

Subject: Don Warren  
 Interviewer: David Colburn

S: I became an Assistant State Attorney on August of 1961 and I would have become the State Attorney, the following July of 1962.

I: And that was an elected position, is that correct?

S: I was elected to the unexpired term in September of 1962 and then ~~was~~ subsequently <sup>was</sup> reelected in, let's see now, I had two elections, right, OK, I was subsequently reelected as, I think our primaries at that time were conducted <sup>in</sup> the Democratic primaries were conducted in May.

I: Right.

S: <sup>So</sup> Whoever won that one in May of '64 would have had four additional years. So, I had two elections. I had to <sup>I had to</sup> run for the unexpired term in September of '62 which I won. Then I had to run again in 1964 which I won again. Then I resigned in '68. I think that was the sequence of terms.

I: What areas of the state did you have?

S: It was called the 7th Judicial Circuit. It comprised four counties, Volusia, Flagler, Putnam, and St. Johns.

I: What were the duties?

S: The duties of the State Attorney at that time was ~~to~~ prosecute felony cases and to assist the Grand Jury's presentation of matters for the Grand Jury. We also had duties of prescribed by the Statutes, which included such things as enforcement of the \_\_\_\_\_

~~for non-support~~, The primary duties were to prosecute all felony cases, felony and capital cases. We did not have <sup>misdemeanor</sup> ~~jurisdiction~~ jurisdiction at that time. We had, they had a county prosecutor in St. John's county.

I: When did you first become involved in the events <sup>of</sup> in St. Augustine?

S: Well, I first became involved with the Grand Jury in November of the preceeding year. This is before Dr. King, the SCLC came into St.

Augustine. And we called the Grand Jury for the purpose of trying to get some dialogue between the black community and the white community for the purpose of establishing a biracial commission. We took testimony<sup>ies</sup> from approximately 26 witnesses as I recall and ~~that was~~<sup>in an effort to,</sup> to get a biracial commission standing. This seemed to be the ~~contro-~~<sup>uh, the</sup> versy. The lack of participation by ~~blacks~~<sup>both the and forth</sup> before the ~~coming~~ quadri-centennial that St. Augustine was going to be celebrating in 1964 for the four hundredth founding of the city. And a biracial commission, I mean a quadricentennial commission, had been established, I believe by the legislature and I think it was funded by the legislature. ~~And uh,~~<sup>in the community,</sup> Several of the blacks, primarily Dr. Haste, had requested that there be a black on these ~~commission~~<sup>And uh,</sup> ~~s,~~ ~~This~~ led to consummation and unity that he would suggest this. From there on out, things went downhill. We realized that this was a potentially explosive situation. In order to hit it off, we utilized the Grand Jury. And they did come out with a report and suggested<sup>that uh,</sup> as I recall, ~~as I recall,~~<sup>you'd have to look at the presentment itself,</sup> but as I recall it requested both sides to exercise calm and also to, as I recall, request the city commission to set up a biracial committee.

Hayling

I: Yeah, right. As I remember to, the ~~presentment~~<sup>presentment also</sup> was a rather critical ~~of the handling~~<sup>appealing</sup> of some of his statements.

S: Yes, that's<sup>that's</sup> probably so.

I: Did you get much cooperation from the white leadership in testifying before the Grand Jury?

S: We had, let's see, as I recall, I can't recall exactly who it was that testified before the Grand Jury. But whoever did come before the Grand Jury, ~~voluntarily,~~<sup>did so</sup> ~~was not~~<sup>it</sup> ~~a compulsive~~<sup>a compulsive</sup> type thing ~~where we would issue~~<sup>I see, S...</sup> subpoenas and require them ~~to come in.~~<sup>It would be,</sup> We would request, you know, the leaders of both sides to come in and sit down and talk about it.

Now  
 Try to get a dialogue going. You understand that I cannot discuss what went on in the Grand Jury.

I: Right. Exactly. OK. How about Haling. You had some meetings with Haling in both '63 and 64. How would you describe....

