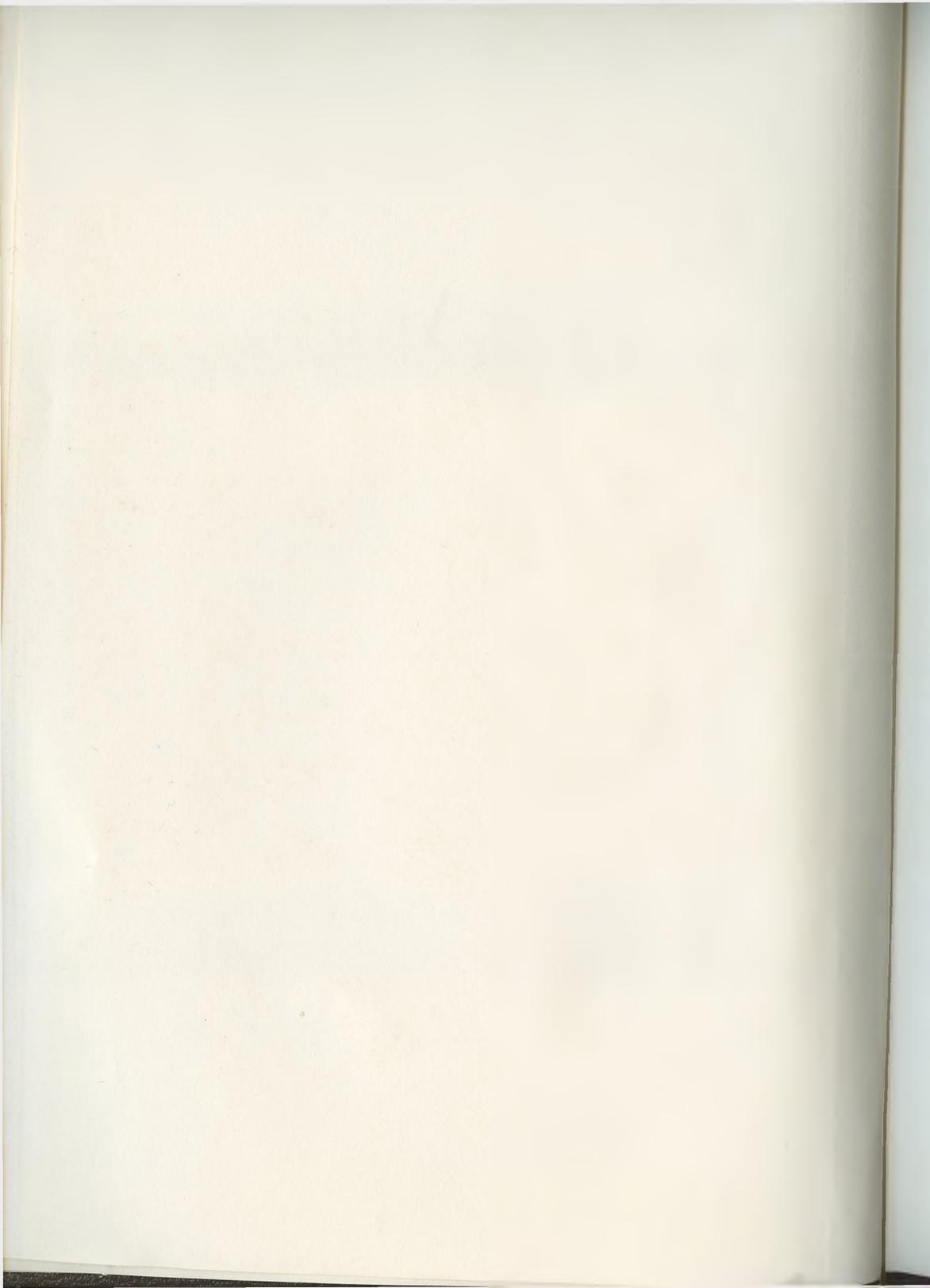


TRANSCRIPT OF PROCEEDINGS
OF THE
SENATE
30TH LEGISLATURE
SITTING AS A
COURT OF IMPEACHMENT



STATE OF OKLAHOMA
VS
N. B. JOHNSON
JUSTICE OF THE SUPREME COURT

TUESDAY, APRIL 6, 1965
THURSDAY, MAY 13, 1965



Transcript of Proceedings

of the

SENATE

Sitting as a Court of Impeachment

THIRTIETH LEGISLATURE
STATE OF OKLAHOMA



Organized as a Court of Impeachment, Tuesday, April 6, 1965

MEMBERS OF COURT OF IMPEACHMENT

Atkinson, H. B.	Luton, John D.
Baggett, Bryce	McClendon, Leroy
Baldwin, Don	McSpadden, Clem
Bartlett, Dewey F.	Martin, Ernest D.
Berrong, Ed	Massad, Anthony M.
Berry, Claude G.	Massey, John
Birdsong, Jimmy	Miller, George A.
Boecher, Roy	Muldrow, Hal L.
Bradley, Ed	Murphy, Robert M.
Cowden, Boyd	Nichols, Allen G.
Dacus, Byron	Payne, Tom
Field, Leon	Pope, Charles
Findeiss, Ted C.	Porter, E. Melvin
Garrett, John L.	Rhoades, Ralph S.
Garrison, Denzil D.	Rogers, Cleeta John
Gee, Robert S.	Romang, Richard E.
Grantham, Roy E.	Selman, L. Beauchamp
Graves, Ralph W.	Smith, Finis W.
Ham, Glen	Stansberry, Richard D.
Hamilton, Clem M.	Stipe, Gene
Holden, Wayne M.	Taliaferro, Jim
Horn, Raymond L.	Terrill, Al
Howard, Gene C.	Williams, G. O.
Keels, J. Lee	Young, John W.

PERSONNEL
and
OFFICERS
of the
COURT OF IMPEACHMENT .

PRESIDING OFFICER

ROY E. GRANTHAM

ATTORNEYS FOR N. B. JOHNSON

J. Fred Green, Sallisaw, Oklahoma
George Bingaman, Purcell, Oklahoma

HOUSE BOARD OF MANAGERS

In Charge of Prosecution

Lou S. Allard, Drumright, Oklahoma
Burke G. Mordy, Ardmore, Oklahoma
James W. Connor, Bartlesville, Oklahoma
Phil Smalley, Norman, Oklahoma
Nathan S. Sherman, Oklahoma City, Oklahoma

OFFICERS OF THE COURT

Clerk	Basil R. Wilson
Journal Clerk-Asst. Clerk	W. E. Shipley (Miss)
Marshal	Frank Truel
Chief Page	Robert Wells

COURT REPORTERS

Ray Courtemanche, Okmulgee, Oklahoma

Assistants

Steve Meador Frank Peterson Myrtle Taylor Margaret Carroll

PERSONNEL
and
MEMBERS OF COURT
OFFICERS
OF IMPEACHMENT
COURT OF IMPEACHMENT

PRESIDING OFFICER
ROY E. GRANTHAM

ATTORNEYS FOR N. B. JOHNSON
J. Fred Green, Sallisaw, Oklahoma
George Burdman, Purcell, Oklahoma

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Paul Smalley, Norman, Oklahoma
Nathan S. Sherman, Oklahoma City, Oklahoma

OFFICERS OF THE COURT
Chief Clerk: Basil R. Wilson
Journal Clerk: W. E. Shipley (Miss)
Marshal: Frank Trud
Chief Page: Robert Wells

COURT REPORTERS
Ray Combs, Okmulgee, Oklahoma

Assistants
Steve Meador, Frank Peterson, Myrtle Taylor, Margaret Carr

P R E F A C E

TRANSCRIPT OF PROCEEDINGS OF THE STATE SENATE, SITTING
AS A COURT OF IMPEACHMENT

THIRTIETH LEGISLATURE
STATE OF OKLAHOMA



PROCEEDINGS TAKEN FROM THE JOURNALS OF THE HOUSE OF
REPRESENTATIVES AND THE SENATE, INCIDENT TO THE
FORMATION OF THE SENATE INTO A COURT
OF IMPEACHMENT.



RULES OF THE SENATE, SITTING AS A COURT OF IMPEACHMENT
FULL TRANSCRIPT OF TESTIMONY OF WITNESSES
RULINGS ON MOTIONS
FINDINGS AND JUDGMENTS OF THE COURT

In the Case
of
STATE OF OKLAHOMA
vs.
N. B. JOHNSON
JUSTICE OF THE SUPREME COURT

STATE CAPITOL
Oklahoma City, Oklahoma

Tuesday, April 6, 1965
Thursday, May 13, 1965

P R E F A C E

TRANSCRIPT OF PROCEEDINGS OF THE STATE SENATE, SITTING
AS A COURT OF IMPEACHMENT

THIRTIETH LEGISLATURE
STATE OF OKLAHOMA



PROCEEDINGS TAKEN FROM THE JOURNALS OF THE HOUSE OF
REPRESENTATIVES AND THE SENATE, INCIDENT TO THE
FORMATION OF THE SENATE INTO A COURT
OF IMPEACHMENT.



RULES OF THE SENATE, SITTING AS A COURT OF IMPEACHMENT
FULL TRANSCRIPT OF TESTIMONY OF WITNESSES
RULINGS ON MOTIONS
FINDINGS AND JUDGMENTS OF THE COURT

In the Case
of
STATE OF OKLAHOMA
vs.
N. B. JOHNSON
JUSTICE OF THE SUPREME COURT

STATE CAPITOL
Oklahoma City, Oklahoma

Tuesday, April 8, 1925
Thursday, May 13, 1925

HOUSE JOURNAL

THIRTIETH LEGISLATURE

1st LEGISLATIVE DAY

On January 5, 1965, the following members of the House of Representatives were elected as the Committee on Research and Investigation

Lou S. Allard, Drumright, Chairman; L. H. Bengtson, Jr., Okla. City, Vice Chairman; Brian F. Conaghan, Tonkawa; Jim Cook, Wilburton; Walter Hutchins, Lawton; William L. Nigh, Muskogee; Frank G. Patterson, Grandfield; Joe L. Roselle, Okla. City; Phil Smalley, Norman; Leland Wolf, Noble.

44th LEGISLATIVE DAY

On March 22, 1965, the Committee on Research and Investigation of the House of Representatives filed with the House its Report, as follows:

Mr. Speaker: We, the members of the Research and Investigation Committee of the Thirtieth Session of the Legislature of the State of Oklahoma, beg leave to report as follows:

The undersigned Committee was appointed by the Honorable J. D. McCarty, Speaker of the House of Representatives on the 5th day of January 1965, and on the 26th day of January, 1965, House Resolution No. 512, as amended, was duly passed by the House of Representatives wherein the Research and Investigation Committee of the House of Representatives was directed to investigate allegations that certain members of the Supreme Court had violated their oath of office by committing acts of moral turpitude.

We report that we have reviewed the sworn testimony taken by the special committee of the Oklahoma Bar Association; that we have in our possession a

sworn statement made by former Justice N. S. Corn on December 9, 1964, at Springfield, Missouri; and we have had before the Committee certain other witnesses and have studied a number of exhibits.

We return herewith Articles of Impeachment against N. B. Johnson, Justice of the Supreme Court, State of Oklahoma, based on the aforesaid evidence. Your Committee recommends to the House of Representatives of the Thirtieth Session of the Legislature of Oklahoma that Articles of Impeachment be voted.

Your Committee further reports that it has certain other matters under consideration and investigation and begs leave to continue with further investigation of the Supreme Court, State of Oklahoma.

S/ Lou Allard, Chairman

ARTICLES OF IMPEACHMENT

THE HOUSE OF REPRESENTATIVES OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA IN THEIR NAME AND IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA AND THE PEOPLE THEREOF, DO HEREBY PRESENT AND EXHIBIT ARTICLES OF IMPEACHMENT, AND GIVE THE HONORABLE SENATE TO KNOW AND BE INFORMED THAT:

N. B. Johnson was in the year 1948 elected to the office of Justice of the Supreme Court, State of Oklahoma, and that he took the oath of office required by the Constitution, being in form as follows, to wit:

"I, _____ do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Oklahoma, and will dis-

charge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly any money or other valuable thing; to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office.

 "Subscribed and sworn to before me this ---- day of -----, 19-----"

That he was re-elected in the November election of 1954, and again took the same oath of office; that he was re-elected in the November election of 1960.

That while in office as Justice of the Supreme Court, State of Oklahoma, the said N. B. Johnson, unmindful of the high duties of his office and of his oath of office, and in violation of the Constitution and the laws of the State of Oklahoma, has been guilty of offenses involving moral turpitude committed while in office and corruption in office; and that the said House of Representatives hereby exhibits and presents to the Honorable Senate of the State Articles of Impeachment against the said N. B. Johnson, Justice of the Supreme Court, State of Oklahoma, for the causes, and upon the grounds, and in the particular as follows, to-wit:

ARTICLE I

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the

sum of \$7,500.00 in the year 1957 for the purpose of influencing his decision in the case of Selected Investment Corporation vs. Oklahoma Tax Commission. This payment was made to him by former Justice N. S. Corn on or about April 10, 1957, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

ARTICLE II

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the sum of \$2,500.00 in the year 1959 for the purpose of influencing his decision in the case of Oklahoma Company vs. O'Neil. This payment was made to him by former Justice N. S. Corn during the month of January, 1959, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

46th LEGISLATIVE DAY

On March 24, 1965, Speaker of the House, J. D. McCarty, announced the vote would occur on adoption or rejection of Articles I and II, the record being as follows:

The question being, "Shall Article I of the Articles of Impeachment be adopted?"

The roll was called with the following results:

Aye: Abbott, Allard, Andrews, Barr, Beauchamp, Bengtson, Bernard, Blankenship (G. T.), Blankenship (Rucker), Bradley, Breckinridge, Brown, Burnett, Camp, Clemons, Cole, Conaghan, Connor, Con-

verse, Cook, Cox, Derryberry, Dickey, Doornbos, Drake, Dunn, Ferguson, Ferrell, Finch, Fine, Frix, Green, Greenhaw, Grey, Hargrave, Harrison, Hendrix, Hesser, Holaday, Hopkins, Hunter, Hutchens (David), Hutchins (Walter), Levergood, McCune, McGraw, Miskelly, Mordy, Mountford, Murrow, Musgrave, Nigh, Odom (Martin), Odom (V. H.), Page, Patterson (Frank), Patterson (Ruth), Poulos, Privett, Raiburn, Reed, Roselle, Rushing, Sandlin, Sanguin, Sherman, Skeith, Smalley, Smith (E. W.), Smith (Norman), Smithey, Sokolosky, Sparkman, Sparks, Spearman, Stevens, Sullivan, Tabor, Taggart, Thornhill, Tinker, Townsend, Trent, Watkins, White, Williams, Willis, Witt, Wixson, Wolf, Mr. Speaker.—90.

Nay: Bamberger, Briscoe, Butler, Bynum, Hill, Lawson.—6.

Excused: Fowler, Goodfellow, Peterson.—3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

The question being, "Shall Article II of the Articles of Impeachment be adopted?"

The roll was called with the following results:

Aye: Abbott, Allard, Andrews, Bamberger, Barr, Beauchamp, Bernard, Blankenship (G. T.), Blankenship (Rucker), Bradley, Breckinridge, Brown, Burnett, Bynum, Camp, Clemons, Cole, Conaghan,

Connor, Converse, Cook, Cox, Derryberry, Dickey, Doornbos, Drake, Dunn, Ferguson, Ferrell, Finch, Frix, Green, Greenhaw, Grey, Hargrave, Harrison, Hendrix, Hesser, Holaday, Hopkins, Hunter, Hutchens (David), Hutchins (Walter), Lawson, McCune, McGraw, Miskelly, Mordy, Mountford, Murrow, Musgrave, Nigh, Odom (Martin), Odom (V. H.), Page, Patterson (Frank), Patterson (Ruth), Poulos, Privett, Raibourn, Reed, Roselle, Rushing, Sanguin, Sherman, Skeith, Smalley, Smith (E. W.), Smith (Norman), Smithey, Sparkman, Sparks, Spearman, Stevens, Sullivan, Tabor, Taggart, Thornhill, Townsend, Trent, Watkins, White, Williams, Willis, Witt, Wixson, Wolf, Mr. Speaker.—88.

Nay: Bengtson, Briscoe, Butler, Fine, Hill, Sandlin, Sokolosky, Tinker.—8.

Excused: Fowler, Goodfellow, Peterson.—3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

47th LEGISLATIVE DAY

On March 25, 1965, the following Members of the House of Representatives were appointed by the Speaker and confirmed by the House, as the Board of Managers to prosecute the Impeachment charges against N. B. Johnson, Justice of the Oklahoma Supreme Court:

Representatives Allard, Mordy, Smalley, Sherman and Connor.

The first part of the book is devoted to a general history of the world, from the beginning of time to the present day. The author discusses the various civilizations that have flourished on the earth, and the progress of human knowledge and art. He also touches upon the different religions and philosophies that have shaped the human mind.

In the second part, the author turns his attention to the history of the British Empire. He traces its growth from a small island in the North Sea to a vast global power that ruled over a quarter of the world's population. He examines the political, military, and economic factors that led to its rise and fall.

The final part of the book is a collection of essays on various subjects, including the state of the world in the late 19th century, the future of the British Empire, and the progress of science and industry.

The second part of the book is a detailed account of the British Empire's expansion. It describes the various territories that were acquired, from Canada and India to Africa and the Pacific. The author discusses the challenges of governing such a vast and diverse empire, and the role of the British monarchy and parliament.

The third part of the book is a collection of essays on various subjects, including the state of the world in the late 19th century, the future of the British Empire, and the progress of science and industry. The author discusses the impact of the Industrial Revolution on society, and the role of science in advancing human knowledge.

The final part of the book is a collection of essays on various subjects, including the state of the world in the late 19th century, the future of the British Empire, and the progress of science and industry.

SENATE JOURNAL
THIRTIETH LEGISLATURE

48th LEGISLATIVE DAY
MONDAY, MARCH 29, 1965

Pursuant to adjournment, the Senate met at 1:00 p.m. and was called to order by President Pro Tempore McSpadden.

Upon roll call, the following Members were present:

Present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—47.

Excused: Stipe.—1.

The President Pro Tempore declared a quorum present.

Prayer was offered by the Chaplain, the Reverend Clarence M. Ball, pastor of the First Methodist Church, Marlow, Oklahoma.

* * *

President Pro Tempore McSpadden advised the Senate that the Committee, constituting the Board of Managers of the House of Representatives, composed of Representatives Allard, Mordy, Smalley, Sherman and Connor, desired to present Articles of Impeachment against Justice N. B. Johnson of the Supreme Court of Oklahoma, which had been adopted by the Honorable House of Representatives.

Representative Allard advised the Senate, pursuant to Enrolled **HR 551**, that the Board of Managers desired to appear be-

fore the Senate and present Articles of Impeachment against N. B. Johnson.

There being no objection, Representative Allard presented the Articles of Impeachment against N. B. Johnson and asked that they be read by the Clerk of the Senate, which was the order and which were in words and figures as follows:

ARTICLES OF IMPEACHMENT

THE HOUSE OF REPRESENTATIVES OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA IN THEIR NAME AND IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA AND THE PEOPLE THEREOF, DO HEREBY PRESENT AND EXHIBIT ARTICLES OF IMPEACHMENT, AND GIVE THE HONORABLE SENATE TO KNOW AND BE INFORMED THAT:

N. B. Johnson was in the year 1948 elected to the office of Justice of the Supreme Court, State of Oklahoma, and that he took the oath of office required by the Constitution, being in form as follows, to-wit:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly, receive, directly or indirectly, any money or other valuable

the Senate be suspended for the purpose of introducing and considering the following Resolution, which motion prevailed, the Resolution being read at length as follows:

SENATE RESOLUTION NO. 25—By Field.

A SENATE RESOLUTION RELATING TO IMPEACHMENT PROCEEDINGS; PROVIDING THAT ARTICLES OF IMPEACHMENT AGAINST N. B. JOHNSON, JUSTICE OF THE STATE SUPREME COURT, BE RECEIVED AND ORDERED FILED WITH THE SECRETARY OF THE SENATE; ADVISING THE HOUSE OF REPRESENTATIVES OF SAID ACTION; AND DIRECTING THAT THE MANAGERS OF THE HOUSE OF REPRESENTATIVES BE SERVED WITH DUE NOTICE OF FURTHER PROCEEDINGS.

WHEREAS, the House of Representatives has advised the Senate that the Honorable House has sustained Articles of Impeachment against N. B. Johnson, Justice of the State Supreme Court; and

WHEREAS, said Articles of Impeachment have been transmitted to the Senate;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That said Articles of Impeachment against said N. B. Johnson, Justice of the State Supreme Court be hereby received and ordered filed with the Secretary of the Senate.

SECTION 2. That the House of Representatives be advised of said action and that the Managers of the House be served with due notice of further proceedings.

Senator Field moved the adoption of SR 25, which motion was declared adopted, upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves,

Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—47.

Excused: Stipe.—1.

SR 25 was ordered referred for enrollment.

President Pro Tempore McSpadden advised the Board of Managers for the House of Representatives that, pursuant to the adoption of SR 25, the Articles of Impeachment against Justice N. B. Johnson have been received and filed with the Secretary of the Senate by the Senate of the State of Oklahoma; that a day for an Answer thereto will be set and the respondent will be notified of the day and Board of Managers will receive due notice.

COMMUNICATION

President Pro Tempore McSpadden asked unanimous consent, which was place of trial, all of which the Honorable granted, that a Communication received by him from Justice N. B. Johnson be read and shown at length in the Journal, the Communication being as follows:

“March 24, 1965.

Hon. Clem McSpadden
President Pro Tempore
Oklahoma State Senate
State Capitol
Oklahoma City, Oklahoma

Dear Senator McSpadden:

I am advised that the House of Representatives of the State of Oklahoma has voted Articles of Impeachment against me as a Justice of the Supreme Court of Oklahoma.

I am taking this means to voluntarily suspend myself from my office and from the emoluments thereof until the charges against me have been heard by the Oklahoma State Senate and final action taken thereon.

A copy of this letter is being delivered immediately to the State Treasurer of Oklahoma so he may be advised that I have voluntarily suspended myself from office until the charges are finally disposed of by the Senate and that he is to pay no salary to me from this date forward until final disposition of the matters.

Very Sincerely yours,
S/ N. B. JOHNSON,
Justice of the
Supreme Court.

CC—Cowboy Pink Williams,
State Treasurer.

RESOLUTION

Senator Field moved that the Rules of the Senate be suspended for the purpose of introducing and considering the following Resolution, which motion was adopted, the Resolution being read at length as follows:

SENATE RESOLUTION NO. 26—By Field.

A SENATE RESOLUTION RELATING TO ARTICLES OF IMPEACHMENT VOTED BY THE HOUSE OF REPRESENTATIVES AGAINST N. B. JOHNSON, JUSTICE OF THE SUPREME COURT; ACCEPTING THE WRITTEN COMMUNICATION FROM SAID N. B. JOHNSON AND PURSUANT THERETO AND CONSISTENT THEREWITH SUSPENDING SAID N. B. JOHNSON FROM THE OFFICE AND EMOLUMENTS OF THE OFFICE OF JUSTICE OF THE SUPREME COURT PENDING FINAL DETERMINATION OF DISPOSITION OF SAID ARTICLES OF IMPEACHMENT; DIRECTING THE SECRETARY OF THE SENATE TO NOTIFY THE GOVERNOR, THE HOUSE OF REPRESENTATIVES, THE STATE TREASURER, AND THE CHIEF JUSTICE OF THE SUPREME COURT OF SAID ACTION OF SUSPENSION; AND DIRECTING THE SECRETARY OF THE SENATE TO TRANSMIT A DULY AUTHENTICATED COPY OF THIS RESOLUTION TO SAID N. B. JOHNSON.

WHEREAS, the Senate has received a written communication from N. B. Johnson, Justice of the State Supreme Court, regarding Articles of Impeachment and suspension of said N. B. Johnson from the office of the Justice of the Supreme Court of the State of Oklahoma;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That the Senate hereby accepts the written communication from said N. B. Johnson and that pursuant thereto and consistent therewith the Senate does hereby suspend said N. B. Johnson from the office and emoluments of Justice of the Supreme Court of the State of Oklahoma pending a final determination or disposition of the Articles of Impeachment voted by the Honorable House of Representatives.

SECTION 2. Be it further resolved that the Secretary of the Senate notify, by transmitting a duly authenticated copy of this Resolution, the Governor, the House of Representatives, the State Treasurer, and the Chief Justice of the Supreme Court of the action suspending said N. B. Johnson as Justice of the Supreme Court, pending final determination or disposition of said Articles of Impeachment voted by the Honorable House of Representatives.

SECTION 3. Be it further resolved that the Secretary of the Senate is hereby directed to transmit a duly authenticated copy of this Resolution to said N. B. Johnson.

Senator Field moved the adoption of **SR 26**, which motion was declared adopted, upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter,

Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—47.

Excused: Stipe.—1.

SR 26 was referred for enrollment.

RESOLUTION

Senator Field moved that the Rules of the Senate be suspended for the purpose of introducing and considering the following Resolution, which motion was adopted, the Resolution being read at length as follows:

SENATE RESOLUTION NO. 27—By Field.

A SENATE RESOLUTION RELATING TO ARTICLES OF IMPEACHMENT AGAINST N. B. JOHNSON, JUSTICE OF THE STATE SUPREME COURT; AUTHORIZING AND DIRECTING THE PRESIDENT PRO TEMPORE TO APPOINT A SPECIAL COMMITTEE TO PREPARE RECOMMENDATIONS TO BE SUBMITTED TO THE SENATE FOR THE ADOPTION OF RULES AND PROCEDURES, THE TIME AND DATE OF HEARING AND TRIAL OF ISSUES PRESENTED BY THE ARTICLES OF IMPEACHMENT, AND RELATED MATTERS; AND DIRECTING SAID COMMITTEE TO REPORT RECOMMENDATIONS FOR ACTION BY THE SENATE ON OR BEFORE A SPECIFIED DATE.

WHEREAS, Articles of Impeachment against N. B. Johnson, Justice of the State Supreme Court, have been received and filed with the Secretary of the Senate;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That the President Pro Tempore be authorized and directed to

appoint a special committee of five members to prepare recommendations to be submitted to the Senate for the adoption of rules and procedures, the time and date of hearing and trial of issues presented by the Articles of Impeachment, and all related matters of concern to the Senate in connection with the discharge of its legal and constitutional obligation to act on the Articles of Impeachment.

SECTION 2. Be it further resolved that said committee report its recommendations for action by the Senate on or before April 5, 1965.

Senator Field moved the adoption of SR 27, which motion was declared adopted, upon roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Taliaferro, Terrill, Williams, Young.—44.

Excused: Berrong, Stipe.—2.

Not Voting: Massad, Stansberry.—2.

SR 27 was ordered referred for enrollment.

COMMITTEE APPOINTMENT

As provided under SR 27, President Pro Tempore named as the Special Committee the following: Senator Baldwin, Chairman; Senators Gee, Smith, Grantham and Garrison as members.

* * *

As provided under the Field motion, the Senate was declared adjourned to meet at 1:00 p.m., tomorrow.

SENATE JOURNAL

THIRTIETH LEGISLATURE

52ND LEGISLATIVE DAY MONDAY, APRIL 5, 1965

Pursuant to adjournment, the Senate met at 1:00 p.m., and was called to order by its President.

Upon roll call, the following members were present:

Present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—46.

Excused: Payne, Stipe.—2.

The President declared a quorum present.

Prayer was offered by the Chaplain, Wallace L. Wilkerson, Minister, Church of Christ, Pryor, Oklahoma.

* * *

COMMITTEE REPORT

Senator Baldwin, on behalf of the Committee appointed under **SR 27**, submitted the following Report:

Mr. President: We, your Committee appointed under **SR 27**, for the purpose of preparing recommendations to be submitted to the Senate for the adoption of Rules and Procedures, RE Articles of Impeachment against N. B. Johnson, Justice of the State Supreme Court, wish to submit herewith proposed Rules and Procedures.

The Recommendations for the Rules of

the Senate of the 30th Legislature, sitting as a Court of Impeachment, as amended, were read and spread at length in the Journal, upon motion of President Pro Tempore McSpadden:

(See pp 3-9 of Court Journal)

Senator Baldwin moved the adoption of the Recommendations for the Rules of the Senate of the 30th Legislature, sitting as a Court of Impeachment, as amended, which motion was declared adopted, upon a roll call as follows:

Aye: Baggett, Baldwin, Bartlett, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrison, Gee, Grantham, Graves, Ham, Holden, Horn, Howard, Keels, Luton, McSpadden, Massey, Miller, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Terrill.—32.

Excused: Boecher, Cowden, Hamilton, McClendon, Martin, Payne.—6.

Not Voting: Atkinson, Berrong, Garrett, Massad, Muldrow, Stansberry, Stipe, Taliaferro, Williams, Young.—10.

Senator Baldwin moved that the Honorable Roy Grantham be elected by the Oklahoma Senate of the 30th Session to be the Presiding Officer of any Court of Impeachment that might be organized for the purposes of trying Articles of Impeachment against Justice N. B. Johnson, which motion was declared adopted upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berry, Birdsong, Bradley, Dacus, Field, Garrison, Gee, Graves, Ham, Holden, Horn, Howard, Keels, Luton, McSpadden, Massey, Miller, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stipe, Terrill.—31.

Nay: Findeiss.—1.

Excused: Boecher, Cowden, Hamilton, McClendon, Martin, Payne.—6.

Not Voting: Berrong, Garrett, Grant-ham, Massad, Muldrow, Murphy, Stans-berry, Taliaferro, Williams, Young.—10.

* * *

As provided under the Field motion, the Senate was declared adjourned to meet at 1:00 p.m., tomorrow.

WRIT OF SUMMONS

THE STATE OF OKLAHOMA
THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA, SS:
TO N. B. JOHNSON, Greeting:

Whereas, the House of Representatives of the State of Oklahoma, did, on the 29th day of March, 1965, exhibit to the Senate Articles of Impeachment against you, the said N. B. Johnson, a true copy of which Articles of Impeachment are attached hereto, and demand that you, the said N. B. Johnson, should be put to answer the accusations as set forth in said Articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice:

You, the said N. B. Johnson, are therefore hereby summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber in the City of Oklahoma City, on the 12th day of April, 1965, at 2:00 o'clock p.m., and then and there to answer or plead to the Articles of Impeachment, to abide by, obey and perform such orders, directions and judgments as the said Court shall make in the premises according to the Constitution and Laws of the State of Oklahoma.

HEREOF, YOU ARE NOT TO FAIL.

Witness, Roy E. Grantham, Presiding Officer of the said Court, at the City of Oklahoma City, this 6th day of April, 1965.

S/ BASIL R. WILSON,
Clerk of the Court
of Impeachment.

PRECEPT

THE STATE OF OKLAHOMA
THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA, SS:
TO FRANK TRUEL, Greeting:

You are hereby commanded to deliver to and leave with N. B. Johnson, if conveniently found, or, if not, to leave at his usual place of abode with some member of his family over sixteen years of age, a true and attested copy of the within Writ of Summons, together with a true copy of the Articles of Impeachment and in whichsoever way you perform the service, let it be done on or before the 8th day of April, 1965.

FAIL NOT, and make return of this Writ of Summons, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said Writ of Summons.

Witness Roy E. Grantham, Presiding Officer of the said Court, at the City of Oklahoma City, this 6th day of April, 1965.

S/ BASIL R. WILSON,
Clerk of the Court
of Impeachment.

RETURN OF SERVICE

IN THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA
RETURN OF SERVICE

I, Frank Truel, Marshal of the above Court of Impeachment, state that on the 6th day of April, 1965, I received the within Writ of Summons, with attachments, and that, as directed by the Presiding Officer and Clerk of said Court, I served same by delivering a true and attested copy of said Writ of Summons, with a true copy of the Articles of Impeachment attached thereto, on the said N. B. JOHNSON, personally, in Oklahoma City, Oklahoma, on the 6th day of April, 1965.

I further state that I also, on the 6th day of April, 1965, delivered a true and attested copy of said Writ of Summons, with a true copy of the said Articles of Impeachment attached, to the Honorable

Lou S. Allard, Chairman of the Board of Managers of the House of Representatives.

Dated this 6th day of April, 1965.

