

VIRGINIA

IN THE CORPORATION COURT OF DANVILLE

COMMONWEALTH OF VIRGINIA)

VS.)

LAWRENCE GEORGE CAMPBELL,)
ALEXANDIA ISIAH DUNLAP,)
ARTHUR PINCHEACK AND)
JULIUS ADAMS)

TRANSCRIPT OF EVIDENCE

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afternoon

The following testimony constitutes the evidence introduced in the above styled case, heard before Honorable A. M. Aiken, in the Corporation Court of the City of Danville, Virginia on the 19th day of September, 1963.

APPEARANCES:

EUGENE LINK,
Commonwealth's Attorney

J. L. WILLIAMS, ANDREW C.
MUSE and BETTY ANN LYNCH COOPER,
Counsel for Defendants

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MR. LINK: If Your Honor please, on motion of the Commonwealth it is agreeable with counsel for the defendants - it has been agreed that these cases will be tried together, also it has been on motion of the defense attorneys and by agreement of Commonwealth's Attorney that these cases be tried without a jury.

(Mr. Link made an opening statement on behalf of the Commonwealth.)

MR. MUSE: We waive an opening statement

T. L. QUEEN,

the first witness, after being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LINK:

Q. Will you state to the Court Reporter your name?
And your occupation?

A. Thomas L. Queen and I am with the Danville Police Department.

Q. Were you on duty back on June 10th of this year?

A. Yes, I was.

Q. Did you take any pictures of any happenings in the Municipal Building?

A. Yes, I did.

Q. I will show you six pictures here and ask you where you took these pictures. First I will show you

Commonwealth's Exhibit No. One. Did you take that picture?

A. Yes.

Q. Where did you take it?

A. In Mr. Temple's outer office.

Q. I show you Commonwealth's Exhibit No. two and ask if you took this picture?

A. Yes.

Q. Where did you take it?

A. Same place.

Q. What do the pictures purport to show?

A. It is a group of people in his outer office. I took this picture standing on the desk of the receptionist of Mr. Temple.

Q. I show you Commonwealth's Exhibit No. Three and ask if you took that picture and what it purports to represent.

A. Yes, I did. It was taken in the hallway which leads to the outer office of Mr. Temple.

Q. What does it show?

A. A group of people standing in the hall way and sitting on the floor.

Q. I show you Commonwealth's Exhibit No. Four and ask if you took that picture?

A. Yes. It was also taken in the hall way looking toward the outer office of Mr. Temple's office.

It shows these people standing and sitting in the hall.

Q. I show you Commonwealth's Exhibit No. Five and ask if you took that picture?

A. Yes. It is a group of people standing behind the receptionist in the outer office of Mr. Temple.

Q. Mr. Queen, what time was this?

A. It was around five o'clock p.m.

Q. Were you on duty?

A. Yes.

Q. Did you observe anything?

A. No, I was downstairs. Chief McCain came down and asked if I knew how to use a camera. I took the camera and came right on up to Mr. Temple's office.

Q. I believe you are the Desk Sgt?

A. No, just a Sgt. I am the Shift Sgt.

Q. I show you Commonwealth's Exhibit No. Six and ask what that is.

A. That's the outer office of Mr. Temple's office, taken from behind the desk of the receptionist in the outer office.

Q. Did you develop the pictures?

A. No.

Q. Who developed them?

A. Mr. Groff.

Q. That's all.

MR. RUSE: No questions.

The witness stands aside.

EUGENE G. MCCAIN,

the next witness, after being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LINK:

- Q. State your name and occupation.
- A. E. G. McCain, Chief of Police, Danville, Virginia.
- Q. Chief, were you - back on June 5th - I have a warrant here charging Lawrence Campbell, Arthur Pinchback and Alexander Isiah Dunlap - will you tell the Court here if you arrested any of these people?
- A. Campbell, I assisted in the arrest of Campbell.
- Q. Tell us what led up to the arrest?
- A. Prior to four o'clock, a group of colored people, demonstrators, led by Campbell and Dunlap, Pinchback was in the group, as well as Julius Adams, assembled on the front steps of the Municipal Building.
- Q. Where did they come from?
- A. They came from the direction of High Street Church. I was standing on the other side of the street, watching. They had been on the steps a few minutes

singing freedom songs and clapping their hands under the direction of Dunlap.

