

3-26-65 Friday AT ADA Stern Office

Roland Sheppard  
137 88<sup>th</sup> St. Bklyn  
Engle

Would make no statement except to the  
Grand Jury

given subpoena for PM Jury

States at MNDet's 3/23/65 (By Twomey) arrived 204 Audubon 2-21-65, SAT 1<sup>st</sup> Row

Rt side 3 seats from Center aisle. Remembers 2 guards shot of 1 MGC, 10. from parts  
Charles Blackwell (negro) + maybe ~~Robert~~ Robert Smith as other. After MGC  
hit, heard commotion to rear + left of himself. As he rose to look back he heard 1 shot  
+ momentarily heard several more shots. Squeaked saw MGC fall back. Saw nothing  
else, hit the floor 'til shooting finished, States saw no shooters, nobody with a gun.  
Asked if member of socialist party, refused to answer on advice of council.

Edward Bronberg  
150 W 21 St NYC

would make no statement except to the  
Grand Jury  
given subpoena for PM Jury.

Statement at 204 Rt. MNDet's (By Det Twomey) 3-23-65

refused to state if member of any socialist party, 3-21-65 was 2<sup>nd</sup> meeting he  
attended. Liked to hear Malcolm X. Not member of OAAU.  
Armist Ballroom 3PM Rt 2<sup>nd</sup> Row Rt. side 20-3 seats from center aisle  
behind Roland Sheppard. Wife sat on his right, Malcolm X sat on stage after coming out  
from Rt. side. He heard a disturbance to the rear + Lt. of him to the Lt. of speaker  
then heard several shots, he + wife fell to floor saw no shooters or guns  
saw nothing

set detailed info + statement made at Station House  
re: shooting + killing of Malcolm X

GF

Sheppard-1

337

PEOPLE VS JOHN DOE et al

March 26, 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.

- - -

R O L A N D                      S H E P P A R D,                      called as a

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

BY MR. STERN:

Q What is your name, sir?

A Roland Sheppard.

Q Where do you live?

A 137 88th Street, Brooklyn.

Q Are you employed?

A I am going to have to refrain from answering that ques-  
tion on the grounds of the fifth amendment, where I don't

have to -- a person under oath doesn't have to give information which may be used as evidence against him, either at the present time or in the future.

Q In other words, you are representing to this grand jury that your source of employment is criminal?

A I refuse to answer that question on the grounds of the 5th Amendment.

Q I am not your attorney, Mr. Sheppard, but I think I should advise you that while the witness may, in good faith, refuse to answer any question which might incriminate him, he may not use the 5th Amendment in a spurious manner or in a manner which is contemptuous of the grand jury when they ask him questions which could not possibly incriminate him. So if it is your representation or belief, rather, that in fact the answers to these questions could incriminate you, then by all means take the 5th Amendment; it's your right. But if in fact in answer to a question as to where you are employed or the nature of your employment couldnot possibly incriminate you, then a refusal to answer such a question would be willful contempt of the grand jury. Do you understand

Sheppard-3

339

that?

A I refuse to answer on the 5th Amendment.

Q You refuse to answer whether you understand me? Do you understand what I have said to you, sir?

A I refuse to answer that question on the grounds of the 5th Amendment.

Q You refuse to answer whether you understand me on the grounds of the 5th Amendment?

A I refuse to answer the question on the basis of the 5th Amendment. It's unconstitutional.

Q Mr. Sheppard, do you understand that there is a judge presently sitting in Part XXX of the Supreme Court, under whose authority this grand jury was convened, and that if you act in contempt of this grand jury you are subject to be brought immediately before him and mandated immediately into prison? Do you understand that?

A (No response.)

FOREMAN: Mr. Stern, has the witness got an attorney?

MR. STERN: I don't know that.

Sheppard-4

340

Q I just want to know do you understand that?

A I understand the proceedings of the court.

Q Now, you consulted an attorney before you came here; is that right?

