

Statement of: Jasper Davis.
Made to: Herbert Stern, ADA.
Date: February 26, 1965.
Time: 1:30 a.m. to 1:45 a.m.
Place: 34th Precinct, New York City.
Appearances: Lt. Sullivan Homicide Sqd. North.
Det. Cavalera 34th Sqd.
Stenographer: Joseph Renda.

BY MR. STERNE

Q What is your name, sir?

A Jasper Davis.

Q And where do you live, Mr. Davis?

A 807 Riverside Drive.

Q Mr. Davis, I call your attention to Sunday, February 21st, 1965, on that day did there come a time when you

went to the Audubon Ballroom here in Manhattan?

A Yes, I was there.

Q Did you go there to hear Malcolm X speak?

A Yes.

Q About what time did you arrive at the ballroom?

A Well, this was about as I said I didn't have a watch, my watch that day but it was around I'll say at least one o'clock. About one o'clock.

Q That's in the afternoon; is that right?

A Yes, in the afternoon.

Q And when you went into the ballroom there were

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OFFICIAL STENOGRAPHER

two banks of seats one on the left and one on the right, in the center aisle; is that correct?

A That's correct.

Q Did you seat yourself?

A Yes, I did.

Q Where did you sit?

A Well, when I walked in the usher, he ushered me to the center aisle and I walked up to the center aisle about eight rows of seats. I didn't count exactly, about eight rows.

Q Eight rows from the stage?

A Yes.

Q And did you sit down?

A I sit down.

Q Did you sit on the left-side or right-side as you face the stage?

A I sit to my left if I'm going up to the stage.

Q Now, when you sat down on this bank of chairs did you sit near the center aisle or did you sit near the left-hand aisle?

A No, I sit two feet from the left-hand aisle.

Q When you first sat down were those two first seats occupied?

A No, they wasn't. They were occupied a few minutes after I sat down.

Q Did there come a time when somebody sat down

immediately on your right?

A Yes, few minutes after he sit down then another man came and sit to my right.

Q And what happened after this man sat down?

A Well, after this man sit down we sit a few minutes and I was listening to the speaker and then this other man was on my right he turned around and saw some men walking down the hall and he yelled to him and he came over and they started talking.

Q The man who was seated yelled to the man who was walking down the aisle; is that right?

A Yes.

Q Did he hear what he yelled?

A He just said hello to him and put up his hand like this. He just held up his hand and said hello; he came over himself.

Q So the other man who was walking down the aisle came over and sat down next to the man on your right?

A Sat next to me on my right.

Q Then what happened?

A Well, we sit there for just at least --I don't know exactly as I said I wouldn't be keeping the correct time but I'll say we sit there for at least three or four minutes and we were listening to the speaker and just about that time he jumps up and says --.

Q Who jumped up?

A The man to my right.

Q Well, in other words, when we were sitting down and Malcolm got up then that's first one. Malcolm got up and the other gentleman left the stage, Malcolm took the stage then and he started talking and just about the time he start talking this man, then a few minutes after he start talking this man jumps up and yells.

Q The man on your right jumped up?

A Yes. Man, take your hand out of my pocket.

Q The other man, the man on this man's right, did he stand up?

A They both stood up, they were tussling. When you tried to pull a man's hand out of your pocket naturally you're going to stand on your feet.

Q Were they tussling together?

A No, they wasn't tussling. He jumped up and put his hand like that and said while he was jumping up by the time I can look to my right to see -- because I wasn't looking at them at the time.

Q When you looked to your right you saw him standing?

A Then they were getting to their feet and put his hand up like this.

Q Get your hand out of my pocket?

A Yes.

Q What happened after he said that?

A Well, when he said that, just as he said get your

hand out of my pocket then I heard the bang, the guns.

Q When you say bang did you hear something that sounded like gun fire?

A Yes.

Q Where did this gun fire come from?

A Directly from in front of me.

Q Can you tell how far in front of you it was?

A Well, here's the front row, the first row of seats here, I saw this man standing behind the first row of seats. That's the only thing I can say it was one row of seats ahead of him, the man with the gun.

Q In other words, he was in the second row of seats from the stage?

A That's right.

Q Did you see the gun?

A Yes. I didn't take a good look, as I said, the people were throwing their hands up and passing back and forth. I just got a glimpse, not a full view.

Q After you heard the gun fire what did you do?

A Well, then it was continuous firing so naturally I fell on the floor.

Q After you fell on the floor did you hear more gun fire?

A Yes, continuous shooting.

Q Could you tell where the gun fire was coming from?

A All the gun fire that I heard was coming from

the front of me.

Q Did you see what happened to the two men that were standing on your right when you first heard the gun fire?