S/ FRANK TRUEL, Marshal.

OATH BY MARSHAL OF COURT

I, FRANK TRUEL, do solemnly swear that the Return made by me upon the

Process issued on the 6th day of April, 1965, by the Senate of the State of Oklahoma, organized as a Court of Impeachment, against N. B. JOHNSON, is truly made and that I have performed such service as therein described, So Help Me God.

S/ FRANK TRUEL, Marshal.

...of the Board of Supervisors of the County of Marshall, Oklahoma, to the effect that the Board of Supervisors of the County of Marshall, Oklahoma, has authorized the undersigned to execute the same.

Witness my hand and seal of office at Oklahoma City, Oklahoma, this 25th day of April, 1965.

WRIT OF HABEAS CORPUS

THE STATE OF OKLAHOMA,
THE COURT OF IMPEACHMENT,
OF THE STATE OF OKLAHOMA, vs.
DON B. JOHNSON, Defendant.

Whereas, the House of Representatives of the State of Oklahoma, did, on the 25th day of March, 1965, do and cause to be passed an Act to impeach the said Don B. Johnson, a member of the House of Representatives of the State of Oklahoma, for and on the grounds and causes therein set forth in said Act, and whereas, such proceedings and causes are being prosecuted in the Court of Impeachment of the State of Oklahoma, and whereas, the said Don B. Johnson, are thereunto summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber of the City of Oklahoma City, on the 12th day of April, 1965, at 10:00 o'clock p.m., to answer and plead to the charges of Impeachment therein set forth, and whereas, the said Don B. Johnson, have not performed such duties, obligations and responsibilities as aforesaid, and whereas, the undersigned is the Attorney General and Law Officer of the State of Oklahoma.

That the said Don B. Johnson, are therefore hereby summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber of the City of Oklahoma City, on the 12th day of April, 1965, at 10:00 o'clock p.m., to answer and plead to the charges of Impeachment therein set forth, and whereas, the said Don B. Johnson, have not performed such duties, obligations and responsibilities as aforesaid, and whereas, the undersigned is the Attorney General and Law Officer of the State of Oklahoma.

RETURN, YOU ARE NOT TO FAIL.

Witness my hand and seal of office at the City of Oklahoma City, this 25th day of April, 1965.

BY BASIL E. WILSON,
Clerk of the Court

...of the Board of Supervisors of the County of Marshall, Oklahoma, to the effect that the Board of Supervisors of the County of Marshall, Oklahoma, has authorized the undersigned to execute the same.

Witness my hand and seal of office at Oklahoma City, Oklahoma, this 25th day of April, 1965.

WRIT OF HABEAS CORPUS
THE STATE OF OKLAHOMA,
THE COURT OF IMPEACHMENT,
OF THE STATE OF OKLAHOMA, vs.
DON B. JOHNSON, Defendant.

Whereas, the House of Representatives of the State of Oklahoma, did, on the 25th day of March, 1965, do and cause to be passed an Act to impeach the said Don B. Johnson, a member of the House of Representatives of the State of Oklahoma, for and on the grounds and causes therein set forth in said Act, and whereas, such proceedings and causes are being prosecuted in the Court of Impeachment of the State of Oklahoma, and whereas, the said Don B. Johnson, are thereunto summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber of the City of Oklahoma City, on the 12th day of April, 1965, at 10:00 o'clock p.m., to answer and plead to the charges of Impeachment therein set forth, and whereas, the said Don B. Johnson, have not performed such duties, obligations and responsibilities as aforesaid, and whereas, the undersigned is the Attorney General and Law Officer of the State of Oklahoma.

That the said Don B. Johnson, are therefore hereby summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber of the City of Oklahoma City, on the 12th day of April, 1965, at 10:00 o'clock p.m., to answer and plead to the charges of Impeachment therein set forth, and whereas, the said Don B. Johnson, have not performed such duties, obligations and responsibilities as aforesaid, and whereas, the undersigned is the Attorney General and Law Officer of the State of Oklahoma.

RETURN OF SERVICE
IN THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA.

I, Frank Trust, Marshal of the above Court of Impeachment, state that on the 25th day of April, 1965, I received the within Writ of Summons, with attachments, and that as directed by the Presiding Officer and Clerk of said Court, I served same by delivering a true and certified copy of said Writ of Summons, with a true copy of the Articles of Impeachment attached thereto, on the said DON B. JOHNSON, personally, at Oklahoma City, Oklahoma, on the 25th day of April, 1965.

I further state that I also, on the 25th day of April, 1965, delivered a true and certified copy of said Writ of Summons, with a true copy of the said Articles of Impeachment attached thereto, to the

TRANSCRIPT OF PROCEEDINGS

of the

SENATE OF THE 30th LEGISLATURE

OF THE STATE OF OKLAHOMA

Sitting as a Court of
Impeachment

Presiding Officer Senator Roy E. Grantham

Held in Senate Chamber, Fourth Floor
State Capitol Building, Oklahoma City,
Oklahoma

APPEARANCES:

Supreme Court Justice N. B. Johnson

Defense Counsel: J. Fred Green, Sallisaw, Okla.
and George Bingaman, Purcell, Okla.

House Board of Managers, in charge of
Prosecution.

Rep. Lou S. Allard, Drumright, Oklahoma

Rep. Burke G. Mordy, Ardmore, Oklahoma

Rep. James W. Connor, Bartlesville, Oklahoma

Rep. Phil Smalley, Norman, Oklahoma

Rep. Nathan S. Sherman, Oklahoma City, Oklahoma

TRANSCRIPT OF PROCEEDINGS

OF THE

SENATE OF THE 30th LEGISLATURE

OF THE STATE OF OREGON

During a Certain
Session

Beginning on the 1st day of January,

1907, and ending on the 15th day of

February, 1907, at the City of

Oregon

PREPARED

By the Senate Printing Office

at the City of Oregon, 1907

and the State Printing Office

at the City of Oregon, 1907

Portland

Printed and Bound by the

Senate Printing Office, Oregon

and the State Printing Office, Oregon

at the City of Oregon, 1907

and the State Printing Office, Oregon

Tuesday, April 6, 1965

At 1:45 p.m., the Senate, sitting as a Court of Impeachment in the matter of the trial of N. B. Johnson, a Justice of the Oklahoma Supreme Court, was called to order by the President of the Senate.

Senator Roy E. Grantham, having been elected by the Senate on the last legislative day, as Presiding Officer of the Senate, sitting as a Court of Impeachment, assumed the Chair.

Senator Grantham asked that his election by the Senate, as Presiding Officer of the Senate, sitting as a Court of Impeachment, be ratified.

Senator Baldwin moved that Senator Roy E. Grantham be elected as the Presiding Officer of the Senate, sitting as a Court of Impeachment, which motion was

declared adopted, upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—44.

Absent: Findeiss, Howard, Payne, Stipe.—4.

The Presiding Officer announced that the Senate of the 30th Legislature, sitting as a Court of Impeachment, is now in session, the members of said Court being the duly elected members of the Oklahoma State Senate, as shown below:

Dist.

No.	County	Name	Pol.	Address
1	Craig, Nowata, Ottawa	Robert S. Gee	D	Miami
2	Delaware, Mayes, Rogers	Clem McSpadden	D	Claremore
3	Adair, Cherokee, Wagoner	Claude G. Berry	D	Tahlequah
4	LeFlore, Sequoyah	Clem M. Hamilton	D	Heavener
5	Choctaw, McCurtain, Pushmataha	Leroy McClendon	D	Idabel
6	Atoka, Bryan, Johnston, Marshall	John Massey	D	Durant
7	Haskell, Latimer, Pittsburg	Gene Stipe	D	McAlester
8	McIntosh, Okmulgee	Tom Payne	D	Okmulgee
9	Muskogee	John D. Luton	D	Muskogee
10	Osage, Pawnee	Raymond L. Horn	D	Hominy
11	Hughes, Seminole	Allen G. Nichols	D	Wewoka

12	Creek, Okfuskee	John W. Young	D	Sapulpa
13	Coal, Murray, Pontotoc	George A. Miller	D	Ada
14	Carter, Love	Ernest D. Martin	D	Ardmore
15	Garvin, McClain	Glen Ham	D	Pauls Valley
16	Cleveland	Hal L. Muldrow	D	Norman
17	Pottawatomie	Ralph W. Graves	D	Shawnee
18	Lincoln, Logan, Noble	Boyd Cowden	D	Chandler
19	Garfield	Richard E. Romang	R	Enid
20	Kay	Roy E. Grantham	D	Ponca City
21	Payne	Robert M. Murphy	D	Stillwater
22	Blaine, Canadian, Kingfisher	Roy Boecher	D	Kingfisher
23	Caddo, Grady	Don Baldwin	D	Anadarko
24	Jefferson, Stephens	Wayne M. Holden	D	Duncan
25	Cotton, Jackson, Tillman	Anthony M. Massad	D	Frederick
26	Greer, Harmon, Kiowa, Washita	Byron Dacus	D	Hobart
27	Beckham, Custer, Dewey, Roger Mills	Ed Berrong	D	Weatherford
28	Alfalfa, Ellis, Grant, Major, Woodward	G. O. Williams	R	Woodward
29	Washington	Denzil D. Garrison	R	Bartlesville
30	Beaver, Cimarron, Harper, Texas, Woods	Leon Field	D	Texhoma
31	Comanche	Jim Taliaferro	D	Lawton
32	Comanche	Al Terrill	D	Lawton
33	Tulsa	Ed Bradley	D	Tulsa
34	Tulsa	Charles Pope	D	Tulsa
35	Tulsa	L. Beauchamp Selman	D	Tulsa
36	Tulsa	Gene C. Howard	D	Tulsa
37	Tulsa	Finis W. Smith	D	Tulsa
38	Tulsa	Ralph S. Rhoades	R	Tulsa
39	Tulsa	Dewey F. Bartlett	R	Tulsa
40	Oklahoma	Richard D. Stansberry	R	Oklahoma City
41	Oklahoma	Bryce Baggett	D	Oklahoma City
42	Oklahoma	H. B. Atkinson	D	Midwest City
43	Oklahoma	John L. Garrett	D	Del City
44	Oklahoma	J. Lee Keels	D	Oklahoma City
45	Oklahoma	Jimmy Birdsong	D	Oklahoma City
46	Oklahoma	Cleeta John Rogers	D	Oklahoma City
47	Oklahoma	Ted C. Findeiss	R	Oklahoma City
48	Oklahoma	E. Melvin Porter	D	Oklahoma City

Senator Baldwin moved that the Senate, sitting as a Court of Impeachment, adopt the following Recommendations for the Rules, which were adopted by the Senate in open session on the last legislative day, as the Rules of the Court of Impeachment, which motion prevailed upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bart-

lett, Berrong, Berry, Birdsong, Boecher, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—44.

Absent: Findeiss, Payne, Stipe.—3.

Not Voting: Bradley.—1.

The adopted Rules of the Senate, sitting as a Court of Impeachment, are in words and figures, as follows:

RULES OF THE OKLAHOMA STATE
SENATE 30TH LEGISLATURE;
WHEN SITTING AS A COURT
OF IMPEACHMENT

SECTION 1. When the Senate shall receive notice from the House of Representatives that Managers are appointed on its part to conduct an impeachment against any person and are directed to carry Articles of Impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the Managers for the purpose of exhibiting such Articles of Impeachment, agreeable to such notice.

SECTION 2. When the Managers of an Impeachment shall be introduced at the Bar of the Senate and shall signify that they are ready to exhibit Articles of Impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant-at-Arms to make proclamation that, "The Managers of the Honorable House of Representatives are present to present Articles of Impeachment against" after which the Articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the Managers that the Senate will take proper action on the subject of impeachment, of which due notice shall be given to the House of Representatives.

SECTION 3. Upon such Articles being presented to the Senate, the Senate shall, within ten days thereafter, organize as a Court of Impeachment for the trial of the person or persons accused. At an hour of a day fixed by the Senate, the Senate shall organize as a Court of Impeachment, and before proceeding to the consideration of the Articles of Impeachment, the Presiding Officer shall order the Clerk of the Court to administer the oath hereinafter provided to the members of the

Senate then present and the other members of the Senate as they, from time to time, shall appear.

SECTION 4. When sitting as a Court of Impeachment, the Senate shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all of the members of said Court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as Presiding Officer for such purpose. The House of Representatives shall present all impeachments. (Section 3, Article 8, Constitution.)

SECTION 5. The Presiding Officer shall have the power to make all orders, mandates and direct the Clerk of such Court to issue all writs and process authorized by these rules, or by the Court of Impeachment, and may make and enforce such other regulations and orders in the premises as the Court may authorize or provide.

SECTION 6. The Court of Impeachment shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, process and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice. The Marshal of the Court, under the direction of the Court of Impeachment may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs and precepts of the Court.

SECTION 7. The Marshal of the Court shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer shall prescribe the forms of process for the enforcement of the orders and judgment of the Court of Impeachment.

SECTION 8. The members of the Court, by a majority thereof, shall determine all questions of procedure in any impeachment trial in said Court.

SECTION 9. The Presiding Officer shall decide all motions, demurrers, questions of evidence, or other incidental matters arising during such proceedings. Provided, however, that any member of the Court, any member of the Board of Managers, or the Accused in person or by his attorney, may take exception to any ruling of the Presiding Officer, and if any such exception is accompanied by a request for ruling by the entire membership of the Court, the question shall be put to the Court for ruling thereon if the exception and request for ruling is supported by ten (10) or more members of the Court. In the event the question on any controverted ruling is put to the Court, the same shall be by roll call vote. It is further provided that the Presiding Officer, at his discretion, may allow an equal amount of time to the Board of Managers and the Accused or his attorneys, for argument thereon.

SECTION 10. Upon the presentation of Articles of Impeachment and the organization of the Senate as a Court of Impeachment, as hereinbefore provided, a writ of summons shall issue to the accused, with a copy of said Articles, and notifying him to appear before the Court of Impeachment on a date and time certain, and at a place to be fixed by the Court and named in such writ, and file his answer or plea to such Articles of Impeachment, and to stand to and abide the orders of the Court of Impeachment thereon; which writ shall be served by the Marshal or his assistant, and due return thereof made such number of days prior to the day fixed for such appearance as shall be named in such summons, either by the delivery of an attested copy thereof to the person accused, or, if that cannot be conveniently done, by leaving such copy at the last known place of abode of such person, with some member

of his or her family over sixteen years of age. If the Accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his plea or answer to such Articles of Impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

SECTION 11. At the time fixed on the day appointed for the return of the summons against the person impeached, the Court of Impeachment shall convene and the Clerk of said Court shall administer an oath to the returning officer in the form following, viz:

"I, -----, do solemnly swear that the return made by me upon the process issued on the ----- day -----, by the Senate of the State of Oklahoma, organized as a Court of Impeachment, against -----, is truly made, and that I have performed such service as therein described. So Help me God," which oath shall be entered in the record.

SECTION 12. The person impeached shall then be called to appear and answer to the Articles of Impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing, and the capacity in which he appears. If he does not appear, either by agent or attorney, the same shall be so recorded.

SECTION 13. The hour of the day at which the Court shall sit upon the trial of an impeachment shall be fixed by the Court, either by general order or by motion from day to day; and when the hour for such sitting shall arrive, the Presiding Officer of the Court shall so announce, and shall cause proclamation to be made of the opening of such Court, and the business of the trial shall proceed. The adjournment of the Senate sit-

ting in said trial as a Court of Impeachment, or of the Legislative Session, shall not operate as an adjournment of the Court; but on such adjournment the Court shall continue the consideration of such impeachment proceedings from day to day or to any further date until the final conclusion thereof.

SECTION 14. The Journal Clerk of the Court shall cause a record of the proceedings in cases of impeachment to be kept in a special journal, which shall be examined and approved by the Presiding Officer of the Court.

SECTION 15. Counsel for the parties shall be admitted to appear and be heard upon an impeachment as upon the trial of a cause in the courts of the State.

SECTION 16. All motions made by the parties or their counsel shall be addressed to the Presiding Officer, and if he shall require, such motion or motions shall be committed to writing and read at the Clerk's table.

SECTION 17. Witnesses shall be examined by one person on behalf of the party introducing them, and then cross-examined by one person on the other side, unless the Presiding Officer of the Court shall otherwise order.

SECTION 18. No member of the Court of Impeachment shall be called as a witness by either party.

SECTION 19. In the trial of impeachment charges, the rules governing the admissibility of evidence, and the order of trial (commencing with the opening statement of counsel), shall be the same as is prescribed and recognized by the courts in the trial of criminal proceedings in this State, except as may be otherwise provided by these rules. The Court may, by specific ruling, receive as evidence any matter considered by the Court to be germane and material to the proceedings. The rules of evidence prohibiting the admission of hearsay evidence shall prevail and shall be interpreted in accordance with the rules of evidence applicable to

judicial proceedings in the State of Oklahoma.

SECTION 20. If a member of the Court wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put by the Presiding Officer.

SECTION 21. At all times while the Senate is sitting as a Court of Impeachment, access to the lower floor of the Senate Chamber shall be denied to all persons, except members and officers of the Court, House Managers, the Accused and his or her counsel and witnesses. Representatives of the news media will be permitted in the section reserved for their use. No person shall be permitted to use flash bulbs, lights or illuminating devices in the Senate Chamber or Galleries, and any other equipment tending to disturb the decorum of the Court may be prohibited upon order of the Court.

SECTION 22. All questions and all motions shall be argued for not exceeding five (5) minutes on each side, unless the Presiding Officer shall, by order, extend the time.

SECTION 23. The case, on each side, shall be opened by one person, as in criminal trials. The final argument on the merits may be made by three persons on each side (unless otherwise ordered by the Presiding Officer, upon application for that purpose) and the argument shall be opened and closed on the part of the House of Representatives by the Board of Managers.

SECTION 24. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each Article of Impeachment separately; and, if the impeachment shall not, upon any separate count or charge contained in the Articles, be sustained by the votes of two-thirds of the members present, a judgment of not guilty shall be entered as to such count; but, if the person accused in such Articles of Impeachment shall be convicted

upon any separate count or charge of said Articles by the votes of two-thirds of the members present, the Court shall proceed to pronounce judgment upon such count.

SECTION 25. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SECTION 26. All orders and decisions of the Presiding Officers shall be made without debate by any member of the Court of Impeachment except when the doors shall be closed for deliberation, and, in that case, no member shall speak more than once on any one question, and for not more than ten (10) minutes on any question unless by unanimous consent. Upon motion in writing presented by any member of the Court to close the doors and exclude all persons from the presence of the Court, the same shall be considered by the Court and adopted upon a majority vote of those members of the Court present and voting, or, upon the order of the Presiding Officer.

SECTION 27. During any session of the Court no member of the Court shall be permitted to engage in any conduct which would be detrimental to perfect decorum in the Senate Chamber. The Marshal is authorized and empowered to enforce proper rules of order and decorum on the part of visitors and spectators. Visitors and spectators may be permitted to enter the gallery and to depart at pleasure, so long as they do not disturb the Court or any of its members. The Marshal may, upon the order of the Court, remove or refuse admission to any spectator or visitor.

SECTION 28. Witnesses shall be sworn in the following form, viz:

"You do solemnly swear (or affirm) that the evidence you shall give in the impeachment trial now pending shall be the

truth, the whole truth, and nothing but the truth; so help you God." This oath shall be administered by the Clerk of the Court.

Form of subpoena to be issued on the application of the Board of Managers or of the party impeached, or his counsel:

"To -----, Greeting:"

"You and each of you are hereby commanded to appear before the Court of Impeachment of the State of Oklahoma at the hour of -----o'clock, ---M. on the ----- day of -----, 1965, at the Senate Chamber in the City of Oklahoma City, then and there to testify in the cause which is before the said Court in which the House of Representatives has impeached ----- and remain in attendance from day to day until discharged by this Court.

"FAIL NOT."

"Witness -----, Presiding Officer of the Court of Impeachment, at the City of Oklahoma City, this ----- day of ----- 1965.

"Clerk of the Court of Impeachment"
Form of direction of the service of said subpoena:

"The Court of Impeachment of the State of Oklahoma to ----- Greeting:"

"You are hereby commanded to serve and return the within subpoena according to law."

"Dated at Oklahoma City, this ----- day of ----- 1965."

"Clerk of the Court of Impeachment"
Form of oath to be administered to the members of the Senate sitting in the trial of impeachments:

"I do solemnly swear (or affirm), that I will faithfully and impartially try the impeachment against ----- and do justice according to the law and the evidence. So help me God."

Form of summons to be issued and served upon the person impeached:

"The State of Oklahoma,"

"The Court of Impeachment of the State of Oklahoma, ss:"

"To ----- Greeting:"

"Whereas, the House of Representatives of the State of Oklahoma did, on the ----- day of -----, 1965 exhibit to the Senate, Articles of Impeachment against you, the said ----- a true copy of which Articles of Impeachment are attached hereto, and demand that you, the said -----, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice:"

"You, the said ----- are therefore hereby summoned to be and appear before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber in the City of Oklahoma City, on the ----- day of ----- 1965, at ----- o'clock ----- m., and then and there to answer or plead to the Articles of Impeachment, to abide by, obey and perform such orders, directions and judgments as the said Court shall make in the premises according to the Constitution and Laws of the State of Oklahoma."

"HEREOF, YOU ARE NOT TO FAIL."

"Witness -----, Presiding Officer of the said Court, at the City of Oklahoma City, this ----- day of ----- 1965."

"Clerk of the Court of Impeachment"

Form of direction of the service to be endorsed on said writ of summons:

"The State of Oklahoma, ss:"

"The Court of Impeachment of the State of Oklahoma, to -----, Greeting:"

"You are hereby commanded to deliver to and leave with -----, if conveniently found, or if not, to leave at his usual place of abode with some member of his family over sixteen years of age, a true and attested copy of the within writ

of summons, together with a true copy of the Articles of Impeachment and in whatsoever way you perform the service, let it be done on or before the ----- day of ----- 1965."

"Fail not, and make return of this writ of summons, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said writ of summons."

"Witness -----, Presiding Officer of the said Court, at the City of Oklahoma City, this ----- day of ----- 1965."

"Clerk of the Court of Impeachment."

Form of oath to be administered to officers of the Court of Impeachment:

"I -----, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God."

All process shall be served by the Marshal of the Court or his assistants, unless otherwise ordered by the Court.

SECTION 29. If the Court of Impeachment shall at any time fail to sit for the consideration of Articles of Impeachment on the day or hour fixed therefor, such Court may, when convened, without debate, fix a day and hour for resuming such consideration, and such Court may adjourn its sessions and the proceedings before it to such dates as may suit its convenience or serve the ends of justice.

SECTION 30. Any person before the Court who shall file or present for filing any pleadings, or who shall make any statement or remark, designed in disrespect toward, or in contempt of the Court or any member thereof, may be deemed guilty of contempt of Court and may be expelled from the court room and otherwise punished, as the Court may direct.

SECTION 31. No member of the Court of Impeachment shall vote upon any of

the separate Articles of Impeachment who has been absent from the trial during the taking of all the testimony of any one witness upon such Article unless such member of the Court shall have been in attendance upon the taking of the testimony of a corroborating witness or other corroborating testimony. The question of whether or not any member of the Court shall be entitled to vote upon any Article of Impeachment may be raised by a member of the Court only, and when raised shall be decided by a majority of the members of the Court present. The decision of the question by a majority of the members of the Court present shall be a final determination of the matter.

SECTION 32. Upon the adoption of these rules and while the Senate is sitting as a Court of Impeachment, the Secretary of the Senate shall be the Clerk of the Court of Impeachment, and as such shall exercise all powers and obligations of such office as authorized by these rules. The said Clerk in his capacity as Clerk of the Court and Notary Public under the laws of the State of Oklahoma is hereby authorized to administer all oaths prescribed by these rules, upon filing with the Presiding Officer proof of his appointment as a Notary Public.

SECTION 33. Upon adoption of these rules and while the Senate is sitting as a Court of Impeachment the Sergeant-at-Arms shall be the Marshal of the Court and all Assistant Sergeants at Arms shall be Assistant Marshals and as such shall exercise all powers and obligations of such office as authorized by these rules.

SECTION 34. The Presiding Officer is hereby authorized to employ court reporters, stenographers and all other personnel necessary to properly carry out the duties and functions of the Court of Impeachment. Provided, unless otherwise ordered, the Senate Journal Clerk shall be the Journal Clerk of the Court of Impeachment.

Senator Baldwin asked that Rule 21, of

the adopted Rules, be suspended until such time as space on the floor of the Senate is needed, which was the order.

Senator Baldwin moved that the Honorable Secretary of the Senate, Basil R. Wilson, be appointed by this Court to serve as Clerk of the Court, which motion was declared adopted, upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—45.

Absent: Findeiss, Payne, Stipe.—3.

The Presiding Officer advised that Notary Public Commission had been issued to Basil R. Wilson, Clerk of the Court, and filed with him; also that Official Oath had been signed by Basil R. Wilson and properly filed.

The Presiding Officer ordered the roll called of Members of the Court of Impeachment, resulting as follows, and the Clerk of the Court administered to those present the following Oath of Office:

"I do solemnly swear (or affirm), that I will faithfully and impartially try the impeachment against N. B. Johnson and do justice, according to the law and the evidence. So help me God."

Present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—45.

Absent: Findeiss, Payne, Stipe.—3.

Senator Baldwin moved that Frank Truel, Sergeant at Arms of the Senate, be appointed Marshal of the Court and that the following men be appointed as Assistant Marshals of this Court:

George Walta, J. R. Reinhardt, H. E. Dew, R. C. Andrews, B. Banner, J. L. Cross, J. L. Cunningham, T. J. Elias, J. Kennedy II, J. R. Leach, R. E. McKee, J. J. McLean, W. O. Pearson, J. D. Prince, R. Putty, D. L. Smith, C. O. Stone, C. B. Syper, J. C. Taylor, W. M. Thompson, C. L. Turley, W. S. Watts, J. F. Wiswell, Joe Kelso, A. P. Dale, H. P. Bradley.

The vote occurring on the Baldwin motion, it was declared adopted upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—45.

Absent: Findeiss, Payne, Stipe.—3.

Senator Baldwin moved that the Journal Clerk of the Oklahoma State Senate, Miss W. E. (Bill) Shipley, be appointed to serve as Journal Clerk and Assistant Clerk of the Court of Impeachment, which motion was declared adopted upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—44.

Absent: Findeiss, Howard, Payne, Stipe.—4.

Senator Baldwin moved that all Offi-

cers present, appointed as shown above, be administered the following Oath of Office, by the Clerk of the Court:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.”

The vote occurring on the Baldwin motion, it was declared adopted upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Keels, Luton, McClendon, Martin, Massad, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—42.

Absent: Findeiss, Payne, Stipe.—3.

Not Voting: Howard, McSpadden, Massey.—3.

The Oath was then duly administered to the above named Officers, except George Walta, J. F. Wiswell.

Senators Findeiss and Stipe asked to be recorded present, which was the order.

The Presiding Officer ordered the Clerk of the Court to administer the following Oath of Office to Senators Findeiss and Stipe, who were not present at the time the Oath was administered to other members of the Senate, which Oath was duly administered.

“I do solemnly swear (or affirm) that I will faithfully and impartially try the impeachment against N. B. Johnson and do justice, according to the law and the evidence. So help me God.”

Senator Garrison moved that the attached Summons be issued, as provided by the Constitution and Statutes of the State of Oklahoma, and the Rules of this Court, for service upon the accused, N. B. JOHNSON, with a true copy of the Articles of Impeachment attached

thereto, and directing the said N. B. Johnson to appear before the Court of Impeachment in the Senate Chamber on the 12th day of April, 1965, at 2:00 o'clock, P. M., and then and there to answer or plead to said Articles and to abide by the Orders of said Court; and that further the Board of Managers of the Honorable House of Representatives of the State of Oklahoma be furnished with a true copy of said Summons and attachments, forthwith, which motion prevailed upon a roll call as follows:

Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, G a r r i s o n, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—46.

Absent: Payne.—1.

Not Voting: Nichols.—1

The Summons ordered issued to N. B. Johnson, together with a copy of the Articles of Impeachment attached, were in words and figures, as follows:

THE STATE OF OKLAHOMA
THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA, SS:

To N. B. JOHNSON Greeting:

Whereas, the House of Representatives of the State of Oklahoma did, on the 29th day of March, 1965, exhibit to the Senate, Articles of Impeachment against you, the said N. B. Johnson, a true copy of which Articles of Impeachment are attached hereto, and demand that you, the said N. B. Johnson, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice:

You, the said N. B. Johnson are therefore hereby summoned to be and appear

before the Court of Impeachment of the State of Oklahoma, at the Senate Chamber in the City of Oklahoma City, on the 12th day of April, 1965, at 2:00 o'clock p.m., and then and there to answer or plead to the Articles of Impeachment, to abide by, obey and perform such orders, directions and judgments as the said Court shall make in the premises according to the Constitution and Laws of the State of Oklahoma.

HEREOF, YOU ARE NOT TO FAIL.

Witness Roy E. Grantham, Presiding Officer of the said Court, at the City of Oklahoma City, this 6th day of April, 1965.

Basil R. Wilson

Clerk of the Court of
Impeachment

THE STATE OF OKLAHOMA, SS:
THE COURT OF IMPEACHMENT
OF THE STATE OF OKLAHOMA,
To FRANK TRUEL, Greeting:

You are hereby commanded to deliver to and leave with N. B. Johnson, if conveniently found, or if not, to leave at his usual place of abode with some member of his family over sixteen years of age, a true and attested copy of the within writ of summons, together with a true copy of the Articles of Impeachment and in whichsoever way you perform the service, let it be done on or before the 8th day of April 1965.

Fail not, and make return of this writ of summons, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said writ of summons.

Witness Roy E. Grantham, Presiding Officer of the said Court, at the City of Oklahoma City, this 6th day of April, 1965.

Basil R. Wilson

Clerk of the Court of
Impeachment

ARTICLES OF IMPEACHMENT
THE HOUSE OF REPRESENTATIVES
OF THE THIRTIETH LEGISLATURE OF
THE STATE OF OKLAHOMA IN THEIR
NAME AND IN THE NAME AND BY

THE AUTHORITY OF THE STATE OF OKLAHOMA AND THE PEOPLE THEREOF, DO HEREBY PRESENT AND EXHIBIT ARTICLES OF IMPEACHMENT, AND GIVE THE HONORABLE SENATE TO KNOW AND BE INFORMED THAT:

N. B. Johnson was in the year 1948 elected to the office of Justice of the Supreme Court, State of Oklahoma, and that he took the oath of office required by the Constitution, being in form as follows, to-wit:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office.

 "Subscribed and sworn to before me this _____ day of _____, 19____"

That he was re-elected in the November election of 1954, and again took the same oath of office; that he was re-elected in the November election of 1960, and again took the same oath of office.

That while in office as Justice of the Supreme Court, State of Oklahoma, the said N. B. Johnson, unmindful of the high duties of his office and of his oath of of-

fice, and in violation of the Constitution and the laws of the State of Oklahoma, has been guilty of offenses involving moral turpitude committed while in office and corruption in office; and that the said House of Representatives hereby exhibits and presents to the Honorable Senate of the State of Oklahoma Articles of Impeachment against the said N. B. Johnson, Justice of the Supreme Court, State of Oklahoma, for the causes, and upon the grounds, and in the particular as follows, to-wit:

ARTICLE I

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the sum of \$7,500.00 in the year 1957 for the purpose of influencing his decision in the case of Selected Investment Corporation vs. Oklahoma Tax Commission. This payment was made to him by former Justice N. S. Corn on or about April 10, 1957, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

ARTICLE II

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the sum of \$2,500.00 in the year 1959 for the purpose of influencing his decision in the case of Oklahoma Company vs. O'Neil. This payment was made to him by former Justice N. S. Corn during the month of January, 1959, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson consti-

tutes corruption in office and is an offense involving moral turpitude committed while in office.

AUTHENTICATION

STATE OF OKLAHOMA

SS

COUNTY OF OKLAHOMA

I, Louise Stockton, Chief Clerk of the House of Representatives of the State of Oklahoma, do hereby certify that the above and foregoing is a true and correct copy of the Articles of Impeachment filed March 22, 1965, with the House of Representatives by the Research and Investigation Committee. Article I of said Articles of Impeachment was adopted by a vote of 90 Ayes, 6 Nays, with 3 members excused, and Article II of said Articles of Impeachment was adopted by a vote of 88 Ayes, 8 Nays, with 3 members excused, the original of which is on file in the office of the Chief Clerk of the House of Representatives.