A I will have to refrain from answering that question.

Q On the grounds of what?

A On the grounds of the 5th Amendment.

Q Mr. Sheppard, directing your attention to February 21, 1965, that was the date that Malcolm X was shot, were you in the Audubon Ballroom on that date?

A I will have to refrain from answering that question on the basis of the 5th Amendment.

MR. STERN: Mr. Sheppard, please step out of the room for one minute. You understand that you are still bound by the subpoena and you are not to leave. Do you understand that, sir?

THE WITNESS: Yes.

(WITNESS EXCUSED.)

3/26/65-GF

Bromberg-5

341

EDWARD BROMBERG, called as a  
witness, having been first duly sworn, testi-  
fied as follows:

BY MR. STERN:

Q What is your name, sir?

A Edward Bromberg, B-r-o-m-b-e-r-g.

Q Where do you live, Mr. Bromberg?

A 150 West 21st Street, Manhattan.

Q Mr. Bromberg, directing your attention to  
the afternoon of February 21, 1965, which was a Sunday,  
on that day were you in the Audubon Ballroom?

A I decline to answer that question on the grounds of  
the 5th Amendment of the Constitution, which guaranties  
the right against self-incrimination.

Q In other words, are you representing in good  
faith to this grand jury that the answer to that question  
could in any way incriminate you?

A I decline to answer that question on the previous --  
on the basis of the previous answer.

Q What do you do for a living, sir?

A I decline to answer that question on the grounds of



the previous answer.

Q On the grounds of what?

A On the grounds of the 5th Amendment of the Constitution, which guaranties my right against self-incrimination.

Q Do you feel that you could incriminate yourself by answering that question?

A I decline to answer that question on the grounds of the 5th ~~XXXX~~ Amendment of the Constitution, guarantying the right against self-incrimination.

Q Of course you understand, Mr. Bromberg, that when you faced the foreman of this grand jury and took your oath to tell the truth, that means that every word out of your mouth has to be the truth, you understand that, otherwise ~~if~~ you face the penalty of perjury; do you understand that?

A I decline to answer that question on the grounds previously stated.

Q And you understand that when you invoke the 5th Amendment you do so knowing while you were invoking it that there is no danger of incrimination; that you are in effect lying when you invoke it. Do you under-

stand that? Don't you?

A I decline to answer that question on the grounds previously stated.

Q What grounds are those?

A The grounds of -- the grounds, I am declining -- I refuse to answer the question on the grounds of the 5th Amendment of the Constitution, which provides protection against -- against self-incrimination.

Q In other words, are you representing to the grand jury that the answers to these questions might well incriminate; is that correct?

A I decline to answer that question for the reasons previously stated.

Q Mr. Bromberg, on the -- just sit down one moment. On the record I now hand you this grand jury subpoena; it's to attend the session of this grand jury which will be held on April the 2, 1965. You have received it; is that correct?

A (No response.)

Q Well, let the record state that Mr. Bromberg presently has that subpoena that I have handed to him.



Bromberg-8

344

You will return at two p.m. Do you understand that,

Mr. Bromberg?

A Am I still under oath?

Q Every minute.

A I refuse to answer -- I decline to answer the question  
on the grounds I have previously stated.

Q Let me tell you, Mr. Bromberg, you have now  
been validly served by a grand jury subpoena. If you  
fail to appear a body attachment will be issued for your  
arrest. Thank you very much for coming.

(WITNESS EXCUSED.)

3/26/65-GF

Sheppard-9

345

ROLAND SHEPPARD, recalled, further  
testified as follows:

FOREMAN: Mr. Sheppard, you are still  
under oath.

BY MR. STERN:

Q Would you mind repeating your name for the  
grand jury, please?

A Roland Sheppard.

Q And your address, sir?

A 137 88th Street.