S: No, not with Haling.

I: Oh, you didn't.

S: No.

I: Oh, I see.

S: No, not with Haling. I may have had one meeting with him after this incident occurred where he and several of his black friends had gone down to a Ku Klux Klan meeting, I believe that they had been severely beaten. I think maybe at that time, he came in and made an complaint at that time.

I: Right. OK. How about Mayor Joseph Shelley?

S: Well, the mayor and I just don't see eye to eye on this ~~thing at all~~, <sup>St. Augustine</sup>  
~~this~~ situation. Here's where I feel a real lack of leadership ~~before~~ <sup>It uh,</sup>  
 it took place. St. Augustine never should have happened. The request  
 of blacks was of course entirely proper. And in keeping with their  
 desire to participate in an event of great importance in their lives  
 too. <sup>And uh,</sup> Also, of course, <sup>y</sup> Haling was an activist. And the only thing ~~that~~  
 he was asking for was the natural rights that belong to every human being.  
 And so the criticism would have to lie with the white leadership, its'  
 failure to recognize, to take action.

I: What about '64? When did you first <sup>have any,</sup> did you have any dealings with  
<sup>say</sup> getting SCLC/in '64?

S: Yes. As I recall, I, let me see, I have a chronological list from  
 here on out, OK. My first involvement would be probably Thursday,  
 June the 11th with the then current crisis. King had been into

St. Augustine, I think, in May for the first time and had called for again, for a biracial commission to be created. He then, <sup>they then,</sup> ~~this was~~ ignored, began to set up demonstrations, day-time demonstrations.

Then the city commission of St. Augustine passed an ordinance which required a permit to march. Then King went into the Federal district court to enjoin the city of St. Augustine from interfering with the First Ammendment rights. And <sup>Judge</sup> ~~Ted~~ Simpson issued an order enjoining the city from interfering with peaceful demonstrations.

I: OK. How about the one with Governor Bryant? Were you involved in that at all where Governor Bryant put a curfew on night marches?

S: Yes, in fact I suppose I was the one that was instrumental in that.

I: In what way would that be?

S: Well, here ~~to~~ <sup>of course</sup> ~~for~~ the marches had been in the daytime and we were charged with the responsibility of protecting the rights of the marchers and also their constitutional rights to peacefully assemble and petition the government ~~for redress~~ <sup>of</sup> ~~of~~ grievances as required by the first ammendment. And the route that they were going to take, we had asked that they let us have the route, <sup>you know,</sup> an hour or two ahead of time so that we could have sufficient troops on hand to protect their first ammendment rights. When they switched to the night marching, the routes that they gave us disturbed us because it encompassed marching through the old city. And there was just no way in the world that we could protect the marchers and there were young children in the group from anyone hiding in ambush ~~that~~ <sup>who</sup> wanted to inflict bodily harm on them. There was just no way without, ~~you know~~ <sup>And uh,</sup> martial law being imposed. ~~That~~ decision, I consulted with the governor on that decision and explained it to him. He issued his order and I was the one that implemented the

order that night, which led to the contempt citation. And I testified before Judge Simpson in the Federal district court to just what I told you. And after that was over with, I remember meeting Andy Young in the hall, and he came over and talked to me for just a moment and <sup>he</sup> said you know, that testimony won the case for Governor ~~Bryant~~ <sup>Bryant. He said</sup> ~~Bryant~~ <sup>That</sup> was the very thing that we were concerned about, how could we justify the death of any of the marchers. If we <sup>chose</sup> ~~choose~~ the route, which could not be fully protected for \_\_\_\_\_?

Tape starts to malfunction here.

I: Did the marchers on any occasion sort of try to \_\_\_\_\_ the lines, the police lines?

S: No, no. They were extremely orderly.

I: I was wondering though, when they gave you the route they were going to take, did they anytime deviate?

S: No. They followed the route except on this occasion when we wouldn't let them.

I: How about your workings with the FBI ? Did you have much connection with the FBI \_\_\_\_\_ during this period \_\_\_\_\_?

