

PEOPLE VS. JOHN DOE, et al.

April 2, 1965

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Before:

A QUORUM OF THE THIRD MARCH 1965

GRAND JURY

Presented by:

HERBERT J. STERN, Esq.,

Assistant District Attorney

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DAVID M. SOLOMONS  
EDWIN MARTINEZ  
VINCENT Palange  
WALTER KLAUSNER  
MORTIMER SOLOMON

Grand Jury Reporters

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EDWARD BROMBERG, called as a  
witness, having been first duly sworn,

testified as follows:

THE FOREMAN: Please sit down.

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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 Now, Mr. Bromberg, you appeared before

this grand jury last Friday, is that correct?

A I decline to answer that question on the grounds

of the 5th Amendment of the Constitution which guarantees  
my rights against self-incrimination.

Q Oh really Mr. Bromberg, we were all  
here, after all -- all right.

Now, Mr. Bromberg, you understand that you  
are not the target of any matter being investigated  
by this grand jury, do you not?

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

Q Now, sir, I ask you whether or not on  
April -- withdrawn

On February 21st, 1965, you were in the  
Audubon Ballroom to hear Malcolm X speak?

A Pardon me, I didn't hear.

Q On February 21, 1965, did you go to the Audubon Ballroom to hear Malcolm X speak?

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

Q Have you consulted with an attorney since your last appearance here?

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

Q You think that is a criminal act?

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

Q Now, Mr. Bromberg, you understand the grand jury is empowered to grant you immunity. How they do that is by meeting and voting on whether or not they want to give you immunity. If they do confer immunity upon you, the Foreman of the Grand Jury directs you to answer the question posed to you.

Once immunity has been granted to you nothing that you say can incriminate you, because you cannot be prosecuted for anything that you testify to in the grand jury. Do you understand that?

A I decline to answer that question on the grounds of

the 5th Amendment.

Q Mr. Bromberg, would you leave the room for one minute. You are still bound by the subpoena, you'll be brought right back in. All right.

(Witness excused.)

THE FOREMAN: What do you want to do?

MR. STERN: I now request that the grand jury deliberate on whether or not to confer immunity upon this witness. I think you understand the issues, and I will withdraw.

(Whereupon Mr. Stern and the Reporter left the grand jury room, and shortly returned and continued as follows:)

MR. STERN: Mr. Foreman, has the grand jury voted on whether or not to infer immunity?

THE FOREMAN: It has.

Q MR. STERN: And what is the result?

THE FOREMAN: We reluctantly agreed to grant him immunity.

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(Witness is recalled and further testified as follows:)

BY MR. STERN:

Q Mr. Bromberg, please sit down.

THE FOREMAN: You are still under oath, Mr. Bromberg.

Q Mr. Bromberg, on February 21, 1965, did you go to the Audubon Ballroom here in New York County to hear Malcolm X speak?

A Excuse me. May I be advised of my legal status now?

Q Well, just answer that question and then we'll proceed. It is the same pattern.

A I would first like to know if -- what were the results of the vote concerning immunity.

Q Well, first give the reply and then I will --

A May I be advised if -- if I am -- immunity has been awarded.

Q Mr. Bromberg, please, just -- answer --

MR. FOREMAN: Answer the district attorney.

Q Answer the question and we'll proceed.

Do you refuse to answer that question on the grounds of the 5th Amendment?

A I decline to answer the question on the grounds of the 5th Amendment of the Constitution.

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

THE FOREMAN: The grand jury directs you to answer the question of the Assistant District Attorney. The grand jury has granted you immunity against prosecution on anything that you say before it except any perjury on your part. You are under oath to tell the truth and nothing but the truth.

Q In other words, Mr. Bromberg, by the foreman's now directing you to answer these questions, after the grand jury has voted to grant you immunity, you cannot be prosecuted for anything that you testify to in the grand jury, that is you cannot be prosecuted for answers which you give to questions. The immunity does not extend to anything that you may



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volunteer and it does not extend to any perjury that

-- which you may commit; do you understand me?

A I am not -- I don't have a legal background, and I don't follow, I don't fully understand the ramifications of -- this process that occurred, the waiving of immunity.

Q You didn't waive immunity, you were granted immunity.

A Or granted immunity. And I'd like to consult with counsel of my choosing before this-- questioning continues.

MR. FOREMAN: Mr. Bromberg --

MR. STERN: May I have one minute?

THE FOREMAN: Yes.

MR. STERN: All right, I am sorry.

THE FOREMAN: I was going to repeat for the -- for Mr. Bromberg's edification that the grand jury has voted to grant him immunity, and nothing he says here can be used against you. He cannot be prosecuted for any answer he gives here to questions presented to him. Immunity does however

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does not of course go for perjury,  
naturally.

In other words you can answer what  
you want, that will not be used against  
you in future prosecution.

THE WITNESS: I would still like to  
request counsel of my choosing. I am not  
prepared for this development in the case,  
and I think I have a right of counsel at  
this point.

BY MR. STERN:

Q All right, Mr. Bromberg, I now serve  
you with this Grand Jury subpoena returnable at nine  
o'clock on Monday morning in the interum would you  
please consult an attorney. Would you do that?

Is that yes?

A Am I still under oath?

Q Yes.

A After having been granted -- under a waiver now,  
yes, I will get attorney.

MR. STERN: Thank you very much.

(Witness excused.)



