

~~45 Oct 9~~
+ 3 ~~Oct 9~~

~~Malcolm X can~~
Notes on opening
" " Summation

HON. VINCENT DERMODY

ASST DIST ATT'Y

Grand Jury

Witnesses, in order of appearance

~~Cary Thomas~~

Thomas, Cary	#1-13
DePina, Edward	14-19
Lavis, Jasper	20-27
Moore, Charles	28-34
McClintock, Al	35-38
Platt, Lorie	39-44
* Butler, Teresa	45-49
* Johnson, Etha	50-54
* Butler, Luce	55-60
* Johnson, Etha	61-69
Simberlake, Ronald	70-78
* Butler, Teresa	79-87
* Johnson, Etha	88-97
Long, Edward	98-148
Long, Muriel	149-179
Porter, Herman	180-183
Kenny, Edith	184-187
Little, Betty	188-200
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Murphy, Edward	242-246
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 Loria, John 257-268
 Williams, Issick 269-287
 Bail, William 288-289
 Stabaz, Sam 290-306
 George, William 307-327
 Lally, Edward 328-336
 * Sheppard, Roland 337-340
 * Burnley, Edward 341-344
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 * Burnley, Edward 519-527
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 Bates, Bernard. 535-545
 Temple, Karel 546-555

Grand Jury Alphabetically

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Spinner, Thomas 219-226

Temple, Vernet 546-555

Thomas, Carey 1-13

Timbulake, Ronald. 70-78

Williams, Isiah 269 287

Opening

Purpose of opening

Dec. - Malchuk had been a member of the Black
June 1952 Muslim & his name was to have a meeting house
#7 in New York City. → 116 St + Lenox Ave.

Nov 20, 1963 - Malchuk was suspended
for 12 dates as meeting house #7.

In March 1964 Malchuk broke away from the
Muslim organization & formed his own group, called
the Organization of Afro-American Unity & the
Muslim Mosque Incorporated with headquarters
at the Hotel Theresa ^{125 St + Lenox Ave.} in Harlem. He held weekly
meetings & drew a good number of former members.

Sund - Oct. 21, 1965 - a large meeting held at Audubon
Ballroom 116 St + Lenox Ave.

Detailed shooting - Malchuk on stage
3 days, Black Muslims, present in audience

John and with a crowd of shot for - sent a letter
to Bull + Hyman and the actual fight

By a pre arranged plan, Bull + Hyman created a phony
disturbance, & attacked & threatened, giving John his
opportunity to get to the point & to appeal to the stage
where he found a block for the shot for which
his Malchuk X on the chair & commenced to fall backwards

Bull + Hyman then made the move & proceeded to
be returned when the gun was shot for the first
time.

John diagnosed the situation & made his large call

Butler - Hagen also shot

B & H the situation was to come to get us

Basically must make a man frozen - Butler recognized

Hagen shot in leg by one of the guards - & grabbed by

men and people in situation to take him to the hospital

Hagen for the work & arrested.

Winkler pushed to road back to the street

for a few days - dead in a car.

~~Butler~~ ~~John~~ - death on situation later

+ born 46 at age 9

Butler arrested on Jan 25, 1966

John arrested on March 3, 1966

3 days in prison. March 13 - March 10.

Jack J'andell

Home 516-107-0982

Det. C. L. H. (Rt. 3)

NY 17-2557

392 ^{all} Bushnick ^{any}
212 El 2-4793

Bay Thomas - 3 Deps

Roto Stewart - Johnson & Butler

Fred Williams - Johnson & Butler (?)

Chas Blackwell - Johnson & Butler + Johnson

Det. C. Callers - (shot gun)

? → Vincent Temple - Hayes & Gun clerk

Chas Moore - Hayes

alt. ² John W. - Hayes

Det. 9th Ave. - Ry

Se 3-6983 - Home

Roland Wallace - Smoke house

Det. J. Keely - Smoke house

Det. Meagher - (Rt. on back) - OR 7-1/33

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Witnesses

Jack Daniels

Police Photos of Scene

< action in Ballroom >

- Cary Thomas - all 3 Dept. (has photo - Estab. & chain
for Hayes & f.p.p.s)

- Stewart - ?

Chas. Blackwell - newly shot at 9 m.m.
? > Platt - Fred Waller - eye
Vernell Temple - Hayes in gun
men to mid case - John & John.
(al m'lelland) - other witness
Thayer & gun (automatic)
Chas Moore

Jasper Davis - Butler party dinner
Edw de Pena - Butler f. shots at Que

* Timberlake - Hayes in gun
man to mid case
recoils 46 cal & gun to P.B.
F.B.I. eye - det. gun to police

Sgt Arnoff - gets Hayes & gun & feds 46 cal
det. in the jacket and 4 cartridges

Police 2d, 4th - 1st Ballroom # 3916-24 Per

Butler - under the

Dr. Helgren - atty - many bullets

Ballster - det on Morgan bullets

det at 5 o'clock det 45 cal - det 45 cal
det on congn

2/6/65 } det. who apprehended Butler & Johnson.
2/3/65 }
det Ketchum on Butler
a John

at Bray - background

Witnesses

Jack Farrell → V17-2557 (pin in glass)
Mrs. [unclear] + Queens Det. Golder #862 → Photos of scene (pin in)

action in Ballroom

Fire bombs -

Cary Thomas

Ray Stewart?

Jim Wallis

Chas. Blackwell

Fort Briscoe #402 - Campus - large

Vernon Temple

? Davis Platt

M. Bell + Moore

Det. [unclear] - [unclear] - [unclear]

John Lewis

- Haynes + Butler

Edw. DePina

- [unclear] + [unclear]?

Timbalike - Haynes + Butler? - 46 pm

FBI eye Sullivan - 46 pm

- Police Id. - Pte. Golder Haynes 3916-344

Betty Little

Dr. Halperin

Ballistics - A scene - Dr. Seavigne

at morgue -

congratulations - [unclear] + [unclear]

Not - re approaching Butler + Johnson

the Regs

Jasper Davis

- 1 Farrell
- 2 Cory Thomas

- 9 Fred Williams
- 10 Chas Blackwell
- 5 Jasper Davis
- 4 Edm. DePina
- 3 Vernon Temple
- Chas Moore

- 7 Timbulke. Hays. call (?) - H&A
- 76 Geo Whitney
- 8 Lt. Alvin Aronoff

381

Summit St. Bldg
ops S

Det. Cavallaro (H&A) (Jama)

Agnes Sullivan (H&A call Jma)

→ Roland Wallace (Jama board)

→ Det. J. Keeley ()

Det. Hargrove - Jma in house as det. J. Jma

Det. Alexander - printed Hays

Det. Hays - 41 Jma as Hays

→ Det. J. Hays - 34 Pct.

→ Betty Little

→ Dr. Hays

→ Det. Scaringe, Det. Reich

→ Det. J. Keeley (re call)

A. B + or T, B

Scaringe - 914-EL9 5989

Reich - TY4-5147

Reich

Det. Hays

→ Det. J. Hays

Reich, Det. Cavallaro

Re call John Keeley - re call J. Hays

→ Betty Little

1) John Daniel (first witness) - he sets scene with 2 diagrams
pg 15 - Stage 3 ft 2 in high the
elevator

People's Witnesses

(Vol I)

(2) Cary Thomas: He id. all 3 Depts - He had seen all 3
on prior occasions

Johnson, with photogun

Hayer, saying "Get hand etc to Butler"
Butler, with twined coat (gray)

Both Hayer & Butler running to stage

from shots - Does not see gun in Butler's hand - but
sees him at stage in pumping motion & shells flying
from his hand & falling to floor

He was in fear of his life & reluctant to testify in 99-13472
2 men saw another beginning to move against 2d, got dressed & pushed
He told But. what he saw & that first 2 men, recently showed him
for his protection

(3) Vernale Temple: He id. Johnson, with a mustache
pg 800

as being in ballroom - He had seen him before at a
his meeting in Chicago (pg 665) - Johnson admits being in Chicago

He id. Hayer as yelling - "Get hand etc"

He puts gun in Hayer's hand & firing a shot. He had seen Hayer
before

He saw Hayer running out with another man in
a twined coat - He is shown Butler's coat & says it looks like
the coat. (pg 682)

Note on pg 674 - He says he saw Hayer one prior occasion use a Karate
Chop on a man in musgrave #7. - Reports of 87 & 88
Hayer was on hand

(24) Edna de Pina: He id. Butler as man who fired 5 shots
at Malcolm X - He id. Butler's coat (pg 7) as the coat Butler wore
pg 820

He id. Hayer as man who was also shooting
at stage. Both B & H ran over & were firing at stage as
they ran. He gave names admitted police spec stage into police
note: These 3 witnesses are unknown to one another

Denial pg 215 - Stage is 3 ft 3 in higher than the floor of the ballroom

THE PEOPLE V. THOMAS HAGAN, et al.