Dated this 29th day of March, 1965.

/s/ Louise Stockton
Chief Clerk
House of Representatives

The Summons ordered issued to N. B. Johnson was properly signed by the Presiding Officer and the Clerk of the Court.

The Presiding Officer asked unanimous consent, which was granted, that the following named members of the Court of Impeachment constitute a Committee on Arrangements, which Committee shall arrange for the assigning of space for the representatives of the News media, space for the Counsel for both the accused and the Board of Managers and for the seating of guests, as well as for making other necessary arrangements: Senator Baldwin, Chairman; Senator Garrison, Vice Chairman; Senators Gee, Smith and Rogers as Members.

The Presiding Officer announced the Court of Impeachment adjourned to meet Thursday, April 8, 1965, at 11:00 A. M., at which time the Court will receive Return of Summons by the Marshal.

Thursday, April 8, 1965

Pursuant to adjournment, Presiding Officer, Roy E. Grantham, announced that the Senate of the 30th Legislature, sitting as a Court of Impeachment, is now in session.

The Presiding Officer ordered the Clerk of the Court to call the roll of members of the Court, which resulted as follows:

Present: Atkinson, Baggett, Bartlett, Berrong, Berry, Birdsong, Boecher, Dacus, Field, Findeiss, Garrett, Garri-son, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Keels, McClen- don, McSpadden, Martin, Massad, Massey, Miller, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Ter- rill, Williams, Young.—41.

Absent: Baldwin, Bradley, Cowden, Howard, Luton, Muldrow, Payne.—7.

Senator Gee asked unanimous consent, which was granted, that Rule 21, of the adopted Rules of the Senate, sitting as a Court of Impeachment, be suspended for this day.

The Presiding Officer was asked by Sen- ator Hamilton if the use of flash bulbs, lights or illuminating devices would be permitted in the Senate Chamber today, following which the Presiding Officer or- dered, unless objected to by the members of the Court, bulbs, lights or illuminating devices would not be permitted. There be- ing no objection, it was so ordered by the Presiding Officer.

The Presiding Officer announced the presence of one of the Assistant Marsh- als, George Walta, who was not present

at the time other Assistant Marshals were administered official Oaths, and ordered the Clerk of the Court to administer the Oath.

The Clerk of the Court administered the following Oath to George Walta:

"I do solemnly swear (or affirm) that I will support, obey and defend the Con- stitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God."

The Presiding Officer ordered the rec- ord to show that George Walta has been duly administered the official Oath.

RETURN OF SERVICE

The following Return of Service, made by the Marshal of the Court, was read:

IN THE COURT OF IMPEACHMENT OF THE STATE OF OKLAHOMA RETURN OF SERVICE

I, Frank Truel, Marshal of the above Court of Impeachment, state that on the 6th day of April, 1965, I received the with- in Writ of Summons, with attachments, and that, as directed by the Presiding Officer and Clerk of said Court, I served same by delivering a true and attested copy of said Writ of Summons, with a true copy of the Articles of Impeachment at- tached thereto, on the said N. B. JOHN- SON, personally, in Oklahoma City, Okla- homa, on the 6th day of April, 1965.

I further state that I also, on the 6th day of April, 1965, delivered a true and attested copy of said Writ of Summons, with a true copy of the said Articles of Impeachment attached, to the Honorable

Lou S. Allard, Chairman of the Board of Managers of the House of Representatives.

Dated this 6th day of April, 1965.

S/ FRANK TRUEL, Marshal.

As provided under Rule 11, of the adopted Rules, the Clerk of the Court administered the following Oath to the Marshal of the Court:

I, Frank Truel, do solemnly swear that the return made by me upon the process issued on the 6th day of April, 1965, by the Senate of the State of Oklahoma, organized as a Court of Impeachment,

against N. B. JOHNSON, is truly made, and that I have performed such service as therein described. So Help me God.

The Presiding Officer ordered the Record to show the receipt of the Return of Service by the Marshal of the Court and the filing of the same with the Court.

The Presiding Officer announced "this concludes the business of the Court and if there is nothing more to come before it, I hereby announce this Court adjourned until Monday, April 12, 1965, at 2:00 p.m., and it is so ordered."

Monday, April 12, 1965

The Senate of the 30th Legislature, sitting as a Court of Impeachment, was called to order by Presiding Officer Senator Roy E. Grantham, at 2:00 p.m. this day.

Upon roll call, the following members of the Court were present:

Atkinson, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Terrill, Williams, Young. — 45.

Absent: Baggett, Payne, Taliaferro. — 3.

Two employees of the Court, Myrtle Taylor who is one and the same person as Mrs. George R. Taylor, the Stenotype Reporter, and Mr. James F. Wiswell, named an assistant Marshal of the Court, took the following Oath of office:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

"Subscribed and sworn to before me this 12th day of April, 1965."

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senators Baggett and Payne are not present. Senator Baldwin is recognized.

SENATOR BALDWIN: I would like at this time to make a Report of the Special

Committee, which was a Sub-Committee of the Rules and Procedure Committee. This Sub-Committee is the Committee on Arrangements.

PRESIDING OFFICER SENATOR GRANTHAM: We have your Report on the Court Clerk's desk and will ask the Court Clerk to read the Committee Report.

(COURT CLERK WILSON read the following:)

WE, THE ARRANGEMENTS COMMITTEE, MAKE THE FOLLOWING REPORT TO THE COURT OF IMPEACHMENT OF THE THIRTIETH OKLAHOMA LEGISLATURE:

WE RECOMMEND THE ADOPTION OF THE FOLLOWING RULES:

1. That the regular press representatives of Oklahoma State Senate be assigned to their regular table on the Floor of the Court, in the Northeast corner of the Senate Chamber. Attached is list of authorized representatives of media involved.

IMPEACHMENT PRESS

THE DAILY OKLAHOMAN

Ray Parr or Otis Sullivant
OKLAHOMA BUSINESS NEWS

LeRoy Ritter or Margaret Ritter
DONREY NEWS MEDIA

Ralph Smith or Bill Kennedy

ASSOCIATED PRESS

Gaylord Shaw or Stella Roberts or
Jerry Scarbrough

TULSA DAILY WORLD

Travis Walsh or Robert Lorton

OKLAHOMA JOURNAL

Bill Duncan or L. D. Ward

THE TULSA TRIBUNE

Frosty Troy or Nolan Bulloch

UNITED PRESS INTERNATIONAL

Harry Culver or Jack Wilkinson or
Alex Adwan

OKLAHOMA CITY TIMES

Hugh Hall or Jim Standard or Mary
Jo Nelson

PRESIDING OFFICER SENATOR
GRANTHAM: Just a minute. Will there
be any question on Section 1 of the Rec-
ommendation? All right proceed.

SENATOR MASSAD: Will the Senator
yield for a question?

SENATOR BALDWIN: I yield.

SENATOR MASSAD: Under this Rule,
no other reporting news agent will be
allowed on the floor of the Senate?

SENATOR BALDWIN: That is correct.

COURT CLERK WILSON: (Continued
reading)

2. That the Chaplain of the Senate be
appointed as the Chaplain of the Court.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on Section 2?
There being none, proceed.

COURT CLERK WILSON: (Continued
reading)

3. That the Marshal's Office of the Court
assign to the Court a sufficient number of
Pages who will be qualified, and will
respect the proper dignity and decorum
of the Court; and that these Pages be
allowed to assist the Court from the Floor
of the Court.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on Section 3?
There being none, proceed.

COURT CLERK WILSON: (Continued
reading)

4. That the West half of the South Gal-
lery be assigned to television and all other
news media.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this Sec-
tion? There being none, proceed.

COURT CLERK WILSON: (Continued
reading)

5. That the Television Industry shall
construct a partition behind which the TV
Cameras shall be placed.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this? Pro-
ceed.

COURT CLERK WILSON: (Continued
reading)

6. That the East half of the North
Gallery shall be reserved for the imme-
diate members of the families of the Okla-
homa State Senate and House members.
The Sergeant at Arms shall admit no fam-
ily member except upon the express re-
quest of the Senator involved.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this? Pro-
ceed.

COURT CLERK WILSON: (Continued
reading)

7. There shall be no one allowed to re-
main standing in the Galleries, other than
television technicians.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this? Pro-
ceed.

COURT CLERK WILSON: (Continued
reading)

8. Conference Rooms 519 and 511 shall
be assigned to the accused and House
Managers respectively.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this? Pro-
ceed.

COURT CLERK WILSON: (Continued
reading)

9. The Presiding Officer shall hire a
sufficient number of court reporters so
that the daily transcript of the proceedings
can be had for the benefit of the Court.
Copies of said transcript shall be fur-
nished to interested parties as authorized
by the Court.

PRESIDING OFFICER SENATOR
GRANTHAM: Any question on this? There
being none, proceed.

COURT CLERK WILSON: (Continued reading)

Respectfully submitted,

BALDWIN, Chairman
Committee on Arrangements

GARRISON, Vice Chairman

GEE, Member

ROGERS, Member

SMITH, Member

SENATOR BALDWIN: If there are no questions, I ask that the Roll be called.

PRESIDING OFFICER SENATOR GRANTHAM: Will you yield to Senator Rogers?

SENATOR BALDWIN: Yes.

SENATOR ROGERS: I am sitting back here. It was in the conversation of the Committee, I know it was not specifically stated here, but I think it should be made clear. I hope I don't misinterpret it. All picture taking with or without bulbs shall be taken from the gallery at the inside of the place prepared for it. Is that not correct?

SENATOR GARRISON: It is my understanding that picture taking must be from there but if the working press has a hand camera, they can take their pictures from their seats in front of the TV partition.

PRESIDING OFFICER SENATOR GRANTHAM: It is my understanding there are no provisions for flash bulbs being used under any circumstances.

SENATOR BALDWIN: I might also add to that, Senator Rogers, if there was any disturbances created by a camera, even though they did not have lights or flash bulbs, that this Court through its presiding officer would not condone anything that is a distraction.

If there are no further questions I ask that the roll be called on the adopting of the Rules.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baldwin moves the Report of the Committee on Arrangements be adopted and the roll be called. The Clerk will call the roll.

Upon roll call, the following members voted AYE: Atkinson, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young. 46 Ayes and No Nay votes.

Absent: Baggett, Payne.—2.

PRESIDING OFFICER SENATOR GRANTHAM: I declare the motion to have prevailed.

SENATOR BALDWIN: I ask that the Committee, having done its work, be discharged.

PRESIDING OFFICER SENATOR GRANTHAM: I wonder if you would withhold that motion. There might be some thing come up, if you don't mind.

SENATOR BALDWIN: The Committee stands ready to do at all times anything that the Judge wants done.

PRESIDING OFFICER SENATOR GRANTHAM: I would like to ask unanimous consent, that the Doctor of the Senate be permitted to serve as the Doctor of the Court and he be permitted to remain on the floor of the Chamber during the session of the Court. Any objection? Hearing none, that will be the Order.

At this time I recognize Senator Smith.

SENATOR SMITH: Mr. Presiding Officer, I move that the Articles of Impeachment heretofore received, filed and acted upon by the Senate of the State of Oklahoma, pursuant to which this Court of Impeachment was duly organized and as are now shown on pages 10 through 12 inclusive of the Special Journal of the Proceedings of this Court be made the official record thereof, and that the Clerk of this Court be directed to read said articles of Impeachment in the presence of the accused.

PRESIDING OFFICER SENATOR GRANTHAM: You have heard the motion of Senator Smith, I will ask the roll be called on this motion.

Senator Ham is recognized.

SENATOR HAM: I think the record should show the accused is now present.

PRESIDING OFFICER SENATOR GRANTHAM: Your point is well taken. Let the record show at this time that the Accused, with his Counsel, is present in the Court. The Attorneys, Mr. Green what is your first name?

MR. GREEN: J. Fred Green of Sallisaw.

MR. BINGAMAN: George Bingaman of Purcell.

PRESIDING OFFICER SENATOR GRANTHAM: And the Board of Managers of the House of Representatives are all present.

There being no further discussion the roll will be called on the Smith motion. The Clerk will call the roll on the motion.

Upon roll call on the Smith Motion, the following members voted AYE: Atkinson, Baldwin, Bartlett, Berrong, Berry, Birdson, Boecher, Bradley, Cowden, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClen-don, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young. 46 Ayes and No Nays votes.

Absent: Baggett, Payne.—2.

PRESIDING OFFICER SENATOR GRANTHAM: Any Senator desire to change their vote?

The motion having received 46 Ayes and no Nays, the motion prevailed.

At this time I will ask the Accused, Judge N. B. Johnson, to stand and ask the Clerk to read the Articles of Impeachment.

(Court Clerk Wilson read:)

ARTICLES OF IMPEACHMENT

THE HOUSE OF REPRESENTATIVES OF THE THIRTIETH LEGISLATURE OF THE STATE OF OKLAHOMA IN THEIR NAME AND IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA AND THE PEOPLE THEREOF, DO HEREBY PRESENT AND EXHIBIT ARTICLES OF IMPEACHMENT, AND GIVE THE HONORABLE SENATE TO KNOW AND BE INFORMED THAT:

N. B. Johnson was in the year 1948 elected to the office of Justice of the Supreme Court, State of Oklahoma, and that he took the oath of office required by the Constitution, being in form as follows, to-wit:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office.

"Subscribed and sworn to before me this --- day of -----, 19----."

That he was re-elected in the November election of 1954, and again took the same oath of office; that he was re-elected in the November election of 1960; and again took the same oath of office.

That while in office as Justice of the Supreme Court, State of Oklahoma, the said N. B. Johnson, unmindful of the high duties of his office and of his oath of office, and in violation of the Constitution and the laws of the State of Oklahoma, has been guilty of offenses involving moral turpitude committed while in office and corruption in office; and that the said House of Representatives hereby exhibits and presents to the Honorable Senate of the State of Oklahoma Articles of Impeachment against the said N. B. Johnson, Justice of the Supreme Court, State of Oklahoma, for the causes, and upon the grounds, and in the particular as follows, to-wit:

ARTICLE I

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the sum of \$7,500.00 in the year 1957 for the purpose of influencing his decision in the case of Selected Investment Corporation vs. Oklahoma Tax Commission. This payment was made to him by former Justice N. S. Corn on or about April 10, 1957, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

ARTICLE II

The House of Representatives do find and present:

Justice N. B. Johnson has violated his oath of office in that he received the sum of \$2,500.00 in the year 1959 for the purpose of influencing his decision in the case of Oklahoma Company vs. O'Neil. This payment was made to him by former Justice N. S. Corn during the month of January, 1959, the consideration being paid

Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma.

The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

AUTHENTICATION

STATE OF OKLAHOMA

SS

COUNTY OF OKLAHOMA

I, Louise Stockton, Chief Clerk of the House of Representatives of the State of Oklahoma, do hereby certify that the above and foregoing is a true and correct copy of the Articles of Impeachment filed March 22, 1965, with the House of Representatives by the Research and Investigation Committee. Article I of said Articles of Impeachment was adopted by a vote of 90 ayes, 6 Nays, with 3 members excused, and Article II of said Articles of Impeachment was adopted by a vote of 88 Ayes, 8 Nays, with 3 members excused, the original of which is on file in the office of the Chief Clerk of the House of Representatives.

Dated this 29th day of March, 1965.

s/ Louise Stockton,
Chief Clerk
House of Representatives

PRESIDING OFFICER SENATOR
GRANTHAM: Judge Johnson, is N. B. Johnson your true and correct name?

JUDGE JOHNSON: It is.

PRESIDING OFFICER SENATOR
GRANTHAM: How do you plead to Article I?

JUDGE JOHNSON: My plea is a plea of innocence to Article I.

And my plea is a plea of Innocence to Article II.

I want the Public to have a full and complete Hearing in this matter, in order that the truth may be made known.

PRESIDING OFFICER SENATOR

GRANTHAM: Judge Johnson, I believe the requirement is, you either plead guilty or not guilty.

JUDGE JOHNSON: Not guilty to charge I, and not guilty to Article I. And not guilty to Charge or Article II.

PRESIDING OFFICER SENATOR GRANTHAM: The Court understands you enter a plea of not guilty to Article I, and a plea of not guilty to Article II.

JUDGE JOHNSON: That is correct.

PRESIDING OFFICER SENATOR GRANTHAM: Now at this time is the Board of Managers ready to proceed with the Trial?

REPRESENTATIVE MORDY: Your Honor, last Wednesday, April 7, 1965, Mr. J. Fred Green, attorney for Judge Johnson contacted Rep. Lou Allard, who is Chairman of the Board of Managers, and at that time he informed Mr. Allard that he had been requested that he represent Judge Johnson, and ask if the Board of Managers had any objection to a continuance, were he to ask for one.

The Board of Managers were polled and we of course wish to be fair to Judge Johnson and we wish to be fair to his counsel, and in line with the poll taken of the Board of Managers, we advised Mr. Green that we would not oppose a continuance at this time, and it is my understanding that Mr. Green wishes to make a motion to that effect at this time.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green did you desire to make a motion?

MR. GREEN: If it would please the Court, I did meet Rep. Allard in a discussion last week, and asked him for a continuance, and at this time, for my personal benefit, not for Mr. Johnson's, but business and prior engagements, with Court starting Monday, and for two weeks, I have 11 cases on the docket to be tried myself. I can't be preparing for this Hearing during the month of April. For

my benefit, I ask for a continuance to any time in May.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, do you have that motion in writing?

MR. GREEN: I do not.

PRESIDING OFFICER SENATOR GRANTHAM: Will you put it in writing?

MR. GREEN: Yes, I will.

PRESIDING OFFICER SENATOR GRANTHAM: When does your Jury term commence?

MR. GREEN: Monday the 19th and it continues for 2 weeks.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire of the Board of Managers and also from you. About how many witnesses do you anticipate having?

REPRESENTATIVE MORDY: Actually we could not give you anything but an estimate. My estimate would be a dozen and that estimate could be doubled. That is simply an estimate. I estimate at least 10 to 12 witnesses, at least that many.

PRESIDING OFFICER SENATOR GRANTHAM: How much time do you think it will take to put your testimony on?

REPRESENTATIVE MORDY: Three to five days.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, how many witnesses do you expect having?

MR. GREEN: At this time, not knowing how many witnesses they are going to have or the type of witnesses they are going to have, or the nature of the testimony, it would be impossible for us to give the Court the number of witnesses we will have, or the time that will be involved.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire from the Counsel would there be any objection to continuing this matter to the 6th day of May?

MR. GREEN: Sixth day of May, yes is all right.

REPRESENTATIVE MORDY: Yes, all right.

PRESIDING OFFICER SENATOR GRANTHAM: What would be the most convenient time to start in the morning?

MR. GREEN: As far as we are concerned, it is at the convenience of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: What about the Board of Managers? Does the Board of Managers have any preference as to the hour they want to start?

REPRESENTATIVE MORDY: Your Honor, might we inquire at this time, what the Court's attitude is in regard to this Trial? Do you intend to try the case during part of the day, or do you intend to go straight through? Or has that determination be made?

PRESIDING OFFICER SENATOR GRANTHAM: We intend to begin and continue until it is completed.

REPRESENTATIVE MORDY: I would say 9 o'clock in the morning.

PRESIDING OFFICER SENATOR GRANTHAM: In view of this, I would say the Case will begin at 9:00 A.M. Thursday, May 6, 1965.

Is there any further business? The Case is hereby continued until that date.

MR. GREEN: We have some motions to present to the Court.

Q. Do you anticipate we will work Friday, and Saturday and skip Sunday, and come back and begin on Monday?

PRESIDING OFFICER SENATOR GRANTHAM: That is right.

The Court will now hear your motions.

MR. BINGAMAN: We have two motions, if the Court please. Perhaps it would be better if I read the motion and then have a brief discussion of them.

BEFORE THE OKLAHOMA STATE SENATE, SITTING AS A COURT OF IMPEACHMENT

IN THE MATTER OF THE)
IMPEACHMENT CHARGES)
AGAINST N. B. JOHNSON)

MOTION

Comes now the accused, N. B. Johnson, and respectfully requests this Honorable Court to direct The Managers of the Honorable House of Representatives, who have presented the Articles of Impeachment against the accused, to supply to the accused the following:

1. A copy of the transcript of proceedings of all evidence taken before the investigating committee of the Honorable House of Representatives.

2. A copy of all exhibits and documentary evidence taken before the investigating committee of the Honorable House of Representatives in connection with such charges.

3. A list of the names and addresses of all witnesses called before the investigating committee of the Honorable House of Representatives as well as those expected to be called by The Managers before this Honorable Court.

In support of such motion the accused would show to this Honorable Court that he, prior to the bringing of such charges, was called as a witness before the investigating committee of the Honorable House of Representatives, the investigating committee of the Oklahoma Bar Association, the Oklahoma County Grand Jury and at least two investigating agencies of the United States Bureau of Internal Revenue, before all of whom he has been questioned at great length as to all of his private transactions so that his position on all of such charges has been and is now fully known to The Managers of the Honorable House of Representatives presenting such charges. On the other hand, none of the other testimony taken has

been brought to the attention of this accused and he is completely uninformed with reference thereto except for such accounts as he has read in the newspapers. That his position is, of course, a denial of the correctness of the charges. This hearing can be expedited and a full and fair hearing afforded to this accused, as well as a full and fair disclosure of all facts made to the satisfaction of this Honorable Court and the general public, if such information taken by the investigating committee of the Honorable House of Representatives is made available to the accused at this time.

Respectfully submitted,

S/ N. B. Johnson, Accused

S/ Fred Green, Sallisaw, Oklahoma

S/ George Bingaman, Purcell, Oklahoma
Attorneys for Accused.

I have a second motion which perhaps will be better to present now, or would you prefer to have action taken on this one first?

PRESIDING OFFICER SENATOR GRANTHAM: I feel that we should consider these motions one at a time as they arise. Did you file your motion with the Clerk?

MR. BINGAMAN: Yes, and copies have been furnished to the Board of Managers.

PRESIDING OFFICER SENATOR GRANTHAM: As I understand your motion, it is a motion to request the Board of Managers to furnish you a transcript of proceedings of all the evidence taken before the investigating committee of the House of Representatives, when they were investigating these matters. A copy of all exhibits and documentary evidence taken before the investigating committee, and a list of all names and addresses of witnesses used in the investigation in the House of Representatives, as well as a list of proposed witnesses that they desire to use in this Impeachment Trial. Is that correct?

MR. BINGAMAN: Correct, Sir.

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers like to be heard on this matter?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want to argue something on this motion?

A. Yes.

PRESIDING OFFICER SENATOR GRANTHAM: I want to say unless there is objection, we will omit from the transcript the argument of the Counsel on these motions. — Hearing no objection, that will be the order.

Is it agreeable with the Board of Managers?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, your motion will be sustained in part, and overruled in part.

Your motion will be sustained in that a list of the names and addresses of witnesses will be furnished by the Board of Managers.

Your motion will be overruled as to the furnishing of a copy of the transcript of proceedings and a copy of all exhibits and documentary evidence.

REPRESENTATIVE MORDY: Would it be satisfactory to furnish this list of witnesses three days prior to the date of the Trial? At this stage of the game we don't have the full list of witnesses.

PRESIDING OFFICER SENATOR GRANTHAM: Is that satisfactory to you?

MR. BINGAMAN: Could they let us have what they have now? And give us the others then? We are going to be pressed for time to prepare in this period of time, as you can see.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will rule the list of witnesses you have now, you submit, and you may submit the names of other witnesses at a later date.

REPRESENTATIVE MORDY: To whom should they be submitted?

PRESIDING OFFICER SENATOR GRANTHAM: To the Counsel for the Accused.

MR. BINGAMAN: We have another motion.

PRESIDING OFFICER SENATOR GRANTHAM: The Clerk will read the motion.

(Court Clerk Wilson read the following:)

BEFORE THE OKLAHOMA STATE SENATE, SITTING AS A COURT OF IMPEACHMENT
IN THE MATTER OF THE)
IMPEACHMENT CHARGES)
AGAINST N. B. JOHNSON)

MOTION

Comes now the accused N. B. Johnson, and respectfully requests this Honorable Court to enter an order or resolution herein requesting the Department of Justice of the United States of America to immediately make available to the accused the following information, with reference to N. S. Corn, a former prisoner of the United States of America who was confined to the United States Psychiatry Hospital at Springfield, Missouri, during a part of the year 1964, to-wit:

1. A copy of the medical report or reports showing the physical and mental condition of the said N. S. Corn immediately prior to the time he was sentenced to the Springfield Hospital.
2. A copy of the medical report showing the mental and physical condition of N. S. Corn during the period of time of his confinement in such hospital.
3. A copy of the record of all visitors to the said N. S. Corn during the period of his confinement and a statement of the length of visit by each.
4. A record of all correspondence both to and from the said N. S. Corn during the period of his confinement in such hospital.
5. A copy of all correspondence by the

Hospital authorities with members of the family of N. S. Corn or with any officials of the United States or any of its courts with reference to the mental and physical condition of N. S. Corn during the period of his confinement in such psychiatric hospital.

In support of such motion the said N. B. Johnson would show to this Court that from published newspaper reports it appears that N. S. Corn was subjected to extensive medical examinations prior to his sentence by the United States District Court in the Western District of Oklahoma, and that as a result of such examinations, and undoubtedly based thereon, the said N. S. Corn was committed to the Springfield Hospital, which is a psychiatric institution. This on its face indicates that the said N. S. Corn was undoubtedly at that time suffering from a substantial psychiatric disturbance. That is is apparent on the face of the articles brought against this accused that The Managers of the House of Representatives expect to use the said N. S. Corn as a witness against the accused, and therefore it is of vital interest in order that this accused may have a full and fair trial, and that he and this Honorable Court as well as the public generally may be informed as to the physical and mental condition of the said N. S. Corn, his mental competency as a witness, and possibilities as to improper influence upon his testimony.

Respectfully submitted.

S/ N. B. Johnson, accused

S/ Fred Green, Sallisaw, Oklahoma.

S/ George Bingaman, Purcell Oklahoma Attorneys for Accused.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen of the Court, there has been a request made that the doors of the Court be closed. This request will be granted and all will be excluded from the Court except the members of the Court and the Officers of the Court.

At this time you will clear the floor and the gallery—2:45 p.m. Doors of the Court closed til 3:40 p.m.

PRESIDING OFFICER SENATOR GRANTHAM: The doors of the Court will be opened and advise the Parties to return.

Gentlemen of the Senate, The Court is now in open session.

Will you please find your seats?

Mr. Bingaman, do you care to be heard on the motion?

. . . Off the record argument by Mr. Bingaman, and the Board of Managers.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that since the roll was called Senator Baggett is now present.

Let the record show the Board of Managers, and the Accused with his respective Counsel are present.

. . . Off the record argument by Mr. Bingaman and by the Board of Managers.

PRESIDING OFFICER, SENATOR GRANTHAM: The Court feels the motion is not well taken and it is overruled.

Are there any further motions?

MR. BINGAMAN: That is all the motions we have at this time.

PRESIDING OFFICER, SENATOR GRANTHAM: Are there any motions from the Board of Managers?

REPRESENTATIVE MORDY: No Sir.

PRESIDING OFFICER, SENATOR GRANTHAM: Gentlemen of the Court, This Court is considering adjournment

until the 6th day of May, 1965, at the hour of 9:00 o'clock a.m. Are there any objections to that? Hearing none, the Court is hereby adjourned until the 6th day of May, 1965, at 9:00 o'clock a.m. at which time we will proceed with the Trial.

3:50 p.m. Court Adjourned.

Pursuant to Order of the Court of Impeachment, the following Motion for Continuance was filed by J. Fred Green, Attorney for the Accused:

COURT OF IMPEACHMENT
STATE OF OKLAHOMA

RE: Impeachment of N. B. Johnson

MOTION FOR CONTINUANCE

J. Fred Green, being first duly sworn states that he is one of the attorneys for the accused, N. B. Johnson, in this action.

That a term of Court has heretofore been set in Sequoyah County, Oklahoma, beginning on Monday, April 19th, 1965, and to continue for a term of two weeks. That on said docket there is listed to be tried eleven cases and that he appears as attorney in eight of said eleven cases. That a copy of said docket is attached hereto and made a part of this motion.

That because of said docket it is physically impossible for this affiant to be prepared and to try this cause at any time prior to Monday, May 3rd.

WHEREFORE, affiant prays that this cause be continued to some date after Friday, April 30, 1965.

S/ J. FRED GREEN.

Wednesday, May 5, 1965

PRESIDING OFFICER SENATOR
GRANTHAM: The Court of Impeachment
for the 30th Legislature is now in Session.
The Court of Impeachment is adjourned

until May 6, 1965, at 9:00 a.m., at which
time the Impeachment trial of N. B. John-
son will commence.

The first part of the book is devoted to a general history of the United States from its discovery to the present time.

The second part is devoted to a detailed history of the United States from the year 1776 to the present time.

APPENDIX

The third part of the book is devoted to a list of the names of the Presidents of the United States.

The fourth part is devoted to a list of the names of the Vice Presidents of the United States.

The fifth part is devoted to a list of the names of the members of the United States Congress.

The sixth part is devoted to a list of the names of the members of the United States Supreme Court.

The seventh part is devoted to a list of the names of the members of the United States Cabinet.

The eighth part is devoted to a list of the names of the members of the United States Army.

The ninth part is devoted to a list of the names of the members of the United States Navy.

The tenth part is devoted to a list of the names of the members of the United States Marine Corps.

The eleventh part is devoted to a list of the names of the members of the United States Air Force.

The twelfth part is devoted to a list of the names of the members of the United States Coast Guard.

The thirteenth part is devoted to a list of the names of the members of the United States Space Force.

The fourteenth part is devoted to a list of the names of the members of the United States Intelligence Community.

The fifteenth part is devoted to a list of the names of the members of the United States Information Agency.

The sixteenth part is devoted to a list of the names of the members of the United States National Security Council.

The seventeenth part is devoted to a list of the names of the members of the United States Central Intelligence Agency.

The eighteenth part is devoted to a list of the names of the members of the United States National Security Agency.

The nineteenth part is devoted to a list of the names of the members of the United States National Security Council Staff.

The twentieth part is devoted to a list of the names of the members of the United States National Security Council Secretariat.

The twenty-first part is devoted to a list of the names of the members of the United States National Security Council Executive Secretariat.

The twenty-second part is devoted to a list of the names of the members of the United States National Security Council Executive Secretariat Staff.

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The thirty-second part is devoted to a list of the names of the members of the United States National Security Council Executive Secretariat Secretariat Secretariat Secretariat Secretariat Secretariat Staff.

The thirty-third part is devoted to a list of the names of the members of the United States National Security Council Executive Secretariat Secretariat Secretariat Secretariat Secretariat Secretariat Secretariat.

Thursday, May 6, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature is now in session.

Let the record show that the Board of Managers are present and that the accused is present with his attorneys, Mr. Green and Mr. Bingaman. At this time the clerk will call the roll.

(Whereupon the roll was called.)

The following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.

PRESIDING OFFICER SENATOR GRANTHAM: Are there any of the members of the Court whose names have not been called or who weren't here when the roll was called?

Mr. Clerk, would you advise the Court as to what Senators are absent?

COURT CLERK: Senators Baldwin, Boecher, Cowden, Howard and McClendon. McClendon is present.

PRESIDING OFFICER SENATOR GRANTHAM: Senator McClendon is present.

COURT CLERK: Baldwin, Boecher, Cowden and Howard.

PRESIDING OFFICER SENATOR GRANTHAM: If these senators come in please see that the Court is advised as

to when they come in so we can show them present at the time they arrive.

At this time all stand, and that includes the gallery, and we will have the prayer by the Chaplain.

(Whereupon, the Chaplain of the Senate gave the invocation.)

PRESIDING OFFICER SENATOR GRANTHAM: In the rules it is not covered about the Senate Doctor and Senate Chaplain and I would ask unanimous consent of the Court at this time that the Senate Chaplain and Senate Doctor be permitted to remain in the Chamber. Is there any objection? Hearing none, that will be the order.