S: No, we were there mostly as observers. We had, I had \_\_\_\_\_ with the FBI. Most of mine was when they made their charges who was the Florida Highway Patrol. We had \_\_\_\_\_ sort of a \_\_\_\_\_ head quarters. And I was there under \_\_\_\_\_ State Attorney a special appointment. And \_\_\_\_\_ actually implemented his ~~Attack~~ executive \_\_\_\_\_ under a \_\_\_\_\_ which granted the governor almost total legislative powers to handle the situation. \_\_\_\_\_ I issued the first order.

(The tape is malfunctioning at this point)

that had instructions to \_\_\_\_\_  
and to permit error \_\_\_\_\_ the rights of another \_\_\_\_\_  
to use such force as is necessary to \_\_\_\_\_ come this \_\_\_\_\_ proper.  
And \_\_\_\_\_ all those that walked away. \_\_\_\_\_  
waded out into the ocean and lost their tubes and some of them drown.  
\_\_\_\_\_ was alive \_\_\_\_\_ a survey  
of law enforcement officers. Some of them \_\_\_\_\_ with them. It kind  
of worried me that \_\_\_\_\_ because I think that the  
\_\_\_\_\_ actually will talk to the state superintendent \_\_\_\_\_  
with the activities and the plan \_\_\_\_\_.

I: Was there a good deal of coordination between the state police and the  
sheriff and city police chief's office?

S: Ah, it was more, <sup>yeah,</sup> I would have to say that the city police, you've got  
to understand that they were just absolutely ill-equipped \_\_\_\_\_  
situation such as this, \_\_\_\_\_ mentally or physically. And so the  
type of cooperation really would not be that much \_\_\_\_\_  
\_\_\_\_\_ your manpower all comes from the state. And that  
virtually stripped the Florida Highway Patrol and the Florida Fresh  
Water Commission and all other regulatory agencies \_\_\_\_\_  
The troops in St. Augustine had about \_\_\_\_\_. They had  
had no training either. It was \_\_\_\_\_.

I: Were the local officials \_\_\_\_\_ Sheriff Davis, were they more  
than willing to work with them?

S: They were pretty \_\_\_\_\_. They did work, I don't know  
of any incidents in which they entered the state agencies. The fact is,  
I know several instances which L.O. himself accept personally. I really  
went out on the line to accept them. We had a real, real touchy ~~and go~~

situation that almost had <sup>a riot</sup> ~~unwinded~~ the night before. When we had the \_\_\_\_\_ no backup, when we had the night marches, we came out and asked everyone to stop talking now about \_\_\_\_\_ the night before. And they were asking everyone to refrain from acts that could be construed as violence. A friend of mine who I had borrowed from \_\_\_\_\_ to assist me in this thing, George \_\_\_\_\_. He now works for Senator Jackson in Washington, suggested that perhaps we could get the whites to call off their demonstration. See they, the whites were marching and the blacks were marching and they were marching side by side, only going in opposite directions. So we had a secret meeting with \_\_\_\_\_ George \_\_\_\_\_ and myself, \_\_\_\_\_ and investigated \_\_\_\_\_ a holiday and I had just met with Ken<sup>at</sup> at about six thirty in the evening. \_\_\_\_\_ So we knew that the whites were going to march that night \_\_\_\_\_ so we asked \_\_\_\_\_ call the march off. We expressed surprise over the fact \_\_\_\_\_ this is a democratic organization and we will take a vote on it. And so \_\_\_\_\_ we agreed to do it. \_\_\_\_\_. We have written out the \_\_\_\_\_ and held on to all law abiding citizens \_\_\_\_\_ call off the \_\_\_\_\_ and shouted \_\_\_\_\_. I'll tell you one thing, it didn't take as much \_\_\_\_\_ The thing that really amazes me is \_\_\_\_\_ citizens of St. Augustine did commit \_\_\_\_\_.

