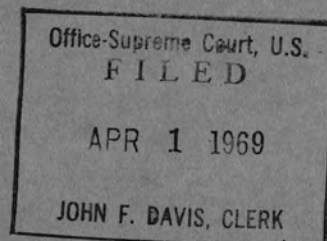


Supreme Court of the United States



In the Matter of:

Docket No. 488

MRS. DORIS DANIEL AND MRS. ROSALYN KYLES

Petitioners

vs.

EUELL PAUL, JR. Individually and as Owner,
Operator or Manager of Lake Nixon Club,

Respondent

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Place Washington, D. C.

Date March 24, 1969

(Part 1)

ALDERSON REPORTING COMPANY, INC.

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C O N T E N T S

ORAL ARGUMENTS OF:

P A G E

Conrak K. Harper, Esq., on behalf of Petitioner

3

Jerris Leonard, Esq., on behalf of the United
States as Amicus Curiae

12

James W. Gallman, Esq., as Amicus Curiae

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* * * * *

1 IN THE SUPREME COURT OF THE UNITED STATES

2 October Term, 1968

3 -----x
4 Mrs. Doris Daniel and Mrs. Rosalyn Kyles, v
5 Petitioners, :
6 v. : No. 488
7 Euell Paul, Jr., Individually and as Owner, :
8 Operator or Manager of Lake Nixon Club, :
9 Respondent. :
10 -----x

11 Washington, D. C.
12 Monday, March 24, 1969

13 The above-entitled matter came on for argument at
14 1:55 p.m.

15 BEFORE:

16 EARL WARREN, Chief Justice
17 HUGO L. BLACK, Associate Justice
18 WILLIAM O. DOUGLAS, Associate Justice
19 JOHN M. HARLAN, Associate Justice
20 WILLIAM J. BRENNAN, JR., Associate Justice
21 POTTER STEWART, Associate Justice
22 BYRON R. WHITE, Associate Justice
23 ABE FORTAS, Associate Justice
24 THURGOOD MARSHALL, Associate Justice

25 APPEARANCES:

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29 (Counsel for Petitioner)

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34 (As amicus curiae)

APPEARANCES (Continued):

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Assistant Attorney General

Department of Justice

Washington, D. C. 20530

(For the United States as amicus curiae)

1 P R O C E E D I N G S

2 MR. CHIEF JUSTICE WARREN: No. 488, Doris Daniel
3 and Rosalyn Kyles, Petitioners, versus Euell Paul, Jr.,
4 et cetera.

5 THE CLERK: Counsel are present.

6 MR. CHIEF JUSTICE WARREN: Mr. Harper.

7 ORAL ARGUMENT OF CONRAD K. HARPER, ESQ.

8 ON BEHALF OF PETITIONER

9 MR. HARPER: Mr. Chief Justice and may it please
10 the Court.

11 This case concerns two black ladies who were refused
12 service at the recreational facility called Lake Nixon Club
13 located just outside of Little Rock, Arkansas.

14 The respondents are the owners of Lake Nixon Club,
15 Mr. and Mrs. Paul.

16 Following the refusal of that facility to serve the
17 petitioners, black ladies, they brought a class action in
18 the District Court sitting in Little Rock for a junctive
19 relief. The District Court following the trial held that Lake
20 Nixon was not a facility subject to Title 2 of the 1964
21 Civil Rights Act, specifically holding that the food facilities
22 at Lake Nixon were not embraced within the statute and also
23 that Lake Nixon was not a place of entertainment or exhibition
24 within the ambit of the statute.

25 The District Court also summarily rejected the claim

1 made by respondents below that Lake Nixon Club was a bona fide
2 private club.

3 On appeal the Eighth Circuit affirmed on all grounds with
4 one judge dissenting. This Court granted certiorari not only
5 to determine questions relating to coverage under Title 2 of
6 the 1964 Act but additionally on the question whether the 1866
7 Civil Rights Act now partially codified as 42 U.S.C. Sections
8 1981 and 1982 acted to bar discrimination in this facility.