At this time I would like to announce the appointment of the court reporters. I would like to say that Mr. Ray Courtemanche, is the Chief Court Reporter and the other court reporters are Mr. Steve Meador and Mr. Frank Peterson. Also we have the Chief Page who will be sworn together with these gentlemen this morning, Mr. Robert Wells and an assistant to the reporters who will operate the recording machine is Mrs. Margaret Carroll. I will ask at this time that all of these persons come before the court clerk and be sworn.

I, RAY COURTEMANCHE, do solemnly swear that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

I, STEVE MEADOR, do solemnly swear that I will support, obey and defend the Constitution of the United States, and the

Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

I, FRANK PETERSON, do solemnly swear that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

I, ROBERT WELLS, do solemnly swear that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

I, MARGARET CARROLL, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

PRESIDING OFFICER SENATOR GRANTHAM: At this time we have one member of the Court that has not been sworn, Senator Tom Payne. I would ask him to come forward and be sworn by the clerk.

(Whereupon, Senator Tom Payne was sworn by the clerk.)

I, SENATOR TOM PAYNE, do solemnly swear that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity. So help me God.

PRESIDING OFFICER SENATOR GRANTHAM: At this time I would like to call for the attention of the Court and of the parties likewise to the visitors in the galleries and likewise to the news media. It is important that the decorum, high decorum be maintained. I would like to call your attention that the acoustics are not as good as they might be in this building. For the benefit of the visitors is important that we keep quiet in order that all may hear in this proceedings.

I would like to say also at this time as we proceed in the trial of this case there may be objections lodged by the Board of Managers or by the accused, and I should like to call to the attention of the Court and particularly to the attention of those of the Court who are not attorneys that these objections are not to be construed or considered as evidence either for or against the party making them or the other party.

With those remarks we will proceed, but I will first ask: Is the Board of Managers ready to proceed?

REPRESENTATIVE MORDY: The Board of Managers is ready, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Is the accused ready to proceed?

MR. GREEN: The accused is ready, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: At this time, we will have the opening statement by the Board of Managers.

MR. GREEN: If the Court please, at this time we ask permission of the Court to distribute a short trial brief that we have prepared knowing that every member of this Senate is a member of this Court, and knowing that in many instances judges of the court request trial briefs before the beginning of the trial of a case on major legal points that might be involved. We have prepared a short trial brief on some of the legal points that we think might be involved in this matter and yesterday we gave a copy or three copies of this brief to the Presiding Officer of this Court and advised him that today we would ask permission to deliver to each member of the Court a copy of this brief. At this time we would like to deliver to the Board of Managers copies of this brief.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you, Mr. Green. Yesterday the Court received copies of this brief. It is the feeling of the Court that

the Board of Managers should be given time to read through this brief which I believe would take about ten minutes and the Court will stand at ease for ten minutes while the Board of Managers, if they desire, may look through this brief and advise the Court whether or not you have any objection to the filing of this brief with each individual member of this Court.

The Court will stand at ease for ten minutes.

(Whereupon, the Court was at ease for ten minutes after which the following proceedings were had, to-wit:)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show the Court resumed its proceedings after a ten minute recess with all of the members of the Court present with the exception of those declared absent less the members who appeared after the roll was called and that the Board of Managers is present and the accused and his attorneys are present.

Is the Board of Managers ready to proceed?

REPRESENTATIVE MORDY: We will.

PRESIDING OFFICER SENATOR GRANTHAM: Is the Board of Managers ready to proceed?

REPRESENTATIVE MORDY: Just one moment, please, Your Honor. I am sorry, sir, but this came up as a surprise to us. We need about one more minute.

PRESIDING OFFICER SENATOR GRANTHAM: We will give the Board of Managers a little more time then.

MR. GREEN: If the Court please, are we in session at this time?

PRESIDING OFFICER SENATOR GRANTHAM: We are in session, Mr. Green, that's right. The Board of Managers wanted a minute or two to look over this, further look over this brief before they comment on it.

MR. GREEN: At this time the accused would like for the benefit of the record to

be advised again of the procedure with reference to the reporters and the furnishing of the respective counsel the copy of the testimony.

PRESIDING OFFICER SENATOR GRANTHAM: For the advice of the accused and his attorneys and others as to the testimony, three reporters have been employed which you have seen sworn. These reporters will rotate in taking the testimony throughout the trial so that after a certain amount of testimony is taken then that reporter begins typing and they rotate and as a further provision the reporters are providing the sound machine in case there should be any question it can be checked upon with reference to that. And Mrs. Margaret Carroll is operating that machine. The intention, the instructions is to have an original and five copies of the proceedings and have these copies, one copy will be given to the accused and his counsel and one copy will be given to the Board of Managers. Then the following day the entire transcript will have been printed and it will be on the desk of every member of the Court. This roughly is the plan of the reporting. Is that satisfactory?

MR. GREEN: Yes, sir; thank you, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers is recognized. Inasmuch as we have five Board of Managers, will you state your name for the reporter to save me from notifying them?

REPRESENTATIVE MORDY: My name is Burke Mordy.

Your Honor, of course we saw this trial brief only about ten or fifteen minutes ago. We feel that there are certain issues therein that are highly inflammatory and we feel certain contentions are made by the defense therein of evidence that we may make an effort to introduce. We have absolutely no intention to introduce and in addition we do not agree with certain points of law set forth by the defense. Nevertheless, it would be the contention

of the Board of Managers at this time, we would have no objection to these being distributed to members of the Court, although I feel that we will no doubt file an answer brief to this particular brief. I think one point that would be necessary for the Court to consider at this time and that is the question of jurisdiction as set forth on Page 5 and it is the contention of the Board of Managers that if indeed there is a question of jurisdiction it was waived at the time that Justice Johnson entered his plea herein and that it is certainly out of time now to raise a plea of jurisdiction at this time, but outside of that we would have no objection to these being distributed to members of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: In response to your remarks about this brief, when the copy was delivered to me I read it over carefully and decided to proceed in this manner this morning. I feel that the brief should be available to each member of the Court and I propose that will be done and show -- the record will show that the Board of Managers has no objection to this. I fully feel that the Board of Managers certainly should have an opportunity to file an answer brief to this brief and it shall likewise be distributed to each member of the Court. I should like to ask at this time the attorneys for the accused: Do you have any objection to such brief subject to review of the Court, of course, being distributed to each member of the Court?

MR. GREEN: We certainly do not. We think that they should have a right to prepare and file an answer brief and it should be distributed.

PRESIDING OFFICER SENATOR GRANTHAM: Fine.

Now, at this time the accused may deliver to the Pages or to the Sergeant at Arms who will deliver to the Pages copies of this brief which can be distributed to each member of the Court, or to the Chief Page right here.

Gentlemen, I will request you not to read this to the exclusion of the proceedings as we go along.

Now in answer to the Board of Managers contention that when the accused appeared he waived jurisdiction, it is the ruling of the Court that he did not waive the question of jurisdiction by his appearance and that this question may be raised at any time in the trial of this case and the Court will hear it and any time it is raised and will endeavor to rule on it when it is raised.

Now then, we are ready to proceed with opening statements.

I would like to ask both the Board of Managers and the accused: Is it your request that the opening statements be transcribed into the proceedings? What is the feeling of the Board of Managers on that?

REPRESENTATIVE MORDY: Yes sir.

PRESIDING OFFICER SENATOR GRANTHAM: You desire that?

MR. GREEN: We think it will be well to do that.

PRESIDING OFFICER SENATOR GRANTHAM: The opening statements will be taken by the reporter.

At this time Mr. Mordy of the Board of Managers will be heard.

Now, just a moment, Mr. Mordy, we have a time element here that we talked about in the rules. I don't want to be arbitrary about this, but on the other hand

I don't want to be unfair with either party. How much time do you think you will take in your opening statement?

REPRESENTATIVE MORDY: Your Honor, I would like to have thirty minutes, I don't think it will take that long.

PRESIDING OFFICER SENATOR GRANTHAM: I think that is a reasonable request. Is there any objection?

MR. GREEN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: And the defense, the accused will likewise be given the same length of time. Proceed.

REPRESENTATIVE MORDY: Your Honor, in Section 19 of the Senate Rules is set forth that the order of trial shall be the same as prescribed and recognized by the trial in criminal proceedings, consequently, I would like to ask the Court at this time for a copy --

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy, that sound is not working, coming through as well as it could, and if you could speak a little closer to the mike; that has been asked, and there also has been some objection about the noise made by some of the TV cameras. Those two things I would like for us to correct, if possible.

All right, proceed, Mr. Mordy, and I will not interrupt you again.

REPRESENTATIVE MORDY: Members of the Court, we are proceeding under the Articles of Impeachment as filed by the House of Representatives. I will read them to you—well, I don't know if you heard, but I recited that Rule 19 requires us to proceed under the rules of criminal evidence, under the rules of criminal proceedings, I should say, and consequently that it is required under such rules, the House of Representatives of the Thirtieth Legislature of the State of Oklahoma, and in their name and in the name and by the authority of the State of Oklahoma thereof, do hereby present and exhibit Articles of Impeachment and give the Honorable Senate to know and be informed that: N. B. Johnson was in the year 1948 elected to the office of Justice of the Supreme Court, State of Oklahoma, and that he took the oath of office required by the Constitution, being informed as follows, to-wit: "I, N. B. Johnson, do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States, and the Constitution of the State

of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid or contributed either directly or indirectly any money or other valuable thing to procure my nomination or election or appointment, except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear or affirm that I will not receive, use or travel upon any free pass or on free transportation during my term of office. Subscribed and sworn to before me this day of, 19...."

And that he was reelected in the November election of 1954, and again took the same oath of office; that he was reelected in the November election of 1960, and again took the same oath of office, and while in office as Justice of the Supreme Court, State of Oklahoma, the said N. B. Johnson, unmindful of the high duties of his office and of his oath of office, and in violation of the Constitution and the laws of the State of Oklahoma, has been guilty of offenses involving moral turpitude committed while in office and corruption in office; and that the said House of Representatives hereby exhibits to the Honorable Senate of Oklahoma, Articles of Impeachment against said N. B. Johnson, Justice of the Supreme Court, State of Oklahoma, for the causes and upon the grounds and in the particulars as follows, to-wit:

Article I: The House of Representatives do find and present, Justice N. B. Johnson has violated his oath of office in that he received the sum of \$7,500.00 in the year 1957 for the purpose of influencing his decision in the case of Selected Investment Corporation versus Oklahoma

Tax Commission. This payment was made to him by former Justice N. S. Corn on or about April 10, 1957, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma. The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

Article II: The House of Representatives do find and present that Justice N. B. Johnson has violated his oath of office in that he received the sum of \$2,500.00 in the year 1959 for the purpose of influencing his decision in the case of Oklahoma Company versus O'Neil. This payment was made to him by former Justice N. S. Corn during the month of January, 1959, the consideration being paid Justice Johnson at his office in the State Capitol, Oklahoma City, Oklahoma. The House of Representatives do further find and present that such action on the part of Justice N. B. Johnson constitutes corruption in office and is an offense involving moral turpitude committed while in office.

REPRESENTATIVE MORDY: Now, to Article I and to Article II, Justice Johnson has pleaded not guilty, placing directly in contention each and every material allegation contained in those Articles.

I believe that at the very outset, although this case involves many many unique things, that I should state perhaps the most unique thing that I as a lawyer have been confronted with in preparing for this case is that one-half of the Court of which I am speaking to is constituted of lawyers, and many of you have more trial experience than I. And consequently, although it is going to be necessary from time to time to try to explain something to the laymen, I will just ask that you attorneys just bear with us, as we will try to handle this in as

expeditious a manner as possible. Now, the opening statement which I am about to make would be the first thing that I would like to try to explain, not to the lawyers, but to the laymen, and I think you could analogize it to blueprints, that the Board of Managers is going to make an effort to build a structure here, and in order to build that structure, I am going to submit to you this morning some blueprints. It will just make it a little easier for you to follow the structure as we are building. It is not to be considered evidence. It is not to be weighed as evidence, but it is merely submitted to you to make it a little easier to follow the evidence as we go along in this case.

Now, the evidence of the Board of Managers will, I believe, be as follows: that N. B. Johnson received \$7,500 in 1957 for the purpose of influencing his decision in the case of Selected Investment Company versus the Oklahoma Tax Commission. And in the early part of 1959, Justice N. B. Johnson received the sum of \$2,500 for the purpose of influencing his decision in the case of Oklahoma Company versus O'Neil.

Now, I think in order to understand the first case, you must understand some of the background of Selected Investment Company, and our evidence in that regard will be as follows:

That the Selected Investment Corporation was a corporation organized under the laws of the State of Oklahoma in the latter part of 1930. It was primarily the brainchild of a man by the name of Hugh Carroll. In the first part of 1931, the Selected Investment Trust Fund was organized, and an agreement was entered into between Selected Investment Corporation and the Trust Fund whereby the Selected Investment Corporation would manage the funds of the Trust and would receive the sum of 2 percent per year for the management of those funds. This 2 percent was to be received, though, only from the earnings of the Trust Fund and

only after 6 percent had been paid to the investors in the Selected Investment Trust Fund.

Now, this agreement was entered into in 1931 and throughout the years Selected Investment Corporation and the Trust Fund proceeded tax-wise as separate entities, but in the early 1950's, the Oklahoma Tax Commission levied an assessment against the Selected Investment Corporation for income earned by the Selected Investment Trust Fund. Very briefly, the contention of the Oklahoma Tax Commission was simply this: "Selected Investment Trust Fund is just another pocket that you have. You are only one corporation; Selected Investment Corporation is simply a management agency for you and there are not two separate tax entities but only one tax entity."

Now, Selected Investment Corporation, headed by the president, Hugh Carroll, refused to pay this tax assessment, and the case was filed in the District Court of Oklahoma County and before Judge Albert C. Hunt. The contention of the Oklahoma Tax Commission was sustained in that that lower court said, "You are only one corporation for tax purposes, and consequently, you owe this tax assessment for the year 1948 for income that was received by the Selected Investment Trust Fund."

Now, evidence will show that in essence, this decision by the lower court made it possible for the Oklahoma Tax Commission to levy an assessment for back taxes and corporate franchise taxes in excess of a half million dollars. In addition to this, the specter then arose that the Federal taxing authorities might also raise this question. But nonetheless, the evidence will show that the Oklahoma Tax Commission alone and by itself could completely deplete the assets of the Selected Investment Corporation and would completely destroy Selected Investment Corporation, and in addition to that, there would at that time be no management

company over the Trust Funds of Selected Investment Trust which had at that time assets of approximately forty million dollars.

Now, Hugh Carroll was making a salary at that time of \$18,000 a year. In addition to that, he and his wife owned 85 percent of the stock of the Selected Investment Corporation. In addition to that, they had shares in the Selected Investment Trust Fund; so Hugh Carroll at that time stood the very great possibility of being completely wiped out financially.

Now, this case was appealed from the lower court to the Oklahoma State Supreme Court. Hugh Carroll, testimony will show, had known N. S. Corn, a Justice of the State Supreme Court, since the year approximately 1906, when Hugh Carroll's mother moved to Taloga; Judge Corn was teaching in a small community by the name of Putnam, and he got to know Judge Corn has known him ever since. So in late 1955 or in 1956, Hugh Carroll called Judge Corn, who was then a member of the State Supreme Court, and asked to visit with him. Judge Corn accepted the invitation, and at that time, Hugh Carroll apprized him of the fact that this case was pending in the State Supreme Court, and all that it meant to him financially.

Judge Corn at that time asked essentially this question. "Well, what does this mean to you?" And Hugh Carroll said, "It means \$150,000 to me." Evidence will show that N. S. Corn then said, "Well, let me see what I can do about it", and two or three days later he set up an appointment and met Hugh Carroll in downtown Oklahoma City. He took a piece of paper, he wrote down the figures \$150,000. Underneath that, he spelled out the words "One hundred and fifty thousand dollars", and he said, "Is this correct?" And Mr. Carroll said, "That is correct."

Testimony will show that after this conversation, Judge N. S. Corn went to the office of Earl Welch, then a member of

the State Supreme Court, informed him of the discussion that he had had with Hugh Carroll, told him that as far as he was concerned, Hugh Carroll was good, and said that if Earl Welch could go along with reversing the lower court in the Selected Investment case and if, indeed, this case were reversed, that he would pay him \$7,500. Judge Welch said he would see what he would do... could do. A short time thereafter, N. S. Corn went to the office of N. B. Johnson, then a member of the State Supreme Court, and told him essentially the same thing, that he had known Hugh Carroll since 1905 and 1906; that he had known of the dimensions of the Selected Investment Corporation and of the Trust Fund; that this involved some forty million dollars in Trust Fund, and that he would give him, meaning N. B. Johnson, that Judge Corn would give N. B. Johnson the sum of \$7,500 if he would go along with the reversal of the lower court decision in this case. Judge Johnson indicated that "I will see what can be done. I will look into it."

No rush was put on this case by the State Supreme Court. The opinion of the State Supreme Court was handed down on the 12th day of March, 1957, in which the lower court was reversed. A motion for a rehearing was filed. This petition for rehearing was denied, and on the 10th day of April, 1957, evidence will show that N. S. Corn contacted Hugh Carroll by telephone, arranged an appointment with him in downtown Oklahoma City, and at that time he received from Hugh Carroll the sum of \$25,000. We will give you testimony as to how Hugh Carroll got a hold of this \$25,000. It was delivered, nevertheless, to N. S. Corn, and he came back to the State Capitol. At noon that day, evidence will show that he had called Judge Welch and Judge Johnson and informed them to please stay around as he thought he could fix them up or take care of them later that day. When he got back, he took out the \$25,000 which was made up of \$100

bills; he was in his office, he locked the door, he counted out \$7,500 and wrapped it up with a rubber band, counted out another \$7,500, wrapped it up with a rubber band, went by Judge Welch's office and delivered to him the sum of \$7,500; said "Count it out", watched Judge Welch count it out, and indicated it was all right. Went to Judge N. B. Johnson's office, gave him the money, said "Count it out", watched him count it out, and at that time, left the office. Testimony will also show that some two weeks later, N. S. Corn received the additional \$125,000 from Hugh Carroll as per their original agreement.

Now, Judge N. S. Corn will also testify that in the year 1958, an attorney in Oklahoma City by the name of O. A. Cargill called Judge Corn and asked to meet him out at his ranch or farm this following Saturday. N. S. Corn indicated that he would try to get out there, and indeed, he went out to that property and visited with Mr. Cargill at that time. O. A. Cargill, according to Judge Corn's testimony, stated to him that his son-in-law and his daughter, Harold Westcott and Mrs. Westcott, the daughter of O. A. Cargill, were involved in certain litigation before the State Supreme Court, and that it involved fraud, and that if this matter was not reversed in the State Supreme Court, that they would suffer criminal prosecution in the State of Florida for certain acts that it was alleged that they had committed; and he told Judge Corn that he needed for this case to be reversed, and told Judge Corn that it would be worth \$7,500 to Judge Corn if he could get Judge Welch and Judge Johnson to go along with him and if there would be a reversal in this case.

Judge Corn asked for the style, for the citation of that particular case, and the following Monday, evidence will show that Mr. Cargill called N. S. Corn and gave him that information. N. S. Corn then approached Judge Welch and Judge John-

son separately, and informed them of the matter, and that O. A. Cargill's daughter was involved in this, and that he felt they should try to help Mr. Cargill out, and he felt that they would be assured of receiving their money.

Testimony will also indicate that subsequent to this conversation, Harold Westcott was at the home of Mr. and Mrs. R. D. Farmer, and that he made an effort to sell them an oil and gas lease at Prague, Oklahoma; that he told them it was a real good deal and the only reason that he had to sell this lease in such a hurry was that he needed the sum of \$50,000 to pay off certain members of the State Supreme Court in litigation that he had before the Court, stating that it involved a Florida case, and that part of this money was needed to pay off Judge N. B. Johnson.

The case was reversed. In other words, the case as determined by the Supreme Court held for the Westcotts.

Justices Corn, Welch and Johnson voted for the reversal and Judge Corn went off the bench at that time, in early 1959, but soon after he went off the bench, he met Mr. O. A. Cargill in downtown Oklahoma City as per a pre-arranged meeting, and Mr. Cargill gave him \$7,500 in \$100 bills. Justice Corn went back to his office that he held at the State Capitol by virtue of being a supernumerary judge, counted out \$2,500, counted out another \$2,500, delivered the first batch of money to Judge Welch in his office and the second to Judge Johnson in his office.

Now, the Board of Managers elicits no great deal of pleasure in bringing this evidence to the Senate. But nevertheless, it is our job and this is the evidence that we will submit to you, and it is our contention that no amount of tears, no amount of recrimination will change this particular evidence.

At this time, Your Honor, the Board of Managers would submit an offer of proof to you in regard to certain other

cases before the State Supreme Court. In order to be fair to the defendant and fair to this Court, I will not go into this evidence at this time in my opening statement.

REPRESENTATIVE MORDY: But, I would refer it to you at this time, the offer of proof, and ask for a ruling on the part of the Court so far as receiving other evidence in this particular case.

PRESIDING OFFICER SENATOR GRANTHAM: Do I understand the Board of Managers correctly, that they desire at this time to get a ruling of the Court?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Do you desire to get a ruling of the Court as to whether or not this evidence that you are offering, set out in this offer of proof, whether or not it would be admissible?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Court would prefer -- I don't know what is in the offer of proof, you understand.

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: But, on the other hand, I would rather have a situation where you reached a point where you wanted to offer it; is it now?

REPRESENTATIVE MORDY: Yes, sir, I believe we could state that we are ready to launch into this so far as my opening statement, but, as I stated, in an effort to be fair I have not gone into these other matters until the ruling of the Court can be given in regard to the admissibility of these other particular cases.

PRESIDING OFFICER SENATOR GRANTHAM: This comes as a surprise to the Court, but, I wonder how many copies of this you have.

REPRESENTATIVE MORDY: Sir, we have sufficient copies to distribute to all the members of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: We have closely reached the point where we would ordinarily call a recess, and I'm going to ask that Senator Garrison and Senator Gee and Senator Smith, Senator Stipe, and Senator Murphy, that during this recess if you attorneys will also look over this with me, and we will consult together, and after the recess I shall make a ruling on this question.

How many pages in this?

REPRESENTATIVE CONNOR: Fifteen.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we will take a little longer recess than usual.

REPRESENTATIVE CONNOR: Excuse me, Your Honor, nine pages.

PRESIDING OFFICER SENATOR GRANTHAM: I would say that we will probably reassemble here approximately at 10:30 in order to look this over, and the Court will stand at recess until 10:30.

(Whereupon, Court recessed at 10:00 o'clock.)

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, find your seats, please.

Let the record show that the Board of Managers is present, that the accused is present with his attorneys, and that the Court resumes session at 10:35.

The Clerk will call the roll.

(Whereupon, the roll was called, and the following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record further show

that prior to the opening statement, that all Senators were present except Senator Cowden and Senator Boecher.

The Board of Managers has before the Court an offer of proof which they request the Court to rule on as to whether they may comment upon the contents contained therein in their offer of proof and in their opening statement.

I will inquire of the accused whether or not they have any objection to this.

MR. GREEN: If it please the Court, we have been instructed by the accused not to object to any testimony that would tend to throw any light upon the charges here; however, we have been further instructed, as attorneys, we will object to testimony that is so clearly incompetent, and we think that the offer of proof is clearly incompetent, and the..

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, we will not argue. Let me inquire; do you object?

MR. GREEN: Yes, we object, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained, and let me say that the Court is not ruling at this time on whether or not this proof would be admissible, but, we are sustaining the objection as to commenting on this offer of proof in the opening statement, and that is the ruling of the Court.

REPRESENTATIVE CONNOR: If Your Honor please, for a point of information, as I understand your ruling, it's to the effect that we will not be able to cover this point in our opening statement; is that correct, sir?

PRESIDING OFFICER SENATOR GRANTHAM: That is the ruling of the Court, and the only ruling of the Court.

REPRESENTATIVE CONNOR: In that case, if Your Honor please, we would like to take an exception to the ruling of the Court and request at this time a ruling by the entire membership of the Court on this point.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't understand you.

REPRESENTATIVE CONNOR: Pardon me; if Your Honor please, we would at this time like to take an exception to the ruling of the Court and would request, in that line, an entire ruling by the members of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers requests at this time an exception to the ruling of the Court, which exception is allowed, and requests that the ruling be made by the entire membership of the Court.

REPRESENTATIVE CONNOR: If Your Honor please, we would also request by Rule 9 the chair in its discretion may allow equal time to both the defendant and to the Board of Managers to explain the reasons. We would request that we be allowed a time by which we could explain our reasons for doing this.

PRESIDING OFFICER SENATOR GRANTHAM: You say Rule 9?

REPRESENTATIVE CONNOR: Yes, sir. To the best of my knowledge operating under the rules as set forth in Section 9, Page 4 of the Transcript of the Proceedings dated April 6th, 1965.

PRESIDING OFFICER SENATOR GRANTHAM: The exception has been made and the question arises as to whether or not the matter will be sustained by ten members of the Court. The question has been presented by a member of the Court that has not seen this testimony that it be shown to the Senators to read this testimony and the rest not. I might say that we felt in passing on this matter that it would be advisable to not distribute either it to the entire membership of the Court if we were going to exclude it. However, if the Court feels differently then that is up to the Court. Our feeling was it might be prejudicial and it might likewise be true of information given by the accused for that matter and the same ruling would have applied. Now, at this

time the request has been made. Senator Baldwin is recognized.

SENATOR BALDWIN: I wouldn't suggest this all through this trial but to basically get started off I would suggest that perhaps the entire Court should look at the nine pages, I believe that's the number of pages.

PRESIDING OFFICER SENATOR GRANTHAM: That is correct.

SENATOR BALDWIN: And if it is the rule of the Court .. if the rule of the Court is going to call the roll on this, I think then the Court should see the nine pages and would suggest that either we recess or anyway that the Court .. That probably wouldn't take longer than five or ten minutes of reading, then we could be apprised of what it was and each side then wouldn't have any use to argue the thing.

PRESIDING OFFICER SENATOR GRANTHAM: Your comments are well taken, Senator Baldwin.

Mr. Connor is recognized.

REPRESENTATIVE CONNOR: For a statement, if Your Honor please, and not in argument at all on this point, but the purpose for which we ask this ruling is we would like time to argue our basis for the offer, but the purpose behind it and in light of what Senator Baldwin says whether or not this is accepted or not accepted will materially change the manner in which we approach this case, and also, in the opening statement we must cover the evidence we put on and this is why it was brought out. I don't want to argue the merits or demerits of introducing this. This is the reason we have felt it necessary to take exception to the ruling of the Court and ask for a ruling by the entire membership of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: As the matter now stands the objection of the accused is sustained subject to the ruling of the entire membership of the Court and at this time we have had a request that the other mem-

bers of the Court have an opportunity to see these nine pages, which request was made by Senator Baldwin, and I likewise have the inquiry by Senator Hamilton as to the question that it must have the support of ten members of the Court. The way I read Rule 9 and I will read Rule 9 to you:

"The presiding officer shall decide all motions, demurrers, questions of evidence, or other incidental matters arising during such proceedings. Provided, however, that any member of the Court, any member of the Board of Managers, or the accused person or by his attorney, may take exception to any ruling of the Presiding Officer, and if any such exception is accompanied by a request for ruling by the entire membership of the Court, the question shall be put to the Court for ruling thereof if the exception and request for ruling is supported by ten (10) or more members of the Court. In the event the question of any controverted ruling is put to the Court, the same shall be by roll call vote. It is further provided that the Presiding Officer, at his discretion, may allow an equal amount of time to the Board of Managers and the accused or his attorneys, for argument thereon."

That, gentlemen, is Rule 9.

Senator Baldwin has asked unanimous consent and in view of this development in these proceedings that the offer of proof be distributed to each member of the Court. Let me ask the accused if he objects to this.

MR. GREEN: If the Court please, we have no objection to that.

PRESIDING OFFICER SENATOR GRANTHAM: You have no objection. There being no objection, at this time the Pages will distribute the offer of proof to each member of the Court.

Now, gentlemen of the Court, in order that each member may read this over, we will stand recessed again for a period of fifteen minutes in order that you may pursue this offer of proof at which time

it will be 11:05. We will reassemble and again consider this matter.

The Court stands recessed until approximately 11:05.

PRESIDING OFFICER SENATOR GRANTHAM: The hour 11:05 having arrived, the Court of Impeachment of the 30th Session continues in session and the Clerk will call the roll.

(Whereupon, the roll was called, and the following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the accused, with his attorneys, is present and have been present since 11:05, since the recess, and that the Board of Managers is present. The question now before the Court is a request for a ruling by the Court by the Board of Managers as to whether or not the Board of Managers could comment in the opening statement on the offer of proof which they have submitted to the Court in printed form, and which at the request of Senator Baldwin has been distributed to each member of the Court. To this request for ruling, the accused has objected to the offer of proof being commented upon in the opening statement, which objection was sustained by the Court, and to which ruling the Board of Managers have excepted. At this point, under Rule 9, we have to find whether or not this exception is sustained by at least ten members of the Court. Those who sustain the exception, I would like to see the hands of those if there are ten who sustain the exception. Let's raise your hands. The Clerk will count.

Let the record show that fourteen members sustained the exception.

Now, under Rule 9, each side is allowed equal time to argue this point. Senator Stipe is recognized.

SENATOR STIPE: I don't think it was clear what was being voted upon; I know at least several members who voted told me it wasn't clear. And a good many of those who raised their hands thought they were sustaining the ruling of the Chair, and I wonder if we could take a new reading on this thing and resubmit the question as to whether or not --

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen of the Court, I intended to put this in this manner. The Board of Managers, through Representative Connor, excepted to the ruling of the Court. Under Rule 9, if you sustain his exception, that is, if you want a roll call by the whole membership of this Court on my ruling, then at least ten members must sustain that exception. Now, if there is a misunderstanding concerning this, I am wondering if either side objects to the Court ascertaining whether or not ten members sustained the exception, which means that you would want a roll call by the entire membership of the Court; is there any objection by the Board of Managers or by the accused?

REPRESENTATIVE CONNOR: We have no objection to that whatsoever. However, I would again renew my request prior to the time that we asked for the exception that time be allowed not to argue, but merely to explain, which would be in the nature of argument.

PRESIDING OFFICER SENATOR GRANTHAM: That is correct. You will not, if the exception is sustained, that is correct.

REPRESENTATIVE CONNOR: Then I am correct that the ruling of the Court is that we do not have...in the discretion of the Chair, of course, is the only way we can get it, but we do not have the

right to state our position to the Court prior to the time that you either sustain or refuse to sustain per Rule 9.

PRESIDING OFFICER SENATOR GRANTHAM: You do not have that right prior to the time when we see whether or not we have ten members, is that correct?

REPRESENTATIVE CONNOR: I see.

PRESIDING OFFICER SENATOR GRANTHAM: Who are sustaining your exceptions, then, if ten members do sustain, we will hear argument and explanation of your request.

Now, is there any objection to again putting this exception by either party? Hearing none, we will again put this question as to whether or not you sustain the exception, in which event there will be a roll call on whether you sustain my ruling. What you are voting on is whether or not you sustain Mr. Connor's exception. Those that sustain it, please raise your hands, and the Clerk will count them.

THE CLERK: One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the exception of Mr. Connor is sustained by twelve members of the Court.

At this time we will present equal time on both sides to argue this request concerning the opening statement, and I'm asking how much time you want, Board of Managers?

REPRESENTATIVE CONNOR: Very short, ten minutes.

PRESIDING OFFICER SENATOR GRANTHAM: You want to divide it five and five?

REPRESENTATIVE CONNOR: Yes, five and five.

PRESIDING OFFICER SENATOR GRANTHAM: Five and five. Is ten satisfactory with the accused?

MR. GREEN: Yes, it is.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed, Mr. Connor.

REPRESENTATIVE CONNOR: May it please the Court, the offer of proof, gentlemen of the Court, is presented to you in an attempt to try and determine the course that we will follow in the presentation of our evidence to this Court, that is, under the criminal procedure, as I understand it, is to the effect that the opening statement must contain the evidence that you intend to introduce before the Court.

Now, we did not want to go into this on opening statement. Mr. Mordy, in his opening statement, told you that we would have testimony alleging bribes in certain Supreme Court cases, a conspiracy, if you will excuse the term, between certain attorneys and certain Justices of the Supreme Court, and Mr. Mordy went ahead and told you that certain sums of money were paid for specific cases. Now, this, we will contend to you, will introduce or give rise to a conspiracy or a common scheme. The law of this State, I think, is very clear.