- I: How did they allow \_\_\_\_\_ as they did?
- S: This was \_\_\_\_\_ I had no<sup>#</sup> knowledge of how it permits \_\_\_\_\_
- I: What's his name, Shelley claims that he asked you if you knew anything

it and you said \_\_\_\_\_.

S: Was \_\_\_\_\_, I don't recall Shelley ever saying that to me.

I never asked him whether or not he could do anything about it. He may have I don't know. We did do this, we \_\_\_\_\_ at all of these

\_\_\_\_\_ whether or not we had permission to \_\_\_\_\_. Now

I was the one that ~~went to the Klan meeting...~~ on private property

\_\_\_\_\_ blacks to have them arrested. So \_\_\_\_\_ I don't

think the facts \_\_\_\_\_ his position. ... permission from the governor to go to New York...

NBC set up a showing \_\_\_\_\_ to see if there was anything

we could use \_\_\_\_\_. They were very gracious. They put up a little,

theatre where I could sit there with <sup>my</sup> a couple of <sup>my</sup> boys. <sup>And</sup> We sat through

almost two days, maybe three days, nothing but this harrang to see if

we could \_\_\_\_\_.

I: Now Hamilton Up<sup>church</sup> ~~George~~ was your assistant, wasn't he?

S: No.

I: He was not.

S: He was not at that time.

I: I see. When was he your assistant? Was it '63?

S: Let's see. Hamilton quit almost immediately after I became, well I won't say immediately, within the matter of a year anyway, \_\_\_\_\_ ?

\_\_\_\_\_ as I recall at that time.

I: Why did Upchurch quit? He didn't agree with you on this....

S: No, that wasn't it at all. We were and still are close friends. He

supported me in both <sup>of my</sup> campaigns although after I made my famous \_\_\_\_\_ ?

speech, he wrote me a letter and said he didn't think he could support

me any longer which was perfectly alright. \_\_\_\_\_ ?

I liked Hamilton very much, in fact, I helped him as best as I could in

his race for <sup>the</sup> legislature.

- I: How about Simpson? How would you describe Simpson as a Judge? He sort of switched around here somewhat in '64. Initially, he, over the Easter demonstrations, he ruled against the demonstrators and then later on, when they had the mass demonstrations which you witnessed, he changed ground and supported the demonstrators.
- S: Well, I think <sup>that's</sup> the fault, I don't know about the Easter demonstrations, but I would say that if <sup>you</sup> presented Judge Simpson with a <sup>when</sup> issue, supported by evidence of a violation of any constitutional right, Simpson, without any ~~hesitation~~ <sup>hesitancy</sup> at all, would guarantee those rights. He would do absolutely nothing to interfere with constitutional rights. In that regard, I consider him to be one of the great judges of all time in the Federal district.
- I: Did you have much working with him before '64?
- S: No, I had known Judge Simpson prior to this time, primarily through my later law partner but a good friend to the judge, he and the judge. And I had known Judge Simpson but you see I had no practice in the federal district court because being stationary <sup>as attorney</sup>, I had given up my private practice. I had devoted full time to state attorney.
- I: Right. There was a, Shelley said something about the children. I was wondering if you could validate this at all. He said that the black children of the demonstrations had come there from out of, been brought in by King and alot of them without their parents' consent.
- S: No, I don't think that was true. ~~The~~ <sup>is</sup> fact there was a charge made by the probation officer against King alleging this. I don't think it was ever proven and I don't believe it is the truth.
- I: OK. How about Governor Bryant during all of this. Was he, now he had spoken <sup>in</sup> '63 to the House Committee that was considering the Civil Rights Bill, that was ultimately adopted in '64, he spoke against it. What

sort of position did he take in '64?

S: Bryant was extremely concerned about maintaining <sup>the</sup> ~~peace and order~~ in St. Augustine, even though he was a states rights and believed in state's rights which had been the populists' concept from before the War between the States until and in some sections of the south \_\_\_\_\_?. He had felt that interposition was still a valid defense. However, he did not do anything in my opinion to, let's put it this way, he did everything and that he could under the power that was vested in him by being governor to protect the first ammendment rights of marchers even though he may not have been accepted.