9 The Petitioners make two, I should say three principal
10 arguments. First, that Lake Nixon food facilities were such
11 as to bring the whole of Lake Nixon within the ambit of Title 2.
12 Second, that Lake Nixon in its entirety was a place of enter-
13 tainment or exhibition within the terms of Title 2. And
14 thirdly, that 1981 and 1982 insofar as they granted an equal
15 right to contract and have an interest in property granted
16 petitioners the right to have access to Lake Nixon.

17 The facts in this case are relatively simple and not
18 in dispute. Lake Nixon is a 232 acre site located not far from
19 Little Rock, Arkansas, which has facilities for boating,
20 and swimming and picknicking and miniature golf. It also has
21 a snack bar which serves sandwiches, soft drinks and milk,
22 and it also has in that snack bar a juke box.

23 Lake Nixon also advertises its facilities, specifi-
24 cally the record shows that during its normal season which
25 runs from May until September every year, Lake Nixon ran in

1 1966, three advertisements every week on a radio station in
2 Little Rock as well as utilized the facilities of another
3 Little Rock station for a similar kind of announcement.

4 Those announcements, incidentally, the record
5 reflects were addressed to all members of Lake Nixon and would
6 could purchase a membership, so called, in this facility
7 simply by paying a quarter for each season.

8 Lake Nixon also advertised ---

9 Q A quarter for each time they come there, each time
10 they visit or was it just a quarter for ---

11 A A quarter for the entire season, your Honor.
12 In other words, from May until September and after obtaining
13 this admission card one then had to pay an additional money if
14 he wanted to buy something at the snack bar but he might not
15 pay anything if he went there simply to go there picnicking
16 or swimming.

17 Q I see.

18 A Lake Nixon also advertised its facilities
19 in a magazine distributed locally showing facilities open
20 called "Little Rock Today." That was done once the record
21 shows in 1966, and also once in 1966 Lake Nixon distributed
22 an advertisement in a publication which was distributed at the
23 air force base located in Jacksonville, Arkansas.

24 Q Are those advertisements written in the text
25 of those advertisements?

1 A No, your Honor, what is on file with the court
2 but not printed is a copy of the radio copy used in the radio
3 announcements.

4 The announcements with reference to the magazines
5 are not printed in the appendix, are not a part of the record
6 in this case. It is simply testimony that such will run.

7 Q Does the record indicate whether or not those
8 ads the one in the military magazine or the publication are
9 the one in the publication distributed by the Chamber of
10 Commerce or whatever it was in the hotels were also purportedly
11 addressed to "members"?

12 A There is no specific testimony on that. What
13 there is is a general statement by Mr. Paul as I recall which
14 says that all advertisements are addressed to all members of
15 Lake Nixon.

16 Q Yes.

17 A Now Title 2 has a comprehensive scheme for
18 coverage for public accommodations as defined specifically
19 with regard to food facilities it says that a food facility
20 may be covered if it serves or offers to serve interstate
21 travelers or substantial portion of the food which it serves
22 moves in commerce.

23 The evidence shows here as we have just been talking,
24 that Lake Nixon during 1966 advertised its facilities and the
25 evidence further shows that Lake Nixon was open to the general

1 white public. Having advertised its facilities to the public
2 in general it seems clear to us that Lake Nixon was in fact
3 offering its services to members of the interstate public
4 and therefore for purposes of Title 2, Lake Nixon's food
5 facilities were open to persons in the general public.

6 That being so the statute then provides that all
7 other facilities which are open to the people patronizing the
8 food facility are open pursuant to Title 2.