Q. How many were in the group?

A. Over a hundred. I imagine a hundred and twenty-five to a hundred and fifty. I had not counted them. I was standing on the far side of the street watching with some other police officers, when suddenly the group reversed their position and turned toward the Municipal Building and started filing into the revolving front door. I ran across the street into the basement, up the stairs, and to the second floor. I dashed to the front door and stopped the crowd coming in the front door. Julius Adams was at the front door. The Fire Chief was with me. I told him to hold the door. A group of people who had already entered the building were going up the stairs to the third floor, singing, "We Shall Overcome." It was loud enough to disturb the entire building. As I came on the second floor it was real loud. I could not hear anything else. The workers in the building were coming out the offices. I followed them upstairs and when I arrived at the office of the City Manager, they had filed in and sat down on everything that they could sit on, including the floor. There were approximately seventy-five people in this room

which is about twenty-two feet long, I would estimate, and about ten or twelve feet wide. They were seated on the floor, so thickly, it was almost impossible to walk between them. When I arrived they were standing on the outside of the door. I had to ask them to move out of the way so I could enter the room. Immediately upon entering their room I ordered them to leave the premises. I said, "You are disturbing the people in the building." Everybody shouted. I don't know if you could understand a word or if they were just yelling in unison. I went in to see if the people in the office were safe.

Q. Describe the offices.

A. This center room is an extension of the corridor similar to the one outside this courtroom. This room behind these doors is a reception room about twenty-two feet long and ten or twelve feet wide. There is a desk where the receptionist sits. On either side, there are two rooms, two on the right and two on the left. Actually, there are three on the left. The office of the City Manager, his secretary and the office of Mr. Nielson, assistant city manager. Those doors were closed. The occupants of the office had closed the doors. I entered to see if they were all right. They were.

No harm had been done. I walked over parts of the bodies of these people, some were prone, some had to sit extending into the floor. Some were on the radiators, some were on tables, chairs, anything they could find a place to sit on.

Q. I believe the Mayor's office was on the right?

A. There were a few people in there but someone ran them out and closed the door. They would not come out.

Q. Was anyone in the conference room?

A. I don't remember seeing anyone in that particular room. There was a large group in the hall, they could not get into the offices. I called Mr. Queen to take pictures. I came back with him and told him who to photograph and what to photograph. He took pictures of the group in the hall and took pictures in the offices. I held a chair for him to climb up on the desk of the receptionist. When he would take pictures, they would hold up their arms and banners and shout in unison. He took pictures of those behind the receptionist and took pictures of those in the hall. In that group inside the office was Rev. Campbell and also Pinchback, who happened to be leaders of the group. Also, he had some sort of paper. He was making notes. I told them again to get out of the office as I

faced them, and to leave the building, that they were trespassing. Rev. Campbell said they were going to stay there all night. He asked the group - some were very young, twelve, thirteen or fourteen years old - most appeared to be juveniles, he said, "Did you ever spend the night in a Mayor's office?" They would say, "No, would you like to stay here all night?" They would all yell, "Yes." It was deafening in that room. You could hear it all over the building. They would sing and chant. They had some coca-cola tops in boxes and bags and use them like castanets. It was about five-fifteen when we got them out of there. We arrested Campbell for riotous and disorderly conduct and got him out of the building. He was the only one we arrested in the office of the City Manager.

(Recess for lunch.)

