

STATE OF LOUISIANA
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came
and appeared:

JACK PEEBLES

who, upon being duly sworn on his oath, according to law, did depose
and say:

I am one of the attorneys of record in the foregoing matter which was scheduled to come to full hearing after due notice before the Honorable Sidney J. Mize, Judge, United States District Court, Southern District of Mississippi, on July 23, 1964. This Civil action was filed on July 10, 1964 and orders to show cause against defendants L. A. Rainey, Cecil Price, T. B. Birdsong and Bill Simmons were issued on July 11, 1964; with service of process being effectuated on all four defendants on July 14, 1964. On July 21, 1964, defendant Bill Simmons filed a motion to quash service of the subpoena served upon him. Defendants L. A. Rainey, Cecil Price and T. B. Birdsong, up until shortly before the time this case came to be heard, did not file any motions. At approximately 9:30 p.m. on July 23, 1964, defendants L. A. Rainey, T. B. Birdsong and Cecil Price filed answers and motions to dismiss. Defendants L. A. Rainey and Cecil Price filed motions to quash the subpoena for production of records, and motions to require the plaintiffs to show probable cause for the production of certain records. These motions were filed just prior to the hearing and were not filed five days before they were brought to be heard. The District Court Judge, over vigorous objection by complainants' counsel, allowed the filing of these motions and ordered that they be argued even though there was no proper notice for hearing. Complainants' counsel vigorously argued that the only thing properly before the court at this time was the request for a temporary injunction.

The District Judge allowed complainants to file an exhibit marked "P-1", a copy of which is attached herewith, which contained affidavits and reports of various events of brutality, various incidents of burnings and various incidents of intimidation, all allegedly perpetrated by the defendants herein. The District Judge then indicated that he was adjourning the hearing until July 30, 1964 to be held in Hattiesburg, Mississippi so that defendants' motions could be heard at the same time as complainants' motion for a temporary injunction.

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____, 19 _____

Notary Public

At this point complainants' counsel showed that he had brought 19 of his own witnesses and had subpoenaed 13 adverse witnesses for this hearing and read into the record the cost of again subpoenaing these witnesses and bringing them all to Hattiesburg, but the Honorable District Judge declined to hear any evidence at all and further indicated that it was his feeling that if the affidavits presented on July 30, 1964 were sufficient he would not allow any oral testimony.

Complainants' counsel urged that the rules for the hearing on July 30, 1964, limiting the evidence to affidavits, would be a substantial denial of justice for the only way in which the gravity of the situation which presently exists in Mississippi can be shown is by the oral testimony of individuals who have been victims of assaults, batteries and intimidations allegedly perpetrated by the defendants, and by the oral testimony of adverse witnesses.

At the hearing on July 23, 1964 complainants filed a Motion for a Temporary Restraining Order (copy attached) pending the decision of the court on complainants' Motion for a Temporary Injunction. The court took said motion for a Temporary Restraining Order under advisement and, although counsel for complainants requested an immediate ruling on the motion, the court refused to rule.

Jack Peebles

SWORN AND SUBSCRIBED
TO BEFORE ME THIS _____
DAY OF _____, 1964.

NOTARY PUBLIC