In the case of Spivey versus State, evidence of other offenses is admissible when it tends directly to establish the particular crime, and such evidence is usually competent to prove the particular crime when it tends to establish motive, intent, a common scheme or plan embracing the commission of two or more crimes, so related to each other that proof of one tends to establish the others.

Now, it's clear in these things, and I don't think even counsel for defense would argue that the proof of prime reason of the Oklahoma case, Marshall versus Amos case, and this would be true in the Selected case, bribery in the Selected case. Say if we did not have these two charges before you in Articles I and II, I do recognize, and I would like to make this more clear to the members of this Court, that the payment of the bribe money to Justice Johnson would raise the

question as to the admissibility for the lack of proof for holding a pattern of cases. However, if you consider this offer of proof, if you consider this whole line of cases, the practical way, uniform way of these three, the floating around of the money, as our offer of proof obviously shows, for large sums of money, and the extreme high cost of the statement of the attorneys, which is set out in our offer of proof, that this money was for various judges. I think, gentlemen, that you will find in that there is a common denominator, if you will, there is no way a bribe -- it's just two people who get together to exchange money for a political or for a court or judicial service. They make very sure of the fact there are no witnesses, there are no secretaries outside watching the money pass, so, we must, in order to establish these things, bring on circumstantial evidence. We must show by circumstances or corroboration. This is offered to you, and this offer is made, I am sure, in good faith, and this is the reason we attempted to put it on in this manner, so that we could avoid having the witnesses come in and going through each witness and putting the testimony out and then making the rulings on the admissibility of each and every witness. If this testimony is not admissible, we will not again bring it before you. If it is admissible for this pattern to show you, to allow you to consider the whole thing, I don't think that a trial judge in the State of Oklahoma can ignore this common pattern, and this is why we presented it for you, and this is why we offer it to your consideration, in hopes that it may aid you in determining the truthfulness or the nontruthfulness of any witness that we might call or the defense might call.

PRESIDING OFFICER SENATOR GRANTHAM: The accused will be heard, Mr. Green.

MR. GREEN: If the Court please, in the first place, this man is charged with accepting a bribe in two cases. I know

the time it takes to try a case will not... should make no difference at all, nor should justice be deprived. However, in connection with these so-called patterns of about six or seven cases, they are over a period of seven or eight years, or longer, and in order to destroy such an inference as they wanted to bring from this so-called pattern would require the accused here to go into every case that has been decided since he has been on the Supreme Court of this State, and I think this Court can see that in order to do that, we will be here all summer. However, as I say, that is no legal reason why this should not be admitted into evidence, and in the first place they say they are trying to prove a conspiracy by circumstantial evidence. Now, the courts in our State have repeatedly held that in such a case as we are proceeding under here, under the rules of the criminal procedure, that evidence of circumstantial nature must not only point to the guilt of the defendant, but they must be inconsistent with innocence of the defendant. Now, these cases which have been presented, we take the first one, Marshall versus Amos, Justice Johnson's name is not mentioned one single time in connection with that case, every point of evidence here, everything involved in that case so far as it affects anybody except the two people named in there, and none of them are members of the Supreme Court at all, is purely and simply hearsay evidence and are not competent on that ground.

And in the next case, or in the next point in the same case, is that this accused's name is not mentioned in connection with the case at all; in the others, they are about the same way. I think in only two of them is the name of Justice Johnson mentioned.

Now, where they have five or six cases, there are thousands been denied by this Court since he has been on the bench, and these cases are not inconsistent...or they

are inconsistent -- not inconsistent with the innocence of Justice Johnson. Every one of them is purely and simply hearsay. They tend to prove nothing whatsoever regarding Justice Johnson. If they tend to prove anything, it's some outside person not connected with the Court, who is not on trial here, and for that reason, they are hearsay, they do nothing to prove or tend to prove any of the facts of the cases involved on the two cases under which the indictments have been made, and for that reason they are wholly and totally incompetent.

REPRESENTATIVE CONNOR: I'm extremely pleased to brief this, if your Honor please, but gentlemen as to the...to begin, maybe we have in an effort to avoid prejudice been overly cautious. He mentioned the Marshall vs. Amos. I would call your attention to Page 2. The Court also mentions...Before we get into the Magnolia vs. Angelly case, the last line where Cargill also mentioned to Corn he had to pay other members of the Supreme Court, we in preparing this have not attempted to throw out everything we had. I think the testimony would reveal that Judge Johnson's name was mentioned in this area. This is throughout, you will find it again if I could call your attention to Page 8 of the offer of proof, third paragraph. Justice Johnson voted all eight times with that group. In two of them Corn says each Johnson and Welch took a bribe. We have these other cases. Gentlemen, I would be the first to agree with you there are thousands, literally...well maybe not thousands, but hundreds of cases decided by the Supreme Court since Judge Johnson came on. But, gentlemen, each and every one of these cases that we have set forth in this offer of proof, in the other cases, the hundreds and so, we find no complaint, we find no shortage of money, we find no \$88,000 judgment with the plaintiff getting \$19,000, maybe \$16,000. We find no statement among to the attorney to the client that we must take care of our friends, we have to take care of some of the justices.

or that this money, even though it has been awarded to you, the costs are extremely high, we must pay the cost of this litigation. Gentlemen, that situation does not exist in these other hundreds and hundreds of cases. That situation does exist in this case that we have set forth to you. I would be the first to admit to you in all probability...I have no idea...Let me put it this way. There might be more. I do not know. But, I do know of these being offered you here as I stated when I started in this summation here and our reasons for this offer.

We, of course, will abide by the decision of the Court. We sincerely hope we are in no way putting the Court on the spot. We do not intend to embarrass the Court or attempt to embarrass Judge Johnson but the decision on this will materially affect the manner in which we present this case.

The law of the State of Oklahoma is, as I am sure at least every attorney knows, is that evidence of an accomplice must be corroborated. Gentlemen, this is corroboration. The law of the State is further that it need not be corroborated by direct evidence but circumstances that tend to indicate a reasonable inference can be drawn from this. This is corroboration.

Gentlemen, it is not the only corroboration we have to offer you certainly, but it is a means of corroborating the testimony that Mr. Mordy covered in his opening statement.

I have nothing further to add except again we will, of course, abide by the ruling of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen of the Court, the question now before you is whether or not you sustain the objection of the accused to the request for commenting on the offer of proof in the opening statement by the Board of Managers. If you are in favor of sustaining the objection of the accused, you will vote aye as your name is called.

If you are opposed to sustaining the objection and desire to overrule the objection, you will vote no.

The Clerk will call the roll.

(Whereupon the Court Clerk called the roll and the roll call was as follows:

Aye: Baldwin, Berry, Garrett, Gee, Grantham, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Porter, Selman, Smith, Stipe, Taliaferro, Terrill, Williams.

Nay: Atkinson, Baggett, Bartlett, Berong, Birdsong, Bradley, Dacus, Field, Findeiss, Garrison, Graves, Martin, Masad, Pope, Rhoades, Rogers, Romang, Stansberry, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Luton changes from No to Aye. Any other Senators, any other members of the Court desiring to vote or change your vote?

Senator Payne changes from No to Aye.

The Clerk will announce the roll.

COURT CLERK: Twenty-seven Aye and nineteen Nay.

PRESIDING OFFICER SENATOR GRANTHAM: The voting having been 27 Ayes and 19 No's, I declare the objection to be sustained.

Does the Board of Managers care to proceed further in the opening statement?

REPRESENTATIVE CONNOR: No, sir, we have concluded your opening statement.

Now, let me inquire of the accused. Do you desire at this time to make an opening statement or do you desire to reserve your opening statement until after the evidence of the Board of Managers is in?

MR. GREEN: The accused desires to reserve the opening statement until the evidence of the Board of Managers is in.

PRESIDING OFFICER SENATOR GRANTHAM: How long will your first witness take?

REPRESENTATIVE MORDY: Ten minutes.

PRESIDING OFFICER SENATOR GRANTHAM: Call your first witness.

REPRESENTATIVE MORDY: Call Paul S. Copeland, please.

PRESIDING OFFICER SENATOR GRANTHAM: As the witness is coming in, I will tell you that each witness will be sworn just prior to the time he testifies. The acoustics in this is poor and there's been some noise in the gallery and some movement on the floor of the Court. I will ask everybody to cooperate. The decorum for the most part has been good, but there are a few exceptions.

The witness will be sworn.

(Witness sworn)

PRESIDING OFFICER SENATOR GRANTHAM: Before we proceed further, Board of Managers, I want to inquire of both parties whether or not either party desires to invoke the rule.

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers requested that the rule be invoked. Therefore, all witnesses in this trial will not be permitted to be in this chamber, in the gallery, except when you are testifying, and each witness will be admonished, to not discuss this matter with any other witness or with anyone after he testifies or before until this case is concluded.

MR. GREEN: If the Court please, I was thinking about the television coverage in connection with the witnesses under the rule. If we are having live television coverage as we proceed, the rule doesn't amount to too much, if the witnesses would care to stay on the outside and watch it on television. We have no objection to the rule, and I don't know how it's going to be enforced with television.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, I don't believe you can object to the rule, if either party

requests it that it must be invoked, and on the question..

MR. GREEN: We do not object to it.

PRESIDING OFFICER SENATOR GRANTHAM: You do not?

MR. GREEN: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You do not object to the rule and the rule will be invoked. However, I will ask both counsel for the accused and the Board of Managers to admonish your witnesses not to watch this proceedings on television. I know that will be difficult, but I will ask you that you request your witnesses now to not observe the testimony of any witness on television, because the comment of Mr. Green is well taken that the rule means much less if that is done. You will proceed. Is that all you have, Mr. Green?

MR. GREEN: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed, Mr. Mordy.

REPRESENTATIVE SHERMAN: I am Mr. Sherman.

PRESIDING OFFICER SENATOR GRANTHAM: Pardon me, Mr. Sherman, I meant. Pardon me.

PAUL S. COPELAND,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE SHERMAN

Q Please state your name.

A Paul S. Copeland.

Q And by whom are you employed?

A Brink's, Incorporated.

Q And where do you reside?

A Oklahoma City. 4324 Northwest 21st Street.

Q In what capacity are you employed by Brink's, Incorporated?

A Branch manager.

Q How long have you been employed in that capacity?

A Since October 1, 1944.

Q As branch manager of Brink's, Inc., in Oklahoma City, what are your powers and functions and duties, Mr. Copeland?

A Well, to administer the operation of the company, the Oklahoma City branch.

Q As a branch manager, do you have..

PRESIDING OFFICER SENATOR GRANTHAM: May I interrupt, Mr. Sherman, I believe that some of the Court is having difficulty in hearing. I wonder if the witness could speak a little louder and get your microphone a little closer now.

Q (By REPRESENTATIVE SHERMAN) As branch manager, do you retain in your custody all the files and records of Brink's, Incorporated?

A From the operation of this branch, yes, sir.

Q And what does Brink's, Incorporated — what business are they engaged in, Mr. Copeland?

A Transportation of monies and valuables.

Q Mr. Copeland, you have in your records and files any instructions from the First National Bank in Oklahoma City regarding a delivery of a sum of money to Mr. Hugh Carroll?

A Yes, sir.

(Whereupon, Board of Managers' Exhibit 1 was marked for identification.)

Q (By REPRESENTATIVE SHERMAN) Mr. Copeland, I hand you what has been marked as Board of Managers' Exhibit No. 1 and ask you to state what that is, please.

A That is a letter of authority from the vice president of the First National Bank asking us to make a delivery from the Federal Reserve Bank to Mr. Carroll.

Q In the amount of how much money?

A In the amount of \$125,000.

MR. GREEN: Just a moment, if the Court please. Comes now the accused and objects to this testimony. In the first place,

it has not been connected at all with the accused, and it would be based on hearsay and statements made by people foreign to this action here, out of the presence of the accused.

PRESIDING OFFICER SENATOR GRANTHAM: May the Court inquire of Mr. Green. Are you objecting to the exhibit or to the testimony?

MR. GREEN: I am objecting to the exhibit at this time and I will object to any testimony along the line as it develops if we determine it might not be competent.

PRESIDING OFFICER SENATOR GRANTHAM: May I see the exhibit. Have you identified the signature of the president here?

REPRESENTATIVE SHERMAN: No, sir; I can ask the question.

Q (By REPRESENTATIVE SHERMAN) Mr. Copeland, was this received in your regular course of business, this letter?

A Yes, sir.

MR. GREEN: We renew our objection, please.

PRESIDING OFFICER SENATOR GRANTHAM: This will be sustained.

REPRESENTATIVE SHERMAN: On what grounds, may I ask?

PRESIDING OFFICER SENATOR GRANTHAM: On the grounds that it is hearsay and on the further grounds that the signature of the author of the letter has not been identified.

REPRESENTATIVE SHERMAN: This comes from their books and records of the company, Your Honor, which is part of this company's official records. We can show. We can't hook it up all at one time. We can show that as a result of this letter that this sum of money was delivered to Mr. Carroll in pursuance to these instructions. We have the delivery sheet which Mr. Carroll signed; Mr. Carroll is one of the conspirators.

PRESIDING OFFICER SENATOR

GRANTHAM: Are you saying that this is a part of the regular records of the corporation?

REPRESENTATIVE SHERMAN: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Who do you have to identify these records of the corporation?

REPRESENTATIVE SHERMAN: Mr. Copeland is the branch manager of the Oklahoma City branch of Brink's, Incorporated. This was in his control.

PRESIDING OFFICER SENATOR GRANTHAM: I will let you inquire further as to whether or not he has access to the records. At this point, I will sustain the objection. It might be that you can --

Q (By REPRESENTATIVE SHERMAN) Are you in control of all the books and records of the Oklahoma City branch of Brink's Inc.?

A Yes, sir.

Q This is part of your books and records here in the Oklahoma City office?

A Yes, sir.

Q You were branch manager at the time this letter was received; is that correct?

A Yes, sir.

MR. GREEN: If the Court please, I hate to keep objecting here, but counsel is doing the testifying; he is leading and directing the answers to his questions.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken. You will refrain from leading the witness.

REPRESENTATIVE SHERMAN: Excuse me.

PRESIDING OFFICER SENATOR GRANTHAM: I say the objection to the question is well taken, and the objection is sustained in that your questions are leading, and you will refrain from leading questions.

REPRESENTATIVE SHERMAN: Yes, I beg your pardon.

Q (By REPRESENTATIVE SHERMAN) How long have you been branch manager?

A Since October 1st, 1944.

Q In the usual course of business, how do you deliver money from one bank or business to a bank or another business?

A You mean the manner in which it is packaged?

Q Yes. No, in receiving instructions.

A In receiving instructions?

Q Yes, sir.

A Well, most cases it's verbal with our regular customers, where we are delivering it directly to our customers.

Q Is the receipt of this letter which has been identified as Exhibit No. 1 unusual?

A Yes, sir, in that it was to be delivered to another party, and not directly to the bank.

Q Are you familiar with Mr. Beindorf's signature?

A I have Mr. Beindorf's signature on numerous letters and documents, yes, sir.

Q You recognize this as Mr. Beindorf's signature?

A I would say yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Do you renew your objection?

MR. GREEN: Renew our objection, if the Court please, and again urge that it is hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: The objection will be overruled, inasmuch as the foundation has been laid for the receipt of this exhibit. A question has been raised by a member of the Court, Senator Hamilton, as to whether or not this is the \$125,000 delivery connected directly with said bribe payment coming from \$25,000, and that question is well taken. I trust that you will connect this up.

REPRESENTATIVE SHERMAN: It is not connected with the \$25,000, but the testimony of Judge Corn will reveal that Mr. Carroll paid \$150,000.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is overruled subject to you connecting it up.

MR. GREEN: If the Court please, just one other statement here in connection with this: In the opening statement of counsel, his statement was that this alleged bribe was paid out of the original \$25,000 paid and not out of the \$125,000 that was delivered later to Carroll, under his opening statement, and therefore, since the alleged bribe was paid from the original first \$25,000, this \$125,000 has nothing to do with the case.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, of course, the opening statement is -- I would like to instruct all members of the Court at this time, not instruct, but advise, because we are all members of the Court, that the opening statement is not evidence, is not to be considered as evidence, and it's merely an outline of what is to be presented, and there will be deviations from this. And in that respect, your objection is not well taken, and it is overruled. However, I will advise the Board of Managers that this must be connected up in order to be material.

REPRESENTATIVE SHERMAN: Yes, sir.

Q (By REPRESENTATIVE SHERMAN) Mr. Copeland, pursuant to the instructions contained in the letter dated April 24, 1957, from the First National Bank & Trust Company, do you have in your possession the original records showing what transpired by your company pursuant to those instructions?

A Yes, sir.

REPRESENTATIVE SHERMAN: Your Honor, that is the original record of Brink's, Incorporated; I have here a photostatic copy of which the other information contained on the record which Brink's says is confidential, but the one line which is referred to and which is important to this case is shown, only the one line shown on my photostat copy.

PRESIDING OFFICER SENATOR GRANTHAM: Surely, but before you introduce the original of these, let the accused see it, or the accused's counsel see it.

(Whereupon, Board of Managers' Exhibit 2 was marked for identification.)

Q (By REPRESENTATIVE SHERMAN) Mr. Copeland, I hand you what has been identified as Board of Manager's Exhibit No. 2 and ask you to state what that is, please.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Sherman, before you proceed, have you ever offered in evidence Board of Managers' Exhibit No. 1?

REPRESENTATIVE SHERMAN: No, sir. I was going to. Not as yet.

PRESIDING OFFICER SENATOR GRANTHAM: Okay.

REPRESENTATIVE SHERMAN: At this time comes now the Board of Managers and offers into evidence their Exhibit No. 1.

MR. GREEN: We renew our objection, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is renewed; the objection is overruled, and will be admitted.

Q (By REPRESENTATIVE SHERMAN) Now, would you state what Board of Managers' Exhibit No. 2 is, Mr. Copeland?

A That is a delivery sheet of Brink's, Incorporated, showing the delivery, the date and time that delivery was made to Mr. Carroll.

Q Would you refer to the line number in which -- on your original record?

A Line No. 11.

Q On what date, Mr. Copeland?

A April 24, 1957.

Q Mr. Copeland, I noticed on the photostat copy and on the original that the date that that was received, there is a check mark; is that correct, under the date -- or at the time it was received?

A The time it was received, yes, that's

from the line above dittoed. There were numerous shipments received from the Federal Reserve at the same time, and the time was dittoed.

Q That is not shown on the photostat; is that correct?

A The correct time of receipt of that shipment was 10:24, 10:16 to 10:24, arrival and departure time from the Federal Reserve Bank.

Q And is the time of delivery to Mr. Carroll shown?

A Yes, sir, and the time of delivery was 10:34 a.m. to 10:36 a.m.

Q And that is the receipt showing Mr. Carroll's signature on that; is that right?

A Yes, sir.

REPRESENTATIVE SHERMAN: At this time, I offer into evidence Board of Managers' Exhibit No. 2.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see the exhibit.

PRESIDING OFFICER SENATOR GRANTHAM: Will you advise the Court specifically your purpose in this exhibit?

REPRESENTATIVE SHERMAN: This exhibit is to show it was received by Mr. Hugh Carroll. Mr. Carroll will testify that is his signature and that he actually received this from Brinks, Incorporated.

MR. GREEN: We will object for the same reason as Exhibit 1.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q Mr. Copeland, what amount of money was delivered by Brinks from the Federal Reserve system to Mr. Hugh Carroll?

MR. GREEN: We object to that. The exhibit speaks for itself.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE SHERMAN: I have no further questions of this witness, Your Honor, and I ask leave to withdraw the original exhibits which are the property of Brinks, Incorporated, and substitute photostatic copies.

MR. GREEN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: No objection. That will be the order. The original may be withdrawn and copy substituted therefor.

Mr. Green, you may cross-examine.

MR. GREEN: I have no cross-examination.

PRESIDING OFFICER SENATOR GRANTHAM: No cross-examination. You are excused, Mr. Copeland.

REPRESENTATIVE SHERMAN: These are the only copies -- I only have three copies prepared.

REPRESENTATIVE SHERMAN: Could I ask leave to present those, make copies and present them to the other members of the Court?

PRESIDING OFFICER SENATOR GRANTHAM: You may make these copies and present them to the other members of the Court. When do you desire to do that?

REPRESENTATIVE SHERMAN: I think I can get them done this afternoon.

PRESIDING OFFICER SENATOR GRANTHAM: You can get them done here.

REPRESENTATIVE SHERMAN: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: I am informed by the clerk the Xerox machine is kept open for this purpose. You can get this done and distributed to the members of the Court.

REPRESENTATIVE SHERMAN: All right, sir. May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any objections?

MR. GREEN: We have no objection of him being excused.

PRESIDING OFFICER SENATOR GRANTHAM: You may be excused.

Now, how long will your next witness take?

REPRESENTATIVE MORDY: Some time, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The hour of noon having approached I want to...Please remain seated. I want to say something here before we adjourn. There is no precedent in these impeachment trials, but I think it's wise for us to refrain, as members of the Court, from discussing this case, certainly with anyone else and I think it is likewise wise that we refrain from discussing the case among ourselves, that is, commenting upon the evidence that comes into this case. Now, let me go a step further here and that is this: That as we get into a controverted question such as the one presented by the Board of Managers it's my intention unless the Court otherwise desires to call in members of the Rules Committee and one or two other members which I shall rotate to look into this question of the legality under the rules. But, I shall do that rarely unless otherwise instructed by this Court.

As I said, the hour of noon having approached we stand recessed...we probably should come back at...Senator Baldwin, do you recall what we set out?

SENATOR BALDWIN: One-thirty.

PRESIDING OFFICER SENATOR GRANTHAM: One-thirty?

SENATOR BALDWIN: Quarter of twelve until one-thirty.

PRESIDING OFFICER SENATOR GRANTHAM: All right. We shall be recessed until 1:30.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, will you please find your seats.

The attorneys having arrived, the hour of 1:30 having arrived, the Court of Impeachment continues in session, and the Clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, G a r r i s o n, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn,

Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Nichols, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Howard is here.

Now, it is Boecher, Cowden, Murphy and Payne.

Any one of you Senators that were absent, upon arrival, the Court should be notified of it and the time of their arrival.

The Board of Managers now has prepared copies of the Exhibits 1 and 2 of the Board of Managers, which they are to distribute to each member of the Court.

The accused has heretofore offered no objections and I trust has none now.

The Pages will distribute these exhibits to each member of the Court.

Senator Murphy is here.

Call your next witness.

REPRESENTATIVE MORDY: We call Hugh Carroll.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baldwin is recognized.

SENATOR BALDWIN: Judge, some of the members want a clarification from the bench. I believe the rules provide and the law provides that the Lieutenant Governor shall cast a vote in case of a tie. If that is correct, then, he too should -- his attendance should also be under surveillance.

PRESIDING OFFICER SENATOR GRANTHAM: The Court stands to be corrected, but, in this matter, it is my understanding that the Lieutenant Governor has no vote at all. It's only the vote of the Senators present, and the Lieutenant Governor has no vote. That is the ruling of the Court, and unless some member of the Court desires to object.

SENATOR BALDWIN: I don't care to.

PRESIDING OFFICER SENATOR GRANTHAM: Senator, you are correct in

the matter where the Senate is sitting as a Senate, but, here as the Senate is sitting as a court of impeachment, and the Court has no rules for the Lieutenant Governor, and that is the ruling of the Court.

Call your next witness.

REPRESENTATIVE MORDY: Mr. Hugh Carroll.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Carroll will be sworn.

HUGH CARROLL,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

PRESIDING OFFICER SENATOR GRANTHAM: Senator Payne should be shown as now present.

Proceed.

DIRECT EXAMINATION

By REPRESENTATIVE MORDY

Q What is your name, please?

A Hugh A. Carroll.

Q And what is your address?

A 2929 Northwest 46th.

Q And your present occupation?

A Retired.

Q What is your age, please?

A Next Monday I will be 79.

Q You indicated that you are now retired; what was your former occupation?

A I was in the loan and investment business for many years.

Q With what company?

A Selected Investment Corporation.

Q What office did you hold in Selected Investment Corporation?

A I was President.

Q In the year 1954, do you recall what your salary would have been then, Mr. Carroll, as President, in '54?

A Something like \$18,000.00.

Q Did you hold any of the stock in this corporation?

A My wife and I had about 85 per cent.

Q Who formed this corporation?

A I did.

Q It was formed in what state?

A Oklahoma.

Q Would you generally relate to the Court the nature of the business of Selected Investment Corporation?

A Well, it's probably incorporated in the loan and investments. Now, when you get into the loan phase of it, why, you get into all..

Q Let me interrupt you here. Let me ask you if you are also acquainted with the Selected Investment Corporation Trust Fund.

A Yes, I am.

Q What was the relationship between those two corporations?

A The trust was not a corporation.

Q It was not a corporation?

A The Selected Investment Corporation was purely a management company operating under a contract or indenture with the Selected Investment Corporation Trust Fund, two separate entities entirely.

Q When was Selected Corporation formed?

A The latter part of December, I believe it was, in 1930.

Q And when was this trust fund created?

A It was in January of '31.

Q All right. Now, would you tell us from whence did Selected Investments Corporation receive its income?

A The company received its income as a fee from the trust for the management of the fund. That fee was 1/2 of 1 per cent of the total value of the fund. And then we also received certain fees from other sources like insurance and other items of that kind.

Q Selected Investments Corporation handled the management of the funds, is that correct?

A That is all..There was a trustee who

had the custodial possession of the assets of the trust.

Q Now those people making investments with Selected, with the trust fund, how were they paid?

A They were paid by the trustee.

Q And what did they...what amount did they realize from their investment?

A The indenture contract provided that the investors should receive the first 6 percent of the earnings of the fund. If the fund didn't earn 6 per cent, they wouldn't get 6 per cent. If it earned more they would still get the first 6 per cent.

Q Did the management corporation receive any income prior to the payment of this 6 per cent?

A They...from other sources aside from the trust they did.

Q I see.

A But until the investor received his 6 per cent, the company could not receive a fee for its services.

Q Now in the years 1955 and '56, in the year 1954, was Selected Investment Corporation involved in any kind of litigation?

A Yes. We had a tax matter through the tax commission and then into the Oklahoma County District Court.

Q Would you tell us in essence what the contention of the parties were in that particular litigation?

A The contention of the management company was that there were those two separate entities, the management company and the trust. The management company had to rely for its income from the management of the fund and the producing of the income for the investors. And also some small fees. The trustee received the income that was derived from the various types of investments that were made. We had real estate loans, small loans, installment contracts, purchased from merchants on the merchandise that they sold, automobile contracts and other types of investments producing an income.

Now then the contention of the tax commission was that the income of the trust was...should be assessed against the small management company. We maintained that if there were any taxes to be paid, it would be paid by the investors on the trust fund. The whole situation that appealed to us was that what he was seeking to do through the tax commission was to assess us taxes on the income we might say of your own. You pay taxes on your income, I pay on mine. The tax commission was so ruling that they were going to assess our corporation for the income on the trust. Two separate entities and over a period of time from the inception of the suit in 1948, I believe it was, up until 1955 or '56 the total amount of that income on which they would be assessing the taxes or the total amount of taxes would have been something like \$660,000.

Q Let me get this straight. If the contention of the Oklahoma Tax Commission had been sustained, it would have involved that kind of money, is that correct?

A That's right, and our management company was only a company in '56 it had gradually grown from the years previous until its assets were about \$150,000.

Q What were the assets of the trust fund?

A About forty million dollars.

Q You indicated that litigation took place in the District Court of Oklahoma County, is that true?

A That's right.

Q What was the decision of that court?

A Judge Hunt ruled against us.

Q In other words, he held the contention of the Oklahoma Tax Commission?

A That's right.

Q What did Selected Investments Corporation do then?

A We appealed it to the Supreme Court.

Q As president of Selected Investments Corporation, did you foresee any possibility of federal tax liability as well?

A Yes. As soon as the matter came up with the State we also had in the same situation confronting us with the federal authorities.

Q Notwithstanding that, what would the contention, if upheld, the contention made by the Oklahoma Tax Commission, what would it have done to Selected Investments Corporation?

A It would have been...

MR. BINGAMAN: We object to that as calling for a conclusion. A great much of what has gone on we believe has been incompetent, irrelevant and immaterial, but we have refrained from objecting in trying to expedite the hearing. I don't see how he can testify as to what the tax commission's contention was. It would appear their evidence would be the proper evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, your objection will be overruled at this time, but I would say that this testimony must be tied in, otherwise the objection will be well taken.

REPRESENTATIVE MORDY: Would the reporter read back the last question, please?

(Whereupon, last set out above question was read by the reporter.)

THE WITNESS: I thought I answered that. I will answer it again. If that had been upheld the Selected Investments or management company would have been entirely destroyed.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't quite hear the last part of your answer. Would you repeat the last part of your answer?

THE WITNESS: That the Corporation Management Company would have been destroyed.

Q (By REPRESENTATIVE MORDY) Do you know Nelson S. Corn, former Justice of the State Supreme Court?

A I do.

Q In late 1955, in 1956, did you know N. S. Corn?

A I did.

Q When did you first meet N. S. Corn?

A It was in the summer of 1906.

Q Where did you meet him then?

A At Taloga, Oklahoma.

Q Had you renewed this acquaintanceship over the years?

A Oh, from time to time we met at different places.

Q Now, directing your attention specifically to the time that the Selected Investment Corporation case was before the Supreme Court, did you have an occasion to contact N. S. Corn at that time?

A I did.

Q How did you contact Judge Corn?

A I called Justice Corn on the telephone and arranged to meet him over at his home, and we met and talked in my automobile and discussed the matter of the case coming up in the Court, and I outlined to him how important it was for us to have a decision in our favor.

Q What did Judge Corn say at that time?

A Well, he said...

MR. BINGAMAN: We object to what Judge Corn said, if the Court please, out of the presence of the accused. I don't believe it would be admissible as hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken; sustained.

REPRESENTATIVE MORDY: Your Honor, may I go into this for a moment, please. We are not at this point making any effort to prove the truthfulness of anything that either Mr. Carroll said or Judge Corn said, but to merely go into the conversation that took place between them at that time, and it is the contention of the Board of Managers, as we are not trying to assert the truthfulness of these matters, but merely go into the conversation, that although it is hearsay, it is admissible hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: The ruling of the Court is that you can go into the matter of whether or not there's a conversation between this witness and Judge Corn. This witness can testify as to what he told Judge Corn, but out of the presence of the accused, anything that Judge Corn said is not admissible.

Q (By REPRESENTATIVE MORDY) Would you state, then, Mr. Carroll, what you told Judge Corn at that time? Now, you have already related to us that you indicated to him the interest that you had in this case.

A I was trying to frame that in conformity with the Judge's ruling there. The upshot of it was that we said that it meant \$150,000 to us, because the value of our company was \$150,000, and if we lost that case, that would mean its being wiped out.

Q Did Judge Corn indicate to you that he understood the proposition?

A He did.

REPRESENTATIVE MORDY: Now, Your Honor, at this stage, the Board of Managers would contend that from the time that Judge Corn indicated that he understood the proposition submitted to him, that a conspiracy existed and any conversation that took place between two conspirators, whether or not the accused was in their company, until the culmination of this conspiracy, is admissible in evidence, and we have a long line of Oklahoma cases to support that contention. And that would be our contention, and I would ask once again what Judge Corn said to Mr. Carroll at that time.

PRESIDING OFFICER SENATOR GRANTHAM: You have some citations on this, you say?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Let me hear them.

MR. BINGAMAN: I don't want to interrupt while he's getting ready to cite

his authorities, but I would like to call the attention of the Court that we have no evidence at this time in this record that the accused was in any way involved with any conspiracy with anyone either Corn or this man.

PRESIDING OFFICER SENATOR GRANTHAM: That is correct, Mr. Bingaman. However, the Court is receiving it in evidence with the understanding that it will later be linked, and if it is not, it will be disregarded.

REPRESENTATIVE MORDY: Now, Your Honor, I have before me here a memorandum brief prepared by the Board of Managers, and I am wondering, rather than go into these various cases, if it might not be proper to submit the brief to the Court at this time.

PRESIDING OFFICER SENATOR GRANTHAM: Inasmuch as the Court consists of forty-eight members, I think it is well that you call attention and read to this Court what citations you have, if any, which justify your theory that this is admissible.