A No, I didn't. As I said while I was looking at them then the gun fire started in front of me then naturally I took my eyes off them to pay attention to where the noise was coming from, the gun was firing at. I didn't see them anymore.

Q Then you fell down; is that right?

A Yes.

Q You didn't see them then?

A No, I didn't see them.

Q Did there come a time you stood up again?

A I just raised up enough to look over the top of the people as I can, to see over, see if I can see the man again that was doing the firing.

Q Did you see anything at that point?

A No, that was all I seen and after that then the people started running up and down the halls. I couldn't see anymore. Everything was stirring, everyone was moving or milling around.

Q That afternoon did you see either of those two men?

A No, I didn't see them anymore after all this started. I didn't see them anymore.

Q Do you recall seeing anybody else firing other

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than that first glimpse that you said?

A No, I didn't see anybody else firing at all.

Q Now, Mr. Davis, I'd like ^{you} to take a look at a group of men that we have here and see if you recognize anybody, call right?

A Yes.

Time: 1:20 a.m. short recess. Approximately five minutes.

BY MR. STERN:

Mr. Davis, there are eight men standing outside there, I'd like you to take a look at them and see if you recognize anybody; would you do that please?

A Very good, sir. (witness looking through peephole) I recognize that one.

Q You say you recognize one man?

A Just that one.

Q What number is he, starting from left to right, which number is he?

A He's the fourth man from that side.

Q From the left; is that right?

A Yes.

Q You say you recognize him?

A Yes.

Q Where have you seen him before?

A He was up at the ballroom.

Q And was he the man who was seated immediately

on your right-hand side?

A Yes.

Q Was he the man who stood up and said get your hand out of my pocket?

A Yes.

Police line up 34th Squad room.

Mr. Stern: For the record I'm now going down the line of men who have been standing in front.

Left to right, starting with number one:

- 1 Walter Cross Sh.#1158 25th Sqd.
- 2 Lionel Jackson, Patrolman, Sh.#10450 28th Pct.
- 3 James Symonds, Sh.#2127 32nd Sqd.
- 4 Norman Butler 661 Rosdale Avenue.
- 5 Albert Robertson, Patrolman, Sh.#10887 34th Pct.
- 6 Howard Sheffey, Patrolman, Sh.#21557 34th Pct.
- 7 Rudolph Steward, Patrolman, Sh.#23487 34th Pct.
- 8 Archer Simmons Sh.#2461 26th Squad.

Mr. Stern: For the record: the witness has identified Norman Butler, the number four man in the line up, starting from the left.

District Attorney's Office

COUNTY OF NEW YORK

March 4, 1965

Jasper Davis -

Grand Jury Appearance.

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PEOPLE vs. JOHN DOE, et al.

March 4, 1965

Before:

A QUORUM OF THE THIRD MARCH 1965

GRAND JURY

Presented by:

HERBERT STERN, Esq.,
Assistant District Attorney

VINCENT PALANGE
Grand Jury Reporter

People
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N Y SUPREME CT.

JAN 31 1966

MURRAY DEUTSCH
OFFICIAL STENOGRAPHER

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J A S P E R

D A V I S,

called as a

witness, having been first duly sworn,
testified as follows:

BY MR. STERN:

Q What is your name, sir?

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A My name is Jasper Davis.

Q Where do you live, Mr. Davis.

A 870 Riverside Drive.

Q Mr. Davis, I direct your attention to Sunday, February 21, 1965, and on that date I ask you did there come a time when you went to the Audubon Ballroom here in New York County to hear Malcolm X speak?

A Yes, I did.

Q Did there come a time when you seated yourself in that ballroom?

A Yes, I did.

Q Will you tell the grand jury what happened after you sat down?

A Well, when I sat down--I was directed in by one of the ushers and he told me to take the center aisle and fill up the seats near the front in order to give room for the other people to come in, and I went up the middle aisle as the usher directed me, and then after I got in to the people where I was sitting, I sat in the next row because the rest of them were all filled, and

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I walked into the row seat and sit down.

Q Now, after you sat down did there come a time when somebody sat down next to you right on your right?

A Yes, when I was in there maybe one or two minutes, I didn't check the exact time, another man came in and sit right by me.

Q On your right?

A Right on my right, next to me.

Q Did you have any conversation with this man when he sat down?

A When he sat down he just sit down and he says, "We have a nice crowd here today." I said, "Yes," and that's all the conversation we had.

Q After this man sat down and you had that conversation, what happened next?

A After he sat down two more gentleman came in on my left and they sit down. They sit, there were two seats vacant.

Q Did anybody else come down and sit to your right?

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A After two men sit to my left then another man came down the aisle. This man was already sitting on my right then, and he saw another man coming up the aisle and he yelled to him--spoke to him, he didn't yell. He just spoke and he called him over to him and he started talking to him.

Q This man, the one on your right called over, did he sit down next to the man on your right?