I: How did he and you respond to Simpson's decision to permit the night marches?

S: Well, I was requested to fly to Tallahassee that night \_\_\_\_\_ for that afternoon and I did and we met there with Jimmy Kynes and Joe Jacobs and I can't recall who else was present, I think \_\_\_\_\_ Harrison, one of the governor's personal attorneys from Jacksonville was present at that time. In 1963, I had done an exhaustive research on this subject, the first ammendment rights and when they may be suspended and when they may not be suspended and I took the position that there was no way that we could justify the suspension of these rights unless we could show that there was irreparable, you know, injury and arm that was going to resolve that right to go there. You can't suspend a person of their rights. Your job is to protect those rights. You are the one to, you can't say look though, we don't have enough men. You have the whole state of Florida. You know, you have to do everything you can to, but if you are confronted with an emergency

situation, that's the only way it can be done. And then you must be in the position to show to the court that there were no other alternatives. And of course that was my margin that at this particular moment, we could not guarantee the safety of the marchers. And we had to divert, we didn't divert their, we only diverted their route through the old section of the city. We permitted them to follow their route right through the predominately white neighborhood in the night time. We made no changes in that route at all with the exception that we would not let them go to the old portion of the city. And I feel that that was a wise decision. I had no, and the proof of it is that Judge Simpson never did issue the order of \_\_\_\_\_?

I: But the night marches continued even though they didn't go through the old section.

S: Right, sure. I think Andy Young expressed it to me, you know, his concern, was the same concern that I had. And he told me about it. He said that they were concerned about it but didn't know how they could justify it.

I: What about this biracial commission <sup>that</sup> Governor Bryant appointed that never met?

S: Never got off the ground. Well, if I could tell you what happened ~~in~~ in the Grand Jury, I could tell you how that thing came about. But I really can't. During the contempt citation hearing in Jacksonville, I had, the governor <sup>had</sup> asked me to give him a call after I testified because we <sup>had</sup> agreed after our meeting in Tallahassee that I would ~~not~~ carry the burden of testifying on behalf of the governor as to what ~~efforts~~ <sup>efforts</sup> we had taken to protect these rights. Why we had momentarily suspended that right <sup>involving</sup> the route that they wanted to take. And I did testify to that fact before Judge Simpson. I told him, I said,

I'll never forget it. It was late at night. <sup>And uh,</sup> When \_\_\_\_\_? finally finished his cross examination of me, Judge Simpson said I could step down and I said, well your honor, I feel that I haven't been permitted to testify to certain facts <sup>which think</sup> that I ~~feel~~ are material.

Simpson just rared back in his chair and he looked at me and said alright Mr. Warren, go right ahead. And I said your honor I don't care if you utilize the entire power of the United States government and call out the 107<sup>st</sup> Airborne and get all the marchers you wanted to but <sup>make it</sup> ~~next~~ martial law, you can't <sup>insure</sup> ~~issue~~ for the safety of those children marching through danger in parts of the city at night-time. And I said I've got six children myself and I don't want the blood of any one of those children on my hands. And old Simpson rared back in his chair and <sup>he</sup> /looked at me and <sup>he</sup> /said thanks Mr. Warren. That's what's been bothering me. He said that.

I: <sup>well,</sup> <sup>uh, was the</sup> /Was the <sup>he</sup> /biracial committee, I know you can't again go into this grand jury testimony but was it a serious thing or was it just sort of a Bryant's way of getting King out of there and...

