

Supp 83-787222, Theresa Ruth

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District Attorney's Office
COUNTY OF NEW YORK

March 4, 1965 -

Theresa Butler -

Grand Jury
Appearance -

Butler

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T H E R E S A B U T L E R, called as a
witness, having been administered the
oath, testified as follows:

THE WITNESS: I affirm.

BY MR. STERN:

Q What is your name, please?

A Theresa X Butler.

Q Mrs. Butler, where do you live?

A 661 Rosedale Avenue.

Q Now, Mrs. Butler, are you the wife
of Norman X Butler, also residing at that address?

A Yes, I am.

Q And I show you Grand Jury Exhibit #3
and ask you is this a photograph of your husband?

A Yes.

Q Now, Mrs. Butler, I direct your attention
to February 21, 1965, a Sunday, that would be the Sunday
that Malcolm X was shot, and I ask you whether you were
at home on that day?

A I refuse to answer on the advice of counsel as to my
answer may tend to incriminate me.

Butler

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Q Now, Mjs. Butler, do you understand that the grand jury is in no way accusing you nor has any law enforcement agency accused you of being present in the Audubon Ballroom at the time Malcolm X was shot, nor is anybody accusing you of having anything to do with the shooting of Malcolm X, you understand that, don't you?

A I refuse to answer on the advice of counsel as my answer may tend to incriminate me.

Q Are you saying to this grand jury that there is something in the answer to the question of where you were on February 21, 1965, which could possibly incriminate you in any way?

A I refuse to answer on the advice of my counsel as my answer may tend to incriminate me.

MR. STERN: Will you step out for just a few minutes. You understand your presence is still required. You are just being excused for a minute.

(Whereupon the witness, Mr. Stern and the stenographer left the grand jury room and returned shortly thereafter.)

Butler

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THE FOREMAN: Mrs. Butler, you are still under oath.

Q Now, Mrs. Butler, I again ask you were you at home on February 21, 1965?

A I refuse to answer on the advice of my counsel as my answer may tend to incriminate me.

MR. STERN: Mn. Foreman, I ask you to direct the witness to answer the question.

THE FOREMAN: Mrs. Butler, the grand jury directs you to answer the Assistant District Attorney's question.

Q Now, Mrs. Butler, I want to inform you-- please listen to me, Mrs. Butler.

A I'm listening.

Q I want to inform you that now that the foreman of this grand jury has directed you to answer the question that, in effect, confers immunity upon you from prosecution in regards to anything that you testify to. This grand jury is now investigating a homicide case and conspiracy to commit homicide, it has the power under the Penal Law to confer immunity upon any witness. It

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does so by--through its foreman by him directing you to answer the question.

The grand jury, while you were out, had voted to confer immunity upon you. That means that you cannot be prosecuted for anything that you testify to here, which means, ma'am, that you may no longer legally claim any Fifth Amendment in regards to any questions, any lawful questions, put to you by this grand jury. Do you understand what I have explained to you?

A I heard you.

Q And now, once again, I'm going to ask you questions, and I must tell you if you continue to refuse to answer on the ground that you indicated before, which are no longer legally in effect, I will ask that you be brought before the judge now sitting in Part XXX of the Supreme Court. Do you understand, Mrs. Butler?

A I heard you.

Q Mrs. Butler, once again I ask you were you at home on February 21, 1965?

A I refuse to answer on the advice of counsel as my answer may tend to incriminate me.

Butler

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Q You understand that you have immunity?

A I didn't hear you.

Q Do you understand that you have immunity from prosecution?

A I heard you.

Q Do you understand that your answers cannot, under that grant of immunity, incriminate you at all?

A No comment.

MR. STERN: All right. Mr. Foreman, will you please accompany me and the witness and the stenographer to the judge.

(Whereupon, the witness, the foreman Mr. Stern and the stenographer left the grand jury room.)

District Attorney's Office

COUNTY OF NEW YORK

March 5, 1965-

Theresa Butler

Grand Jury
Appearance

PEOPLE VS. JOHN DOE, et al.

March 5, 1965

-oOo-

Before:

A QUORUM OF THE THIRD MARCH 1965

GRAND JURY

Presented by:

HERBERT STERN, Esq.,

Assistant District Attorney

-oOo-

DAVID M. SOLOMONS
EDWIN MARTINEZ
Grand Jury Reporters

-oOo-

THERESA 7 X BUTLER, called as a
witness, having been first affirmed,
testified as follows:

THE FOREMAN: Please be seated.

BY MR. STERN:

Butler

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Q What is your name, please?

A Mrs. Theresa 7X Butler.

Q And where do you live, Mrs. Butler?

A 661 Rosedale Avenue.

Q That is in the Bronx, is that right?

A That's right.

Q Now, are you the wife of Norman 3X Butler?

A Yes, I am.

Q Were you legally married to him?

A Yes.