9 The District Court took a different view on this
10 particular question. The District Court found that there had
11 been no offer to serve interstate travelers as such. We
12 believe that is a misconstruction of the statute. Congress had
13 in mind simply an offer to serve people in general and if there
14 were not any evidence of a prohibition on interstate travelers
15 or in this case, no inquiry even as to where people came from
16 indeed Mr. Paul didn't even know how many members there were
17 although he estimated about 100,000, we think that is sufficient
18 to bring this lunch counter and therefore the whole of Lake
19 Nixon within the ambit of the statute.

20 Also, with regard to the food facilities there is
21 the test that a substantial portion of the food moved in
22 commerce. The evidence on this issue was simply that Lake
23 Nixon at its snack bar served hamburgers, hot dogs, soft
24 drinks and milk. The District Court made a specific finding
25 that the ingredients used in the soft drinks and the

1 ingredients used in the bread were such as had moved in
2 Interstate Commerce.

3 However, he deemed that insufficient for coverage
4 under Title 2. The Eighth Circuit not disturbing that finding
5 made an additional finding that in its view milk at least was
6 locally produced.

7 We submit that since Lake Nixon sold only four
8 principal items, three of which, that is, the hamburgers, soft
9 drinks and hot dogs contained out-of-state ingredients this
10 was sufficient to meet any kind of reasonable substantiality
11 test and therefore Lake Nixon as a whole was covered by
12 Title 2.

13 The District Court took the view that that was not
14 the case and the Eighth Circuit similarly took a view. In
15 part, said the District Court, Lake Nixon was a whole facility
16 not principally engaged in selling food for consumption on
17 the premises.

18 We, of course, disagree with that on the grounds that
19 Lake Nixon's snack bar at least principally was engaged for
20 serving food for consumption on that premises and therefore
21 the whole of Lake Nixon was covered.

22 An additional ground of Title 2 is the claim that
23 Lake Nixon was an entertainment facility or place engaged in
24 giving exhibitions. We specifically note here that the Juke
25 boxes were found by the District Court to have been acquired

1 outside the State of Arkansas. That being the case it seems
2 to us the juke box was naturally a source of entertainment for
3 persons who may listen or perhaps dance to it and therefore
4 this was sufficient for purposes of coverage to say that
5 Lake Nixon was place that had entertainment or exhibitions,
6 which moved in commerce.

7 Additionally, however, the evidence shows that Lake
8 Nixon had so-called surf boards or yaks which were purchased
9 from an Oklahoma company and furthermore that from the same
10 Oklahoma company Lake Nixon had leased certain paddle boats.
11 We think this is sufficient again to show that Lake Nixon's
12 sources of entertainment had affected commerce and therefore
13 Lake Nixon as a whole was subject to the ambit of Title 2.

14 And we would mention here as another and further
15 ground for showing that Lake Nixon was a place of entertainment
16 or exhibition that local people might well come there to be
17 entertained either by their family, by their friends or
18 exhibiting their prowess in any given area of Lake Nixon's
19 facilities.

20 For the Fifth Circuit sitting en banc in the Miller
21 case this kind of activity was sufficient to define a place
22 of entertainment and we submit the same is true here.

23 Q Didn't one of the advertisements indicate there
24 was an orchestra there, music at least on the week-ends?

25 A That is right. Dances were given every Friday

1 or Saturday at Lake Nixon. The evidence, however, does show
2 further that the musicians that played live at those dances
3 apparently were only from Pulaski County, or were not in
4 commerce within the meaning of the statute.

5 Q No, I was just thinking about whether or not it
6 was a place of entertainment.

7 A Oh, yes. We say that was an additional source
8 showing it was a place of entertainment.

9 That being so with regard to Title 2 we turn then
10 to possible coverage under the 1866 Civil Rights Act. 1981
11 was specifically pleaded in this case in the complaint. None
12 of the courts below passed upon it because this court's
13 decision in Jones versus Mayer Company was not handed down
14 until after the Eighth Circuit denied rehearing in this case.

