

44A-JN-30112, 62D-JN-30045-FD302.

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This day, this cause coming on to be heard, on this the 23rd day of September, 1955. Comes the District Attorney, came also the defendants, each in his own proper person and represented by counsel and announced ready to proceed herein. Whereupon, came the same jury, composed of J. A. Shaw, Jr., and eleven others, being specially sworn to try the issue. Thereupon, the cause proceeded to further trial before the Judge aforesaid, and the jury, when and where the following proceedings were had, as follows:

LEE RUSSELL ALLISON

A witness introduced for and on behalf of the defendants, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q This is Mr. Lee Russell Allison?

A It is.

Q Where do yo live, Mr. Allison?

A About a mile south of Tippo.

Q And how far is that from the little community of Glendora?

A I would say around eight miles.

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Q How long have you lived in Tallahatchie County?

A Practically all my life.

Q What official position, if any, do you hold in Tallahatchie County?

A Supervisor, Beat 4.

Q And is Glendora in Beat 4?

A It is.

Q Do you know one of the defendants in this case, Mr. J. W. Milam?

A I do.

Q How long have you known him?

A Some four years or probably a little over four years.

Q Do you know in the community where he lives his general reputation for peace and violence?

A It is good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Allison, were you a candidate in the recent August primaries for re-election?

A I was.

Q And you got elected, I hope?

A I did.

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Q Did Mr. Milam support you in that election?

A I believe he did. Most of them did.

Q And any way that you could repay that favor, you would be glad to do it, and that is what you are doing now, is that right?

A I don't know about repaying any favor.

Q But that would be the natural thing to do, isn't that right?

A Well, if I could return a favor, I would.

Q Now, Mr. Allison, you weren't present with the defendant on August 24th - - -

MR. BRELAND: We object to that, Your Honor. That is previous to August 28th.

THE COURT: The objection is sustained.

Q You have stated your opinion as to the general reputation of J. W. Milam?

A I have.

Q I want you to tell the jury if it is not an actual fact that he was convicted - - or he was arrested and pleaded guilty to a charge - - -

MR. BRELAND: We object to that, Your Honor..

THE COURT: The objection is sustained. Will the jury please retire to the other room.

(The jury retired to the jury room, and the proceedings, continued in the absence of the jury.)

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MR. CHATHAM: I want to make this statement to the Court. We asked the question in perfectly good faith, and we are not intending to take any advantage of the witness or of the Court.

And we asked the question for the simple reason that the witness testified to the good character and reputation of J. W. Milam as to peace and violence. And we want to interrogate him and ask him what he based that on.

THE COURT: But you didn't start your questions that way. You may ask your questions now in the absence of the jury, and we can perhaps let you finish the questions before we sustain any objection.

Q Mr. Allison, what you meant to tell the jury was that you don't know of any act of violence that was ever committed by J. W. Milam, so far as your personal knowledge is concerned? Isn't that right?

A That is all I can say. I can just say what I do know.

MR. BRELAND: If the Court please, that is going beyond the scope of our direct examination. And this is his cross examination of the witness.

THE COURT: Do you wish to withdraw your question? As the Court sees it, this examination is a cross examination, and it will have to be limited to the matters in

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issue in the charge here. And he has testified that the general reputation of the defendant, J. W. Milam, in the community in which J. W. Milam lives, that the general reputation for peace and violence is good.

Now, the cross examination will have to be limited to the reputation of the defendant, J. W. Milam, as to peace and violence. This is cross examination, you know.

Q Now, Mr. Allison, I believe you said that you have lived in that community practically all your life, is that right?

A I have.

Q And if you don't know everybody in your supervisor's district, it isn't because you didn't try to find them? You tried to find all of them, didn't you?

A I did, every one.

Q And you wanted to make friends of every one of them, is that right?

A Yes, Sir.

Q Have you ever heard of Mr. J. W. Milam ever having been convicted of any criminal charge?

A No, Sir.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained, and the question

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is not to be asked in the presence of the jury. Let the jury come in, please.

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

MR. CHATHAM: I don't believe I have anything further.

(WITNESS EXCUSED.)

LEE MCGARRH,

A witness introduced for and on behalf of the defendants, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You are Mr. Lee McGarrh?

A Yes, Sir.

Q How old are you, Mr. McGarrh?

A Thirty five.

Q Where do you live?

A At Glendora.

Q Glendora, Mississippi?

A That's right.

Q How long have you lived at Glendora?