A Yes.

Q As you were seated there, there came a time when Malcolm X was introduced and took the podium?

A Yes.

Q What happened after Malcolm X took the podium?

A As soon as he took over these two men, all of a sudden, they jumped up and one yelled, "Get your hand out of my pocket."

Q The two men you are referring to, those are the two on your right?

A Yes, two on my right.

Q After they jumped up and one of them yelled that, what happened?

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A Then when they jump up and, "Get your hand out of my pocket," then that time the shooting started.

Q You heard some shooting?

A Yes.

Q Was that from in front of you?

A Directly in front of me.

Q After you heard the shooting, what did you do?

A Well, the shooting drew my attention to the front of me and, of course, I turned my head from my side looking forward, and directly in front of me so I could see what was going on, and I saw the man with the gun.

Q You saw a man with some kind of a gun?

A Yes.

Q After you made an observation of a man with a gun, some sort--

A Yes.

Q --did you hear any more shooting?

A Yes, constantly shooting, then I got flat on the floor then because I didn't know how much danger there was.

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Q After you threw yourself to the ground did you know what happened to the two men on your right?

A No, I don't because of the fact the shot drew my attention from the men on my right, and I didn't look back at them any more.

Q When these two men stood up did these folding chairs start toppling?

A Yes, all of a sudden they stood up fast and started pushing the chairs, and it's a wooden floor, and it made a log of noise, and that's when the firing started.

Q So, after you threw yourself down you did not make any other observations in that ballroom of those two men on your right?

A No, I didn't see them any more after that.

Q In the ballroom, you mean?

A Yes, in the ballroom.

Q Now, Mr. Davis, I'd like to show you these three photographs which have been previously marked Grand Jury Exhibit Number 1, 2 and 3.

A Yes.

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Q And I'd like to ask you if you recognize any of the men portrayed in those photographs?

A I don't recognize seeing this one.

Q You are indicating Grand Jury Exhibit Number 1?

A Yes. Now, this man, he was the man that was sitting to my right.

Q Now you are indicating Grand Jury Exhibit Number 3, and you say that this is the man--

A This is the man sitting down next to me.

Q And the man you had a short conversation with?

A Yes, that's right.

Q Now, I show you Grand Jury Exhibit Number 2 and I ask you if you recognize that man?

A Well, I didn't see him there.

Q In reference to the men portrayed in Grand Jury Exhibit Number 1 and 2, you don't know whether they were in the ballroom or not; is that correct?

A No, I do not know that. I only recognize this one man, this one.

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Q But you do recognize that the man in
Grand Jury Exhibit Number 3, portrayed in Grand Jury
Exhibit Number 3, was the man seated to your right?

A Yes.

MR. STERN: Thank you very
much.

(Witness excused.)

1-7-65

Norman Butler 3X

Thomas Johnson 15X

William James

JASPER DAVIS

870 RSDR. 923-5810

Singer at Res.

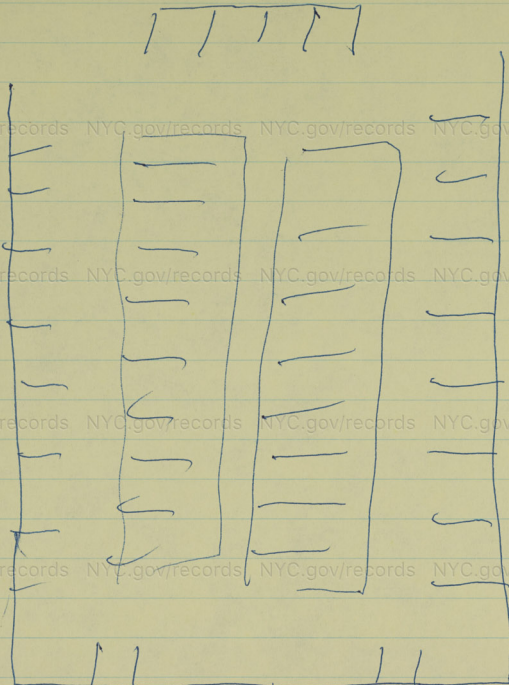
I was at Audubon ballroom seated
8 rows from front on left side. ~~reception~~
x was introduced walked up + said
a few words a man came in + sat next to me
on my right + started disturbance.

LT. FR. x OLIVA.

LAB. JACKET

KEY

+ eye glass case



STAGE

Cross Eyed Jesus Denis by Ballston

Chin up and big farts in back of someone
else

~~Chin up~~ re who said get your hands out
big farts

Chin up at Time

He was shame a man etc - Chin up
to his up. - 'Was he shame a man.

He was shame farts - after he saw

Enigma he was shame a man.

He was shame a chin up

Did you identify by coat only his face

Chin up - all negroes