15 We think it manifest that this was an ordinary kind
16 of contractual arrangement, one paid money and in return had
17 the option of availing himself of services located at Lake
18 Nixon and the evidence is uncontroverted that the petitioners
19 in this case were denied that right, that contractual right
20 if you will on the grounds of race. We think nothing could be
21 clearer as violative of 1981.

22 With regard to 1982 which provides for equal property
23 rights and no denial thereof on the grounds of race, we think
24 it clear also that what really was involved here was one had
25 the opportunity to use the property of Lake Nixon, either its

1 juke boxes or its miniature golf or its swimming facilities
2 and therefore the rationale of the Jones case would indicate
3 that this kind of property should not be denied to persons on
4 grounds of race.

5 Q 1982 was not relied on in the pleading was it?

6 A That is right. It was not pleaded below and
7 none of the courts below ruled upon the issue. However, this
8 court granted certiorari and we think that there is ample
9 authority for this court to dispose of the case on that ground
10 of it wishes.

11 Q Yes.

12 Q Well, it would be enough I suppose to get your
13 result if just a claim that Negroes had the right to buy food
14 at this refreshment stand?

15 A Under Title 2 you mean or 1981?

16 Q 1981.

17 A Oh, yes, or any of those facilities. That is
18 true.

19 Q At least you had the right to buy personal
20 property like other people?

21 A That is right. That is our position.

22 Q You also think you have under that statute you
23 have the right to buy whatever it is they are selling?

24 A Which is open to the general public except
25 Negroes. That is right.

1 If there are no further questions I shall reserve
2 the balance of my time.

3 MR. CHIEF JUSTICE WARREN: You may.

4 Mr. Leonard.

5 ORAL ARGUMENT OF JERRIS LEONARD, ESQ.

6 ON BEHALF OF THE UNITED STATES AS AMICUS CURIAE

7 MR. LEONARD: Mr. Chief Justice and may it please
8 the Court.

9 I suppose that the first question that would come
10 to anyone's mind at our appearance here is why the central
11 Government should be interested in a case which might appear
12 to be of relatively minor importance.

13 It may well be on the facts as such it is, but there
14 are three very important reasons why the Federal Government is
15 concerned about not only the issues in this case but the case
16 itself.

17 First of all, Little Rock, Arkansas, has an air force
18 base located there which there are some 15,000 military
19 civilian personnel and the dependents of those people. In a
20 county the size of Pulaski County which is roughly 285,000,
21 according to the census figures, this is a rather substantial
22 population and it gives to the Federal Government a rather
23 substantial interest in seeing to it that the people that work
24 for the Federal Government are in fact accorded all their due
25 according to Federal law as Federal law applies so we have that

1 kind of an interest in our employees.

2 Secondly, Title 2 specifically section 204 of the
3 Act of '64 gives some unusual obligations to the Attorney
4 General with respect to the question of public accommodations.
5 And we are, therefore, interested in the case because of that
6 admonition in Title 2.

7 Thirdly, we are concerned and interested because we
8 believe that the principle in this case is one on which we
9 would like to have some settlement, some opinion, a decision
10 by this court, so that we will get some guide to future action
11 in this kind of case.

12 We feel very strongly that our nation has made and
13 is making great progress in the area of bringing equal voting,
14 equal employment, equal housing and other equal opportunities
15 to our Negro citizens.

16 Negroes in greater numbers than ever before albeit
17 there are still too few in number, are beginning to share the
18 fruits of our free economy. But first class citizenship doesn't
19 mean just a good job or the right to vote, or sending your
20 youngster to a desegregated school.

21 We think that first class citizenship means much
22 more than that. It means the sharing of in all the fruits of
23 our free society. It means taking mama out to dinner on
24 Sunday and be able to sit anyplace in the restaurant or go to
25 any restaurant or taking the kids for a swim on a hot Sunday

1 or taking your daughter out to begin to teach her the basic
2 golf at the Lake Nixon miniature golf course.