STENOGRAPHER'S MINUTES

(January 13, 1966.)

Thomas pg 240 - He had stepped a little to the right of the podium, at times just back

Thomas pg 249 - Clean up - shells falling - for us

pg 274 - cleaning

Cory Thomas (Direct) - pg 230 - He idents Johnson, as being in ballroom & when he heard as a Black Muslim

pg 235-236 - He id Hagan as a man he saw twice before in Mosque of Black Muslims

pg 237 - He id Butler as man Hagan killed & as man he saw in Mosque 3X, from Muslim Mosque

pg 238 - He sees an automatic gun in Hagan's hand

pg 241-242 - He id Johnson as being scared of shot gun in hand

pg 249 - On Butler while at stage, he saw shells being ejected & falling to floor

pg 257 - He id 93 (shotgun) as gun held by Big Johnson

DA

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN,
NORMAN BUTLER,
THOMAS JOHNSON

Thomas - cross of Sub.

322 - the was an identity duty that Sunday?

333 - the says he made mistake in 58 in
the names (G. 301 - R. 301 - R. 301)

Crossing Chance

359 - no person in arson case

362 - the got paid as a not with

363 - the is. By E C as stated he was in the place

374 - he did not tell anyone who killed him 364

REPORTERS' MINUTES

Jan 24, 1966

390 - he describes
how he was facing
when he saw H. 3

377 - the was not any of this

396 - he did not know what Butler was going to do
when he ran to the stage

MURRAY DEUTSCH
JOHN CULLEN
JOEL KAHN

DA
Dermody

NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records

THE PEOPLE vs. THOMAS HAGEN, ET AL.

January 25, 1966

Crossing Thomas & Chance pg 413 - He was not shown pictures at 100 Pk. but
pg 416 - He says he knows some people from
pg 429 - Hagen directly from him
pg 456 - He never saw a gun in Butler's hand.
pg 467 - He did not make a mistake about who he
saw in ballroom
pg 472 - He was reluctant to testify because he was afraid of his life,

NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records

TRIAL PROCEEDINGS

NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records

THE PEOPLE vs. THOMAS HAGAN, et al.

January 26, 1966.

STENOGRAPHER'S MINUTES

Thomas - Cross by Pinkney - pg 527 - He saw Johnson in ~~Bay~~ Co Courthouse

Re direct Thomas - 553-590

pg 580 - He never said anything because I
was afraid I might be killed myself
by saying anything. So I just remained
silent

pg 584 - He told the Dets what he saw, when he
was questioned on March 2, 1965, because they
promised him police protection

AOA

Temple - He identifies Johnson as being in rear booth of
ballroom - He saw him only briefly in Chicago at
a big rally with ~~the Johnsons~~
note - Johnson admitted to this in 1962

THE PEOPLE OF THE STATE OF NEW YORK VS.

Temple id Hayer as "shorty a front singer" got up
with a big paper

THOMAS HAYER,
NORMAN BUTLER,
THOMAS JOHNSON.

id

Temple - pg 674 - Hayer used a K. nath chop etc

Temple - pg 82 - He saw a man in crowd with Hayer - He says the crowd was looking at him
January 27, 1966. He says

Temple - pg 686 - He saw the body turning
and he made a guess

Temple - re pg 800 - Johnson was wearing
a mustache, which he put on in ballroom on Feb. 21, 1966

REPORTERS' MINUTES

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

NYC.gov/records

TRIAL PROCEEDINGS

Quincy Di Pina pg 813 - He heard words loud - killer found

pg 820 - He id 47
as Coas Butten was
wearing

pg 814 - He id Butten - pg 821 - He id. Hanger

pg 826 - He was to Belen & then look to Pch

pg 826 - He told police & he was with them

NYC.gov/records

Vol II

People Witnesses

⑤

Geo. Whitney: He id Hayer as running down with a 46 cal
gun - Hayer He caught Hayer with a 46 cal gun. He did not know

rough →

(He says He said Black Muslims were interested in his
death. - 18 1077 - This is why it is better with the
is a 2 day at Black Muslims.

The did not see enough of other man remaining with Hayer

Notes: He knows Butler & Johnson - did not see them in hallway - but he cannot
say they were not there.

⑥

Jasper Davis: He id Butler as man he spoke to pretty
much to him in his night. Then another man came along

& Butler called to the man & the man came over & set
down next to Butler & they talked. - there 2 men

were the ones who started the disturbance - one of the 2
said get your hands etc. [Butler had grey coat - 18 1159]
He gave his name & address to police scene

⑦

John Davis: He id Hayer as man running out of
hallway, holding a gun & firing a shot.

He saw Hayer captured
18 1238 - He saw no other being held or punished by anyone

⑧

Ronald Timberlake: He id Hayer & Butler - Hayer had 45 gun
and pointed at him. Butler is a man, black, white, black

18 1374

coast who ran with Hayer. He knocked Butler down flight
of stairs. He saw Butler being pushed & sent as well as Hayer

He pushed Hayer up stairs after Hayer pushed him, gun
dropped & sent Butler & Hayer. One gun to F. B. I. - 18 1375

He is in fear of his life - he was threatened

↑
- this is so called "Secret witness"

(9)

Mr. Arnyoff - rescuer + arrest of Haynes - finding clip + 4 cartridges
in Haynes' pocket

(10)

¹⁵¹⁶
Fred Williams: He id. Butler, dressed in ¹⁵¹⁴ tweed coat
as one of men in argument

¹⁵²⁰⁻¹⁵²²
He id. Johnson as man with a shotgun

arriving facing him, after he had heard 2 blasts. He says or cross
^{1594 + 1598}
that Johnson had a slight mustache - See Johnson's testimony
when he says on July 21 - he had a thin or light mustache

He id. shotgun & gun he saw on floor & it looks like
gun held by Johnson

(11)

He says
Butler & Haynes
started an
argument

^(p. 1622)
Charles Blackwell: He id. Haynes & Butler as men in
¹⁶²⁵ stage with guns. Butler had a German Tiger - Haynes had a
¹⁶¹⁸
46 Cal. Smith & Wesson .45 Long Colt

1627

He id. Johnson as running into Ladies Lounge - ^{light handed}
(Ref. to Blackwell on Blackwell as his P.G. testimony)

(Vol 2)

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

Cross of the Pinaly Substation pg 841-866 (Pg 850 - He knows neither Thomas or Temple)
by Chance pg 867-924

Re direct of the Pinaly pg 925-935

JANUARY 31, 1966.

Re cross of the Pinaly Williams pg 936-941

REPORTERS' MINUTES

Whitney direct pg 951-952 - 2 blasts

954 - He heard the shot

956-957 - He wd Hagen etc

958 - He wd gun as a 45 cal etc that Hagen held

964 - He heard the say "get up, the goddamn man" (pg 965)

965 - He did not get a look at other man face

966-967 - He did not have gun on him when he caught him

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JOEL KAHN

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Cross of Whiting of Sept 21

He goes down 7/8/1017 - He is asked what the pages of the narrative paper are
→ 181022

1036 - He says that Hagan outside - no one else

1039 - He says that Hagan is still breathing in stage

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN, NORMAN BUTLER, THOMAS JOHNSON.

1045 - Cross of Hagan could not have reached them in the prison

He says that Whiting -

February 1, 1966.

1077 - He says that Black much more interested
in his death

181098

REPORTERS' MINUTES

Jasper Davis - He id Butler as man who sat next to him
+ who he saw at the court room and sat next
to him he did not get a look at the man from
→ He spoke to police

Cross of Jasper Davis by Chaver - Jg 1147-1148 - He says Butler called to
the attention of the court. He says that he saw and sat next to Butler
and he talked to each other.