Q Mr. Sheppard, on the record I am now handing  
you a grand jury subpoena bearing today's date and re-  
quiring your attendance at the session of this grand jury  
on April the 2, 1965, at two p.m. Have you received it?

A Yes.

MR. STERN: All right. Please be back  
at that time.

(WITNESS EXCUSED.)

- - -

ROLAND SHEPPARD, called as a  
witness, having been first duly sworn,  
testified as follows:

THE FOREMAN: Please sit down.

BY MR. STERN:

Q What is your name, sir?

A Roland Sheppard.

Q Where do you live, Mr. Sheppard?

A 137-88th Street, Brooklyn.

Q Mr. Sheppard, on February 21, 1965,  
were you in the Audubon Ballroom to hear --

A I will have to refuse to answer that question on  
the basis of the 5th Amendment of the Constitution.

Q Mr. Sheppard, would you please withdraw  
from the room while the grand jury considers granting  
you immunity. You are still bound by the subpoena.

THE FOREMAN: Mr. Stern, has Mr.  
Sheppard seen counsel since he's been  
before the grand jury last week?

MR. STERN: Would you come back?

BY MR. STERN:

Q Mr. Sheppard, have you consulted with

an attorney since you were here last Friday?

A I will have to refuse to answer that question on the basis of the 5th Amendment.

Q We're just trying to ascertain whether you had been given benefit of ~~in~~ legal counsel. Do you understand that?

A I will have to refuse to answer that.

Q Thanks a lot. Step out.

(Witness excused.)

MR. STERN: I will withdraw from the room under the same conditions.

(Whereupon Mr. Stern and the Reporter left the grand jury room and were recalled with the witness who continued testifying as follows:)

BY MR. STERN:

Q Mr. Shepperd, on February 21, 1965, were you in the Audubon Ballroom here in New York County?

A I will have to refuse to answer that question on the basis of the 5th Amendment of the Constitution.

Q Mr. Sheppard, one moment.

Sheppard - 11

MR. STERN: Mr. Foreman, would you please direct the witness to answer.

THE FOREMAN: Mr. Sheppard, the grand jury directs you to answer the questions of the district attorney. The grand jury has granted you immunity against any prosecution on the grounds of anything you say before it as long as it is no perjury involved.

THE WITNESS: I would like the grand jury to adjourn until such time as I can contact a lawyer and find out exactly what immunity is.

THE FOREMAN: You may adjourn, but the grand jury doesn't adjourn, Mr. Sheppard.

THE WITNESS: I'd like permission to adjourn until such a time I take to talk to a lawyer.

BY MR. STERN:

Q Are you requesting time to get legal advice?

A Yes.

Q At this time I want to inform you for the sake of the record that you have been granted immunity. You have been directed to answer the question, the 5th Amendment no longer protects you because you cannot be prosecuted on the basis of what you tell us. You can confirm all these aspects with your attorney. I will subpoena you to return before this grand jury on Monday morning nine o'clock April 5th, and at that time you will be a -- again be asked questions, after you have had an opportunity to consult with an attorney. If you still contumaciously refuse to answer the questions of the grand jury, you will be immediately brought before a judge sitting in Part 30 of the Supreme Court, at which time application will be made to have you mandated to court for a period of thirty days for contempt of this grand jury; do you understand that?

A Yes.

Q Now, on the record. I now serve you with a subpoena to attend this grand jury nine o'clock the same place, april 5th, 1965. You received it?



Sheppard - 13

A Yes.

MR. STERN: Thankyou.

(Witness excused.)

R O L A N D                      S H E P P A R D,                      called as  
a witness, having been first duly  
sworn, testified as follows:

THE FOREMAN: Please sit down.

BY MR. STERN:

Q What is your name?

A Roland Sheppard.

Q And where do you live, Mr. Sheppard?

A 137 88th Street --

Q Now, Mr. Sheppard --

A Brooklyn.

Q Pardon me?

A In Brooklyn. I didn't say Brooklyn.

Q Okay. Brooklyn?