REPRESENTATIVE MORDY: All right, sir. At the outset, Clark vs. Sloan, an Oklahoma case, cited in 37 Pacific 2nd, 263, defines a conspiracy as "a combination of two or more persons to do a criminal or unlawful act or do a lawful act by criminal or unlawful means."

In Hughes vs. Bizzell, 117 Pacific 2nd, 763, the Oklahoma Court states "a conspiracy is a combination of two or more persons to accomplish by concerted action some unlawful purpose or to accomplish a lawful purpose by unlawful means."

21 Oklahoma Statutes, 421, characterizes a conspiracy as being when "two or more persons conspire . . . to commit any crime."

Corpus Juris Secundum, in its discussion of the "Co-conspirator Rule" under Section 754 under Criminal Law states "When two or more persons are found acting together with an unlawful intent in the commission

of an offense they are conspirators within the significance of the term as it is used in the rules under discussion. It is not necessary that an individual have been one of the original conspirators in order to be a member of a conspiracy."

Now, Oklahoma cases have long held that "the statements or acts of one conspirator done in pursuance of the common design is admissible against the other conspirators until the conspiracy is fully completed." That's *McCollock vs. State*, 283 Pacific, 286.

In *Morris vs. State*, another Oklahoma case, cited at 96 Pacific 2nd, 88, it is stated that "When there is testimony of a conspirator to commit a crime and of its subsequent commission, the State may, in support and corroboration thereof, show any act, declaration or conduct of the alleged conspirators intermediate of the conspiracy and the crime which apparently recognizes the existence of the conspiracy or reasonably indicates preparation or motive to commit the crime."

Fairris vs. State further sets forth the rule, that "such declarations are admissible until consummation of the act."

Professor Wigmore, in his exposition on evidence at Section 1079 says, "When evidence is once given to the jury of a conspiracy, against A, B and C, whatever is done by A, B and C, in furtherance of the common criminal object is evidence against A, B and C though no direct proof be given that A, B and C knew of it or actually participated in it. If the conspiracy be proved to have existed, or rather if evidence be given to the jury of its existence, the acts of one in furtherance of the common design are the acts of all; and whatever one does in furtherance of the common design, he does as the agent of the co-conspirators."

Now, many Oklahoma cases uphold the principle that it is not necessary that the defendant be present at the time the declaration is made by a co-conspirator in or-

der to render the declaration admissible. The case of *Smith vs. State*, 200 Pacific, 553, holds "Conspiracies are often difficult to prove by direct testimony and rarely can any express understanding or agreement be shown." The case later states, "One performing one part and another another part of the same so as to complete it, with a view to the attainment of the same object, a sufficient and proper foundation has been laid for the admission of the acts and declarations of other conspirators made and done while the conspiracy was continuing in furtherance of the common design."

Now, this case further approves of Wharton's statement in his law of evidence in which he states "Where a conspiracy is shown to exist, which is usually inductively from circumstances, then the declarations of one conspirator in furtherance of the common design, as long as the conspiracy continues, are admissible against his associates, though made in the absence of the latter."

Numerous Oklahoma cases uphold this principle. Among them are *Burns vs. State*, 117 Pacific 2nd, 155, which holds "It is well settled that where two or more persons have conspired together to commit an offense, any statement made by one of such persons in pursuance of such conspiracy is admissible in evidence against all of his co-conspirators."

Sledge vs. State sets forth "The general rule is that, where there is evidence of conspiracy to commit a crime, and of its subsequent commission, the prosecution may, in support and corroboration thereof, show acts, declarations, or conduct of the alleged conspirators intermediate of the conspiracy and the crime which apparently recognizes the existence of the conspiracy, or reasonably indicates preparation or motive to commit the crime."

Now, these cases are uniform, Your Honor, in holding that until such time as this conspiracy is ended, that this testimony is admissible, although one of the

conspirators or more than one are not present. Now, it holds that once this conspiracy is ended, any comments, any declarations made thereafter are not admissible, but it is the contention of the Board of Managers that this is the inception of the conspiracy, and that statements made by conspirators are admissible in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire, what do you say in your Articles of Impeachment with reference to conspiracy?

REPRESENTATIVE MORDY: We make no allegation, Your Honor, of conspiracy whatsoever, but merely to the effect that N. B. Johnson performed acts contrary to his oath of office, and recited breach of moral turpitude, of offenses involving moral turpitude. I forget the exact language, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: You will note—First of all, a question by Senator Murphy is, does the Board of Managers have a case that states that words or actions of a conspirator before the other conspirator joins or knows of the plan of conspiracy are admissible?

REPRESENTATIVE MORDY: Corpus Juris Secundum, Your Honor, at Section 754, under a general discussion of this "Co-conspirator Rule", definitely states, sets forth, and I quote, "It is not necessary that an individual have been one of the original conspirators in order to be a member of a conspiracy."

PRESIDING OFFICER SENATOR GRANTHAM: In order to save time, it will not be the policy of this Court to go into the reasons of the ruling. However, I will say at this time, in all of the authority that you cite, it says that once you have established a conspiracy; you have not established a conspiracy, and second of all, you have not alleged a conspiracy. The objection of the accused is sustained. You are at liberty to show by this witness what he said, what Judge Corn did in his pres-

ence, but not what Judge Corn said, and you can prove by Judge Corn..

Q (By REPRESENTATIVE MORDY) Did you indicate to him the value to you if the Selected Investment Corporation vs. Oklahoma Tax Commission case were overruled?

A I did.

Q Was this particular case later sustained or reversed by the Oklahoma Supreme Court?

A The Supreme Court found in our favor, that would be reversing the District Court.

Q Did you have further contact with Judge Corn after this matter was reversed?

A Yes.

Q Were you asked by Judge Corn to deliver anything to him?

A I was.

Q What were you asked to deliver to him?

A \$25,000.00.

Q When were you directed by Judge Corn to deliver this to him?

A It was on the 10th day of April, 1957.

Q Did you later see Judge Corn on that date?

A Yes, he came by the office.

Q Go ahead.

A And I met him in his car and gave him the money.

Q How much money did you give to him?

A \$25,000.00.

Q How was this \$25,000.00 made up, of what kind of bills?

A One hundred dollar bills.

Q How did you get ahold of the \$25,000.00?

A I drew from my personal bank account in the First National Bank \$23,000.00, with \$2,000.00 that I had in my safety deposit box, to make up the \$25,000.00.

REPRESENTATIVE MORDY: I ask

that the reporter mark this as our next exhibit.

(Whereupon, Board of Managers' Exhibit No. 3 was marked for identification.)

Q Now, Mr. Carroll, I hand you that which has been marked as Board of Managers' Exhibit No. 3 for identification and ask you if you recognize this.

A Yes, this is my check.

Q All right. Now, let me interrupt you right here, Mr. Carroll.

PRESIDING OFFICER SENATOR GRANTHAM: Let him show this--

REPRESENTATIVE MORDY: I will in just a moment, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Q This is a photocopy, is it not?

A Yes.

Q Of your instrument. Do you know where the original instrument is?

A No, I do not.

Q When did you last have the original instrument?

A I don't recall whether that was in the federal bankruptcy case or later on in their other case; I don't remember that.

Q Have you made an effort to obtain the original?

A I have looked through my own files, and I haven't found it.

Q Is this a true and accurate reproduction of the original instrument?

A It is.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection?

MR. BINGAMAN: No, Your Honor, I don't think it tends to prove or disprove anything.

PRESIDING OFFICER SENATOR GRANTHAM: May the Court see this?

You offered this in evidence?

REPRESENTATIVE MORDY: Not yet, sir.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Q Now, Mr. Carroll, would you examine, please, Board of Managers' Exhibit 3 for identification and tell us if that is a photostatic copy of what, please?

A This is a photostatic copy of a check I gave to the First National Bank on April 10, 1957, in the amount of \$23,000.00.

REPRESENTATIVE MORDY: Your Honor, subject to objections by the accused, I will introduce Board of Managers' Exhibit 3 for identification as Exhibit 3 at this time.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers' Exhibit 3 is received in evidence.

REPRESENTATIVE MORDY: Your Honor, I would ask leave of the Court to pass out photocopies of this exhibit to members of the Court at this time.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy asked unanimous consent of the Court to pass copies of Board of Managers' Exhibit 3 to each member of the Court. Any objection on the part of the accused? Hearing no objection, that will be the order. The Pages will pass out these exhibits No. 3, copies of them.

Q (By REPRESENTATIVE MORDY) Now, you have testified that you delivered that check where, please?

A Across the street from our office, which was 312 Northwest 1st.

Q No, I am sorry, Mr. Carroll, where did you take that check after you wrote it?

A Oh, I took the check to the First National Bank.

Q And you received what in return?

A I was returned \$23,000.00 in one hundred dollar bills.

Q Now, I believe you testified earlier in regard to \$25,000.00; where did the balance come from?

A I added \$2,000.00 from my safety deposit box to make the \$25,000.00.

Q And you subsequently did what with the \$25,000.00?

A I gave it to Justice Corn.

Q Was that on the date that this check was written?

A It was on April 10, 1957.

Q Did you have any further communication with N. S. Corn?

A About two weeks later I had made arrangements with the First National Bank to have delivered to me \$125,000.00 in hundred dollar bills, and after that money came in my possession, I called the Judge and told him that it was available. He came down to the office as he had before. I met him across the street and delivered the money.

Q And this was approximately two weeks later, is that correct?

A About two weeks later, I don't remember the exact date there.

Q Mr. Carroll, I hand you that which has been marked as Board of Managers' Exhibit No. 2 and I will ask you to look in the right hand bottom portion of this exhibit and tell me if you recognize the signature, please.

A That is my signature.

Q Was that the signature that you made at the time the money was delivered to you by Brinks?

A Yes.

Q I am sorry, I don't remember, Mr. Carroll, did you then --What did you do --I don't like to repeat, but, what did you do with the \$125,000.00; I want to make sure we have it.

A I called Judge Corn on the phone and told him that the money was available, which was per our agreement, and he came down, across the street, in his car, and I met him there and delivered the money to him there, right south of the County Courthouse.

REPRESENTATIVE MORDY: One moment, please, Your Honor.

Q One further point which we might

have covered before, Mr. Carroll, but I want to be certain. What was this \$125,000 made up of?

A One hundred dollar bills.

REPRESENTATIVE MORDY: No further questions, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By MR. BINGAMAN

Q. Mr. Carroll, this company which you have set up of Selected Investment Company was a stock company?

A The Management Company was a stock company.

Q Well, how many corporations were there, just the one?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, could you move the mike a little closer to your--

MR. BINGAMAN: How is that?

PRESIDING OFFICER SENATOR GRANTHAM: Fine.

Q (By MR. BINGAMAN) Do you say there was just one corporation?

A The one Management Company, yes, sir.

Q Well, that was the only corporation there was, was it not?

A Well, we had subsidiary corporations.

Q Yes, but this trust business was all handled in connection with this corporation?

A That's right.

Q Now, you say that the trust--Well, let me ask first just how the business was set up. You issued stock to yourself and members of your family, 85 percent of the stock?

A That was in the corporate structure, yes, sir.

Q How many thousand dollars worth of stock was actually issued?

A Started out in 1930 with \$10,000, and then as the years went by and profits were accumulated, we issued stock in-

stead of cash dividends until the asset value of the corporation was approximately \$150,000, as I have just related here a few minutes ago.

Q The maximum amount, though, that you and your wife had in it was approximately \$8,500?

A Eighty-five percent.

Q And you say that you had outstanding forty million dollars worth of certificates to stockholders or to people who had invested with you?

A Not with the corporation, but in the Trust Fund.

Q Yes. About forty million?

A About forty million.

Q And how much of that was still outstanding at the time the corporation or the Trust Fund or both were put through receivership or bankruptcy in the United States District Court for the Western District of Oklahoma?

A I think that was about the same amount. I am not sure.

Q About the same amount?

A I think so.

Q And how much did those assets sell for through the bankruptcy court?

A I don't know.

Q Well, let me refresh your recollection, and I will ask you if you don't know as a matter of fact that they sold for sixteen and a half million dollars.

A No, -- I don't recall that.

Q It was substantially less than the amount of the outstanding certificates, you do know this?

A But there was some cash involved that had been distributed, also.

Q Yes. But there was a substantial loss of several millions of dollars to the investors who put their money into this company?

A On the question of evaluation, yes.

Q Yes. Now, when they made an investment with your company, you had yet

another company which sold the stock, did you not?

A I did not. There was a separate --

Q There was a company which sold the stock?

A That's right.

Q And how much percentage did that company which sold the stock take out of the amount that was invested in the company by the individual investor?

A What the commission was, you mean?

Q Yes, whatever you wish to call it.

A I think it was 8½ percent.

Q Eight and one half percent that they charged to start with?

A That's right.

Q And then you undertook to pay 6 percent on the 91½ percent and on the 100 percent that they had invested there?

A And when they had an investment of \$100, we tried to pay them 6 percent on that.

Q And you did pay that 6 percent?

A For twenty-six years.

Q Yes, sir. And the Federal Courts found that you had paid that out of the principal rather than out of the earnings of the company?

A They held that, but I object to that.

Q Yes, sir. Well, they held that and convicted you of it, did they not?

A That's right.

Q You were convicted on thirty-one counts in the United States District Court for the Western District of Oklahoma, were you not?

A Yes, sir.

Q And sentenced to five years in prison on each of those counts?

A That's right.

Q Except the last one, which was three years?

A I don't remember that one.

Q Did you serve any part of that prison term, Mr. Carroll?

A I served twenty months.

Q And where did you serve it?

A Seagoville, Texas.

Q That's the open prison at Seagoville, Texas, that there's no locks on the doors?

A No locks on the doors.

Q You appealed that conviction, however, to the Court?

A You mean what?

Q Yes. You appealed your conviction to the Circuit Court, did you not?

A No, sir, I did not.

Q Now, you say you knew Mr. Corn over a period of years since about 1905 or 1906?

A 1906.

Q Now, you testified in a trial at Muskogee, Oklahoma, on or about the 12th day of October, 1964, did you not?

A I did.

Q You testified at that time that you had some business connections with Judge Corn during the period of your acquaintance with him. Would you tell us what those business connections were, please?

A I don't recall that I did.

Q Well, let me refresh your recollection. I will ask you if this question was not asked you by Mr. McBride: "Now, have you known him ever since that time?"

A Yes.

Q Referring to the time 1905 or '06. Answer: "I have off and on, I have seen him." Question: "Have you had an association with him from time to time?"

A "To some extent."

A That would be purely a personal meeting and things of that kind.

Q You moved, after you formed this Selected Investments Corporation, you moved this headquarters from Norman, where it originally was, to Fairview, did you not?

A That's correct.

Q And at the time you moved it to Fairview, Judge Corn was living at Taloga?

A I don't remember exactly what year he came down here on the Court, but a part of that time he was living in Taloga.

Q Now, after he came down to Oklahoma City, he went into the small loan business down there, did he not?

A I don't know.

Q I will ask you to refresh your recollection, if you and the Selected Investments Corporation did not lend him the money to operate the small loan business which he carried on here in Oklahoma City when he first came down here on the Court.

A Not to my knowledge.

Q Now, you say you called Judge Corn for an appointment?

A That's right.

Q Can you fix the time for us, please, that you did that?

A It was in November or December, and my recollection, when I testified before on that, was in the fall of November or December of '56.

Q Is that your testimony now, that it was in the fall of 56?

A That's my recollection of it. Now, I wouldn't be entirely positive. It could have been a little earlier than that, but I think that's right.

Q Well, let me refer you now to your testimony before the United States District Court at Muskogee on the 12th day of October, 1964. And I will ask you if these questions were asked of you and these answers returned. By Mr. McBride: "I believe you said you met him in your car?" Answer: "He came out and we visited there in my car." Question: "Do you remember about what time of year that was?" Answer: "It was sometime, I don't remember now what month it would be, the record would show; now, what I am saying there isn't because I know the exact time, but I would say it was in November or December, somewhere along about that time. Now, I'm not sure about that. Anyhow, it was right after...

shortly after the case had been appealed to the Court, so maybe in ten or fifteen days after that appeal was lodged with the Supreme Court, I talked with Judge Corn."

Was that your answer at that time?

A That is exactly the way I stated it.

Q All right. Now, if that case was filed in the Supreme Court of Oklahoma in 1954, your conversation must have been with him in 1954 instead of 1956?

A My recollection was it was in '56; that's the only thing I can go by.

Q It was also your recollection that it was within ten or fifteen days after the appeal was lodged; is that right?

A Well, that is what I stated there.

Q Yes, sir. Now, I believe you also stated at that time that you told Judge Corn you had a case coming up in the Court?

A I did.

Q Now, who represented your company in that case?

A I don't remember now all of those... I think Paul Washington was one of them.

Q Was Paul Washington related in any way to you?

A He is a son-in-law.

Q And did he have a firm of lawyers with him?

A I think that he did. There were Leo Thompson and Charles --

Q Was it Wheeler?

A Wheeler, Charles Wheeler.

Q And it is your best recollection they were handling that case for you?

A I think maybe there were some others involved in that, I don't recall the exact number of --

Q But Mr. Washington was your son-in-law and he was handling the case?

A That's right.

Q Now when did you have a conversation with him about your proposing to exercise an improper influence on the Court?

A I don't know that I ever did.

Q Did he tell you that the case was in danger, that your position was weak in the case and that you needed to bribe the Court in order to be successful in the litigation?

A I don't recall anything.

Q He never told you that?

A I don't believe he did.

Q Neither did Mr. Wheeler and neither did Mr. Thompson?

A No.

Q They apparently had confidence in the appeal?

A I think so.

Q You thought the position was sound and they did too, is that right?

A Well, I don't know just what you mean with that, please.

Q You thought the position of the company from the tax standpoint was sound?

A Yes, I did.

Q You still do?

A I do.

Q And the Supreme Court held it was sound.

A I think it was a good decision.

Q Yes, sir. Do you know how many concurred in it?

A Five or six.

Q Well, I will ask you if you don't know specifically it was six?

A Well, not exactly. I think that was -- I would have said six. I knew it was five or six.

Q I will refresh your recollection if I may. I will ask you if Judge Welch, Judge Corn, Judge Davison, Judge Johnson, Judge Williams and Judge Carlile did not concur.

A That's correct.

Q I will ask you if Judge Blackbird and Jackson didn't dissent in that opinion?

A That is my recollection of it.

Q Now then, you knew before you paid any of this \$150,000 to Judge Corn that the opinion had come down?

A I did.

Q And you knew what the opinion held?

A That's right.

Q You and your lawyers had seen the opinion and had seen the dissenting view filed on the opinion.

A I believe that came out in March as I recall.

Q Yes, sir. And the petition for rehearing was denied after or about the time you made the last \$125,000 under your statement.

A The rehearing was...I don't know the date that it was denied, but the mandate was issued on the next day after the initial payment of \$25,000.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. One member of the Court raised the question that when you put your fingers up to your mouth, Mr. Carroll, it makes it difficult for them to hear, so will you kind of...

THE WITNESS: All right.

Q So now at the time you paid the \$150,000 you knew at the time you paid the \$150,000, you knew what the Supreme Court of Oklahoma had held in the case.

A I did.

Q And you knew that Judge Jackson's dissenting view had stated this...let me read from this opinion.

"As I view the indenture, it is immaterial whether the return to the investor is called interest or dividends or that the return to the investor may be less than 6 per cent per year. There is a fixed contractual obligation on the part of the corporation and the trustee to pay out to the investor or certificate holder the first 6 per cent or fraction thereof that is earned by the investment of the fund. Thus the certificate holder is the only person who has made any profit on the investment of the fund, if only 6 per cent

or less is earned during the year by the investment of the fund. Since the certificate holder is the only person receiving any profit in the corporation and trustees are under a contractual obligation to pay it, I am of the opinion that the certificate holder is under duty to pay the income tax on the earnings of his investment whether it be called interest or dividends."

Now that is exactly what you were contending for, was it not?

A No.

Q If there is any taxation it's over on the other fellow who got the money?

A That's correct.

Q Isn't that just what Judge Jackson said in this opinion?

A Now I..

Q Let me go to the next paragraph now. In 1948 after paying the certificate holders 6 per cent on their investment, the corporation declined to claim all its percentage or authorize compensation for its management services, but left \$53,714.92 in the trust fund to create a surplus undoubtedly under the indenture. This was income earned by the corporation for its management services upon which it should pay income tax. In leaving this \$53,714.92 as a surplus in a trust fund, the corporation made a gift to their certificate holders to be paid out in 1949 or subsequent years in the form of interest or dividends.

Now, the net effect of that ruling by Judge Jackson would be that you had \$53,714.92 of income involved in the litigation for that particular year, would it not?

A For the company or ..

Q Yes. For the company. That he wanted to tax your company with for the year 1948.

A Our position..

Q I didn't ask for your position. I asked you how you construed what he said in his opinion.

A I didn't try to interpret ..

Q So if under Judge Jackson's theory that \$53,714.92 had been held to be taxable

income to your corporation for the year 1948, you are well aware that the Oklahoma Income Tax rate was 4 per cent on that, weren't you?

A But that wasn't when it was. It belonged to the corporation until it had been delivered to them.

Q Let's take one thing at a time. The tax on that \$53,000 at 4 per cent would be somewhere in the neighborhood of \$2,500 wouldn't it?

A That would be about right.

Q That was what Judge Jackson held that you should be held liable for so there was no judge of the Oklahoma Supreme Court that held that your tax for that particular year in question was any greater than about \$2,500 was there?

A Well, I only have the information that we knew that there would be assessed over the years from '48 to '55 approximately \$556,000.

Q Well, I will ask you if it wasn't for the years 1948 to 1956.

A I believe it was '55, the figures that I had.

Q Now the tax commission filed a brief in support of their position for rehearing, did they not?

A I don't know. I haven't seen it.

Q I will refresh your recollection from Page 24 of the brief filed by the Oklahoma Tax Commission in that case. I will ask you if the maximum amount that the tax commission --

REPRESENTATIVE MORDY: Your Honor, this witness testified that he is not acquainted with that. Mr. Bingham is testifying now. He indicated he was not acquainted with this particular instrument.

PRESIDING OFFICER SENATOR GRANTHAM: This is cross-examination Mr. Mordy and he in his answer his answer was he was not familiar with it and Mr. Bingham said let me refresh your recollection, and you have not yet let him ask a question. After he has refresh-

ed his recollection, let him put the question; then I will hear your objection.

Q I will ask you if the Oklahoma Tax Commission in their petition for rehearing in that case didn't contend that the total amount of tax that was involved included the estimated tax for the year 1956 under their contention was only \$376,015.33 and if they didn't also offer to give credit against that for any part of the tax that was paid by your certificate investors?

A I don't recall that I said that.

Q If that is true, then, the amount that was involved in the litigation is substantially less than the amount that you have been testifying about?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, you want to renew your objection now?

REPRESENTATIVE MORDY: Your Honor, Mr. Carroll can testify from what he knows, that is fine, we have no objection to what he knows here.

PRESIDING OFFICER SENATOR GRANTHAM: You are not objecting then?

REPRESENTATIVE MORDY: No, sir.

A Now, in addition to that, Mr. Bingham, how much there was, \$190,000.00 that would have been payable as franchise taxes.

Q I wasn't asking about franchise taxes, I was asking you what was in hazard of this lawsuit?

A So, it made a total of about what I reported.

Q Now, at the time that you had this trouble with the Tax Commission and the deal was in the Supreme Court and your company was already insolvent, as judged by the District Court of the Western District of Oklahoma.

A I don't believe so.

Q You disagree with that?

A Yes.

Q But, the Court did hold it?

A Yes.

Q And they put it in bankruptcy in 1957?

A '58.

Q And in the fall of 1958, the deal in these securities was suspended by the Oklahoma Security Commission?

A I don't remember that.

PRESIDING OFFICER SENATOR GRANTHAM: Speak a little louder; what was your last answer?

A Pardon?

PRESIDING OFFICER SENATOR GRANTHAM: What was your last answer?

A I said I don't believe that I recall; I believe that's right.

Q Now, Mr. Carroll, what business were you in before you went into the Selected Investment Company business?

A For many years I was a teacher in Oklahoma and I was in business, I traveled on the road.

Q Were you ever in the banking business?

A I was.

Q At Walters, Oklahoma?

A Walters, Oklahoma.

Q What happened to the bank which you operated there?

A Well, that bank went through receivership.

Q It went through receivership; how many thousand dollars worth of your notes were among the bank's assets when it went into receivership?

A That is a story in itself, Mr. Bingaman, and I did not have anything to do with the condition of that bank down there.

Q I didn't ask you that; I asked you how many thousand dollars worth of your promissory notes were in the assets of that bank when it folded.

A I don't know.

Q I will ask you if it wasn't several thousand dollars.

A I don't recall.

Q Do you recall that there was at least some indebtedness on your part to that bank?

A I think there was one on my home or something of that kind.

Q Well, I will ask you if there wasn't some unsecured notes there.

A Not that I recall, but I wouldn't say yes or no on that.

Q Let me ask you this; are you acquainted with Mr. James C. Nance?

A I am, very well.

Q I will ask you who bought the assets of your bank after it folded at Walters, Oklahoma.

A I don't know.

Q I will ask you, to refresh your recollection, if you don't know that James C. Nance bought it.

A I know what he bought of mine.

Q I will ask you further, to restore your recollection, if Jim Nance didn't make you a present of those notes after the bank failed and if they didn't amount to more than \$5,000.00.

A How much?

Q Well, say \$5,000.00.

A I don't know.

Q You don't know about the amount, but you know about him making you a present of them?

A I haven't seen them.

Q Did he give them to you?

A I don't know; if Jim Nance said he did, I would say that he did, but I don't recall.

Q But, you are willing to say that you at least had some unsecured notes among the assets of that bank when it folded?

A That I don't know.

Q I will ask you how many thousand dollars worth of indebtedness that you and the members of your family had to the Selected Investment Company at the time that the District Court of the Western District of Oklahoma put it in bankruptcy.

A I think they had about one million in judgments.

Q I will ask you how many notes -- There wasn't any argument about the assessment?

A I had a note there, \$200,000.00 to my company, on which I had made a part of the indebtedness, so that there was \$97,000.00 on that, then there were some notes that we had for-- insurance notes that we had given.

Q Now, to refresh your recollection, if in the bankruptcy hearing before Judge Chandler down here, if the Judge didn't ask you this question: "Now, insofar as-- all right. All right. Insofar-- But, you do owe them," and that is referring to this or the trust fund, whatever it is "\$250,589.00 now, individually, you and your wife, that you had borrowed from the trust fund," and if you didn't nod yes?

A Well, if that is in a part of the record there, that could have been. I wouldn't deny or affirm it either.

Q Now, in addition to this \$18,000.00 a year salary that you drew, your wife drew how much salary out of this company?

A I don't recall that now, Mr. Bingham; she had substantial salary, however.

Q I will refresh your recollection; from the bankruptcy transcript in which this was much fresher in your mind, if these questions were not asked you: "You have a wife? Answer. I have. Question. And her name is Julia Carroll? Answer. Julia Carroll. Question. Was she an officer of the company also? Answer. She was the Secretary of the company and had been for many years prior to our marriage. Question. And what was her salary? Answer. The last year I believe it was \$12,000.00 a year."

A That could have been.

Q Does that refresh your recollection; so, the two of you together had a salary from the Selected Investment Company of \$30,000.00?

A Yes, sir.

Q Now, in addition to that, there was

several subsidiary companies which you and members of your family owned the stock that obtained that money to operate from the Selected Investment Company?

A That's correct.

Q Among these were the Chickasha Finance Company?

A That's right.

Q I believe you and your wife --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, Mr. Bingham, would you keep your hand down from your face. They can't hear you out there.

A All right.

Q (By MR. BINGAMAN) I believe that you and your wife, that you testified that you and your wife had a half interest in that Chickasha Finance Company, is that correct?

A. That's correct.

Q And that it cost you \$3,200.00, \$3,250.00?

A Uh-huh.

Q The total cost was about \$6,500.00, and you had about half of it in it. Now, this Chickasha Finance Company had discounted paper to the Selected Investment Corporation trust fund at the time of the bankruptcy.

REPRESENTATIVE MORDY: Pardon me. We question the propriety of going into all of this evidence as completely without the purview of the direct examination. We have allowed a great deal of provision, but, I can't see how it is possibly relevant or how it affects his credibility or anything else in this regard, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy, your point is well taken. The cross-examination, you have liberal grounds to travel on, but, I think you have gone beyond it.

MR. BINGAMAN: I am just trying, if Your Honor please, to establish the amount of money that he was taking out

of this, and it does, I believe, go direct to his credibility for the amount coming out of here, based on the fact that he has already admitted that he was paying the stockholders out of the principal rather than the earnings of this firm.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers' objection is sustained.

Q (BY MR. BINGAMAN) May I ask you this further question, if you and your wife had not withdrawn, during the last few years prior to the bankruptcy proceeding, in excess of \$130,000.00 from the Chickasha Finance Company, in addition to your salary, in connection with this?

REPRESENTATIVE MORDY: Object, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' objection, you can call this man as your witness if you want to bring that out, but, the objection is sustained.

Q (BY MR. BINGAMAN) Now, Mr. Carroll, you have testified previously in regard to this withdrawal from this company with reference to this \$125,000.00 transaction.

A Uh-huh.

Q You testified first with reference to that in the United States Bankruptcy Court on the 17th day of March, 1958, did you not?

A Yes.

Q Your testimony was not the same as that you have given today?

A That's correct.

Q You testified at that time that the amount that was withdrawn was \$200,000.00?

A The amount that I did withdraw from the company on notes was \$200,000.00, and of that I used \$150,000.00 for the purpose that I have described. I later paid back \$50,000.00 of that \$200,000.00.

Q You did actually, then, on the day in question, withdraw from this trust fund \$200,000.00 and not \$125,000.00?

A I did withdraw \$200,000.00 from the company prior to this time.

Q And you kept \$50,000.00 of it?

A And returned it.

Q And returned it at some later date, so you testified at that time?

A In May.

Q And you reimbursed yourself with \$25,000.00?

A Which I used previously.

Q Now, your testimony at that time in the Bankruptcy Court, what did you testify to in Judge Chandler's Court that you had done with this \$150,000.00, or \$125,000.00--

REPRESENTATIVE MORDY: Your Honor, I am going to object to this as completely without the purview of the direct examination and goes into other material that is not before the Court at this time.

PRESIDING OFFICER SENATOR GRANTHAM: I call your attention to the fact that he is now talking about money which he withdrew, as I recall, as you brought out on direct examination, and I think this does touch on direct examination.

Your objection is overruled.

Q (BY MR. BINGAMAN) You may answer the question.

A Repeat it again, please.

Q You did testify in that hearing with reference to the disposition of this \$125,000.00 you have been testifying about here now?

A Yes, sir.

Q And your testimony there was contrary to what you testified here today?

A That's correct.

Q What did you testify at that time that you did with this money?

A I testified that I delivered it in Canada to a gentleman by the name of Pierre Laval, which was a fictitious name.

Q And you were under oath at that time just as you are now?

A I was.

Q And you went into detail and told about taking the money there in your car pocket and paying it to this Pierre Laval in front of a building in a little community in Canada, and you testified that one of the purposes for taking it there in cash was to save the seventy-five cent exchange that would be charged up with that?

A That's right.

Q Now, you have testified again in the State's Court here in Oklahoma County, did you not?

A I did.

Q And you testified then to the same story that you testified in Bankruptcy Court?

A I did.

Q You admit now that that was false?

A I do.

Q And you were under oath at that time, the same as you are now?

A That is correct.

Q And you also were tried in the United States District Court for the Western District of Oklahoma for a criminal offense out of this action, and you testified in that hearing?

A What was that last one, please?

Q Did you, in the criminal case against you in the United States Court, did you testify?

A Yes.

Q And you were under oath at that time?

A Yes.

Q And you testified with regard to this same \$125,000.00 that you have been talking about today, is that correct?

A That's correct.

Q And you testified...and your testimony was different than it is now?

A It was the same as it was in all of

these other courts.

Q And you say now that that testimony, when you were under oath--

A It was fictitious.

Q It was fictitious?

A Un-huh.

Q In each of these three cases?

A Yes.

Q Now, what you did with that \$125,-000.00 was one of the issues in the criminal case against you in United States District Court, was it not?