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DP

121164 - ~~Cross~~ of Joseph Davis of Clare - 121164 - He was shown pictures
after he saw Butcher in Jersey

Redirection of Joseph Davis by 1206 - He can't pay which man said
"get him out"

THE PEOPLE vs. THOMAS HAGAN, etc.

February 2, 1966

Directed John Davis by 1234 - He id. Hagan as man who had a gun &
found a shot as he ran out of backroom
by 1238 - He saw no other person other than Hagan being held by
anyone

TRIAL PROCEEDINGS

ADA
Dermody

PEOPLE v. S. HAGAN, et al.

February 3, 1966

REPORTERS' MINUTES

Cross by Davis of Substantive 1253-1272

Statement of Court Re Effect of Spectators & Press pg 288-291

Timbulake (Dress) pg 1302

Timbulake - pg 1310-1311 - He id. Hagan as man who pointed
a gun at him

pg 1313 - He sees 45 gun after Hagan forced him

pg 1316 - He id. Butler as man in Trench Coat
pg 1319

1320 - He id. gun as one he picked up on steps

1326 - He is shown Trench coat & says he does not
know if he saw it before

Timbulake Cross by Chance pg 1338-1360

Chance has car on cross that Butler was man he knocked down the
stairs (pg 1374) - & Butler was wearing a black & white trench coat

(pg 1375) He did not see Butler in custody of police - ankles
were fully on him & he was holding his legs

MURRAY DEUTSCH

JOHN P. CULLEN

JOEL KAHN,

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THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

Cross Examination by Chance

pg 1375 - He does not see Butler in custody of Police
1377 - He does not recall seeing Butler with a gun
1378 - one of the 2 men dropped it (gun on steps)
February 4, 1966.
1391 - I don't know who dropped the automatic

Cross Examination by Turnbull

1409 - Police arrived later
1430 } He is in fear of his life - he has been threatened
1431 } REPORTERS' MINUTES

Arnoff - pg 1458 - Reprimandfully on Hagan - He shot Bulkin
don't let him get away

Direct by Lt Arnoff / pg 1465 - He finds a Contingency Case # 4
bullet in his pocket of Bag.

1471 - He is unable to identify anyone else
pg 1476 - no one else has his picture by Crime photo
- the Hagan

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
Official Reporters.

Ann
Dec 20/64

Cross, Lh. Arnyoff & Silvestro pp 1487-1502
Rebuttal. . . pp 1502-1503

Dr. J. J. Miller (interview pp 1503)

- 1511 - The person left in 8th floor front - and went up on the left
1514 - Arnyoff went L 2 or 3 p.m. to his left.
1514 - The man from 1st floor, dressed in broad coat
1516 - The man above and Butler

THE PEOPLE vs. THOMAS HAGAN, etc.

February 7, 1965

1506/17 - Hand 2 lamps, rounded like a shotgun + other pistol
shots

1520 - He sees a man with a sawed off shot gun, crouching facing the
back - 12-14 ft from him

1521 - man was in front of him to the left 6-8 ft from stage

1522 - He id. by Johnson

1524 - He sees shotgun on floor - 4 or 5 ft from him - he saw John being shot

1525 - He sees another gun - doesn't id it

1526 - 2nd is near the 45 cal automatic (4 ft from him)

1526 - He id gun #3 (shotgun) as gun man on floor + it looks like gun being shot by

Arnyoff, William, Chavoy 1533-1533

1568 - He can see id Butler for Arnyoff - the results man in 4.

Arnyoff, William, Chavoy 1573-1573 1598 - Johnson had a shotgun in his hand 1599

1595 - He was shown 4 or 50 pictures

Re Cross, Miller - He saw Arnyoff until he saw more pictures of Johnson 1599

direct

Blackwell 1617 - Saw 2 men who started the disturbance near up aisle
towards stage

1618-1619 - 2nd is 2 ft from him - he saw more men moving
up aisle

1621 - distance when man pointed the gun

Tray { 1618 - one had longer + 1 had a 4 ft
1623 - Butler had a longer

TRIAL PROCEEDINGS

1627 - He id Johnson - moving into ladies lounge, empty handed

During Blackwell pg 1639 - He was unarmed

Cross Blackwell by Substant pg 1639 -

1646 - Ben Davis told him he kept the shotgun in back room
He did not get his pocket book

Cross Blackwell by Chance pg 1657 - 1697

pg 1664 - He explains why he said in QJ. he gun finger to Ben Davis

PEOPLE VS. HAGAN, et al.

pg 1665 - He says Ben Davis told him his coat was hidden with
gun (Substant)

February 8, 1966

pg 1668 - Ben Davis took pictures of Malcolm when he was killed
(pg 168 & 5, 6, 7, & 8)

⇒ pg 1676 - He was dissatisfied that he could not carry
around to protect Malcolm

REPORTER'S MINUTES

pg 1695 - Chance gets him to say the first time he saw a person
pointing a gun at his mouth during life in court - pg 1764

Very company → pg 1696 - Chance gets him to say he was in error when he
saw 2 men run upstairs to see him + pointing
gun at him, he was in error

Further Cross Blackwell by Substant pg 1697

pg 1710 - On reading of 8 minutes, he says he does not
remember picture #4 but must be that he is phone
picture #4.

pg 1721 - 8 pictures (1-8) recounted in evidence

Re direct Blackwell pg 1732 - 1747

pg 1735 - He explains what he meant by saying shot was in back

pg 1739 - He explains he was mistaken about 2 men being in
front now & he gives reason

1740

pg 1742 - He cannot say which 1 of 2 men said "get your hands up"

pg 1743 - 1744 - He explains mistake re gun finger to Ben Davis

pg 1744 - 1747 - He explains why he lied in QJ when he
said he did not see anyone point & stage & shoot

Re Cross by Sub - 1747 -

pg 1748 - He lied once in QJ that was mistake

Re direct pg 1762 - He was shown 35-40 pictures

pg 1764 - He says first time he told a person that Ben Davis was in back

①

Vol III

People's Witnesses

⑫

F.B.I. Agent John Sullivan: Gets gun from
 Thunderslake with clip containing 3 cartridges &
 turns it over to police. See police com to Tsape

after Agent Sullivan's testimony & before next
 witness is called, I turned over a list of all
 witnesses who were at Ballroom whom he
 interviewed. - This was done on Oct 9, 1966 (Wed)
 at approx. 11.45 AM. - See pg 1795, Vol 3

⑬

Det. Carallero: Short questioning of Dy Hayer.

His activities at scene - seeing shotgun (43)
 wedged in jacket - turning shotgun over to Det
 Meagher & Lat & Det Scamper, Ballistics.

apprehending Dy Butler - just before midnight
 on Oct. 25, 1965 at his home. - at that time

Dy had a definite limp
 Det C. takes ^{original} traced coat from Dy Butler - in Envid 47

⑭

Robert Wallace: He finds smoke bomb in rear hall
 He id. photo of smoke bomb - (445)

⑮

Det. John Keelley: He finds smoke bomb in rear hall
 + id. photo (445). He turns it over to Det Meagher.

(2)

Vol III

Witnesses (Continued)

(16)

Det. Meagher; He dusted shotgun - negative
 He takes pack apart (Sawbuck) & searches
 contents etc. Diving for 2 pieces of film - he photographs
 them prints & sends photo to Latent Print Dept (Det. Meyer)
 He dusts H&S Cal Gun - negative
 #455 He photographs left thumb print of Ray Hayer
 He sends latent print & photograph print of
 Hayer left thumb to Det. Meyer

(17)

Det. Alexander; He printed Ray Hayer

(18)

Det. Meyer (Latent Print Lab) He matches up Hayer print
 + latent print found on film - one & same etc.

2068

(19)

Dr. Helfern - Chief M.E.; performed autopsy
 describes wounds & location - direction bullet tracks -
 moving bullet etc. - (no bullet going into back of shoe)
 #2092 Causing death - Multiple, shot gun slug and
bullet wounds of the chest, the heart and the aorta

#2104

(Crown) 3 magazines used (shotgun, H&S + 9mm.)