- Q. I believe before lunch, I was asking or fixing to ask - was Rev. Alexander Isiah Dunlap arrested at the same time Rev. Campbell was?
- A. Not at the same time but the same day, yes.
- Q. Were there any juveniles up there?
- A. Yes, in my opinion, about three-fourths of the individuals present were juveniles, some looked to be as young as thirteen, maybe even as young as twelve. They had their school books, most had

school books, school was still going on at that time. One reference made by Rev. Campbell - some of the youngsters were sitting or reading their books, someone mentioned something about school. They were taking pictures and thought they might be in trouble with the school board. Rev. Campbell said, "Don't you-all worry. If you don't pass, I will see about that. I will see you are promoted."

Q. Did anything happen to you?

A. Not in the office. I was struck on the Court Street side of the building. Mary Elizabeth Bethel struck me.

MR. MUSE: Isn't this regarding conduct in the City Manager's office or all day?

MR. LINK: Anywhere until we get up to the place Judge Aiken disqualified himself at the corner of Main and Chestnut Street.

THE COURT: I was a witness to some of it at Main and Chestnut.

Q. You say she was a juvenile?

A. Yes, I think she was seventeen.

Q. Her name was Bethel?

A. Yes.

Q. I think that's all I care to ask.

CROSS EXAMINATION

BY MR. WILLIAMS:

Q. What time did you first see the group, Chief?

- A. In the afternoon, a little before four o'clock. I don't know the exact time. They came over and marched to the building. It was probably ten to four, maybe quarter to four.
- Q. And how long were they on the steps there?
- A. They stayed on the steps just a short time, maybe fifteen minutes before they came inside the building.
- Q. Do you know what provoked them to come into the building or what caused them to come into the building?
- A. I presume Rev. Campbell or Dunlap. He gave a signal. He motioned toward the building and everyone turned around and started filing into the building. I saw no other action. Nothing happened foreign to what was happening in the group. There was no loud noise to cause them to move except that he was directing them to move.
- Q. How many were on the steps on the Courthouse?
- A. I estimated about a hundred and twenty-five. All of them didn't come into the building. I managed to block the door upstairs. I estimated it was seventy-five in Mr. Temple's office including those in the corridor.
- Q. I believe there was some testimony that you arrested Rev. Campbell?
- A. Yes, I got hold of Rev. Campbell and told him he

was under arrest for disorderly conduct. T. N. Morris and Captain Boswell took him away in the elevator.

Q. Where was this?

A. In the reception room of the City Manager's. His back office. The other door leads to Mr. Neilson's office. It was the last door on the left.

Q. What particularly had he done just before the arrest?

A. At the minute he was doing nothing but sitting down prior to his arrest. He had been leading the group in chanting. As I reiterated a minute ago, he told them if they failed on their examination he would see they passed. He also led them in their theme of what they wanted. They all shouted, "Freedom." "When do you want it?" "Now." "Have you ever stayed in the City Manager's office all night?" "No" "Are you going to stay all night?" He told me they were not going to leave until they saw the Mayor or City Manager. Neither was in their office.

Q. In answer to a question on direct, you said you checked the office to see if the people were all right.

A. Yes.

Q. Who were you checking on?

A. Mrs. McCormick was in the office on the left, a young lady, Brenda, was on the right, which is the

office of the Mayor. Mr. Neilson's office is the office on the left.

Q. They didn't go into that office?

A. A few went into the office where Brenda was working on some correspondence. They came out. I think maybe they were forced in there by the pressure of the number in the room that stayed in the reception room.

Q. And all this was carried on in the reception room?

A. That's right, and out in the corridor.

Q. How long were you in the City Manager's office before Campbell was arrested?

A. About an hour. The building had closed. I informed them of such and asked them to leave. They wouldn't leave. I arrested Campbell and told the rest of them to leave.

Q. Was Arthur Pinchback arrested at this time or in the building?

A. No, he was not arrested at that time.

Q. Was he in the building?

A. Yes, he was.

Q. What, if anything, had he done?

A. He was shouting and singing with the group and had some sort of record in his hand, I do not know what it was, where he was entering some sort of entry on paper. I didn't ask to see it.