3 So from the philosophical point of view we have a
4 very deep interest in what the Court decides in this particular
5 case.

6 Let me just briefly analyze what our feeling is
7 with respect to the opinions below.

8 The District Court we feel got hung up so to speak
9 on the issue of the single enterprise, the fact that these
10 were not the enterprises at Lake Nixon were not separate units,
11 that the snack bar is not owned by someone else, the swimming
12 facilities and so on.

13 We would submit to the Court that that is immaterial
14 to a customer. He doesn't care whether one person owns all
15 the facility or whether a group of people each own each one
16 of the separate and individual facilities and that further
17 that that concept finds no rational basis in Section 201 of
18 the Act.

19 There is nothing in there that indicates that
20 Congress had that intent and if it did it could have put some
21 verbage in it which would have very easily delineated that
22 intention such as principally engaged in this or under separate
23 ownership or some verbage that would have given a clue that
24 one could come to the kind of conclusion that the District
25 Court came to.

1 And thus we feel the District Court was in error in
2 the way it applied the law to these particular facts.

3 The Circuit Court of Appeals, it used the hook that
4 there was no effect on Interstate Commerce. Well, I would
5 submit to the Court that this runs contrary to common knowledge
6 and common understanding.

7 Little Rock, Arkansas, is not a sleepy little hamlet
8 back out in the woods somewhere. It has a major military
9 installation in it. It is the hub of a great State, it is
10 on traffic routes both north and south and east and west, so
11 it isn't very back in the woods.

12 And the issue whether or not there was an offer to
13 serve any of these facilities assuming that they are covered
14 under the provisions of Section 201(b) but the Circuit Court
15 of Appeals took the view that it wasn't going to consider that
16 question because it did not feel there was any affect on
17 Commerce and then it labored over the issue of what percentage
18 of the ingredients in the food or soda water or whatever else
19 might come to Lake Nixon pursuant to Interstate Commerce.

20 We would ask the Court to reject that idea. There
21 is ample evidence this Court can use its knowledge, its
22 common sense, things that are of common knowledge to come to
23 a very ready conclusion that advertising three nights a week
24 on the radio station in Little Rock, Arkansas, with 15,000
25 people just at the military installation alone plus the

1 travelers that there were bound to be people who were attracted
2 by the ad.

3 Common knowledge also would tell you that a family
4 staying at a motel might well ask the motel proprietor whether
5 or not his motel has any arrangement with Lake Nixon to use
6 its facilities and certainly it became knowledge, common
7 knowledge around the air force base that transient or not,
8 if you were white you could use the facilities at Lake Nixon
9 but if you were black you couldn't, and I submit to this Court
10 that now common knowledge tell us that there were, that most
11 of the people who were at Little Rock Air Force Base were
12 transients, not in the sense that they were there for a few
13 days but in the sense that they were residents of another
14 State and they are just as much in Interstate Commerce as are
15 the people who are driving through, the truck driver the family
16 on vacation, the salesman, what have you.

17 And they are entitled just as much to the protection
18 of the law and the Constitution.

19 Now then let us get to the more difficult issue.
20 The issue of whether or not we can in fact find coverage in
21 Section (b). In either 3 under the entertainment and exhibi-
22 tion provision or under 4 as what I term a combined enterprise.
23 I believe this Court can find justification in this case under
24 both these theories and I would urge the Court to consider the
25 possibility of finding its decision on both of these theories

1 because both will then become useful.

2 Look at the decisions in the Evans case which the
3 Circuit Court of Appeals below used to rule against the
4 plaintiffs. I would point out to you that the Evans case
5 that Fazzio, that the Miller case are amusement cases and what
6 they in effect say is that Congress when it enacted this
7 section used that particular and specific verbage in 201(b)(3)
8 or other place of exhibition or entertainment meant that a
9 roller skating rink was a place of entertainment.