(20)

Det. Scaringe (Ballistics Sq) Findings at hosp.
 Findings & observations inside ballroom
 outside ballroom

2148
 to
 2150

Re podium on stage - no B.W. ^{entrance} on rear of podium - all on
 front. - He finds bullet hole in floor on rear of podium

(3)

Vol III

People's witnesses (Continued)

(21)

Det. Reich: (Ballistics) - Did all comparison work on ballistics. Results

Tests → to submit testimony by witness E Greene - He conducts test with shotgun on subtarget targets.

Results - pattern found in chest of the (6 in 6 rounds) same pattern found when muzzle of shotgun is held 15 ft from body of target.

According to Greener, distance is 29 ft 6 in (See Daniels' memo to).

(22)

Betty Shebazz (Widow of Joe) at Ballman
+ children - what she saw & heard.

She id. dead body of her husband to M.F.

NY 2401

{ She describes color of man (tall, dark hair, a loud voice)
saw that you heard etc - Rust colored or brown jacket - This first
seen on 100th St. near 1st Ave.

(23)

Ptl. Dillbert Henry: Did copy scene - what he saw & heard: He id. body of Joe at morgue.

Recall of Det. John Keeley: On apprehension of
Ray Johnson on March 3, 1965, - 2 P.M.

NY 2463

NY 2464

Ray Johnson was wearing a mustache
" " " " a dark blue coat

He & other Dets followed Ray Johnson in under observation
& find out where he was going & who he would see - This was
on March 3 before 2 P.M.

NY 2472

(4)

Vol. III

People's Witness (Continued)

24

Charles Moore: He is Hayer, as man he saw first
 + firing of Rev
 quick stage during shooting. He is Hayer as
 many the rear of ballroom with a 45 Cal gun in his hand.
 He says Rev. Dr. Martin was charging Hayer with a
 revolver in his hand & he shot Hayer.

He called in the stage at Ballroom S.A. BC

He reports Det. Cavallaro & told him what he had seen

Re Callg Det. Cavallaro (for further cross of testimony)

Reports on Wm Harris - shot the 22 Cal

Wm Harris - shot the 22 Cal
 (Chas 006 phone no 444-1111) (see 2481)

Reports on neither man could say who shot him

Re denial of Det. Cavallaro - no other gun found at Ballroom
 except shotgun

This is true,
 does it not contradict
 someone who says
 he saw him shoot
 him to death at
 the scene?

pg 2598

He describes how Dr. Hayer was dressed - dark brown

3/4 length over - a reversible jacket underneath this, rust
 colored star - a white shirt - tie, brown pants & black shoes

See Betty
 Steacy
 pg 2481

pg 2599

People's Case

(Vol 3)

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

February 9, 1966.

Agent Sullivan - pg 1773-1794

pg 1795 - I turn over list of witnesses to my counsel
(Feb 9, 1966 - Wednesday - approx 11:45 AM)

Det. Cavallaro - pg 1798

pg 1803 - My Hayer remained mute

1805 - When asked what he heard, My Hayer did not reply

1806 - One juror seemed dead in his presence.

REPORTERS' MINUTES

Voiding block 1824 - My Butler walked with a deputy (Feb 16)

1826 - Statement by Court Re. that he issued subpoenas for
any witnesses on list I turned over

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

Sgt Cavalier - Cross & Lattin (1899-1923)

12/19/12 - 16 say observations bullet holes (photo #9)

Roland Wallace Jr 1923 -

pg 1935 - 1st id photo of smoke bomb (Paw 445 found)
h 1942.8

to 1943. Someone poured water on burnt-flower ends over one

THE PEOPLE vs. THOMAS HAGAN, etc.

February 10, 1966

Det John Keeley - pg 1964 - 1/2 is photog soch (Pg 445)

Det. Edw. Meagher

Shotgun → 131,976 - the shotgun shotguns no fragments, 1 round
1977 - just 2 muddies on shotgun
K-1

881982-1983 - He describes contents of rocks & he finds 2 fragments
on 2 pieces of paper & he photographs the 2 pieces
& sends photos to Lital Paul, B.C.
881988 - He dries 15

45. just → 18/988 - He drew 1/6

1990 - 16 photographs, 150+ bullets - negative

1991-1/2 made enlarging 447
1992-1/2 made 2 enlarging to class Meyer
1991

Det. Alexander ^{K/1996} printed by Hays on March 1996

1998 - 12-18-98 as the parents of Rayan

TRIAL PROCEEDINGS

172015 - my stated about Committee Ops that I had my copy
made into type - Feb 11, 1966 - 11 AM

sent Meyer - pg 2028 - Latest print (\$447) & print of left thumb
in \$450 one one & the same

Crossing Meyer by Sat. - pg 2060 - another fingerprint found
on dining Meyer - pg 2065 - other print of no value for again

PEOPLE vs. HAGAN, et al.

February 11, 1966

STENOGRAPHERS' MINUTES

Dr. Helfen dir pg 2068

pg 2087 - area of patting back set on left chest There is a scar

pg 2099 - upward tracks were # 4, 5, 6 & 7

pg 2101-2102 - 10

pg 2092 - Cause of death

Crossing Dr. Helfen & Sebastian

pg 2104 - 3 weapons used

ADA

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

Testimony of Dr. Scarnice (Ballistics Ex)

February 14, 1966

Directed Exam of Dr. Scarnice by 2117-2202

Q 2123 - He has, he recalls of a note book & pen in his breast pocket, Dr. Scarnice
note book & 60 } in evidence
2137 } Pen gun & 61
Held on the entry & 62 }

Q 2140 - He is at stage as shown in photo (Def AC #4) were not bullet holes

Q 2142 - 2154 - He tells of where he found & where he found bullet holes
underneath the bed on Feb 2nd

REPORTERS' MINUTES

2148 - He finds 4 bullet holes of entrance on floor, part of problem facing
audience, as shown in Def & AD #2 (photo)
He finds 4 bullet holes of floor (3 in room & 1 on sidewalk) facing
the report Def & AD #3 (photo)

2150 - no bullet holes of entry on room & problem

2155 - 2162 - He testifies he found bullet holes on St. # 2 & 165H

Cross of Scarnice by Chance

2209 - you could not tell ceiling of room
to spot of shells, from 40 or 50 ft away

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS.

Recall of Norman Wallace

Recall of Chance by 2236 - Wallace says the Taylor was only person in room
when he arrived

Mr. Dermody Widow Det Reich - pg 2284-2286 - Pg 58 (45 cal bullets removed
from bag, 2 dec was fired for 9/12 (45 cal. gun)
pg 2286-2288 - Res 9/68 (J) was fired for 9/12 (9m)

pg 2304-2306 - as a result, tests - 9/26 A+B (2 of 4 cartridges
found in clips in bags, pockets) were at one time in 9/82 (9m)
= were extracted
pg 2308 - 9/26 A+B were never located in 9/12 (9m) by him on
any other Dec.

THE PEOPLE vs. THOMAS HAGAN, etc.

February 16, 1966

pg 2308-2309 - after comparing to A+B on 9/66 (3 shells fired 4/26)
he says all had been extracted works. 2 shells were found
gun as spotted 3 shells chamber (4/66)

pg 2309 - clip found in bag in pocket (4/26) cork found in 9/12 (9m)

pg 2354-2358 - the applicant's test conducted with shotgun
in silhouette targets & results etc. (4/75, 79, 80)

Betty Shatavsky (widow of Dec) pg 2385-2407

She is dead body of her husband, etc
at scene etc

TRIAL PROCEEDINGS

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

February 17, 1966.