- Q. During the time that you saw him in the office, was this mainly what he was doing?
- A. That was one of the things he was doing. He was shouting with the rest of them. He was a part of the group and their actions.
- Q. But you didn't arrest him at that time?
- A. I did not.
- Q. Was Rev. Dunlap in the City Manager's office?
- A. He was not in the office. He was in the hall next to the office with the remainder of the group.
- Q. What, if anything, did these people in the hall do?
- A. They were shouting and singing in unison with those in the office. Those in the hallway were sitting on the floor against the wall, as those in the office. They were two groups acting in unison. They also carried signs on pasteboard.
- Q. After you arrested Rev. Campbell, you got the rest of them out of the office?
- A. Yes.
- Q. Did you take part in Rev. Dunlaps' arrest?
- A. No, he was arrested down about Gentry's Seafood Market. I was standing in front of the Municipal Building.
- Q. What in particular was Rev. Dunlap doing?
- A. He was in the hall, apparently in the group in

the hall. They sang and chanted. I went down-stairs to get the police photographer and when on another floor I could hear them shouting. The group in the hall was shouting and applauding as was the group in the City Manager's office.

Q. You got them out of the waiting room and out of the building?

A. That's right.

Q. After they were gotten out of the building, what was done after you got them out of the building?

A. They stayed on these steps a few minutes and Dunlap said, "Come on and follow me." They went around the building and ran out into the middle of the cars, amongst the cars. They went down the street with cars stopping, blocking everything and caused a chaos in the street. We were busy trying to get them out of the street to keep them from getting struck by automobiles. Dunlap was in charge of the group. When he got down to the fish market, he laid down in the street and was picked up by officers.

Q. Did you get any juveniles or know any of them by name who were very definitely under seventeen?

A. Mary Elizabeth Bethel who struck me in the face was a juvenile.

Q. Was she in the building?

- A. Yes, and when she left the building at the door on the Court Street side she struck me in the face with her purse.
- Q. During this time as they started down the street, where was Arthur Pinchback?

A. He was with the group when they went out of the building. I do not remember his exact location when going down the street.

Q. You don't know if he left the group or not?

A. No.

RE-DIRECT EXAMINATION

MR. LINK: I have some exhibits that have been entered in the record, one through six. I will ask you to look at Commonwealth's Exhibit No. One.

A. This picture was taken in the reception room of the City Manager's office, the afternoon of June 5th, somewhere approximately 5:00 P.M.

Q. What does that represent?

A. This is the group of people and shows how totally packed they were in the room and shows the shouting. Their mouths were all open shouting in unison when we took the picture.

Q. This is Commonwealth's Exhibit Two.

A. This is the same group, same room. In this group it is one of the young ladies who works in the office. Lt. Howerton is escorting her out.

Q. This is Exhibit Three.

- A. This was taken in the hall looking into the group that was in the office of the City Manager.
- Q. This is Exhibit No. Five.
- A. This is the picture of the far end of the room taken at about five o'clock or later, part of this demonstration. Some of the people had left. We closed the door to keep them from coming back in. This is the receptionist's office.
- Q. This is Commonwealth's Exhibit No. Four.
- A. This was taken at the elevator looking towards the office of the City Manager with these individuals who took part in the demonstration sitting around here. You notice some of the children are very young.
- Q. This is Commonwealth's Exhibit No. Six.
- A. This is the same group of people in the same room. Here is Rev. Campbell. He was in this area when he was arrested. I had told him to leave. It shows how many were in the room and shows the very young children in the picture.
- Q. These haven't been introduced but I am going to introduce them.
- THE COURT: About how old a man is Pinchback?
- A. I would call him a young man. I would say perhaps in his early thirties, not over thirty-five.
- THE COURT: How old is Campbell?

~~Queen - re-direct~~

A. He wouldn't be much older than that, or Dunlap.

They are all relatively young men. I wouldn't say any of them are over thirty-five.

The witness stands aside.

