

10441 - ADA Skov's office. 4.8.85 Thursday

Bernard Evans Bates

116-34 205 St St. Ables Avenue apt PH

- Never, never 7 months.
- visited 7 couple of times
- did not know Butler or Johnson
was in Ballroom date & time of occur. 2-21-65
stated now 11 left side facing stage, went alone
seated ~~himself~~ ^{near in} ~~near~~ of the disturbance. people sat on both
side of me I don't know who they were
- Member of OAAU for about 3 months
- I probably know some people at the meeting.
- I got there real early. Before Ray spoke.
- Ray spoke & then Helms got up greeted crowd.
one man picked up "Get your hands out of my pocket"
not sure what clothes he had on.
Then I heard a shot from my front. ^{didn't see who fired it.} Several other shots.
Somebody said "Hit the floor". Men turned around from front of front.
I saw the man face who said "Get your hands out of my pocket"
~~I saw~~ ^{there were} three men in front of me was there before Ray was speaking.
I don't know where he went after saying that
Saw 3 men firing at stage. Looked like pistols
Can't be sure shot they had, if all were shooting.
~~As soon as I came from~~ I saw three men at front of stage
& then one turned & ran perpendicular aisle. I don't know
if one of them was the two men who started the
disorder, it's possible but I don't know. I didn't see
anybody with a gun in hand, I didn't see anybody
shooting for certain.

ADA Stern's office. 4/8/65 Thursday

Bernard Owen Bates

116-34 205 St. Queens

I was at the Audubon Ballroom on Feb. 21, 1965. I arrived alone and early (before Brother Benjamin spoke.) I sat in about the eleventh (11th) row. There was two men already seated in front of me. When Benjamin was through speaking, Malcolm X spoke a greeting to the crowd. Just then one man seated in front of me stood up and said facing the man seated on his left, "Get out of my pockets". This man was wearing a $\frac{3}{4}$ dark coat & he seemed to have similar features to the photo of Tolmatzky Hayer except he seemed to have longer hair. The man seated to his left had on a gray tweed coat. Right after this I heard a shot from somewhere up front & then there was people running & screaming & then I saw 3 men in front of the stage, one of them turned around & ran up the center aisle. I got on the floor & didn't see anything else. I did not see anybody shooting, or anybody with a gun. I don't know for sure if (from the photos) Hayer, Norman Butler, or Thomas Johnson, were or were not at the Audubon Ballroom on Feb. 21, 1965.

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PEOPLE VS JOHN DOE ET AL

April 12, 1965

Before:

A QUORUM OF THE THIRD MARCH 1965

GRAND JURY

Presented by:

HERBERT J. STERN, ESQ.,
Assistant District Attorney.

GEORGE FELIXBROD
Official Grand Jury Reporter

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B E R N A R D B A T E S, called as a witness,

having been first duly sworn, testified as
follows:

BY MR. STERN:

Q Will you speak up loudly so that everybody
in the room can hear you? What is your name?

A Bernard Bates.

Q Where do you live?

A 116-34 25th Street, St. Albans.

Q Mr. Bates, directing your attention to
February 21, 1965, which was a Sunday, on that day did

there come a time that you went to the Audubon Ballroom to hear Malcolm X speak?

A Yes.

Q Do you remember approximately what time it was that you got there?

A I guess a little bit after two.

Q You got there before anybody was speaking on the stage; is that right?

A Yes.

Q And you sat yourself down; is that right?

A Yes.

Q Where did you sit?

A What?

Q Where did you sit?

A I guess close towards the front. You know, back of the diversion.

Q You sat on the left-hand side of the ballroom as you face the stage; is that correct?

A Yes.

Q And those were in the seat areas, not the booth areas; is that correct?

A Yes.

Q As you were sitting there, did there come a time that Benjamin Goodman began to speak?

A Yes.

Q And then did there come a time that he introduced Malcolm X?

A Yes.

Q And what happened after Goodman introduced Malcolm X?

A Somebody stood and said, "Get your hands out of my pocket."

Q Now, in reference to where you were sitting, where was this man who stood up?

A In back of me. I mean in front of me, rather. Right in front.

Q Was that the row in front of you?

A Yes.

Q Now, when this man stood up and said, "Get your hands out of my pockets," was he talking, apparently talking to the man on his left or the man on his right?

A The one on his left.

Q Now, you didn't actually see the man he was talking to; is that correct?

A No, I didn't.

Q You only saw his back?

A Yes.

Q Could you tell how he was dressed?

A He had something that appeared to be a tweed coat.

Q Now, did you see the face of the man who had stood up and said, "Get your hands out of my pocket"?