REPORTERS' MINUTES

Crossing Bth Hwy & Sub pg 2440-2441 - Reuter from told him someone put
a gun in his stomach

pg 2464 - By would a dark blue overcoat
Det. Keeley (Recall) - He apprehending of Det. Johnson
at time app. By was making a mistake of 2463
On drive - pg 2472 - By was followed to keep him under observation to
find out where he was going & who he would see

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

Charles Moore (direct) pg 2490 - 2521 pg 2501 - man & gun shot

pg 2507 - He identified self, Hayer etc → pg 2603 - man has 46 automatic in his hands

pg 2509 - He is shown 4/12 - and (.46 cal gun) & he says is looks like the gun some caliber etc

pg 2511 - He identifies Barker, Brennan as 3 men chasing Hayer, James, these a revolver in his hand.

pg 2512 - 2513 - He saw Brennan fire 3 shots - 2nd shot his Hayer - Hayer said "Oh" etc

pg 2521 - Hayer says he came in he saw pointy gun on stage during PEOPLE vs. HAGAN, et al.

pg 2516 - He spoke to Jess Barallan etc & went to hospital

Crossy Sabbath - pg 2521 -

February 18, 1966

pg 2545 - Hayer in room he ~~passed~~ fire a shot towards Mallick X

(Correct pg 2547) - Should be "not stupid"
REPORTERS' MINUTES

Crossy Sabbath pg 2561 - He reported to A.R.C. that a man had been shot by one, Mallick's following, while fleeing Barallan with a weapon in his hand.

pg 2750 - He was questioned by Jess Barallan about the case after he returned to scene at 4.45 or 6 P.M.

Re dining Moore pg 2571 - His eyes reopened in Dec 1965
He has 20/20 vision

Re Call Jess Barallan for further Crossy Sabbath - pg 2574 - 2592

pg 2578 F 3rd reports received in London

Rec. in Edited {
pg 2578 AT & AT (Re. Sgt. Vm Harris shot with a 3rd shot)
pg 2578 AV & AV (Re. Sgt. Vm Harris shot with a 3rd shot)

pg 2581 - AT read to jury - Harris stated he did not know who shot him

pg 2683 - 4th AV read to jury - Parkins (not) stated he was seated in 3rd row on left side - did not see who shot shooting
He shot in front

Re dining 1970 Barallan - pg 2593 { He heard his pick up saying shot gun to
Chas Blackwell

pg 2593 - no other weapon found, other than the 46 cal. gun

pg 2594 - 2595 - Hayer was not answering because he was in hospital

pg 2597 - Barker drawn from front of tent, left with 26,000 bail

pg 2598 - Hayer & Hayer was dressed pg 2599 - People's Case

Volume IV

Defense of Hayer

- pg 2640 1) Leroy Mosely - brother of Day } It should be noted, none of these
pg 2643 2) Kathleen Mosely - sister of Day } witnesses were called by State
pg 2645 3) Howard E. Hayer - brother of Day } Hayer was not a Black Muslim

(4) Betty Hayer - wife of Day Hayer.

pg 2664 - She says, to her knowledge, Hayer was not a Black Muslim.

(5) Defendant (Salim Hayer): direct (pg 2675-2694)

pg 2677 - He never studied or practiced Karate

⇒ pg 2682 - He says he sat on the left hand side, maybe almost in the middle - why does he change his position in his later testimony (in prison now)

pg 2693-2694 - He cannot explain his ^(finger) position on film

⇒ Important for later argument pg 2694-2696 - after 3

Hayer's direct exam is concluded, neither Chance or Birney have any Cross-exam

pg 2725 He would not be under oath to further his story

2741 { He never ^{attended} a meeting of any kind sponsored by Black Muslims
He did not know of existence of B.M. mosque house in J

2745-2746 He never studied or practiced Karate - judo etc & never wore costume

2747 He is the person 487 says I don't think it is

2749-2750 He says 488 says it looks like me then he denies it is him

2754 He denies taking part in Karate demos in Newark Mosque

(2)

Vol IV

pg 2757

Charles Morris; Called out of turn by Chance, in Defense of Butler

2804-05

Note: after discussing Morris, 2 get court's permission to resume right of cross by Morris, until later when discussing Hayer's facts.

Continuation of Defense Hayer

2815

Stanley Scott (reporter) Called re some photos taken outside ballroom during strategy of moment against Hayer. It turned out he was not present when photos were taken. He was the cross asked by Mr. Chance on behalf of Butler.

pg 2833

→ In response to a question by Chance, he testified under oath he saw 2 men in custody, and neither one was Butler or Johnson.

pg 2834

2835

However, when I cross-examined him, even he had previously stated he was outside ballroom at that time, he admitted he did not see anything, but had been told this.

→

On this rather poor note, the day Hayer rested his case.

People's Rebuttal vs Hayer

Granville Owens; photographer

pg 2843

He id Hayer as person in photos (pg 88+89) - now in evidence

pg 2844

Def. told him his name was Talmadge

Picture was taken in Spring 1963 in house #26, Room 218

Vol IV
(continued)

Sumner gives Hagen the lie - the Karst - by his map etc.

Cross Exam. Chas Morris of me.

He heard members Moslem #7 refer to Dec as a hypocrite
NYC.gov/records NYC.gov/records NYC.gov/records NYC.gov/records
state that Dec should be called

If Capt Joseph gave an order, it would be binding on every soldier.
He cannot say whether or not Butler & Johnson were in

Ballroom - Feb 21

Adm'd: In Hallroom on Oct 21

He cannot say whether or not Butler or Johnson were in Ballou on Feb 21

Ernest Greene; This witness was called by Mr. Chana, on behalf of Butler - he doesn't say anything about activities of Butler but testifies.

He saw a man ^{P.O.} from a pair of photos of which
he described him as "stout and very dark + had a
very deep beard"

2920 No cross ~~from~~ by the Banking on Whiff of Johns, naturally

NYC.gov/records NYC.gov/1
Cross Exam by me & Greene

2924 The first time he told anyone this was at a week later when he told his mother

2925 His mother told him to report to her again & he called Capt Joseph
2928 John to her again. No Capt Joseph - 11/15/1864 + 1/4 of 1865. Dec 24/1865

(4)

Vol IV

Continued

2927

Crossed Green by me: He says about 2 or 3 days before he testifies
Case Joseph told him he wanted him to testify for Joe
Johnson (yet he is called by Butler's lawyer)

2941

He draws circle on p 2 to show pointing man with photograph (this
circle is 29 pp 6 in from where he was standing - to Black
target test conducted by Det Rector)

2964

He never discussed what he saw with his friend Spencer
who he says was in front with him - Spencer then asked about it
in newspaper & talking also came into Spencer.

2972-73

He called Case Joseph on telephone & told him what he
saw & said "if you want me to testify I would"

2999

He tells how he met Chance & Pearns in Shelby Room
→ a Wed before he testified - they were introduced to him by
Case Joseph & they never asked him any questions

3004

He has been out of work for 6 months - is being
→ supported by his Grandmother ←

3006

He saw man with photograph 16 times - he describes man being
down Coast

3007

He looked at the 3 men but is not sure of color of hair/skin

(5)

Vol IV

Continued

3013-14 Mary Kochiyama: She heard a disturbance -

Leonard Larsen does not add anything

3018 He saw movement towards stage prior to time he heard the gunfire

Mrs. Theresa Butler: By home all day after 1 P.M. on Dec. 31

3020 My cousin walk too well - he limped - yet when phone rang time, after 3 P.M. - By around phone in butch both times (he was in living room) despite his bad legs

3082 { Reports to her of testimony, when she could not remember }
3090 { the time phone calls came in }

3092 Sister Gloria Wicks: She called by home at 3.05

3099 { Cross of me: She says her mother in law called her }
3100 { about 3.02 stated my father had been in radio, mother had been shot }

Note: Mr. Kimmel ^{A.B.C.} from the file to the

3105-06 The first time she told me where this was just before she took the stand

3108 She never went to police or O.A.

3112 When she learned of my mother's death, she was with the family & contacted them

6)

Vol IV

continued

3115

Sister Juanita Gibbs; She called Dy home aft

3 P.M.

3116

The call was before 3.30

3127

Cross of me; He did not go to police in D.A.