S: Well, it was compromise. It wasn't Bryant's way ~~to~~ get ~~the~~ King out of there. It was King's way to get out. King wanted out of <sup>St. Augustine</sup> ~~the main~~ ~~office~~. We had this meeting with King. I met with him and I'm trying to see the date, I think it was the 18th, I'm not sure, I'm almost <sup>it was</sup> sure, <sup>uh,</sup> /either the 18th or the 19th. It would have been the 19th because he rejected the Grand Jury proposal. And I was sitting in the Moran motor Lodge having a cup of coffee with George Allan. And a UPI reporter approached me and said Mr. Warren, I'm an envoy from ~~Dr.~~ King ~~and~~ ~~he~~ would like to meet with you privately off the record, if you would agree. And I told him that I would agree to meet with him any place,

any time, he said on the record. And it was agreed that we would meet at Doc Dwight office. You see, before this there had been no meeting of what we would call ? up until this time because of the pressure that was put on the community. And George Allan and I went out and we met with Doctor King and Reverend Abernathy was there, and Dr. Dwight was there, I think Rev. Vivian was there, but I'm not sure and I'm not sure about Andy Young. I don't know ~~if~~ <sup>whether</sup> he was there or not. I just can't recall. But in any event, Dr. King started off the meeting <sup>with a speech</sup> more or less. He said Warren, you don't realize, <sup>Mr.</sup> ~~uh~~, he <sup>said you don't realize</sup> the situation at hand. I'm not here to destroy America; I'm here to keep America from being destroyed. He said there are those in the Civil Rights Movement <sup>who</sup> ~~that~~ want to burn America down.

(Tape Side 2)

... marching, demonstrating for thirty days. And he said what assurances and he said after thirty days of peace and quiet, on the biracial commission, what assurances do I have that there isn't going to be some other group <sup>such as</sup> like the Black Panthers, some other group that wants to burn America down, from coming in, seizing the situation and then we have lost everything that we hoped to achieve and I said to him as I recall, that he didn't need to preach to me. And I didn't do it in a sarcastic way but in an understanding way, <sup>that</sup> I had been, I had gone to a Quaker College <sup>that, uh,</sup> and I had been involved in the first attempt to integrate the social services <sup>in</sup> ~~of~~ Greensboro, North Carolina back in 1947. I was a history major and also had a minor in sociology and this was a project of the Quakers, to integrate the social services. The only reason that they weren't integrated is because <sup>they</sup> they had largely dinner meetings and they said there was no place for blacks and whites could eat together in Greensboro. And I told him this. I said that I

am in sympathy with what you are doing. And I said that I cannot, you could  
~~not have possibly~~ <sup>not have possibly</sup> ~~have out of pocket,~~ rejected the grand jury's presentment, ~~The~~ This, the  
? foreman had already made the statement that they would not. You've got  
 to just visually put yourself in that grand jury to understand the  
 situation that I was in and even attempt to beget a biracial commission.  
 I cannot go into it and I won't go into what happened in the grand  
 jury. You've got to understand ~~the~~ what the situation must have been  
 and even to get this far, I felt was a major, you know, a major  
 effort. I had not considered what he had told me although I readily  
 realized that that was the situation. So ultimately, I told Bryant  
 that when we were in ~~the~~ <sup>these</sup> contempt hearings that this was the issue  
 and I told him the situation. <sup>Now</sup> I did not tell him about ~~the~~ <sup>that</sup> meeting  
 with King or what King said but I did tell him that there were emissaries  
 here from Boston University speaking for King, Dr. De Wolf, Harold  
 DeWolf, who had been King's Mertos at Boston University,  
 came to me and wanted me to help ~~him handle~~ <sup>--mentally this is?</sup> how I got to  
 Boston. He wanted me to help see if we could get the governor  
of King Byrd on this biracial commission. ?

                     but King told me in Purver's office that I want out of  
 St. Augustine but I cannot go out of here, <sup>a loser, and</sup> will not go out of here.

I: Was he, was the president putting much pressure on Governor Bryant?

S: Purver? Oh, you mean ....

I: President Johnson.

S: Johnson? I'm really not in the position to say. I wouldn't be a  
 bit surprised because there was a moritorium as you remember, <sup>there was a</sup>  
 great debate among the black community after the passing of the civil  
 rights act whether or not there would be a moritorium on these  
 marches. And Johnson as I recall, called for a moritorium. And

King agreed and did have a moritorium. And there was dissent among the black community that know they shouldn't do that.