WE  
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EDWARD BROMBERG, called  
as a witness, having been first duly  
sworn, testified as follows:

BY MR. STERN:

Q What is your name, please?

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

Q And where do you live, Mr. Bromberg?

A 150 West 21st Street, Manhattan.

Q Now, since the time of your last  
appearance here you've consulted with your attorney; is  
that correct?

A Yes.

Q And we just had a conference with  
your attorney, your attorney, I and yourself before  
you came in; is that right?

A Yes.

Q And we agreed that you would not require  
any grant of immunity as long as the questions were  
directed only to what happened in the Audubon Ballroom  
on February 21, 1965; is that right?

A I would not request immunity, yet I would not waive

my right.

Q Of course you are not waiving your rights, but you could not request immunity as long as the questions are confined to that; is that right?

A Right.

Q Now, Mr. Bromberg, what time was it that you got to the Audubon Ballroom?

A Approximately 2:00 p. m.

Q And when you got there--who did you go with?

A Pardon me?

Q Did you go with anybody?

A I was with my wife. My wife preceded me into the -- into the ballroom.

Q Did you go there with Mr. Sheppard?

A I was -- yes, I was with him outside, yes.

Q Well, did there come a time that you seated yourself?

A Yes.

Q And where did you seat yourself?

A I seated myself on the second -- second aisle, the

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second row from the front and two or three seats in from the aisle. I'm not positive.

Q And did you sit next to your wife?

A Yes.

Q Was Mr. Sheppard there, too?

A Yes.

Q Where was he seated?

A Mr. Sheppard was seated in front of me.

Q He was in the -- in a row in front of you; is that right?

A I believe so.

Q Was he with his wife, too?

A Mr. Sheppard was by himself.

Q He was alone. Now, as you sat there a man by the name of Goodman was speaking; is that right? In other words, there was somebody speaking before Malcolm X?

A There was someone speaking before Malcolm, yes.

Q Did you come in while he was speaking or before he spoke?

A I believe I came in before he spoke.

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Q Now, after he finished his remarks or was concluding them there came a time that Malcolm X came to the podium; is that right?

A Yes.

Q And what happened after Malcolm X came to the speaker's podium?

A After Malcolm X came to the speaker's podium he exchanged greetings with the audience, with the people assembled there. And right after that, I believe -- do you want me to continue with what happened or --

Q Yes, please do.

A Or at that point, right after that, I believe someone in the back of me, I'm not sure how far back, about -- ten rows back.

Q But you don't know exactly how far?

A I don't know exactly how far back, no, no, but it was back of me and to the left of me where I was sitting yelled. I think he yelled, "Get your hand out of my pocket."

I looked back toward where the sound came from and -- there were about two or three people

struggling in some kind of a commotion back there.

Q Did you see the faces of the men as they struggled?

A No, I did not. After that, I believe, as I was turning back again -- oh, I think after that time -- I think Malcolm X said something to the effect of,

"Keep cool."

And I think right after that -- there was a whole volley of shots.

Q Now, the first shot that you heard, did they come from in front?

A No, I -- my recollection is that the shots came from the left rear of me. The first shot, the first shot came from the left rear of me.

Q Now, the first -- you had turned to look back at the commotion and seen the men struggling; is that right?

A Yes.

Q And then Malcolm X began to speak to calm the people down; is that right?

A Yes.



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Q When he did, did you turn back to look at him?

A When -- I'm not sure. I'm not sure where I was looking at the time that -- that the shots were -- the first shots rang out. Although I'm pretty certain that I was facing forward, yes, I think I had turned back to look at Malcolm X, and when the shots -- when I heard the first shot and -- yes, because I recall now that it did come -- it was from the rear of me, the left rear when I first -- when I first heard it, yeah. I was facing him, yeah. I was facing forwards for sure, yeah.

Q Now, what did you do after you heard the shot?

A After I heard the first shot I think my first reaction was to throw myself on the floor and then get my wife down beside me.

Q Did you see anybody shooting?

A No, I didn't.

Q And how long did you remain down there on the ground?



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A I remained down on the ground until the shooting had ceased.

Q And then what did you do?

A Then I -- well, I looked up, so, to see if there was anything happening, if there was -- we were still in danger.

I didn't know who the shooting was directed until -- at until the time came when I realized that probably it was directed at Malcolm X.

Q Yes.

A And I looked up from where I was -- laying on the floor and I saw his body stretched backwards from the podium and I realized at that point that he was shot.

Q Now, you were in the second row from the front; is that right?

A Yes.

Q Then Mr. Sheppard was in the front row?

A Yes.

Q As you hit the floor or after you hit

the floor, after you had heard the first shot or shots, did anybody run past you up to the stage, if you recall?

A I remember a -- the shot, the noises progressed toward the stage, yes.

Q But, of course, you didn't see who was running?

A No, I couldn't. No, I couldn't.

Q You were taking cover with your wife?

A There was too much danger.

Q Now, after you regained your feet after the shooting had stopped, did you see any weapons in the ballroom that you recall?

A Pardon me, any --

Q Weapon?

A No, I didn't. I didn't.

Q So that during the time you were there -- first of all, you did not see the faces of the men who were struggling who caused the initial disturbance; is that right?

A I did not see them, no.

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Q And at not time did you see anyone firing, although you heard shots; is that right?

A Right.

Q And you at no time saw any weapon?

A Right.

MR. STERN: Are there any questions from the grand jury?

Thank you very much.

(Witness Excused.)