10 A bowling alley was a place of entertainment, that
11 a golf course was a place of entertainment. And when one looks
12 at the Evans decision particularly the District Court said I
13 find that because that this is a place of entertainment and
14 that because a team comes once a year from Washington, D. C.,
15 to Virginia to play golf, that brought it within the purview
16 of the Act.

17 I say that the District Court was really saying and
18 really doing was saying that a golf course was a place of
19 entertainment because it seems to me not logical to assume
20 that there is going to be very many people who come to watch
21 an amateur golf team play its counterpart from the Laurel
22 Golf Club. That is not going to attract any droves onto
23 any of the fairways except maybe some of their friends who
24 may be waiting at the 18th hole.

25 So I say that that is not an exhibition in the term

1 that we ordinarily think of a football game or basketball game
2 and the like and that Section 201(b)(3) specifically assumed
3 and those cases clearly indicate this kind of entertainment,
4 the entertainment one gets out of participating as opposed
5 to exhibit.

6 I urge the Court to consider also finding that the
7 provisions of 201(b)(4), the combined establishment theory
8 clearly apply here.

9 The Congress could have used different verbage if it
10 didn't mean that if you have one of the facilities that are
11 covered under 2 in 4 the whole thing is covered and that makes
12 sense. I think that is reasonable to believe that Congress
13 wanted to do that, at least say a whole line of cases whether
14 it be department stores or bowling alleys or what it is. So
15 on that theory also we believe that there is coverage.

16 Mr. Harper went into the issue of the coverage
17 under the 1866 Act. We would simply urge the Court to consider
18 that.

19 Q I suppose you would make the same argument if
20 there was just a vending machine there vending candy bars?

21 A I don't see, your Honor, how you make a contract
22 with a vending machine the way you do with somebody selling
23 hot dogs.

24 Q I know but it is ---

25 Q You don't get your dime back.

1 A Well, I suppose you would have a right to sue.

2 Q But you think the volume of merchandise at
3 the lunch counter sold is wholly irrelevant don't you?

4 A I think it is an either-or situation.

5 Q Under your combined enterprise theory it could
6 have sold 1/100th of 1 percent of the total gross and you
7 still would make this argument?

8 A Yes, I would because you either have to sell
9 merchandise which moves in Interstate Commerce or you have
10 to serve people.

11 Q This is the theory in the lower court wasn't
12 it that the establishment didn't really amount to much in
13 terms of the overall gross?

14 A The overall gross was 23 percent but the District
15 Court did not attempt to find nor was there evidence offered
16 at the District Court level with respect to what percentage
17 of that actually moved in Interstate Commerce.

18 Q Didn't it make the point that the eating estab-
19 lishment really wasn't very important in terms of the overall
20 operations of the club?

21 A Oh, your Honor, please I would like to point
22 out two important statements that the trial court judge said
23 that this was a necessary adjunct to this business. Mr. Paul
24 himself testified at page 85 of the appendix.

25 No, I am sorry. It is in the District Court record.

1 He said that this, that the lunch counter was a necessity.

2 Q Did the Court of Appeals say this was a
3 covered establishment under Section 4?

4 A The Court of Appeals didn't answer that question
5 because they simply said it had no effect on commerce, it did
6 not offer to serve interstate travelers and therefore it
7 wasn't necessary to decide.

8 Q How about the District Court?

9 A The District Court said that it was not a
10 covered establishment under either category 3 or 4 or category
11 2, the lunch counter itself was not covered so it never got
12 to the issue of whether or not there was an affect on Interstate
13 Commerce but the District Court said let us recall that it is
14 of page 57, of course, it is probably true that some out of
15 state people spending time in and around Little Rock have
16 utilized one or both facilities.

17 I think that combined with the Air Force Base
18 combined with the nature of Little Rock, the nature of the
19 advertising, and by the way I would like to just close on
20 that point -- the Court if anything should use the ad it seems
21 to me against the defendant because o the fact that they had
22 the audacity to advertise this member situation knowing full
23 well it was a sham. It was a ruse and a sham and they
24 admitted under oath that it was a ruse and a sham. They didn't
25 put it into effect until after the time the '64 Act came into

1 into being.