Q And now, I ask you, as I asked you yesterday, with the understanding that you have immunity as the judge explained it to you, were you -- where were you on February 21st, 1965?

A I was home.

Q And were you home all day long?

A Yes.

Q And did there come a time when there were other people in your home?

A No.

Q You were home alone all day?

A I was home.

Q So that you were home and there was nobody else present, is that correct?

A No, that is not right. I was home all day long.

Q Was anybody else at home too?

A Yes.

Q Who else was there?

A My husband.

Q Now, what time did you get up in the morning, approximately what time did you get up in the morning on February the 21st, 1965?

A I couldn't tell you.

Q It was in the morning that you arose, is that right?

A I beg your pardon?

Q It was in the morning that you got up, is that correct?

A Yes, sir.

Q And when you got up, was your husband there then?

A I claim privilege. I claim privileged communications between husband and wife.

Q You mean whether or not your husband was physically at home on the morning of February 21, 1965 you consider to be a privileged communication?

A That's right.

Q Was anybody else other than your husband and yourself present in your home on February 21, 1965?

A You asked me that, and I said no.

Q You realize, of course, that the Judge has directed you to answer all the questions?

A Yes, sir.

Q So that if I understand your testimony correctly, throughout the entire day of February 21, 1965 no one other than yourself and your husband was present in your house; is that correct?

A Yes, sir, and my children.

Q And your children. Nobody else was present?

A No.

Q No what?

A No, sir.

Q No, I don't mean -- you don't have to call

me sir. But nobody else was physically present, is that what you are indicating?

A No.

Q Why don't you say more or less, no.

A What you want me to say. You asked me a question and I am answering you. You asked me if anybody was in my home besides me and my husband, and I am saying now no. What more you want to say?

Q Thank you, I want to make it clear for the record.

Now, Mrs. Butler, did there come a time that your husband left your home on February 21, 1965?

A I claim privilege communications between husband and wife.

Q Now, you understand that I am not asking you whether he told you where he was going or --

A You're asking me about my husband.

Q I am just asking you whether he physically left your home on February 21, 1965.

A I claim privilege communication between husband and

Butler

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wife.

Q Did he remain at home all day long?

A I claim privilege communication between husband
and wife.

MR. STERN: Thank you very much,

Mrs. Butler.

(Witness excused.)

District Attorney's Office
COUNTY OF NEW YORK

March 5, 1965-

Theresa Butler

*Grand Jury
Appearance*

3rd March
3/5/65

T H E R E S A B U T L E R, recalled as
a witness, having been previously duly
affirmed, further testified as follows:
BY MR. STERN:

Q Mrs. Butler, do you understand that you are
still testifying under the affirmation?

A Yes, I do.

Q Please, be seated. Now, Mrs. Butler, I once
again direct your attention to Sunday, February 21, 1965.
On that day you were home; is that correct?

A Yes.

Q Did you any time during that day leave your
house?

A No.

Q You remained home all day long?

A Yes, sir, I was home all day.

Q Now, in reference to your husband, Norman
Butler, was he at home all day long?

A No.

Q Did there come a time when he left?

A Yes.

Q Approximately what time was it that he left?

A I couldn't say exactly what time, but it was some time in the morning.

Q Now, do you recall what time it was that he returned?

A About something to one.

Q Pardon?

A About something to one.

Q About something to one?

A Yes; a couple of minutes before one.

Q Is there any particular way that you fix that time in your mind?

A Well, I was feeding the baby.

Q You were reading the paper?

A Feeding the baby.

Q I just can't hear you. Do you always feed the baby at one o'clock?

A No.

Q How was it that you remembered he returned about one o'clock this day?

A I was sitting in the kitchen.

Q And what else?

A I was feeding the baby, I was sitting in the kitchen,

the clock is right in the kitchen.

Q Did you mark the clock when he came home?

Did you look at the clock especially and remember?

A I was looking at the clock when I was feeding the baby. He came in when I was feeding --

Q That's how you remember because you looked at the clock as --

A I was feeding the baby at that time.

Q Did you -- you also state that you feed the baby at various times during the day, not always at one o'clock.

A Right.

Q And is there some special reason why you remember you were --

A I always look to see to -- what time it is when I feed the baby.

Q Do you remember day by day what time it is that you feed the baby?

A No.

Q For instance, on February 20th, what time did you feed the baby?

A I couldn't tell you.

Q And on February 22nd, what time was it that you fed the baby?

A I couldn't tell you.

Q So that's only February 21st that you remembered what time it was that you fed the baby; is that correct?

A Yes.

Q Now, after your husband returned home you say something before one o'clock, did he remain home the rest of the day or did he leave?

A He was home the rest of the day.

Q During the day, when he returned or after he returned, did anybody else come into your apartment?

A No one came into the apartment.

Q When your husband returned at something before one o'clock, who was physically in the apartment from that time on?

A Just me and my children were home.