I: Was there a feeling by you that King was trying to use St. Augustine to insure passage of the civil rights bill?

S: Oh, sure. In retrospect, there is no question that that was the purpose. The weapon he used was not the marches. The weapon he used was the first ammendment.

I: Right. What about after the demonstrations were over and the civil rights act had been passed, did conditions return to normal in St. Augustine?

S: Not immediately. In fact there was of course, efforts to make sure that the law was being complied with the sporatic demonstrations, primarily by Hoffstead and his group and his group, marching up and down in front of the restaurants that ~~didn't~~ <sup>had agreed to, that</sup> serve blacks. And then, when the pressure was put on Hoffstead and Lynch and the rest of them, it pretty well folded. You can't believe today what it was then.

I: How about in the white community? Did you receive any particular support from anybody specifically in the white community?

S: Yes, I did, <sup>From</sup> ~~There were~~ two individuals, three individuals which I will be eternally grateful to. The first of course is Judge Harold Melton. This man is a tremendous individual. <sup>He, um</sup> When I called him and asked him if we could immediately reconvene the grand jury and would he make the order broad enough to, so that we could have some leeway, he readily agreed to it. He assisted in every way he possibly could. <sup>And</sup> When it got to the point when I was trying to find five whites that would serve with five blacks and <sup>that</sup> ~~it~~ was acceptable to both those sides, he set up an appointment for me to talk to Mr. Wolf, a very fine gentleman that I feel did his utmost. The fact is, I went to see him and I never will

Hoff  
Manny

forget, he sat down and he offered me a glass of tea and I told him what my problem was. He readily agreed to assist by having five, <sup>of five</sup> ~~opinions made that involved~~ <sup>obtain the</sup> names of whites who would agree to serve. And of course, we had difficulty over the blacks, agreement as to which five would serve. I can't go into that grand jury thing because, I wish I could. It was <sup>an</sup> ~~interesting~~ <sup>thing.</sup> The story will never be told unless that grand jury <sup>could be</sup> ~~is~~ opened up. I am committed to silence.

I: Who was the third \_\_\_\_\_ ?

S: It would be ~~Earl~~ Pope.

I: ~~Earl~~ Pope. Right.

S: ~~Earl~~ Pope was one of the spokesmen for the business community who issued a very mild statement to the effect that if the civil rights act <sup>is</sup> passed that we as law-abiding citizens will abide by the civil rights act. And the next day, he had all of his, the windows in his office broken out. And anybody that expressed, we had a death threat against ~~Kings~~ and myself as wildlife officer that he had infiltrated the Klan meeting \_\_\_\_\_ ? retaliation against both our families. We, I live in Daytona and we had guards posted on the roof of our house. I live right on the ocean, you know. We had police cars for quite a while.

I: Judge Melton, <sup>just</sup> ~~for a second~~ <sup>there</sup> What....

S: <sup>He was a</sup> Circuit Judge.

I: Circuit Judge.

S: Resident of St. Augustine.

I: OK. And he was the one who helped you handle the grand jury. <sup>impanel</sup>

S: Right. And also to, when I went to him to explain my problem, he immediately set up an appointment with Mr. Wolf...

I: Yes

S: And Mr. Wolf readily agreed that he would be happy to do it. He was highly chagrined over St. Augustine getting the reputation \_\_\_\_\_ ?  
\_\_\_\_\_ ? spokesman for the community \_\_\_\_\_ ? to work for an old man at that time. <sup>You know</sup> But he did everything that he could to...

I: Well, I thank you. It's been really helpful.