A I don't recall whether that was or not.

Q Wait just a minute.

I will ask you if a part of the indictment, of which you were not convicted, in the United States District Court, did not charge you as follows: That the defendant Hugh A. Carroll would and did initial orders directing the defendant Linwood O. Neal as trustee of the said trust fund to pay the said defendant corporation a sum totaling \$200,000.00, which the defendant Neal would do and did, and the defendant corporation then would and did pay said \$200,000.00 to the defendant Hugh A. Carroll, that in the event the said Hugh A. Carroll should thereafter be confronted with the necessity of explaining the said transaction, the said Hugh A. Carroll would and did contend that he carried \$150,000.00 of said money in one hundred dollar bills with him in an automobile to Canada where he personally handed the \$150,000.00 in one hundred dollar bills to the person by the name of Pierre Laval who would not be further identified, whose address, whereabouts and background would be unknown to the said Hugh A. Carroll, for an oil option in a Canada oil deal, without obtaining any written receipts, and that the said defendant Hugh A. Carroll would and did further contend when he delivered the \$150,000.00 to the said Pierre Laval no other persons were present--

REPRESENTATIVE MORDY: Now, Your Honor, I am going to object to this.

It's all accumulative, and he is going right back into the same thing he has answered..

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, what is your purpose in this line of questioning?

MR. BINGAMAN: To show that it was a direct issue to the Federal Court and that there they found him not guilty doing the very thing that he is now testifying about and to show his former testimony was believed in that court.

PRESIDING OFFICER SENATOR GRANTHAM: To impeach his direct testimony?

MR. BINGAMAN: That's correct.

PRESIDING OFFICER SENATOR GRANTHAM: What part of his direct testimony?

MR. BINGAMAN: His disposition of the \$150,000.00 for that matter.

PRESIDING OFFICER SENATOR GRANTHAM: You may proceed, but, I will ask you to move along.

MR. BINGAMAN: Yes, sir.

Q (By MR. BINGAMAN) And that in the event that the defendant Hugh A. Carroll should be further pressed for an explanation or information concerning said transaction, he would and did respond by saying he just bought the Brooklyn Bridge.

Q Now, if there was only \$2,500 involved in these State taxes for the year 1948 as set out in Judge Jackson's dissenting views, and probably a similar amount in later years, would your testimony be now if you paid \$150,000 to Judge Corn to try to influence the decision of the Supreme Court that you bought the Brooklyn Bridge there, too?

A Well, I don't understand just how you frame that question there, Mr. Bingaman. I think I have answered that.

Q Now, you sold some of these certificates to yourselves in order to try to encourage other people to invest in this concern, did you not?

A We thought it was a good investment, and we paid our savings into those certificates.

Q And you then bought them back from the corporation, redeemed them for you before you folded?

A No.

Q You deny that. That was one of the charges of the count against you that you did that very thing, wasn't it?

A I would like to hear that.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, let him answer the question.

MR. BINGAMAN: He told me he would like to hear it; if you will give me a moment, I will find it.

I am reading now from Page 22 of a certified copy --

REPRESENTATIVE MORDY: Pardon me, sir, but I would once again urge the Court that this matter is completely irrelevant. I think the Court has ruled on it on two or three occasions, and he's going right back in outside the purview of the direct testimony, and I feel it is inadmissible.

MR. BINGAMAN: It goes directly to credibility, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: In this matter, he is allowed to impeach this witness and go into his truth and veracity, and on that theory, I have allowed him to proceed. However, I think you have pursued this quite a distance, Mr. Bingaman, and I would ask you to try to get on to other matters.

MR. BINGAMAN: I would like to get this very one and then I will pass to something else. "That the individual defendants would and did purchase some of the aforesaid securities in order that they could better induce investors to believe that they, the said individual defendants, had faith and confidence in the safety of investments in said securities, and later the defendants, knowing of the financial difficulties of said Trust

Funds would and did cancel and have redeemed from the said Trust Funds the said securities which they purchased, but the said individual defendants would not disclose the cancellation and redemption of their said securities or the financial difficulties of the said Trust Fund to investors."

A We did not withdraw all of our funds that we had deposited there. I don't recall now how much we had when the bankruptcy came about, but we had a substantial number of certificates there when the Trust Fund closed.

Q The question was, was it in the indictment of which you were convicted that you did that?

A I don't know.

Q Did you ever entertain Judge Corn in your home?

A I do not think that we ever did.

Q Did you ever entertain him outside of the home?

A Oh, may have been we had been to dinner or something of that kind, but outside of that, I don't think so.

Q Did you ever entertain him at any liquor parties?

A Not with any parties that I know of.

Q Did you ever play any cards with him?

A No.

Q Or gamble with him in any way?

A No, I don't..

Q Now, when you gave the order to Mr. Neal for the delivery of this \$200,000 from the Trust Fund, did you endorse on that order the purpose for which you were withdrawing the \$200,000?

A I think there was on the note, but what that was now, I don't know.

Q Well, let me refresh your recollection. I will ask you if at the bankruptcy hearing on the 17th day of March, 1958, if this question was not asked you by Mr. Bohanon: "Back to this \$200,000 item... Now, that \$200,000 item is the same one

this \$125,000 you are talking about here today came out of, isn't it?

A It came out of it.

Q All right. "Back to this \$200,000 item. At the time you drew that out, I will ask you if you didn't state in your order to Linwood O. Neal to pay you \$200,000 or to pay the Selected Investment Corporation, if you didn't say this, you have endorsed on that check, 'Drew that \$200,000 out for the purpose of purchasing 20,000 shares of Selected Investment Corporation stock'." to which, if you did not give this answer: "That's true, that is entirely correct, Mr. Bohanon."

A That is right.

Q And you also admitted at that time that that was false?

A I did.

Q And you admit now that it was false. Now, when you had these meetings, you have sworn here to tell the truth,--

A I have.

Q ..which implies that you have a trust in Deity. Now, at the time you opened these meetings to sell this stock, you opened those meetings with prayer, did you not, and that's one of the charges in the indictment against you?

REPRESENTATIVE MORDY: Objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained.

Q (By MR. BINGAMAN) Now, you invested the sum of the funds in this company in improvements on property in Canada, did you not?

REPRESENTATIVE MORDY: Objection, Your Honor. Once again, we are getting far afield, and I believe the Court has ruled in that regard that ..

PRESIDING OFFICER SENATOR GRANTHAM: Would you repeat that? Will the reporter read back that question, please.

(Whereupon, the last question above set out was read by the reporter.)

MR. BINGAMAN: I will withdraw it. Let me ask it this way, connect it up for the Court better.

Q (By MR. BINGAMAN) You testified in the bankruptcy court and in your earlier three sworn statements with reference to this money that you paid this money to a man named Laval at Ste. Narrows, Canada; is that correct?

A That's right.

Q Now, did you or the Selected Investments Corporation have any investments in the Ste. Narrows vicinity of Canada?

REPRESENTATIVE MORDY: Objection, Your Honor, completely irrelevant.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Do you contend that this was on any part of his direct examination?

MR. BINGAMAN: It goes directly to his credence, because of his previous contradictory statements that shows the probabilities of his early testimony may have been true rather than what he is testifying here today.

PRESIDING OFFICER SENATOR GRANTHAM: I feel that you explored that sufficiently. I believe the Court has been generous with you about that, and unless it is connected with the direct testimony, I feel that you have no right to pursue it further, and the objection is sustained.

Q (By MR. BINGAMAN) You say you paid this money to Judge Corn on the 10th day of April, 1957. Now where was his car at the time you paid it to him?

A He came down and I met him across the street from our office, 312 Northwest First, right south of the Oklahoma County Courthouse.

Q What was the condition of his health at that time?

A I don't know.

Q How long had it been that you had seen him immediately prior to that time?

A Well, it would be in November or December of that year prior to that.

Q He was driving his own car?

A Yes.

Q What kind of a car was he driving?

A I don't remember.

Q Had you ever seen the car before?

A I don't know.

Q What kind of a day was it as to the weather?

A To my recollection it was a very nice April day.

Q Had you visited Judge Corn in the hospital shortly prior to the time that this transaction occurred?

A I visited him I believe once while he was in the hospital for an operation shortly about the same time that I had one similar.

Q What kind of an operation did he have at the time you visited him?

A A prostate operation.

Q Do you know whether that was the time that they removed his colon?

A No, I don't.

Q Did you visit him in the hospital at the time they removed his colon?

A I don't know.

Q How long was it after the prostate operation that you paid him this money?

A That is -- I wouldn't remember.

Q You don't remember whether it was before or since?

A No, I do not.

Q You don't remember whether he was just out of the hospital from an operation at the time you had this transaction with him on the 10th day of April, 1957?

A No, I do not.

Q You don't know whether he was out or you know he was not just out. I want to be sure I understand you.

A Ask that again please, I may have misunderstood you.

Q What is your question? You did not know whether he had an operation just before that time or that you knew?

A I don't know when he had the operation.

Q You are not sure when you visited him in the hospital?

A No, I am not.

Q If he had the operation in March before this transaction occurred in April, you must have visited him at that time.

REPRESENTATIVE MORDY: We object to that, Your Honor. He has gone over that time and time again. He answered he didn't know.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q Was anyone else there at the time you delivered this first bundle of money?

A No.

Q Was anyone there at the time you delivered the second bundle of money?

A No.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Before you proceed, I want to...there is a couple of questions by the Court that I want to read. One is a question by Senator Romang from Mr. Carroll.

When you paid the \$25,000 to N. S. Corn, what was it supposed to be used for according to your understanding with Judge Corn?

A There had been an indication that part of it was to be used for campaign expenses.

PRESIDING OFFICER SENATOR GRANTHAM: Another question by Senator Bartlett.

What was your understanding of the total amount of money involved in your agreement with Judge Corn?

A \$150,000.

PRESIDING OFFICER SENATOR GRANTHAM: What was your agreement with Justice Corn?

A We were to pay him \$150,000 because I told him that is what it meant to us to

have a favorable decision and to use it for that purpose.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show both of those questions were by Senator Bartlett.

At this time we have reached a point we would ordinarily take a break. I believe this is a good breaking point and we have been faithful and the decorum has been good. We will meet back here at 3:25. Court is recessed until 3:25.

AFTER RECESS

PRESIDING OFFICER SENATOR GRANTHAM: The hour 3:25 having arrived, the Court of Impeachment of the 30th Legislature is resumed. And the Clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Romang, Selman, Stansberry, Stipe, Taliaferro, Terrill and Williams.)

PRESIDING OFFICER SENATOR GRANTHAM: The Clerk will announce the roll.

COURT CLERK: Boecher, Cowden, Garrett, and Rogers, Smith and Young are absent.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will be advised as to when those who are absent come in the chamber, in order that it may be entered in the record.

At one time during the proceedings, I erroneously referred to Judge Bingaman as Mr. Green, and I would like to ask unanimous consent that the record be corrected to show that I addressed Mr. Bingaman and it was Mr. Bingaman that replied, rather than Mr. Green. Is there any objection to that unanimous consent

request? Hearing none, we go on. Some others that have come in. Senator Young is now present; Senator Smith is now present. Is there anyone else that didn't answer the roll that is now here? Senator Rogers is now present.

At this time, the Board of Managers will proceed with redirect examination.

Let the record show that the Board of Managers are present, that the accused is present with his attorneys, and that Mr. Carroll is continuing to testify.

REDIRECT EXAMINATION

By REPRESENTATIVE MORDY:

Q Mr. Carroll, the immediate case of Oklahoma Tax Commission versus Selected Investment Corporation involved how many years, the case itself?

A I think that it was in '48 --

MR. BINGAMAN: We object to what he thinks; he said a while ago he didn't know about these things. If he knows, but thinking I don't think would be proper evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read that question?

(Whereupon, the last question set out above was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The objection is overruled; you can't say what you think, but what you know, Mr. Carroll.

Q (By REPRESENTATIVE MORDY) Would you answer that question, please.

A I believe that I answered that I didn't know exactly.

Q There has been on cross-examination some testimony given in regard to \$2,500 tax liability and also testimony in regard to approximately \$560,000 in tax liability. Would you state to the Court as president of Selected Investment Corporation how much money this meant to Selected Investment Corporation, this decision?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

MR. BINGAMAN: Objected to as repetitious, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show at this time that Senator Garrett is present.

You make an objection to that question?

MR. BINGAMAN: It's repetition; he has already asked that question and has answered it on direct examination.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled; proceed.

A It was from 1948 to 1955; it was about \$556,000.

Q (By REPRESENTATIVE MORDY) Now, Mr. Bingaman read to you an assessment alleged to have been made by the Oklahoma Tax Commission involving some \$370,000 or \$390,000. What is the difference, taking that figure on up to the \$560,000 figure?

A Part of that \$556,000 was for tax on the trust fund, and \$190,000, I believe, was franchise.

Q You also testified in regard to cross-examination about a \$200,000 note that had been given Selected Investment Corporation; is that correct?

A That is correct.

Q Did the \$125,000 come from that?

A Yes, it did.

Q Was the \$25,000 subsequently paid back from the proceeds of that?

A It was.

Q On a question by the Court, you stated that campaign expenses were mentioned to you. Campaign expenses for whom?

A For the members of the Court.

Q And this information was given you by whom?

A Mr. Corn.

Q Mr. Carroll, what did you use the \$150,000 for?

A To --

MR. BINGAMAN: Objected to as repeti-

tion, if the Court please; been over it two or three times.

REPRESENTATIVE MORDY: Yes, the defense has been over it two or three times, too, Your Honor.

MR. BINGAMAN: Still repetition.

PRESIDING OFFICER SENATOR GRANTHAM: It's true that it's repetition, but I am going to allow him to have the floor since you were given wide latitude on your cross-examination. Overruled.

Q (By REPRESENTATIVE MORDY) What was the \$150,000 used for by you?

A It was for the payment of the agreement that I had with Justice Corn.

REPRESENTATIVE MORDY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any recross?

MR. BINGAMAN: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

RECROSS-EXAMINATION

By MR. BINGAMAN:

Q Mr. Carroll, you have been granted immunity, I presume, from prosecution for false testimony?

A I have.

Q And when was that granted to you?

A I don't remember just exactly what day that was, but it was both by Federal and State.

Q You have had both civil and criminal immunity from the State and Federal Government --

A I have.

Q -- for this transaction.

MR. BINGAMAN: That's all.

REDIRECT EXAMINATION

By REPRESENTATIVE MORDY:

Q One more question, please.

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute. Mr. Bingaman, did you say both civil and criminal?

MR. BINGAMAN: Correct, and he's answered yes.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE MORDY) Mr. Carroll, do you have immunity today if something you state on the witness stand is not true?

A I wouldn't think so.

REPRESENTATIVE MORDY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any further cross-examination?

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Step down, Mr. Carroll.

REPRESENTATIVE MORDY: Your Honor, would it be acceptable with the Court --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment here, just wait a minute. Mr. Carroll, there's a question from a member of the Court. Senator Massad requests that the question be answered, do you know to whom, meaning the members of the Court, the money was paid?

THE WITNESS: Outside of Justice Corn, I do not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is, if yes, where did he get the knowledge, and you say you do not know; is that correct?

THE WITNESS: I do not know.

PRESIDING OFFICER SENATOR GRANTHAM: Any further questions?

Step down.

(Witness excused.)

REPRESENTATIVE MORDY: Your Honor, I would direct the question to the Court now in regard to possible recall of Mr. Carroll. Would it be all right if he would stay at his home and be available in case the Court decided to recall him, so it would not be necessary for him to stav

out here?

PRESIDING OFFICER SENATOR GRANTHAM: Would that be agreeable to the accused?

MR. BINGAMAN: It's agreeable with us, yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, that is agreeable to the Court and to the parties. Thank you, Mr. Carroll.

Now, gentlemen of the Court, Mr. Connor, of the Board of Managers.

REPRESENTATIVE CONNOR: If Your Honor please, I would make a request at this time of the Court. We have under order of the Court served the defense with a list of all the witnesses that we anticipated that we would call on direct testimony in this case. Approximately two o'clock this afternoon, we received word that two other witnesses would be necessary to complete our direct evidence. We would at this time ask permission of the Court that these witnesses be considered endorsed on the journal, and that subpoenas issue, which I have prepared it, for these two witnesses for tomorrow, and I will serve a copy of them on the defense at this time.

PRESIDING OFFICER SENATOR GRANTHAM: You are asking permission to call these additional two witnesses in addition to those you furnished?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: And you state you did not know you were going to have to call these witnesses?

REPRESENTATIVE CONNOR: I did not know prior to two o'clock this afternoon, sir, that they would be of any value to us in our direct evidence whatsoever.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection to this?

MR. BINGAMAN: Well, of course, it's rather sudden and we have not had an opportunity to consider it. Of course, I

have no objection to issuing the subpoena, but if we could have a little time on the other, we might proceed to something else and come to a decision later as to whether we object to their being endorsed. We don't want to withhold anything or be in the position of preventing this Court from getting any information that's available, but we don't want to be surprised if we can avoid it.

PRESIDING OFFICER SENATOR GRANTHAM: The request has been made now, and I think we will have to rule on it at this time, as to whether or not they will be permitted to call these two witnesses, and so are you going to object?

MR. BINGAMAN: Well, we will make no objection, to dispose of it in a hurry.

PRESIDING OFFICER SENATOR GRANTHAM: All right. It's the order of the Court that these two witnesses be on the list, added to the list which the Board of Managers have furnished to the attorneys for the accused, and that will be the order.

REPRESENTATIVE CONNOR: There has been a request from Senator Murphy, I believe, that their names be stated to the Court, which I have no objection whatsoever.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Will you state your names to the Court?

REPRESENTATIVE CONNOR: We have asked that a subpoena duces tecum be issued to Monty Williamson and bring with you all records of ledger sheets of checking account of N. B. Johnson, and further ask that a subpoena duces tecum be issued for Kenneth L. Lawton, cashier, Citizens National Bank, Oklahoma City, Oklahoma, and bring with you all the cashier's checks purchased by and associated with N. B. Johnson.

REPRESENTATIVE MORDY: Your Honor, comes now the Board of Managers and makes this comment to the Court, our next witness that we anticipate calling is N. S. Corn, and we also anticipate

we'll take a great deal of time. We would not like to be forced to be in a position where we can only get half way through with Judge Corn before a recess is called. It is my understanding that the Court does not want to convene after the hour of 5:00 o'clock. With that in mind, I would ask permission of the Court to recess at this time, and unless the Court desires to go past 5:00 o'clock, but, I would respectfully ask that we not get half way through the testimony.

PRESIDING OFFICER SENATOR GRANTHAM: Inasmuch --

Senator Baldwin is recognized.

SENATOR BALDWIN: I think it will be the concession of this part of the Court that we continue working and that we will set the time when we want to recess, and it might be later than 5:00.

PRESIDING OFFICER SENATOR GRANTHAM: Let me make this observation, Senator Baldwin. From my experience in trial of cases, when you have an involved and tedious trial there comes a time when the counsel of both sides may appear to want -- and I am sure this may be an exception to the rule, but, I think probably the first one I found and inasmuch as --- my information is that this testimony of the next witness could be several hours and might extend late into the night, and inasmuch as the witness is elderly, I believe that this is a reasonable request and that we perhaps should abide by it and start promptly with this witness in the morning at 9:00 o'clock; and I have inquired that this is the order of their testimony, this is the way it should go on, and unless there is objection, I feel we probably should recess until 9:00 o'clock in the morning.

Is there objection to this?

SENATOR HAMILTON: Judge, I don't have any objection, but in case we come up next Thursday afternoon along in the same order, we are going to be having objections.

PRESIDING OFFICER SENATOR GRANTHAM: I know that.

SENATOR STIPE: Mr. President, I feel that we should move along here, and it is not unusual that you start on witnesses and get as far as you can, and this man is elderly, and it has been stated and anticipated that it's going to take some time to hear him, and we can hear part of it today and part of it tomorrow.

PRESIDING OFFICER SENATOR GRANTHAM: Senator McSpadden.

SENATOR McSPADDEN: Judge, I feel in our rules and procedures we had practically unanimously agreed we would work until approximately 5:00 o'clock or thereabouts each day. I feel that the legislative session, as it is going on now, we can get caught in this same situation along about 3:00 or 3:30, and I see no reason why we cannot proceed until our usual quitting time, as rules of procedure your committee has set out, and perhaps recess until tomorrow and testimony will probably be lengthy. I think we can all agree to stay to 5:00 o'clock here.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baldwin.

SENATOR BALDWIN: I make this observation, that inasmuch as the witness is elderly, that it might be considerate of him and his health to give him two or three goes at this thing. I don't see that would make any difference.

REPRESENTATIVE MORDY: Your Honor, I might make this one statement. I talked to the other members of the Board of Managers, we feel that we will complete our testimony by tomorrow afternoon, even calling Judge Corn in the morning, we anticipate that, and with informal discussion with the Chair, Judge Corn is not here, and it will probably take us ten or fifteen minutes to get him here, and we will, of course, abide by what the Court wants to do; but, the Court is interested in the time element,

I think we will rest by late tomorrow afternoon.

PRESIDING OFFICER SENATOR GRANTHAM: Inasmuch as the defense-- the Board of Managers has stated that they originally estimated it would take about three days on their testimony, the accused has been advised that we didn't feel it necessary to subpoena their witnesses until Monday, is that correct?

MR. BINGAMAN: That is the procedure we followed.

PRESIDING OFFICER SENATOR GRANTHAM: So, you issued your subpoenas for Monday, and do you feel we have ample time to complete this case on the prosecution by Saturday, is that right?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Stipe.

SENATOR STIPE: For this one additional comment, we are operating here at \$3.33 a day, which is all right, but, if they can have that witness here in ten or fifteen minutes and conclude tomorrow, I am sure with counsel for the accused being advised that they can get out subpoenas in the morning and have their witnesses here Saturday, at least some of them, there is no point in taking a week on this thing. We can do it in a week or five days. I thought I would just point that out.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Garrison.

SENATOR GARRISON: Your Honor, I would say this is -- We are operating as a court and not as a senate. It's very easy to set a bill down for a certain time to be heard, but, in order to say that every day the Court will close at a certain time, when witnesses must be called and subpoenaed, is not usually done in courts, and I don't think that it's asking too much at all that the witness be called in the morning and I would agree with the Presiding Judge.

SENATOR HAMILTON: Would Senator Garrison yield?

SENATOR GARRISON: Yes.

SENATOR HAMILTON: Judge Garrison, how many times is this going to happen?

SENATOR GARRISON: I don't know, Judge Hamilton, you may know as much about that as I do.

PRESIDING OFFICER SENATOR GRANTHAM: How long would it take you to get Judge Corn here?

REPRESENTATIVE MORDY: Fifteen to twenty minutes, Judge.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Rogers.

SENATOR ROGERS: Your Honor, under the rules, can we operate past 5:00 o'clock?

PRESIDING OFFICER SENATOR GRANTHAM: We can operate past 5:00 o'clock, that is so.

SENATOR ROGERS: We can?

PRESIDING OFFICER SENATOR GRANTHAM: We can.

SENATOR ROGERS: Would the Chair yield again?

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

SENATOR ROGERS: Does the Chair have any anticipation of when we are going to finish each day?

PRESIDING OFFICER SENATOR GRANTHAM: We expect to finish at 5:00 o'clock every evening for the reason I previously stated, but, that is no absolute requirement. It's just I thought it would be best for the Court.

SENATOR ROGERS: Would you yield further?

PRESIDING OFFICER SENATOR GRANTHAM: I yield.

SENATOR ROGERS: Would the Presiding Officer inquire of the Board of Managers if they think we will finish by calling Judge Corn as first witness in the morning.

PRESIDING OFFICER SENATOR GRANTHAM: Do you feel like that?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: In view of that, let me inquire of the defense, can you subpoena some witnesses to come in here Saturday morning?

MR. BINGAMAN: It will not be our purpose to delay it, we will do our best. I am not sure, perhaps we can get some of them.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

MR. BINGAMAN: I think we can conclude our testimony probably in one day.

SENATOR HAM: If the Board of Managers is not going to be finished with Judge Corn by 5:00 tomorrow afternoon, I am sure the accused wants to cross-examine Judge Corn, so, that will put him over to another day.

PRESIDING OFFICER SENATOR GRANTHAM: Their statement was that they would have their testimony in, both direct and cross, by tomorrow afternoon, isn't that right, Mr. Mordy?

REPRESENTATIVE MORDY: Yes. Of course, this is all subject to cross-examination of the defense, but, we anticipate a lengthy cross-examination and still think we will be through by 5:00 o'clock tomorrow afternoon, and then we will rest, that's all the witnesses.

PRESIDING OFFICER SENATOR GRANTHAM: In view of this --
Senator Nichols is recognized.

SENATOR NICHOLS: I think it might be unwise to poll the members of the Court here when we are doing all the working --

PRESIDING OFFICER SENATOR GRANTHAM: How many members would prefer to, under the remarks made, proceed and go ahead and hear the testimony of Judge Corn or as much thereof as we could? How many would be opposed? It appears a majority of the Court desires to hear Judge Corn.

We will declare a recess for fifteen minutes to get Judge Corn up here.

(Whereupon a fifteen minute recess was taken by the Court.)

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, will you take your seats, please.

The clerk will call the roll, please. The Impeachment trial of the 30th Session of the Legislature has resumed. The clerk will call the roll.

(Whereupon, the roll was called with the members present as follows:

Atkinson, Baggett, Baldwin, Bartlett, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grant-ham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoads, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.

Absent: Berrong, Boecher and Cowden.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Holden, Senator Bartlett, Senator Miller, Senator Findeiss are now present.

Any other senators who have not answered the roll?

The clerk will announce the roll.

COURT CLERK: Absent are Berrong, Cowden, Pope, Rogers and Taliaferro.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Taliaferro is here, Senator Miller is here, Senator Pope is here. The Court will be advised when the senators who are absent come into the court.

Now, gentlemen of the court, we have a certain mechanical difficulty in running much past five in that the reporters in order to have the transcript on your desk the next morning may not be able to get that finished before 1 or 1:30 in the morning, so we have to consider that element in the length of time we stay and it's particularly important we have the transcript the next morning on the desk

of each member of the court, so that you may look over the transcript. Now the transcript has to be proofed by the court reporters and journal clerk and there is considerable difficulty in doing that.

At this time call your next witness.

REPRESENTATIVE MORDY: N. S. Corn.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show the Board of Managers are present and that the accused with his attorneys are present.

Call your next witness.

REPRESENTATIVE MORDY: N. S. Corn.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Rogers is present.

Any other senators come in since the roll was called?

Proceed.

The witness will be sworn.

(Whereupon, N. S. Corn was sworn by the Court Clerk.)

PRESIDING OFFICER SENATOR GRANTHAM: Proceed, Mr. Mordy.

N. S. CORN,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE MORDY:

Q What is your name, please, sir?

A N. S. Corn.

Q And where do you live, Mr. Corn?

A 600 N. E. 16th Street, Oklahoma City.

Q And what is your occupation?

A Well, I'm retired at this time.

Q What was your former occupation, Judge?

A Beg your pardon?

Q Formerly, before your retirement, what was your occupation?

A Well, I was Supreme Court Judge for 24 years.

Q What is your age, Judge?

A I'm 81 now.

Q When were you first elected to the Supreme Court?

A 1934.

Q Now that is the Oklahoma Supreme Court, is that correct?

A That's right.

Q And how long did you serve as a Judge on the Oklahoma Supreme Court?

A Twenty-four years.

Q Now, Judge Corn, during your tenure on the Bench would you state whether or not you have had any financial transactions in cases with cases pending before the State Supreme Court?

A Beg your pardon?

Q During the time you were in office, did you have any financial transactions regarding cases pending before the State Supreme Court?

A Yes, sir.

Q Did these transactions include any financial transactions with other members of the Oklahoma Supreme Court?

A Yes, sir.

Q Do you recall the names or the style of the cases?

A Yes.

Q Would you tell us what those were, please; the names of the cases?

A Well, I had an agreement to begin with --

Q Mr. Corn --

A You just want the cases?

Q Yes, sir; the cases.

A Well, I had an agreement with the Selected Investments against the Oklahoma Tax Commission with Mr. Carroll.

Q Any other case, Judge?

A Yes, the Oklahoma Company versus O'Neal.

Q All right, sir.

A And others.

Q Now let me direct your attention specifically to the Selected Investment case. Do you recall when that was pending before the State Supreme Court?

A Well, I've had an opportunity to review the filing sheet and I familiarized myself with the dates. The case was filed in '54 and the transaction that I had with Mr. Carroll was late '55 or early '56.

Q And do you recall when a decision of the State Supreme Court was rendered?

A I didn't quite get the question.

Q Do you recall when the Supreme Court handed down its decision in this case?

A I didn't understand that, I'm sorry. I don't know what the trouble is. Maybe my hearing aid is a little too loud.

Q Do you recall when the Supreme Court handed down its decision in the Selected Case?

A Well, it was in '57, might have been fifty -- I believe the opinion was prepared and filed in '56, but the mandate didn't go down until '57.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let the record show Senator Berrong is present.

Q (By REPRESENTATIVE MORDY) Now, could you --

A Somebody said something. I didn't understand that if it's necessary for me to know. Okay.

Q Would you recite the circumstances involving the financial transactions you had in the Selected Investment Case?

A Yes, sir.

Q All right, sir.

A Mr. Carroll, president of the Selected Case, he called me one morning and said he would like to take me out to Glen's to dinner that evening. He wanted to talk to me about something, so I agreed to go. He arranged to come by my house about 6 or 6:30, pick me up and on the way out there, he mentioned this case. We went on

out and had dinner and talked a little bit about it coming back. I think we finished up and we drove into my home where I live now. He said that he would give a \$150,000 to get a favorable opinion in this case, Selected Case versus the Oklahoma Tax Commission.

Q Did he go into the background of the case with you, Judge, did he discuss the case with you?

A No, he didn't discuss the merits of the case. I don't think we did.

Q Where were you when he said he would give a \$150,000 --

PRESIDING OFFICER SENATOR GRANTHAM: Wait a minute. There's some noise in the balcony that has to be corrected.

Proceed.

Q (By REPRESENTATIVE MORDY) Where was it that he said he would give you a \$150,000 in the Selected Case?

A Well, I'm not sure whether he -- about the amount, whether it was going out or coming back. I'm not sure just where we were.

Q But he did that evening?

A Oh, yes, yes.

Q Did you have occasion to visit with him several days later about this?

A Well, a few days later after I had made an investigation I couldn't understand why he wanted to give that amount of money, so I wrote down on a sheet of paper in writing \$150,000. Below that I put in figures \$150,000 and I called him and told him that I'd like to see him. I made arrangements to drive down there south of the courthouse. He came across, got in the car, then I showed him this sheet of paper and told him I didn't want there to be any mistake about the amount, and I asked him if that writing was correct, a hundred and fifty thousand dollars, and he said it was. I went to the figures and asked him if that was correct and he said it was. I don't recall of anything else we talked about.

Q What did you do then, Judge?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, a member of the Court has mentioned if the speaker in front of Judge Corn was lowered somewhat it would help perhaps.

THE WITNESS: It has bothered me a little bit the way it is.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE MORDY) After this conversation, what did you do, Judge?

A Well, I started out to make arrangements about getting enough men, members of the Court, to give him a favorable opinion. I contacted two members of the Court.

Q What two members of the Court did you contact?

MR. BINGAMAN: We object to that, if the Court please. It would not involve the accused here, unless he was involved in it.

A Judge Johnson and Welch.

PRESIDING OFFICER SENATOR GRANTHAM: Will you state your objection again?

MR. BINGAMAN: He stated..he has named them now and I ask that the answer be stricken to any person other than Johnson unless he was present with the negotiations with the others.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (By REPRESENTATIVE MORDY) Did you say you contacted two Judges? Would you state again who those two were, Judge?

A Yes, Judge Johnson and Judge Welch.

Q Without going into the discussion that took place between you and Judge Welch, would you tell us what took place between you and Judge Johnson?

A Well, I told him I had a deal with Hugh Carroll and I had known Hugh Car-

roll for many years, he was president of a large concern and I thought he would be all right and I could get him \$7,500 if he would go along on a favorable opinion. Now, this may not be the exact words, but in substance it is what I did.

Q Where did the conversation take place?

A In Judge Johnson's office.

Q Now, is this N. B. Johnson of whom you speak?

