7)(C), who came and conducted an investigation of the incident. (b)(6) (b)(7)(C) further stated that in his opinion Officer (b)(6) (b)(7)(C) was in his rights in the shooting since it was in self defense. (b)(6) (b)(7)(C) stated that (b)(6) (b)(7)(C) approximately five (5) feet seven (7) inches tall, weighing about one hundred sixty (160) pounds, was up against the soldier who was about six (6) feet two (2) inches tall and weighed over two hundred (200) pounds.

On 11 April 1962, Dr (b)(6) (b)(7)(C) MD, Taylorsville, Mississippi, was interviewed and stated that he was called to the scene by the police at about 2050 hours, 9 April 1962, and pronounced DUCKWORTH dead at the scene. (b)(6) (b)(7)(C) listed the cause of death as a result of a gunshot wound.

On 11 April 1962, Mr (b)(6) (b)(7)(C) Mayor, Taylorsville, Mississippi, was interviewed and could furnish no further information than (b)(6) (b)(7)(C) except for the fact that on 10 April 1962, he appeared as a witness before the Smith County Grand Jury, Raleigh, Mississippi, which was in session at the time, and that to the best of his knowledge the jury returned a "No Bill" against (b)(6) (b)(7)(C). (b)(6) (b)(7)(C) stated that from all information he had, (b)(6) (b)(7)(C) was justified in shooting the soldier in self defense.

On 11 April 1962, Mr (b)(6) (b)(7)(C) Sheriff, Smith County, Mississippi, was interviewed and stated that investigation conducted by his office disclosed that the policeman shot DUCKWORTH in self defense and that the killing was unavoidable. No written record was made by the sheriff of this investigation.

EXHIBIT	DEPONENT'S INITIALS	PAGE 1 OF 2 PAGES
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Additional pages must contain the heading "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." The bottom of each additional page must bear the initials of the person making the statement and the date. PAGE OF PAGES.

Mississippi, was interviewed and stated that his establishment, a branch of Cooks Funeral Home, Jackson, Mississippi, picked up the remains of DUCKWORTH on the date of the incident and transported them to Jackson, Mississippi. (b)(6) (b)(7)(C) stated that DUCKWORTH's personal effects were released to Mr (b)(6) (b)(7)(C), (b)(6) (b)(7)(C) on 9 April 1962.

On 11 April 1962, Mr (b)(6) (b)(7)(C) Attorney, Continental Trailways Inc., Jackson, Mississippi, was interviewed and furnished the names of the passengers on the bus at the time of the incident. (b)(6) (b)(7)(C) declined to permit (b)(6) (b)(7)(C) Bus Driver, to execute a written statement pertaining to the incident but did permit (b)(6) (b)(7)(C) to give an oral statement in his presence.

On 12 April 1962, Mr (b)(6) (b)(7)(C) District Attorney, Smith County, Mississippi, was contacted and stated that the Smith County Grand Jury had met on 10 April 1962, and heard the case pertaining to the shooting. (b)(6) (b)(7)(C) stated that the jury returned a "no bill" on the incident. (b)(6) (b)(7)(C) stated that since there was a no bill issued, no written record was made of the hearings.

On 12 April 1962, Mrs (b)(6) (b)(7)(C) sister-in-law of DUCKWORTH, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) was interviewed and stated that she had received a call from DUCKWORTH, at about 1530 hours, 9 April 1962, from Jackson, Mississippi, asking that she meet him at the Bus Station in Taylorsville at about 2030 hours. Mrs (b)(6) (b)(7)(C) stated that she was a few minutes late in getting to the station and that when she arrived in Taylorsville, DUCKWORTH was laying in the street and had been shot. Mrs (b)(6) (b)(7)(C) stated that he died a few minutes later.
////////////////// END OF STATEMENT ////////////////////

AFFIDAVIT BY DEPONENT

I, _____ HAVE HAD READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C)
(b)(6) (b)(7)(C) SP 7

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 19 _____ AT _____
WITNESSED BY: _____
Investigator

BE21 COBA VAVC

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

The fifth amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case "to be a witness against himself."

EXHIBIT M

Page 000038 referred to:

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