A Yes.

Q Now, Mr. Sheppard, after your last  
appearance before the grand jury you consulted with  
an attorney; is that correct?

A Right.

Q And just before you came in here  
and testified, I and you and your attorney had a

Sheppard

529

conference; is that right?

A That's right.

Q And it was agreed that you would testify without a grant of immunity as long as the questions were confined to what happened in the Audubon Ballroom on February 21, 1965; is that correct?

A That I wouldn't --

Q While you would not waive your immunity, on the other hand, you would not require a grant of immunity either; is that right?

A Yes, unless I felt it had gone beyond that or something.

Q I mean --

A As long as it's confined to the event in the ballroom.

Q Now, Mr. Sheppard, on February 21, 1965, did there come a time that you went to the Audubon Ballroom to hear Malcolm X speak?

A Yes.

Q Did you go alone or were you with other people?

A I came in alone.

Q Did you meet anybody else there?

A Well, you know, I had met Ed.

Q Mr. Bromberg and his wife; is that right?

A And then I went in and sat down.

Q Where did you seat yourself?

A I was in the front row on the -- well, the west side of the -- you know on the west.

Q As you face the stage, would it be to the right or to the left?

A To the right facing the state, third seat over from the center in the first row.

Q Now, after you sat down, there was a preliminary speech; is that right?

A That's right.

Q And after he concluded or was about to conclude his remarks there came a time when Malcolm X appeared on the stage; is that right?

A That's right.

Q And he was introduced to the crowd; is that right?

A Yes.

Q What happened after he was introduced?

A Well, he gave the normal greeting to the crowd. I don't know how to say it exactly. Something like "Salaam Aleikem," and the crowd said about the same thing back. And then there was -- I was wondering if I could just explain everything which I saw from this point on in one continuous point. I think it's the best way to go about it. It was a disturbance in the back, you know, on the -- to my left-hand side.

Q You mean in back of you?

A In back of me, yeah. And -- and Malcolm had said something like, "Calm down," or "take it easy." I still heard a disturbance and then I went to get up to see what the disturbance was, you know, to look back. And as I was getting up I heard a shot ring out.

Q And where did the shot come from?

A It came from the left-hand side.

Q Behind you?

A I couldn't say exactly where it came from.

Q Did you see who was firing?

Sheppard

532

A No, I didn't see anybody who was firing.

Q And until that time you had not looked back to see the cause of the commotion yet either; is that correct?

A I was just from the process of getting up, you know, sort of like this, to look back. And then -- I heard this shot, and then I went -- I didn't know what it was at first. Then I realized it was a shot, you know, it just might have been only about -- I don't know how fast I could think or -- maybe one second or something like that. And then I immediately hit the floor.

Q So that you never did see what the cause of the commotion was behind you, or you never did see who, if anyone, fired a shot; is that right?

A That's correct.

Q Now, after you did hit the floor, and in taking cover, did you hear firing?

A Yes, there was firing going on and I looked up -- to look on the stage and saw Malcolm, you know, fall over backwards.



Sheppard

533

Q Did you actually see him fall?

A Yes.

Q And did you see anyone firing at all?

A I didn't see anybody firing at all.

Q Did you hear or see anyone running toward the stage?

A Well, you couldn't say there were -- once the first shot was out, there was so much running around, that there were people running, you know, all over. You could -- chairs were falling over. I didn't see anybody running to the stage, but I heard people running around.

Q And firing during this time?

A Yes, sir, there was firing and there was, you know, stop in firing. Then there was more firing and for the most part of the time I was flat on the ground.

Q After you got up from the ground, did you see any weapon?

A No.

Q Therefore, in summary, your testimony is that you didn't see who caused the disturbance in the

Sheppard

534

rear and you did not see anybody firing at the Audubon  
Ballroom that day?

A That's correct.

MR. STERN: Are there any questions?

Thank you very much.

(Witness Excused.)