3130

This time she spoke to city was just before she took
the standMonday
Oct 28At this point in trial the Dy Hayer is recalled
by Chambers on Butler; Butler - pg 3143-3147Hayer admits his guilt & says Butler & Johnson
are innocent, He claims there were other involved
with him but he will not give their names

Cross of me to 3150-

Cross of me

3155

He says 4 other hands having been involved - later
he changes this to 3 (See pg 3175)

3156

He requests description of Johnson & must take photograph

3157

He puts himself in front row with another man with a
gun in hand

3162

He once lived in a Place & had a car 3169

3163

- making strong recid

3166

He refuses to answer if he shot at DeLoe he fell Defect 246 letters
found outside falling

3169

no one of his alleged accomplices were a gay truck com

3170

He refuses to answer on 287 & 88

⑦

Vol IV
(Continued)

3174

He describes man who created the disturbance as looking like him - dressed like him - but he refuses to describe the man pretty well he with the German fugue - why

He describes guy who hit him why - Because it is Buttle ~~himself~~ this.

note

He, on cross, also says he first met ~~Dr. B & J~~ ^{Dr. B & J} after the big interview and ~~was~~ ^{was} ~~before~~ ^{before} he took the stand ~~the~~ ^{the} ~~feature~~

Dr. Seshone; He exposed Buttle on Dec 21

He testified him for a superficial thrombophlebitis of right leg, which is an inflammation of the vein

3188

3187

He was only Dr. who saw him that day

Cross of Dr. by me

3188

3189

no complaint re left leg - He stated nothing else about hand vein in right calf on right leg - no trauma, etc

3190

He does not recall leg limping

3192

no masses or discoloration of left leg - He exposed ^{10-15 min} into leg

3196

He is shown Ex 89 (made photo of leg Buttle) he says area of discoloration he sees in photo on left leg he did not see on leg left leg on Dec 21

3198

He says Ex 89 shows right ankle quite swollen - But on Dec 21, left right ankle was not swollen

Two records show leg was hurt 1 hour on Dec 25 for treatment

(8)

Vol IV
(Continued)

Dr. Salove (Cont of no Contund)

3200 on Dec 26 leg was treated for cellulitis of right leg + X Ray of right ankle - no fracture

3201 on Dec 21, no concern about right ankle; leg

3204 Condition of right ankle on Dec 26 - is consistent with being knocked down a flight of stairs - See Thurley's testimony.

Reading of Dr. Z. Chace

3204 This advice given on Dec 21, would apply if no swelling of right ankle at all

3205 He would examine both legs - even if leg only complaining of leg

3206 no other Dr called in for consultation

3207 ~~(Dep Condition on Dec 21, Could have affected him)~~
on Dec 21, ~~able to walk - He does not say it would have~~

Sly Butcher: home all day after 1 P.M. etc

Curran's note: The Supp. housekeeper at the Chlorine rest - See

Capt. Joseph - he was hobbling -

32356 Later he called Capt. Joseph from home shortly after 3 + reported with him. Capt. Joseph returned called to his home - why was it Capt. Joseph called on a visit?

(9)

Vol IV

Continued

Cross of Butler & me;

3391

He says Hayer told him he knew (Butler & John) were involved & he (Hayer) knew who was involved. He told us to his steps. This was long before Hayer took the stand the first time - just the second time his steps asked us if we found Hayer - no cross

Sub
2694 }
2695 }

He is shown 487 & 88 & says he does not recognize it

3399

He claims the first time he actually heard Hayer say he was involved was when he was on stand

Charles Mowry, Recalled by Butler;

3413

on cross by me; Butler & Johnson were members

3414

of a 100 man group. Some cases where people violated the policy of the group

By Butler rested

(10)

Vol IV
Continued

Deputy Johnson

Mrs. Johnson; By home all day

3424 }
3425 }

She says she heard on her radio + on TV about shooting just
after 11:00 PM. Long came to apt. 20 min. later. Mrs. Long
came in to apt. to 3426

3521 → This is in conflict with Dep's version

He would not like to help his husband

3463

Mrs. Long - She came to Dep's apt. a little after
5 P.M.

3470

Mrs. Long - He got to Dep's apt. bet 3.30 + 4.30

Cross of Long - He has criminal record

3484

He left Morgan no later than 3.45

3521

Dep. Johnson - home all day
He heard about shooting on Mrs. Long's portable radio
when he came to apt.

3630

Cross of Dep - He is shown 887 + 888 & says he does not recognize
anyone in 2 photos

3643

He got caught in a lie - He is right. He does not recognize
Harris in picture

(11)

Vol IV

Cont

Dep. Johnson rests

Mr. Kimmelblatt called in rebuttal of Res

133538 This place of shooting was on radius of 3, 15
There was an explosion place - first on a grade

This was later to Sister Blavin

Recalling Jack Farrell - date was 129/64

all ends rest

Mr. Dermody

opening statements by Chance Butler - pg 2638
opening statements by Beano De Johnson - pg 2639

Vol 4

THE PEOPLE vs. THOMAS HAGAN, etc.

February 21, 1966

Defense of Hayer

Larry Mosely - 2640-2641 - bailiff by } none of these intrins

Kathleen Mueg - 2643-2645 - bailiff by } testified that by

Howard E. Hayer - 2645-2648 - bailiff by } was not a muslim

Betty Hayer - pg 2663 - - wife of Hayer.

pg 2664 - 20th witness, someone says Hayer is
not a black muslim, to her knowledge

TRIAL PROCEEDINGS

DA
Hayer (direct pg 2676 - 2694)

pg 2677 - He never studied or practiced karate

pg 2680 - He tells char mess room find the clips

pg 2682 - He never kept his pants on with mess room

pg 2685 - He explain why he did not say where he found

pg 2693 - He is asked to explain his present or future

2694 - He cannot explain it

pg 2694 - 2695 - after Hayer's direct is finished - neither
Chance or Pinkney has any cross ex.

PEOPLE VS. HAGAN, ET AL.

February 23, 1966

STENOGRAPHERS' MINUTES

Cross Hayer - pg 2702 - He used mess room in and then on
previous occasions. He has seen in Dec 41

He asked for locating mess room

pg 2704 - He says he told Sgt. Arny he found the clips

pg 2714 - He did not remove his coat while in Ballroom

pg 2717 - He never saw to hear the speech before Dec 21

pg 2725 - He never met the lady with the jacket during

pg 2733 - He had no identification on him on Dec 21, 1965

pg 2734 - nothing wrong with right hand

pg 2741 - He never attended a meeting of any kind, sponsored or funded

He did not know anything about the M. M. M. group in Newark, N.J.

pg 2745 - 2746 - He never studied or practiced karate
or wore costume.

2747 - He is shown Res 487 & says I don't think that's me

2749 - He is shown Res 488 & says it looks like me

2750 - He denies he is person in Res 488

2754 - He denies taking part in karate demonstration of M. M. M. group

Charles Morris (called by Butler) pg 2757 Defining Butler

Mr. Dermody Greene (Cros) 82941 - 1 lb drms crushed on 4/2
show justifying man with shotgun.

THE PEOPLE OF THE STATE OF NEW YORK VS.
 (People v. Childs) 87-299 (People v. Childs) 87-299 (People v. Childs) 87-299

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

February 24, 1966

note - The court grants my request to resume my cross-exam. I remain limited after
2 oral attempts in rebuttal, Deposing Hayer (2804-2805)

② Stanley Scott - reporter, calling by Suburban or photos (pg 2815 -
Chambers & Chambers pg 2833 - He may be Ray & Ray is created by
 outside Baltimore, & neither one is
 Johnson or Butler

REPORTERS' MINUTES

cross of Seattle, wa - pg 2834 - the way he made a mistake, he did not
see another person in custody, but he was told that.
(Det. Hagen Rests)

③ Franklin Grant, called to me in Hospital re my finger
X-ray: 2839

192843 - Re id. Hayer as peroni Prov 88+89

152844-Dyfedhms has name as Talagdy

102847-2848-488189 Rec. in England MURRAY DE

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

④ Crossogomphus meigs 2865-

Page 2870 = He heard something from you & report to Doc, as a my opponent
2871- " " " " state that Doc should be killed

2881-2882 - If Capt Joseph gave an order it would be binding on members of the organization

5 Ahmed - pg 2916-2916 - the Communist Party membership form
with - See inside page

②
Dennis J. 3046 - Dis call, mostly aft 3 - she
appears in the firm tower - Sup 83
for 99 testing

Dennis J. 3020 - Dis call, mostly aft 3 - she
appears in the firm tower - Sup 83
also for 3021 - Time she rec 1st phone call
1) also for 3020 - She got 2 telephone calls - Sup 83
also for 3023 - She says she didn't talk to Bob
last night day (2nd 26) - Sup 83 testing for 85

1) Dennis J. 3020 - She got 2 phone calls - Sup 83 84 - 108
2) " 3021 - Time she rec 1st call - Sup 83 84
also cross for 3046

3) also for 3023 - She didn't talk to him last night day (2nd 26)
Sup 83 testing for 85

Ernest Green - Crossy me

Say 29/6

pg 2964 - He discussed case with Spenser about a week after
gave, after making what is in newspaper, but said
nothing about what he saw
note - He always plays when he starts to say - "I didn't see -"

pg 2965-2966 - He says he wanted to Spenser that
he saw man with shot gun

pg 2971 - He contradicts himself about time he first reported to
Cops Joseph

THE PEOPLE vs. THOMAS HAGAN, etc.