T. L. QUEEN,

recalled, still under oath, testified further as follows:

RE - DIRECT EXAMINATION

BY MR. LINK:

Q. I want to show you what I purport to be Commonwealth's Exhibit No. Seven. Did you take that picture?

A. Yes.

Q. Where were you standing when you took that picture?

A. In the outer office of Mr. Temple's office, looking out towards the hall.

Q. This will be Commonwealth's Exhibit No. Eight. What does that purport to show?

A. That's in the outer office of Mr. Temple's office looking away from the hallway toward the back of the office.

Q. Where were you standing when you took that picture?

A. I was standing near the door, about this door here, facing this way.

Q. Do you know any of the subjects in the picture?

A. I know Rev. Campbell. I don't know any of the others.

- Q. What were they doing when you took these pictures?
- A. What were they doing?
- Q. Yes.
- A. They were singing, hollering, and clapping their hands.
- Q. You didn't talk to any of them yourself?
- A. No, I was busy taking pictures.
- Q. That's all.

CROSS EXAMINATION

BY MR. WILLIAMS:

- Q. You had your name on the back of some of these pictures and I notice these last two you didn't put anything on there to identify them. Is that right?
- A. Some of them I didn't. I think they were duplicates made of some of them.
- Q. What kind of camera did you use?
- A. I used one that is the property of the police department. I think it is called a Speedgraphic. I am not an expert on cameras.
- Q. Not being an expert in cameras, did you develop them?
- A. No, Mr. Groff did.
- Q. You know they are the same pictures you took?
- A. I turned them over to the Detective Division.

- Q. Was there anybody else all that day taking pictures?
- A. I didn't see anybody else.
- Q. You were the only one from the police department?
- A. Yes.
- Q. How about when the pictures were enlarged, did you enlarge them?
- A. No, Mr. Groff.
- Q. But all these pictures you took?
- A. Yes.
- The witness stands aside.

EUGENE G. MCCAIN,

recalled, still under oath, testified further as follows:

RE-DIRECT EXAMINATION

BY MR. LINK:

- Q. Was it anyone else in the building taking pictures on that occasion?
- A. I don't remember anyone else. I didn't have anybody but Queen.
- Q. Where were the detective picture-takers?
- A. They had gone home. They go home about quarter to four. They were, as far as I know, home or on the way home.
- Q. I will show you Commonwealth's Exhibit No. Seven and ask you what that purports to represent.
- A. This is a picture taken in the office of the City

~~re-cross~~

Manager the same day as the previous ones indicated. This is Rev. Campbell. Some of these other people I know by face but not by name. This is the conference room. This is, as I remember.

Q. This is Commonwealth's Exhibit No. Eight.

A. This is a picture taken from the door looking back towards Court Street in the opposite direction. This is Arthur Pinchback in the plaid shirt holding a paper in his hands. This is Rev. Campbell in the light suit.

Q. This is Arthur Pinchback?

A. That's right.

Q. That's all.

THE COURT: How many ministers were in this crowd?

A. Just the two I know of at that particular time, Dunlap and Campbell.

THE COURT: Was Pinchback a minister?

A. Not that I know of. He has never been called Rev. or Dr.

RE-CROSS EXAMINATION

BY MR. WILLIAMS:

Q. Chief, showing you Commonwealth's Exhibit No. Seven, there are some people looking like they are singing. Does that show Arthur Pinchback doing anything but taking notes?

A. Right at the moment his mouth is closed.

Q. That's all.

The witness stands aside.

T. N. MORRIS,

the next witness, after being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LYNN:

Q. State your name, occupation, please.

A. T. N. Morris, Patrolman, City of Danville Police Department.

Q. Were you on duty on June 5th when this incident happened in the building and just outside the building?

A. Yes, sir.

Q. Just tell us what you observed.

A. I observed sixty-five or seventy persons dashing into the building.

Q. Had you seen them prior to the time they came into the building?

A. I first observed them on the steps on the Patton Street side of the Municipal Building.

Q. What were they doing?

A. Singing and chanting out there on the steps, about sixty-five or seventy, led by Campbell. He gave a motion and they surged through into the Municipal