2 Thank you.

3 MR. CHIEF JUSTICE WARREN: Mr. Gallman.

4 ORAL ARGUMENT OF JAMES W. GALLMAN, ESQ.

5 AS AMICUS CURIAE

6 MR. GALLMAN: Mr. Chief Justice, may it please the
7 Court.

8 Lake Nixon used to be called the Nixon farm. It is
9 232 acres mostly of hillside. You get to it by following a
10 street called 12th Street out of Little Rock which becomes a
11 country road, paved, and at a point if you know exactly where
12 it is, you can turn right without the help of a sign, you can
13 climb a steep hill and you can come down and you can find
14 Lake Nixon.

15 Q Is it a natural lake, Mr. Gallman?

16 A It is made by a dam put in a small creek which
17 doesn't run the year round, and the roadway traverses the top
18 of the dam and this is how you arrive at the Nixon farm.

19 Q You say there is no sign?

20 A Not on the highway.

21 Q The highway.

22 A There is a way to come in from the back and
23 perhaps that road is paved now. The last time I was there
24 you could not get in from the rear, that is from the west and
25 north because the road was too rocky, and you just couldn't be

1 sure you would make it.

2 Now this narrow little valley between two hills
3 comes down to a small lake which is a swimming area, is perhaps
4 two acres. I wouldn't stick with that but it is a relatively
5 small area.

6 There is some shallow backwater to the south and
7 west from where the creek comes that is usually kind of green
8 and mossy and not attractive.

9 After you come in on the dam you can turn right and
10 out to what is about 40 or 50 acres pasture I would guess
11 where Mr. Nixon used to keep his cows and where I used to
12 shoot birds.

13 Now, Mr. Nixon disposed of this I learned from the
14 record about 1962. Since then it has been operated by Mr. and
15 Mrs. Paul.

16 It, as I say, is a shallow little lake. It has a
17 place where you dress, a rather small little building. This
18 lunch counter or dining room we are talking about is I would
19 guess 8 by 12 feet perhaps. It has, now I have never seen
20 the miniature golf course that they have there, but I assume
21 it does, but mostly there is a little spit of land that runs
22 out into this two acres of water on which people sun and from
23 which they can hop off and get wet.

24 Now except near the dam the water is not to my
25 knowledge over your head. As I say it is a shallow lake. It is

1 particularly unattractive in the late summer because of health
2 reasons and because of a lack of fresh water coming into it.

3 Q Is there any estimate of how many people go
4 there during the year?

5 A The record says 100,000 which surprises me.
6 I haven't seen it since the Pauls have had it.

7 Q How do they get in there, by helicopter?

8 A They sure would have to come in there bumper
9 to bumper to get that many in I would think in the five month's
10 time. It only operates from some time in May until school
11 starts about Labor Day.

12 I think what we are dealing with here is an -- and
13 incidentally I have no apprehension that anyone from Little
14 Rock Air Force Base would find this place. I don't think
15 they could.

16 In the first place it is 15 miles from the city limits
17 of Little Rock. You go through Little Rock and then you go
18 northwest of Little Rock some 15miles further to get to the
19 Little Rock Air Force base which should make somewhere near
20 45 to 50 miles before you get from the Air Force Base to this
21 little farm.

22 Q But it was advertised in a publication?

23 A I understand that from the record it appeared
24 at least once a year in the Air Force magazine or newspaper
25 at the Air Base. I understand it appeared once in Little Rock
Today.

1 Q The Negroes on 9th Street they know where 12th
2 Street is, don't they?

3 A Yes, sir, they do.

4 Q They could find their way.

5 A I believe they could. I didn't say they couldn't.

6 MR. CHIEF JUSTICE WARREN: We will adjourn.

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