February 25, 1966

pg 2973 - He called Cops Joseph on telephone & told him what he saw
pg 2973 - "that if he wanted me to testify, he would"

2974 - He contradicts himself in above

2977 - when he met Joseph he told him the man he saw
shot man, his picture was not in the paper

pg 3004 - our own paper put words - suggested of his grand jury

→ pg 2999 - He met Chas. Beams & they did not ask him what he knew about
the case

pg 3006 - He looked at man with shotgun for 15 sec. - he saw a death
over.

He looked at it for 3 min. - does not remember if it was same
evening his suit (3007)

Mary Kacheyawa (3013-3014)
pg - she heard a disturbance - that all

Leona Lerner pg 3018 - he saw man with shotgun
prior to time he heard the gun fire

Mrs. Butler - My Butler home all day Feb 21 from 1 P.M. on
pg 3020 But 2 phone calls after 3 P.M. - Husband around
same both times, didn't hear him + saw legs

TRIAL PROCEEDINGS

pg 3020 - he couldn't walk to well - he limped

N.B. → See beginning of this page

h3155 - He says 4 others besides himself - Let's change to 3 h3175

h3156 - he denies that for real as stark

h3157 - man with his air port man had a gun bag

h3161 - He was opposed 10 ft from bullet when he first shot

h3162 - no one witness was there when the bullet was shot - check h3167

h3166 - He refused to answer if he shot at the gun

h3166 - he fell down - report bullet 2 4 9 shot around

h3169 - none of his people was wearing a gun bag and

h3170 - Re to 4 8 7 8 8 - Get back

h3174 - He denies that he was the one who shot the bullet as look ing back
He - He refused to answer if he was the one who shot the bullet

ADA
DECEMBER 4

Connect to 3091

date Crossing Mrs Butler - 1/2 3082 - 3090 - 2nd in hand to 1st testing etc

Sister Gloria Mills (Dress) 1/2 3092 - She called by home at 3.05

Crossing Sister Gloria Mills - 1/2 3096 - She looked at clock when she called
Butler's home at 3.05

1/2 3099 - her mother called her at 3.02 & told her she heard on
radio that mal X had been shot. 1/2 3100

1/2 3105 - 3106 - She first time she told mal X was just
before she took to the station stand

PEOPLE OF THE STATE OF NEW YORK vs. HAGAN, et al.

1/2 3108 - She never went to police or D.A.

February 28, 1966

1/2 3112 - When she found out in massachusetts several months ago
she made no effort to contact him etc

Sister Juanita Gibbs (Dress) 1/2 3115 - She called by home
after 3. PM

1/2 3130 - First time she spoke to ally was just before she
took stand.

STENOGRAPHERS' MINUTES

ally Hagan recalled by Chance on behalf of Butler

cross of Hagan by me (See inside of this page)

h3275 - Karate Butler

h3290 - Re. Cunningham Butler

h3291 - Re. no persons about whitish shell to be about hypocrite

h3296-97 - 1 den the intention in persons to be about dark (Guns) of violence

h3263 - "close than that" - Frank Apple

Mr. Dermody

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

March 1, 1966

Dr. Sackow (driving Chase) reference by Butler - Dec 21

He treated him for a superficial thrombophlebitis of right leg
which is an inflammation of the vein
p3186 } He was only Dr to see him that day
p3187 }

crossing Dr. Sackow - p3188 } no complaint in left leg
p3189 } He notes nothing else at hand being
in the right leg. no trauma etc

REPORTERS' MINUTES

p3190 - He does not recall leg lingering

p3192 - no bruising or discoloration in left leg He examined by 10-15 min

p3195 - He was seen p3196 - no complaint of leg
discoloration he sees on left leg by. he did not see on Dec 21

p3198 on p3199 - it shows leg right ankle quite swollen
But on Dec 21, leg right ankle was not swollen
High points show leg came back to hospital treatment on Dec 25

p3199 - He was treated for cellulitis right leg - X Ray
of right ankle - no fracture

p3201 - on Dec 21 - no concern about right ankle

p3204 - This condition right ankle is consistent with
injury sustained by leg being knocked
down a flight of stairs

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

Re direct of Chase p3204 - His advice by would apply, if no
swelling at all

p3205 - He would examine both legs - none of leg completely
only 1 leg

p3206 - He would Dr called in for consultation
p3207 - condition could have affected his ability to walk
→ (See remark on Butler)

Butler (Cross) ^{"Shake"} (Connected) pg 3 + 14

pg 3356 - Capt Joseph called back Butler at his home
after Butler had spoken him on the phone the first time
This is important - re arguments as to why Capt Joseph
was not called as a witness by Butler

THE PEOPLE vs. THOMAS HAGAN, etc.

March 2, 1966

pg 3391 - He says Hagan told him he knew they (Butler & Johnson) were innocent
+ he (Hagan) knew who was involved. He told that his atty, thus
was all before Hagan took the stand the first time.

pg 3399 - He claims the first time he contacted Hagan was by mail
in the state

TRIAL PROCEEDINGS

Charles Morris Direct (Rebuttal)

Cross of Morris pg 3413 - 3414 - Butler & Johnson were members
of the 100 men Supreme Squad - who wanted to influence some
cases when judges violated the policy of the organization

pg 3424 - 3425 - She (Butler) was in the jail with Johnson pg 3521
She says they heard themselves in the TV news that morning & then after
noon, Long arrived, Mr. Long came to age 20 months after Mr. Long
pg 3426 -

Mr. Long (wife of Mr. Long) pg 3463 - He got to Dep. cgr. at 11:45 PM

Mr. Long - pg 3470 - He visited Dr. Johnson's lat. 3,35 - 4,30

cross Mr. Long - pg 3484 - He left message no. 3,40 (3,30 - 3,45)

PEOPLE VS. HAGAN, et al.

March 3, 1966

Dr. Johnson - Brief pg 3516

He was home all day Feb. 21, 1965

pg 3520 - by the time his wife got up, it was afternoon

→ pg 3521 - He heard a shot - Saw Mr. Long's portable radio - This is what his wife saw - See pg 3424 & 3425

STENOGRAPHERS' MINUTES

Mr. Kimmel - He called in Robert - pg 3536 - He got shot in the air at 3,15 P.M.

Mr. Dermody

THE PEOPLE OF THE STATE OF NEW YORK VS.

THOMAS HAGAN
NORMAN BUTLER
THOMAS JOHNSON

Crossed by Johnson pg 3628 - He admits his wife made a mistaken
interesting clue hearing about Dec. being shot on radio at 11 in a.m.

March 4, 1966

pg 3630 - He is shown 488 & says he does not recognize anybody
" " " 487, he cannot answer questions

pg 3643 - He says he had a rifle in his apt, which he bought in the
last week of Dec, 1964. He had ammunition for it - it was loaded
His attention is then called to pg 3596 - where he said he never
handled a rifle in his life.

REPORTERS' MINUTES

pg 3648 - He claims he misunderstood my question

Roscoe Jack Darnell pg 3662-3663 - Just one from red circle to X
is 29 ft 6 in

MURRAY DEUTSCH
JOHN P. CULLEN
JOEL KAHN
OFFICIAL REPORTERS

Summation

Now that you have seen & heard all the evidence presented in this case and have listened to the Summations on behalf of the 3 Daps, the law now gives me, the opportunity & the privilege of summing up the evidence in the case, on behalf of the People of the State.

Express Sincere thanks for your patience and the Courteous attention you have shown both sides during the course of this protracted trial.

This trial has been nothing more than a search for the truth - I would ask your permission to allow me, during my summation, to assume the role of a guide, to assist you in this search for the truth.