S: Well, I wish we could talk further, I have written about (buzz) \_\_\_\_\_ Jordon acted directly under the orders of Governor Bryant. He said well you are the man I want to see. \_\_\_\_\_ ?  
\_\_\_\_\_. And he said no, you don't understand. I said you are properly attired, there is nothing stopping you. He said well, there is something stopping me. I said, what's that. He said there are hoodlums out on the beach that won't let us go swimming. And I kind of smiled and I said, Vivian, you and I speak the same language. And let me ask you this, will you cooperate <sup>with us,</sup> /by giving us a time to post troops out here and I assure you that you will go swimming all you want to. He said and kind of laughed, he said how much time do you want? Will you give us an hour, I believe I said. He said yes. Alright, we will have troops out there and that's when Joe Jacobs and I dictated that first order \_\_\_\_\_ ?  
I saw Vivian later on in Washington, oh let me tell you one other interesting thing. I saw Vivian later on at some other hearing on the Ku Klux Klan taking place in \_\_\_\_\_ ?  
in fact that was the night that we had dinner with Governor Bryant \_\_\_\_\_ ?  
\_\_\_\_\_ But in any event, there was one other incident after this was over. Andy Young came by to see me \_\_\_\_\_ and I had just finished a book called, entitled

\_\_\_\_\_ ?  
\_\_\_\_\_ Of Warriors, written by James Murphy. It was about two Russians. And so I said Mr. Young, I want to give you a book but before I do, I want to put an inscription in it. And I wrote in it \_\_\_\_\_ to Andy Young. When the history of the civil rights movement has been concluded, the name Andrew Young will be listed as an ambassador to peace and I signed it.

I: By the way, did you find Simpson at all biased? Biased toward Kunstler and Simon?

S: Biased toward them?

I: Yes.

S: No, no. I felt that Simpson, the fact is that hadn't been for Toby Simon, \_\_\_\_\_ ? \_\_\_\_\_ would have been in jail for contempt. We had a situation arose during the hearing in which law enforcement officers said that he had been attacked by one of the demonstrators at the beaches at St. Augustine and his shirt had been torn. And Judge Simpson stopped him and said do you still have that shirt. And he said, where is it. And he said, it is in my home. Where is your home? He said it's in Tampa. And he said where do you live in Tampa? He said I'll call my wife and Judge Simpson said no. Get Mr. Marshall to take this man not into custody, but I don't want him using the telephone. Send two marshalls to Tampa to pick up that shirt. Well, then the young officer came to us and said he had lied. Of course, we had to immediately advise Judge Simpson at that time. We all went into Judge Simpson's chamber \_\_\_\_\_ an officer would lie about a fact like that. Then Toby spoke up. I

never will forget. He said, Judge, you must understand the pressure on these officers. \_\_\_\_\_?

Florida Highway Patrol. And he more or less implored Simpson not to you know, hold him in contempt. So, no, I <sup>to</sup> would answer your question, no, I did not find that he was biased <sup>or</sup> ~~to~~ prejudiced.... I think that he was, Simpson was a strict disciplinarian in that court. He \_\_\_\_\_? the truth. The motto over his <sup>uh,</sup> ~~seat,~~ <sup>was</sup> ~~or~~ quote, a Latin phrase which was \_\_\_\_\_? or something like that. And it was fiat is a writ that the Romans, the Roman emperors would issue' to dispense justice throughout \_\_\_\_\_. And he did just that. He dispensed justice \_\_\_\_\_?

I: I suppose it was rather unusual to encounter a judge who actually questioned, began questioning people on the stand?

S: No, that's not unusual in the federal courts. No, that's not unusual at all. They have the power to do that. The state judges have that power. You have to exercise it very carefully when you are before a jury because the jury may get the implication that the judge is leaning one way or ~~another~~ <sup>the</sup> and he must remain impartial. But you see, here this is not a jury decision but a <sup>in</sup> direct criminal contempt proceeding. It would have been a jury trial now but at that time, the law was to the effect that the judge had that power. Now, it is changed \_\_\_\_\_ for more than six months. He must get a jury trial.

I: Well, is there anything that has been said that you wouldn't want me to quote you on?

S: No, I don't think so.

I: OK. OK, <sup>well</sup> I ~~sure~~ appreciate....

S: What I said, I have said before.

(end of tape)