Q Did there come a time when any neighbors or any friends or any associates came to see your husband?

A No.

Q Did you receive any phone calls during the

day after your husband returned home?

A Yes.

Q And from whom did you receive phone calls?

A Sisters and brothers.

Q Did your husband go to the phone and speak on the phone?

A Yes.

Q And how many occasions did he speak on the phone?

A I couldn't tell you.

Q And do you remember what time it was that he spoke on the phone?

A No, because it was a lot of calls, a lot of calls.

Q Do you have any way of knowing what time it was that he spoke?

A No.

Q You couldn't fix any approximate time at all, could you?

A No.

Q Do you remember the names of any of the people you referred to as brothers and sisters that called?

A Sister Juanita.

Q Sister --

A Juanita.

Q What is her last name?

A Her slave name is Gibbs.

Q I just can't --

A Gibbs.

Q Her slave name is Gibbs; is that right?

A Yes.

Q Where does she live?

A I couldn't tell you where she lived.

Q And what are the other names of the people
that called?

A There was a whole lot of sisters and brothers who
called; I couldn't tell you the names of all of them
because I didn't answer the phone each time.

Q I am asking you for the names of people.

A I couldn't tell you.

Q Is that the only name that you know?

A Several other sisters that called.

Q What are their names?

A The other one is sister Gloria.

Q What's her last name?

A Wills.

Q And where does she live?

A I couldn't tell you.

Q And did anybody else call whose name you know?

A No; I couldn't remember all of them because they spoke to my husband.

Q Now, what, if anything, were you -- withdrawn.

A I beg your pardon?

Q I withdraw the question, you don't have to answer.

Is it your testimony that your husband, Norman Butler, did not leave the house again?

A Not after he came in from the hospital.

Q When was the next time he left the house?

A The next day, the next evening.

Q The next evening?

A Yes.

Q So that from when he returned, you say something before one, he stayed there all that afternoon, all that night, all the next day until the next evening;

is that correct?

A Right.

Q Now, Mrs. Butler, I show you these photographs and ask you if you recognize the men portrayed in them, labelled Grand Jury Exhibit 1 and Grand Jury Exhibit 2; do you recognize either of these men?

A This is brother Thomas.

Q Brother Thomas Johnson?

A Yes.

Q And you're indicating Grand Jury Exhibit 1.

Who is that man?

A I don't know.

Q You're indicating Grand Jury Exhibit 2.

Now, the man you referred to as brother Thomas Johnson, for how long have you known him?

A For a long time.

Q And do you know him to be a friend of your husband's?

A Yes.

Q Have you seen him in your home with your husband?

A No.

Q He's never come to your home?

A I don't know; I couldn't say. I don't be home all the time.

Q When you were at home, has he ever been to your home?

A No.

MR. STERN: I have no further questions of this witness.

Q Now, you say that when your husband returned it was something before one o'clock; is that correct?

A Right.

Q And are you indicating in the afternoon or in the evening-morning hours?

A I beg your pardon?

Q Are you indicating in the afternoon, 1:00 p.m., or 1:00 a.m. in the morning?

A P.M.

MR. STERN: Thank you, Mrs. Butler.

(Witness excused)

Tuanita 8x Gibbs.

P.O.B. T- 2-2219.

Nathaniel - A.

Rena Butler 2 1/2 years.

Morgan #7.

Minister Zomer 3x

Hospital record from Frankie
for defendant.

Revised my phone after ^{about} 3 rings

Butler said "2219"

in - greeting

B. - returned

Say ^{nothing} ~~anything~~ to Noran³X.

Report it
to police.

Call after that long
- was Juanita one of them.

2 things

G.T.

Testimony

Intense

Terma Butler (recall)

Testified to 2nd call

H received other phone calls

- " lots of other calls "

2 calls from interest

GLORIA M. WILLS

525 Riverside Ave
Brooklyn, N.Y.

N.O.I - 3 years

Known Butler - 13 yrs

Feb 21, 1968 - 3:05 pm

Spoke to Butler + wife

Member of Morgue #7.

Did H
get up
to answer
these calls

?

Husband - Benjamin 13X calls
member is yes.

Captain
Joseph
calls
in X
a Hypocrite

Husband attended meeting
on Feb 21, 1966.

?

Ever speak
to Juanita

M.L. - Edna Smith.
1186 Union Ave.
called 3:02 to tell
M.W. Will

Bueth home: T1-2-2219. on Feb
21st 65

How long
speak?

1) Speak to
Eloise IX. ?

Mrs Butler.

2) tell you
sk hand
of death - am she surprised ?

3)

Juanita 8x Gibbs -

730 Metcalf Ave. - T-2 8502

Leaved her x on 4/5/64 -

Her name in possession of Ben. Brown
when he was shot on 1/6/65 -

Gloria 11x Wells -

525 Rosedale Ave. - #7C

T43- 8499 -