A Yes, I did.

Q What happened after the man said, "Get your hands out of my pocket"?

A I heard shots.

Q From where did you hear the shots?

A From the front.

Q Did you remain seated?

A Yes. I did until I somehow I fell.

Q Will you keep your voice up?

A I remained seated until somehow I fell.

Q After you heard the shots in the front did you lose sight of the man in front of you who had stood

up and the man next to him?

A Yes, I did.

Q And what is the next thing that you saw?

A Someone had turned and came towards the center aisle.

Q Well, as you were sitting there the crowd was obstructing your vision, weren't they?

A Well, yes. People had hit the floor before I had hit the floor.

Q Other people had stood up too; is that right?

A Yes; but mostly began hitting the floor.

Q As you were sitting there, after you heard the shots, after you lost sight of the two men in front of you, did you look towards the stage?

A Yes.

Q What did you see when you looked towards the stage?

A I believe it was three people was standing up in the front, in front of the platform.

Q You say three men, was it?

A I believe it was three. It appeared to be three.

Q And they were standing in front of the platform?

A Yes.

Q And which direction were they facing?

A Malcolm.

Q They were facing towards the platform?

A Yes. Where Malcolm was.

Q And did you hear anything as you saw these three men standing there?

A Yes, I heard shots.

Q These three men, ~~was~~ their backs were to you; is that right?

A Yes.

Q From where you were standing did you actually see any guns in their hands?

A No.

Q What happened as you saw these three men standing facing the stage and you heard gunfire?

A One turned and came up the center aisle.

Q Now, in reference to the three men as they stood, which one turned and came up the center aisle?

A The one on the left.

Q And what happened as he began to run up the center aisle? What happened to you?

A Well, my chair, somehow it fell.

Q Did you wind up on the floor?

A Yes.

Q Now, did you see -- did you actually see the face of the man as he ran up the center aisle?

A I kinda seen him. I couldn't see him that good.

I couldn't remember him.

Q You couldn't remember what he looked like?

A No.

Q And you didn't see the faces of the other two men who were facing the stage; is that correct?

A No.

Q No, you didn't see it?

A No, I didn't.

Q And you didn't actually see where the man who ran up the center aisle eventually ran to?

A He ran out the door.

Q Did you actually see him run out the door?

~~XXXXX~~

A Yes, I seen him going in that direction.

Q You saw him going in the direction or you saw him run out the door?

A I seen him running up the center aisle. I had started to go after him but the chair fell, but then I went up to the platform. But I seen him going out the door, down the stairs.

Q Mr. Bates, did your chair fall over before the man actually reached you?

A Yes. When he got ~~up~~ right up towards me that's when the chair fell.

Q And that's when you fell to the floor; is that right?

A Yes.

Q And that is when you lost sight of the man; is that right?

A I still seen him going up the center aisle.

Q As you lay on the floor you turned to watch?

A Yes; I kind of moved on out after I fell. I fell towards the aisle.

Q Did you fall on your face?

A No. I was sitting like this.

Q You fell on your back?

A I was sitting in the chair. See, I made -- I had started to get up. That's how I fell. Because the chair came towards me and hit me.

Q How did you fall?

A I don't remember exactly how I fell. I think I fell that way.

Q You fell to your side?

A Yes. And I still seen him going up the center aisle. More people began going after him. People were chasing him.

Q Did you actually see him reach the door or did you lose sight of him after you fell to the ground?

A I seen him reach the door.

Q That was the same man that was running up the center aisle?

A Yes.

Q Now, in reference to the man who stood up and said, "Get your hands out of my pocket," I show you these photographs, which have been marked Grand Jury

Exhibits 1, 2, 3 and 4. And I ask you if you have ever seen any of these men whose pictures are before you before?

A No, I didn't. I don't think so. I couldn't recognize him.

Q In reference to the man who stood up and said, "Get your hands out of my pocket," you cannot identify any of these men as the man who said that; is that correct?

A No.

Q On the other hand, can you say that none of these men are the man that said that or is the man that said that?

A No, I couldn't say that either.

Q You can't say one way or another; is that right?

A No.

Q And in reference to the man whom you saw running up the aisle or the two other men whom you saw standing in front of the stage, do you know whether or not any of the men portrayed in Grand Jury Exhibits 1, 2,

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3 or 4 are those men?

A No, I don't.

Q Do you know of your own knowledge whether --
withdrawn. And do you know of your own knowledge that
none of these men are those men?

A No, I couldn't say.

MR. STERN: Are there any questions from
the grand jury? Thank you very much.

(WITNESS EXCUSED.)