During the course of my summation, I shall endeavor, to the best of my limited ability, to advance arguments to you from the evidence, based on reason & logic, by appealing, Not to your Emotions, but to your Common sense & good judgment as practical & intelligent members of the community.

(2)

3. Defs are presumed to be innocent

The Burden of proving the guilt rests on the People

Who, in reality must prove 2 separate things:

1st - Proving death of Malcolm X - This we must prove by direct evidence - that is by someone who can say he is in fact dead - no question about this. Refer to testimony of Mr. Shabazz, his widow, Otis Henry & Dr. Helgen.

2nd - We must prove that the death of Malcolm X was caused by the criminal acts of these 3 Defs. under circumstances amounting to murder 1st as the Court will explain these elements in his charge.

This we can prove by either direct or circumstantial evidence or a combination of both.

But prove it, we must, to your satisfaction, beyond a reasonable doubt.

Don't let terms reasonable doubt, frighten or mystify you. The Court will explain in plain simple

language just what is meant by reasonable doubt.

The human mind can conjure up a doubt almost anything. It does not mean - to a mathematical certainty.

It should not be used as a convenient pander to avoid doing our unpleasant duty.

(3)

→ Jury. (We do not have to prove motive - we do not
have to prove why these 3 killed Malcolm X)

Theory of Peoples Case: We contend, based on
the credible evidence of all the facts and circumstances
in this case, that these 3 Deys, while aiding
and abetting one another caused the death of Malcolm
X by shooting him with a shot gun & pistols & that
this killing by the concerted acts of these 3 Deys
was the result of a deliberate & premeditated
design to take his life, and under this theory
of a Concerted action on the part of these 3 Deys,
~~that~~ the acts of each Deys are binding on the other Deys
& the acts of each one become the acts of all.

The Court will explain the law to you
as it pertains to the Theory of the Peoples Case.

With these observations in mind, allow me to
discuss the evidence.

Now refer to sheets of each 4 volumes.

Witnesses in witness - with pertinent observations

The Court will tell you, tomorrow, that in evaluating
the testimony of each witness that is called to testify by
either the people or the Defense, you should
consider: The manner & demeanour of the witness
on the witness stand.

The opportunity the witness had to observe the facts
he or she describes.

What interest the witness has in the outcome of the case.

(4)

What motive the witness has to lie
Does the witness stand to gain or lose anything
as the result of the outcome of the case the

Peoples Evidence:

Defense of Hayer.

Defense of Butler

Defense of Johnson

Rebuttal by Peoples. Re Hayer, Butler.

Anticipated charge of Conspiracy Murder / 1st Murder's Manual

Peoples Theory

Wind up: No Capital murder - just murder
is no concern of jury. etc

①

Summaries on Backlog of Bay Johnson

10 A.M. } → He argues the Black Muslim has been on track
11 A.M. } besides the 3 Depts. - He mentions Conrad Clay
He says Hayes says he was not a Muslim

→ No physical evidence directly connecting Bay Johnson with the missing Muslim X - Answer: Yes

→ He reports Bay Thomas - He puts shotgun in hand of Johnson what is Bay. He puts a pistol in his hand - a cut-throat. - Ans - He (Thomas) says he must take both names
He goes into criminal background of Thomas.
compare his background to Bay Johnson who also has a criminal background (burglar, street, etc.)

See Temple's test → He reports Vernal Temple: He says Temple says he did not know Johnson by name - This is not so - See pg 762 (V.M.) - He knew names of Bay Johnson from newspaper

He reports testimony of Whitey who knew Johnson - but he did not see Johnson in ballroom - Ans - He does not say he was not there

also reports Timberlake as having Johnson but did not see him in ballroom - So what - He does not say Johnson was not there.

Grand Wallman:

(2)

Chas Blackwell ; He heard a knock - he saw 2 men
come to stage (Hayes Butler) & he saw Johnson
in hall.

Is this fact? a conspiracy between Wilkes &
Blackwell on Dec 21.

He goes into description of Blackwell testifying as to his
S. J. thing - how he appears in S. J. thing.

Is his story fact? a conspiracy re Melah X on
Dec. 21 ???

He says was taking fingerprints on shotgun

assaulting by Johnson - shot Kerley

He says they did not try to escape - altho he
never knew his fellow

not
re.
refused
to

He goes into his Defense ! Refers to Chas. Mann called
by Mr. Chambers - Mann says he did not see John or
Butler in hall - He did not say they were not seen

Orlando Quade - he says he did not see Johnson or Butler
in hall - He says fact is he did not say they
were not there

Ernest Brown - he says he saw man who found
shot gun - he says he saw Brown says Brown
said it was not Johnson - not so

→

3

He refers to "Confessing Hayer." i g his own
free will

He says Ruth & John were in no way
involved in the murder - he repeatedly states this.

He says you must decide if Hayer tells the truth
when he exonerates John & Ruth.

Mrs Etta Johnson - She puts her husband by John
home all day

Mrs Long - came up after 5 P.M.

Mrs Long - abt 3.30 - 4.30 at John's again.

He refers to Ruth & John and she came to her
and asked when.

My family - home all that day etc

He says Black murder should not be put on trial

" " no doubt murder showing Hayer a thug skin

Summit on Bullying by Butcher & Chase

11:30 AM

1:05

He asks jing to exclude all the ~~things~~
of Thum - on ground that he was found of
a impaired mentality - He refers to Harvy
Board of Co Thum.

He argues on Thum - ^{that by this means} ~~and he argued that~~
you might be his

He agrees the ~~incident~~ for Arson was used
as evidence to force him to testify - but - He
tells wife of Long before he was indicted

He refers to DiPina - cannot back up

we do
not
have
to
prove
murder

He agrees about lack of proof of motive to kill
Melvin X in park of Butcher & Thum

He agrees that DiPina could be behind because
he first testified he identified Butcher on Feb 21.

He says Police Dept. were vicariously responsible
for death of Melvin X - PTB Harvy

He says all the smells to high beam.

He yells about absence of Reuben Maneri

(5)

He says ~~another~~ ~~identifies~~ ~~gives~~ is worthless
because ~~another~~ ~~and~~ ~~identifies~~ ~~by~~ ~~before~~ ~~test~~
Ans - They saw many ~~pieces~~ ~~of~~ ~~the~~ ~~body~~
for many ~~pieces~~

Joseph Davis - tripped up in trench (1 P.M.)

10967

→
file

He says Davis first said he did not
see Butler in trench - not see

He says this test is uncertain - very weakly

He refers to Charles Morris - an actor - a Deaf.
Witness

He refers to Big Butler - a fine young man - crack
(not not by a cap because he found Red head)

- Thunderlake - his test - he says all Thunderlake
say he saw Butler in company of people
having his leg tripped

→ Butler coat - (another Butler said he tripped
in clothes for Butler) this is a thousand Conf.

over
thing He says nothing other than Elmer
Murder ordered Walter Killer - + comm
to 3 Deaf.

③

He refers to Butkus' denials on the stand.

"Call em as you see em"

24.05
2.35
1.70
2.50
5.00

My Summary on Ruff/Hager by Seltman

2.35

↓

4.05

hmm

4.25

↓

5.15

3 hours

He refers to his opening statement & says he will equate what he said under oath with the first time & what he said under oath on Dec. 28.

He argues that My Hager is not guilty of the crime

He screens out Secret Wilson - Thimble

He argues Thimble better believe Hager to a not guilty verdict. - because he took home the gun to take off fingerprints

Police are citizens of Seltman - he says the police fooled up the investigators

He argues Blackwell is either an assassin of ~~Malcolm X~~ or one of the accomplices

He says he suspects Bertha Davis as one of the conspirators - As of now, why did he shoot Hager?

He argues Pro. 87+88 are meaningless laws - It says he has the file on him in May #7 more study Katschke etc

2

He refers to Prof Hays testimony on Feb. 28.

He raises the point - it is for the jury to determine

His explanation - a ^{Christian} noble ~~character~~ act.

He ~~thought~~ himself the kindness was so strong
he falsely confesses -

77. So he arguing Hays lied when he confessed
WFO - is he lying when he accuses Butler
& Hays.

→ Does he impress by what Hays said
on Feb 28. - I agree, when he accuses Butler & Hays

act of Christian charity