A Yes, sir.

Q Was anyone else present at the time of that conversation?

A No, sir.

Q What did Judge Johnson say at that time?

A Well, he said he would have to give it some thought. He didn't know whether an opinion could be written reversing it. But he talked like he would go along if it was possible.

Q Did you have any further discussion with Judge Johnson in regard to this case?

A You mean at that time?

Q No, later.

A Later on, after the opinion went down, the mandate?

Q No, sir, before this, did you discuss it any more with Judge Johnson?

A I don't remember discussing it any.

Q All right. What happened when the mandate came down in this particular case?

A Well, I came down on Tuesday, I had an off day, along in May, somewhere along in there, I'm not sure of the day, '57. I called Mr. Carroll on Monday, the day before, told him I would like to see him, and I went down. I think this was right after noon when I went down. I told him the mandate was coming down the next day. We discussed it awhile. He wasn't prepared, he said, to take care of it. And I asked him if he could make a payment as much as \$25,000, and he said

yes, he could make that payment, get it out of his personal account, I believe. And said it would take him a few hours to do that, so I told him I would come back to the Capitol Building and then he could call me when he got ready to go on it. So when I got back in the Capitol Building, I got in touch with Judge Johnson, and told him to stay at his office that evening, I thought I was going to get the deal closed, but anyway, I told him to stay in his office until I reported to him.

Q Did you also talk to Judge Welch at that time?

A Yes, same conversation with Judge Welch. So later on, why, I got in touch with Carroll. I think maybe -- I don't know whether he called me or I called him, said "Everything is okay", and I drove down there south of the courthouse. He came across, got in the car, and put the \$25,000 in the compartment of my car, in the place up there. I drove around a block or two and let him out. I came back to the office here, and I counted out \$7,500. This was all in \$100 bills, and I got in touch with Judge Johnson, went to his office, gave him the \$7,500 and told him to count it out, and he counted it out. That's about all there was to it.

Q Did you also deliver the same amount to Judge Welch?

A Yes, sir, the same amount.

Q Did you notice if Judge Johnson counted the money when you gave it to him?

A Yes, I stood there, and he counted it.

Q Was anyone else present at the time that you gave him the money?

A No, sir, nobody else was present.

Q Now, backing up just a moment, Judge. When this mandate came down, which side did it favor in this particular case?

A Beg your pardon?

Q The Supreme Court held in whose favor in this particular case?

A In whose favor?

Q Yes, sir.

A Well, it held in Selected's favor, Hugh Carroll, reversed the lower Court, the Tax Commission.

Q If you know, how did Judge Johnson vote on that case?

A Yes, he concurred in the opinion.

Q How about Judge Welch?

A He concurred in the opinion. He wrote the opinion.

Q Now, this money was delivered to Judge Johnson where?

A Here in the Capitol Building in his office.

Q In Oklahoma City?

A Yes.

Q Did you talk to Hugh Carroll after that time?

A Well, when he made this payment, he said it would be a couple of weeks, ten days, or something like that. He would have to get the balance of the money from Kansas City, I believe, when he called me, and he did call me in maybe ten days or two weeks and delivered me the other \$125,000.

Q This remaining \$125,000 was made up of what, what kind of bills?

A I think they were all \$100 bills.

Q Did you deliver the money to Judge Johnson on the day that you got it from Hugh Carroll?

A Yes, sir.

Q Now, Judge, let me direct your attention specifically to the other case you mentioned, Oklahoma Company vs. O'Neil. Do you recall when this case was pending before the State Supreme Court?

A Yes, it was in '58.

Q What brought this case to your attention?

A Beg your pardon?

Q What brought this case to your attention?

A Mr. O. A. Cargill called me, wanted

me to come out to his place where he was living northwest one Saturday afternoon, he wanted to talk to me. So I went out there, and he got in my car, I drove in, stopped in front of his house. He told me that he had a case up here that he had to get reversed, said it involved his daughter and son-in-law, and I think he mentioned that there was a criminal action at that time or would be one filed against his son-in-law, and his daughter in Florida. And he wanted to know whether he could get it reversed. He said he would give \$7,500 to Judge Welch, Judge Johnson, and me, if we could get that case reversed. And he wanted to know if I would take it up with them. He said "You are up there handy", and he said, "I've got some of the other boys to see." And I told him I would. And I did. Now, --

Q Did he give you the style of the case at that time?

A No. He didn't have the number and style. He said "I will call you next Monday morning and give it to you." So the next Monday morning, why, he called me and gave me the number and style of the case.

Q What did you do after your conversation with Mr. Cargill?

A You mean that day or later on?

Q Later on.

A Well, I contacted, after he gave me the number and style of the case, I contacted Judge Welch and Judge Johnson, told them the deal with Cargill.

Q Did you contact them together or separately?

A No, separately. I never did talk with them together about anything wrong.

Q What did you discuss with Judge Johnson at the time you talked to him?

A I told him about Cargill had a case and his daughter was involved and he wanted it reversed, and I thought we ought to reverse it for him if we could, and told him the deal, that he would get \$2,500 out of it. He said he would go along if he

could, he didn't know just what the facts would be.

(Whereupon, the last answer set out above was read by the reporter.)

A I think that was about what was said; that is the sum and substance, that may not be the exact words.

Q Now, this conversation took place between you and N. B. Johnson; is that right?

A Beg your pardon?

Q This conversation took place between you and N. B. Johnson; is that correct?

A That's right.

Q Did you tell him who the parties were that were involved in this lawsuit?

A Oh, yes, I gave him the number and the style of the case.

Q Did you tell him the relationship of the parties to O. A. Cargill?

A Yes, I told him it involved Cargill's daughter and son-in-law, and thought we ought to reverse it for Cargill if we could.

Q What happened to this appeal? What did the Supreme Court do?

A Well, it was reversed, the judgment of the trial court, and an opinion written favorable to Cargill's son-in-law.

Q The Court held, then, as Mr. Cargill had wished; is that correct?

A That's right.

Q Do you recall how -- Do you know of your own knowledge how Judge Johnson voted in that case?

A Yes, sir.

Q How did he vote?

A He concurred in the opinion.

Q How about Judge Welch?

A He concurred in the opinion.

Q Do you recall when this mandate was handed down?

A Well, it was -- See, I went off of the Court the second Monday in January of '59. The mandate went on down toward the last of '58, I think, maybe. Of course, I had an opportunity to review the rec-

ord recently, and I think the application to file a third petition for rehearing, I presented that, I believe, the first few days of '59 and it was denied.

Q Did you have any transaction with O. A. Cargill after this decision was handed down?

A Yes, sir.

Q What took place at that transaction?

A Well, he called me one day over the telephone after the case became final and said he was ready to pay off. I told him I would drive down, his office was in the Hales Building, take me about ten minutes to get there. He came down and was standing on the sidewalk there, and I drove up, let the window down on my car. The Hales Building is on the west side, I was on the west side of the car going south. Only said a word or two, I don't know just what he said, and handed me the \$7,500.

Q What did you then do with the \$7,500?

A I came back to the Capitol Building and took \$2,500 out of it to Judge Johnson, \$2,500 to Judge Welch.

Q Where was your office then?

A Well, I was here in the Capitol Building. Of course, I went out of the office I was in, I believe it was the second Monday in January, moved to another office on the first floor, I guess maybe I was in.

Q Did you count the money in your office?

A Yes, sir.

Q Where was Judge Johnson at the time you delivered the money to him?

A He was in his office.

Q Was anyone else present?

A No.

Q Did he count the money?

A Yes, sir.

Q Did he indicate that it was satisfactory?

A Well, he didn't say anything. It was

all there; of course, he counted it out, even. I don't recall he said anything.

Q Do you know what kind of bills these were?

A They were all \$100 bills.

Q Without going in, Judge, to the discussion you had with Judge Welch in these two cases, was it the same understanding with him as you had with Judge Johnson?

A Yes, sir.

Q The same. And you paid him the same amounts of money in both cases?

A Yes, sir.

Q Judge, do you hold any animosity or rancor whatsoever towards N. B. Johnson?

A Not a thing in the world.

REPRESENTATIVE MORDY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By MR. BINGAMAN:

Q Judge Corn, you are the same Judge Corn who went with me to San Francisco in 1952 representing the Court at the American Bar Meeting?

A Yes, sir.

Q You remember the trip out there with me?

A Beg your pardon?

Q You recall going on the trip on the plane out there with me?

A Yes, sir.

Q Do you recall the storm we got in on the plane coming back?

A Well, I don't recall that; you mentioned that down at my home the other day. I am not saying there wasn't a storm, but I just don't have any recollection of it.

Q Have you had any illness of any kind since 1952?

A Since 1952?

Q Yes, sir.

A Yes.

Q Had you had any surgical operations prior to 1952?

A Oh, yes, I've had several major operations.

Q What was the first major operation you had and when was it, please?

A Well, I can't give you the date the first. I had my appendix removed.

Q Was that since you came down here to serve on the Court?

A Yes. That must have been. Well, I was living northeast of Oklahoma City. I mean northeast of the Capitol Building, and I moved where I am living now February, '41.

REPRESENTATIVE MORDY: Your Honor, we are going to object to this line of questioning unless it can be tied in somehow. It appears to be completely immaterial to the issues before the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By MR. BINGAMAN) Since 1952, have you suffered with any illness?

A Did the Court rule on that objection? I didn't hear it.

REPRESENTATIVE MORDY: The Court sustained it, and I will offer the same objection again.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, this is sustained. The question wasn't covered on direct examination, and it appears to be highly irrelevant, and therefore is sustained.

MR. BINGAMAN: If I could be heard one moment on it, if the Court please. The purpose of asking the question is to establish to the Court here, to have some idea of his present physical condition, and his physical background as to his competency as a witness. I think it would be directly related with his condition and his memory and that was our purpose in going into it.

PRESIDING OFFICER SENATOR GRANTHAM: Perhaps there might be other questions admissible in this regard,

but I believe these are improper. The objection will be sustained.

MR. BINGAMAN: May I ask him as to his health at the moment?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

Q (By MR. BINGAMAN) I observe, Judge Corn, that there is a sore on the side of your face. Would you know what that is?

A Well, the doctor said it was a skin cancer. I've had it removed and it's healing up now.

Q A few days since I was in your home and you were showing me sores on your leg, --

REPRESENTATIVE MORDY: I am going to object again, Your Honor; completely irrelevant, immaterial, to the questions he is asking.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained. You can go to the question of his competency as a witness, but I don't believe that you are doing that, and the objection is sustained.

Q (By MR. BINGAMAN) Now, Judge Corn, you were, during the summer of 1964, convicted in the United States District Court for the Western District of Oklahoma of the crime of income tax evasion, were you not?

A Yes, sir.

Q Was there more than one count to the indictment or charge?

A Yes, there were five counts, as well as I remember.

Q Involving what years, please?

A '57, '58, 1957, '58 and '59.

Q And were you imprisoned as a result of that conviction?

A Yes.

Q And where were you sent?

A I was sent to the medical hospital, Springfield, Missouri. The hospital is a hospital for Federal prisoners.

Q During the time that you were there,

were you interviewed by the Warden of that prison?

A Yes, he called me up to his office after I was there a few days.

Q Do you know the name of the Warden?

A Yes, sir, it is Darlow Johnson.

Q Did you meet Dr. Russell O. Settle while you were there?

A Well, there were several doctors. I don't remember Settle's name.

Q To refresh your recollection, I will ask you if Dr. Settle was not the Warden of the prison at the time you were sent there and also at the time you were released from there.

A He might have been, I don't know. I never did learn who was the one.

Q But you did meet Dr. Settle on one occasion?

A Well, maybe I did; various doctors would come to my room.

Q How frequently?

A Well, there's one doctor that came by nearly every day to see how I was getting along.

Q Can you give us the names of any of the doctors there who interviewed you?

A Well, there was only one doctor that attended me the most, and his name was Parker, he was a young-like fellow, a graduate, I think, from Columbia University.

Q His is the only one whose name you can recall at this time?

A Yes, that's right. I believe there was other doctors, kind of the head doctor, I believe his name was Harris. He called in once or twice.

Q Did you meet a Dr. Coons while you were there?

A I probably did, there were several young doctors.

Q Did you meet with Dr. Holden while you were there?

A Well, I probably did, I don't recall the name.

Q And a Dr. Kit while you were there?

A Well, I don't know, I probably did.

Q Now, you say you had a transaction with Mr. Carroll on the 10th day of April, 1957?

A I don't recall that I gave the date; I don't know the date.

Q Do you recall now the date that you say he paid you \$25,000.00?

A No, I don't recall the day, it was the day before the mandate went down.

Q In the Selected Investment Company case?

A That's right.

Q Now, had you been at all the court conferences immediately prior, say within the sixty days prior to the time that the mandate came down?

A Oh, I don't think so. I don't have any record actually.

Q Where had you been in February, 1957?

A Well, I was in the hospital a while in '57.

Q Do you know at what time?

A Yes, sir, about the time, I think I went in the hospital the 3rd of February.

Q Well, if you were present at the court conference on the 8th day of February, 1957, would you say that you went to the hospital before or after that date?

A I would say I went before; of course, I had checked the record and it shows that my vote was cast, but I left that vote, or I told Judge Welch, I believe it was, that I would vote for the appellant.

Q How long were you in the hospital?

A I think it's a little over three weeks.

Q And if the Court permits, I would like to inquire as to the nature of the illness that he was in the hospital for at that time.

REPRESENTATIVE MORDY: We object, Your Honor, I can't see any relevancy.

PRESIDING OFFICER SENATOR GRANTHAM: The Court doesn't see the relevancy of this unless it goes to his competency. I am going to overrule that, though. You may proceed.

I will overrule it.

Q (By MR. BINGAMAN) The Court says you may answer.

A Ask the question again or read the question.

PRESIDING OFFICER SENATOR GRANTHAM: Would the reporter read the question.

(Whereupon, the last above set out question was read by the reporter.)

Q (By MR. BINGAMAN) Perhaps it may not have been addressed properly, I'm sorry.

What was the nature of the illness which caused you to be confined to the hospital at that time?

A I had cancer of the colon.

Q And was the colon removed as a result of that?

A Yes, sir.

Q And after you were released from the hospital, how long were you confined to your home?

A Oh, I don't know, I stayed around home there maybe two or three months or longer. I don't know.

Q Yes, sir. It was not easy for you to get around in the car and take care of things after this operation until you became accustomed to the new way of living, is that right?

A Well, it took some time to get adjusted.

Q To regain your strength?

A That's right.

Q And how long was it probably before you drove your car?

A Well, I don't know. I don't think it was too long that I started driving the car.

Q Did you drive the car back and

forth to your work at the capitol, or did you walk?

A No, I drove the car at that time. I used to walk a few years back of that.

Q Now, when did your income tax trouble start, Judge Corn?

REPRESENTATIVE MORDY: Your Honor, I am going to object to that, now, he has testified about a conviction for income tax evasion. Now, he's going into it further.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken. Sustained.

Q (By MR. BINGAMAN) Did you, in connection with the investigation of your income tax problems with the Federal Government, make a statement under oath to the Federal Income Tax investigators?

A No, not under oath.

Q They never questioned you?

A No.

Q That is, not under oath, but you did make a statement?

A Oh, yes, they discussed it pro and con.

Q Did you, in that statement with the Federal Income Tax investigators, tell them about the receipt of this \$25,000.00 out of this \$125,000.00 from Hugh Carroll?

A No.

Q Was that charged up against you on your income tax?

REPRESENTATIVE MORDY: I'm going to object again, Your Honor. Once more I'm going to redirect my same objection. He testified so far as the conviction.

PRESIDING OFFICER SENATOR GRANTHAM: It is sustained.

Q (By MR. BINGAMAN) Now, did you obtain any credit on your income tax liability by reason of these relations of alleged payments to others of a part of this money which you now admit that you received from Mr. Carroll?

REPRESENTATIVE MORDY: Same objection, Your Honor.

MR. BINGAMAN: It goes to the credibility.

PRESIDING OFFICER SENATOR GRANTHAM: What are you pursuing here?

MR. BINGAMAN: Well, it goes to his credibility as to whether he has been promised immunity from it.

REPRESENTATIVE MORDY: Let him ask that question.

PRESIDING OFFICER SENATOR GRANTHAM: The fact that you have gone into the fact that he has been convicted of a felony, in his cross-examination, and to impeach the credibility of this witness, I think you were allowed to do that, but, to pursue that further, you are not.

MR. BINGAMAN: My pursuit, if Your Honor please, was not to the criminal angle of the income tax, I am trying to find out if he has been excused from paying, which would certainly be a motive for his testimony at this time.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will bear with you at this time a little longer.

Q (By MR. BINGAMAN) Judge Corn, the government collects money for what they receive?

A Yes.

Q Were you assessed and charged a tax on this \$150,000.00 that you got from Hugh Carroll?

A Well, I must have paid taxes on some of it. Of course, I didn't disclose anything about this.

Q You have since that time disclosed it to the Federal Government, have you not?

A Not to the taxing authorities, I have to the Federal Attorney.

Q You have to the people at the United States Prison at Springfield, Missouri, have you not?

A To whom?

Q To the people at the United States Prison at Springfield, Missouri, and to the other representatives of the United States Government?

A Well, I don't know who you are including, there wasn't very much.

Q Well, who have you disclosed it to? Maybe we can move along that way.

REPRESENTATIVE MORDY: We object to that.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken. The objection is sustained.

MR. BINGAMAN: Are we going to adjourn at 5?

PRESIDING OFFICER SENATOR GRANTHAM: I thought we would run to 5:15 here.

Q Have you settled all questions of your civil liability for income taxes with the United States Government?

A I didn't quite get it.

Q Have you settled all questions of your civil liability for income tax with the United States Government?

REPRESENTATIVE MORDY: Objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q Now, Judge Corn, shortly before you left Oklahoma City to go to the Springfield institution, there was some question about your resignation from the Bar, was there not?

A Well, I resigned from the Bar.

Q And to whom did you deliver your resignation?

A Rheam of Tulsa.

Q Mr. Floyd Rheam of Tulsa?

A Yes, sir.

Q Now I will ask you, Judge Corn, if you did not state to Mr. Floyd Rheam at the time you delivered to him your resig-

nation from the Bar Association that you had not paid any money to any member of the Oklahoma Supreme Court?

A I think I did.

Q Yes.

A I think maybe I told him that.

Q That was an unsolicited statement from you that you told him to convey that order to the Bar committee?

A Well, Judge Welch came to my place--

Q I didn't ask you about Judge Welch, I asked you about Mr. Rheam.

A I am going to lay the premise for making the statement I made. I did make that statement, but it wasn't true and --

Q You did make it, however, at that time?

A Yes, sir.

Q Now, you made the statement, as I understand it, which you make now, involving Judge Johnson during the time you were in the Springfield institution?

A Made what statement involving --

Q A statement, this statement involving Judge Johnson, during the time you were in the Springfield institution?

A Yes, sir.

Q And you made that statement there to -- Was anyone present when you made the statement?

A Yes, sir.

Q Who was present?

REPRESENTATIVE MORDY: Your Honor, I am going to object to this, I can't understand the connection. It's outside of direct examination. I don't see its relevancy at this time unless he can show that prior inconsistent statements have been made. But to go into a statement he has already made once before, I don't -- it's wholly immaterial.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that he is pursuing the question of trying to discover inconsistent statements with the testimony

now, and your objection is overruled.

Q The Court has ruled you may answer.

A Yes, I made the statement. You want to know who was present?

Q Yes, please.

A County Attorney of this county, James Harrod; Mr. Potter, the District Attorney; Mr. Carpenter, a federal attorney from Washington, I think; and the court reporter; and my attorney, Dick Fowler.

Q And what date was that, please?

A That was on the 9th day of December, 1964.

Q Did you make that statement to them orally or did you have it written out when they arrived there?

A I had it written out.

Q And you exhibited it to them written out?

A I was put under oath and I read it to them.

Q In detail to them?

A Beg your pardon?

Q How many envelopes did you have the statement in at that time?

A Well, I think I had -- I think I had three for my own convenience. There wasn't very much to the statement, just three or four pages. Very brief.

Q It was stated in the press here at the time you were interviewed at your home by the House Investigating Committee that the statement consisted of some 84 pages. Is that true or false?

A Well, that, of course -- They started out asking me questions. The whole thing, I guess, did amount to that many pages.

Q When was what you finally said or taken by them transcribed by the reporter and exhibited to you again?

A Well, later on.

Q Well, how much later on and where?

A Well, it was after I came home. I got out the 18th. I don't know. A few days

after I came home. I got home the 19th of December.

Q Then the typewritten statement was much more elaborate and more lengthy than the brief statement you had written out at the time they came there?

A Well, it included the questions they asked me.

Q Yes, sir.

A And, after -- After we finished up I was tired and I told them I wanted to continue the statement, that I would do that maybe after I got out the 18th or maybe before. I wrote, I think, 12 pages in longhand on just the ordinary sheets and sent to Mr. Harrod, the county attorney. That was included in the statement they brought out to me at my home down here to sign. I guess all of that, including that, made up the 84 pages that you were talking about.

Q Who brought the papers to you at your home to sign, please?

REPRESENTATIVE MORDY: Your Honor, we are going to object. This seems completely irrelevant and immaterial unless it can be shown anything inconsistent has been said.

PRESIDING OFFICER SENATOR GRANTHAM: This is cross-examination and he has great latitude, but I think, Mr. Bingaman, you are going to have to connect up what you are trying to show, these inconsistencies, in order to make these questions proper. For the moment the objection is overruled.

MR. BINGAMAN: Would the reporter read the question?

(Whereupon, the last set out question was read by the reporter.)

A James Harrod, county attorney.

Q Now did you subsequently testify before the Bar Committee of the Oklahoma State Bar?

A Yes.

Q How long did you testify there?

A How long?

Q Yes.

A You mean the length?

Q Did you take this statement out and say that is what I have to say about it, or did they ask you questions about the matter?

A They asked me questions.

Q And that was before --

A I think they had a copy of the statement. I know they did, and they asked me additional questions.

Q You read the statement through at that time?

A Beg your pardon?

Q You read the statement through at that time?

A No, not at that time. I pretty well knew what my statement was.

Q When did you finally swear to it before a notary public, if you did?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. I thought that Judge Johnson was -- Proceed.

Q When did you finally swear to the statement before a notary public if you did?

A They put me under oath.

Q Who is "they"?

A The Bar commission.

Q The Bar commission?

A Yes.

Q And then you also were under oath with the House Committee?

A Yes, sure.

Q Judge Corn, you were formerly county attorney of Dewey?

PRESIDING OFFICER SENATOR GRANTHAM: Wait a moment. Do I understand you are thinking about going into some different realm of this now?

MR. BINGAMAN: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: I think the time to break off is here and for that reason I think we will stop and you may continue the

next time we come to Court. And, there is a couple of questions I have been asked from the members of the Court and bear with me.

REPRESENTATIVE MORDY: Judge, the Board of Examiners respectfully request now that we have gone this far with the cross-examination and we would like to let him continue the cross-examination this evening before we finish. Now, with all respect to Mr. Bingaman, he has been dragging his feet for ten or fifteen minutes on this cross-examination, and --

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy there are three members of the Court that tell me they must leave now and for that reason I think we have reached a point we have to close, and unfortunately, it's unfortunate, but I think the only thing we have time to do at the moment is to ask these questions the Court has asked and then resume this at 9 o'clock in the morning.

These are the questions. Senator Baldwin asks the question.

Judge Corn, where did you get \$25,000 and also the \$125,000? What dates did you get the \$25,000 and the \$125,000?

A Well, I got the \$25,000 the day before the mandate went down, and it was some

ten days or two weeks later before I got the \$125,000.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Judge Corn, the question by Senator Berrong.

Did you advise Mr. Carroll the name or names of any other Judge or Judges whom payment was to be made on the Selected Investment Case?

A I did not.

PRESIDING OFFICER SENATOR GRANTHAM: The rest of the question was: If so, who were the Judges?

You did not, so that answers it.

Now, you may step down, Judge Corn.

Gentlemen of the Court, we have three members of the Court that have to go, one of whom has gone, two of whom have gone and the other has to go and for that reason the case is stopped at this point and we also have this mechanical problem with the court reporters as to when we close this court and in addition to the reason for closing in the vicinity of 5 o'clock which I previously stated.

This Court is adjourned until 9 o'clock tomorrow morning.

(Whereupon, Court was adjourned until 9 o'clock, A.M., May 7, 1965.)

Friday, May 7, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Trial of the 30th Legislative Session is now in session. The clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members of the Court were present:

Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Nichols, Payne, Pope, Porter, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.

Absent: Cowden, Rogers, Stipe.)

PRESIDING OFFICER SENATOR GRANTHAM: The clerk will announce the roll.

Any other senators who have not answered the roll?

COURT CLERK: Absent are Cowden, Howard, Keels, Murphy, Rhoades, Rogers, and Stipe.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will be advised when any of these Senators who are marked absent are returned to the Chamber so we may note them present.

At this time the members of the Court will please stand and all persons in the gallery and Senator Dacus will give the prayer.

(Whereupon, Senator Dacus gave the Invocation.)

PRESIDING OFFICER SENATOR GRANTHAM: Will Senator Garrison take

the floor? Do you have any motions concerning the correction of the Journal today, or not?

SENATOR GARRISON: The Journal is being checked. At this time we are not ready with that motion.

PRESIDING OFFICER SENATOR GRANTHAM: Fine.

Gentlemen of the Court, we are going into the second day of the trial. I'd like to comment on the transcripts.

Let the record show Senator Murphy is present, Senator Rhoades is present and Senator Howard is present. And Senator Keels is present.

Gentlemen of the Court, give me your attention. We have been very proud of the decorum of this Court and of the cooperation of the visitors and likewise the press, and the cooperation of counsel for the accused and by the Board of Managers, and I am hopeful we can keep this high decorum.

I would like to call to the attention of the members of the Court that on your desk is a transcript of the proceedings of yesterday and would ask you not to detract from any witness in reading this transcript, but I would ask you at your leisure moments to review the transcript. I should like to again emphasize there is a considerable amount of work that goes into the getting of this transcript to your desk and by the time that it is checked by the reporters and by the journal clerk and goes to the printers and is printed, a large portion of the night is consumed in order to get this before you. Therefore, unless there is some objection by some member of the Court, I believe it is to the advantage of

the smooth operation of this Court that we adjourn in the vicinity of 5 or 5:15 in order that this can be accomplished on each day.

I should also like to say that in connection with the continuation of this trial that I should like to request that the Board of Managers and counsel for the accused carefully scrutinize the Articles of Impeachment and insofar as possible endeavor to limit your examinations to what you determine to be the elements of proof with reference to these Articles of Impeachment in either establishing them or in disputing them.

Senator Murphy is present and I believe I have already shown Senator Murphy, Senator Keels and Senator Rhoades present.

Now, at the last session, I'd like to ask that when the Pages bring a note from a member of the Senate, they deliver it to me personally. When they lay it on the desk I have found that I didn't get one or two notes. One note I did not get was from Senator Pope and that was to be for the witness Mr. Carroll, and I wonder if Senator Pope would take the floor.

Senator, do you desire Mr. Carroll recalled in order to ask this question?

SENATOR POPE: No, I do not, Mr. President.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you.

Now, we also have this morning a question by Senator Porter we didn't get asked of the witness the last time.

At this time we will proceed with the testimony of Justice Corn.

N. S. CORN,

called as a witness on behalf of the Board of Managers, having been previously duly sworn, resumed the witness stand and testified further as follows:

PRESIDING OFFICER SENATOR GRANTHAM: There is the question here by Senator Porter, which we will ask at this time.

Judge Corn, what did you do with the \$125,000.00 given you by Hugh Carroll?

A I did not give it to anyone else.

PRESIDING OFFICER SENATOR GRANTHAM: What did you do with it?

A Well, I spent it for various things.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

The second question, did you deposit any of it in the bank account, and if so, what bank?

A I didn't get your question.

PRESIDING OFFICER SENATOR GRANTHAM: Did you deposit any of it in a bank account, and if so, what bank? This is by Senator Porter also.

A I deposited some of it in my savings account.

PRESIDING OFFICER SENATOR GRANTHAM: In what bank?

A Well, two or three of the savings banks, the Oklahoma Savings & Loan, I believe saving, Mutual and Federal Savings, but, I imagine about \$10,000.00 is all I deposited in my savings account.

PRESIDING OFFICER SENATOR GRANTHAM: All right. That is all the testimony yesterday.

Mr. Bingham was examining the witness; and you may continue, Mr. Bingham.

FURTHER CROSS-EXAMINATION
By MR. BINGAMAN:

Q Judge Corn, on what date were you released from the Springfield Prison?

A 18th of December, 1964.

Q Now --

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator Rogers is now present.

Q (By MR. BINGAMAN) Now, during the time of your confinement there, you were brought to Muskogee for the purpose of testifying in a trial there?

A Yes, sir.

Q Did you at that time testify, or did you take the so-called Fifth Amendment?

A I took the Fifth Amendment.

Q How many times?

A Well, every time he asked me a question, I think it was 17 or 18.

Q Was it not asked you at that time if you would testify if you were granted immunity?

A Yes, sir.

Q And did you not at that time ask if they meant immunity to both civil and criminal?

A Beg your pardon?

MR. BINGAMAN: Read the question.

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question.

(Whereupon, the question last set out above was read by the reporter.)

A Well, I don't understand, that is what I said, as I remember. I said to the Judge that this immunity could only stand to a criminal prosecution, and a civil action has been brought against me for \$117,000.00.

Q Now, have you subsequently--

A I didn't get quite through, if you will give me time. And that I couldn't be given immunity.

Q Are you through now?

A Yes, sir.

Q Now, have you since that time been granted civil and criminal immunity by the State and Federal Government?

A Well, my attorney handled that, and I don't know just the extent of the immunity that I was given or have been given.

Q Now, you were admitted to the Bar of Oklahoma in 1921, were you not, Judge Corn?

A I think so, yes.

Q And in what year were you elected County Attorney of Dewey County?

A Well, I don't know. Let's see, I taught school in Taloga '16 and '17. I was elected County Clerk '18-'19 and '20 and '21, and

I went in as County Attorney and served about four years. I had two more years to go the last time I was elected County Attorney.

Q At the time you resigned?

A Prior to that time, they passed the law giving the County Attorneys a four year term instead of a two.

Q Did you know a man named Doug Logan?

A Yes, sir.

Q Did you know a man named Joe Collins?

A Yes, sir.

Q During the time that you were County Attorney, were these men --

REPRESENTATIVE MORDY: Objection, Your Honor. I see no relevancy, materiality, certainly outside the direct examination.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By MR. BINGAMAN) At the time you resigned as County Attorney of Dewey County, were you under a charge of bribery there, and complaint with Governor Trapp?

REPRESENTATIVE MORDY: Objection.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained. I see no relevancy to this at all.

Q (By MR. BINGAMAN) Now, did you have an attorney in connection with these tax matters with the Federal Government?

A Yes, sir.

REPRESENTATIVE MORDY: Now, Your Honor, I am going to object in regard to any more testimony in this regard. The transcript indicates that we went through that lengthily yesterday. He has testified as to his conviction for income tax evasion, and there is no reason to go back into this material again, and you sustained my objection yesterday

when we went over it and over it and over it again.

MR. BINGAMAN: I am not seeking to go into the tax matter.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. I believe that he is within his bounds of cross-examination. You are overruled.

Q (By MR. BINGAMAN) Was it your answer that you had?

A Yes, sir.

Q Was that Mr. John Speck?

A He was one of the attorneys I had.

Q You had gone to him. Had you gone to Mr. Cargill, O. A. Cargill, Sr., with reference to your tax matters?

A Yes, sir.

Q Did you have some trouble with him about your tax matters?

REPRESENTATIVE MORDY: Objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is overruled; to show animosity, or attempting to.

A I did later on. He's the one that got John Speck in the case.

Q (By MR. BINGAMAN) You had some considerable trouble with him about that?

A Well, the trouble I had, he and John Speck framed me and tried to shake me down for \$20,000, and I wouldn't stand it, and that's exactly the truth of it, and lied to me. They tried to extort money from me, under the pretense they could handle the Government agents.

Q So your feeling is not very kind toward Mr. O. A. Cargill, Sr.?

A I actually don't feel too good toward him.

Q Now, in this statement which you made at the time you were in Springfield, and which you subsequently subscribed and swore to, did you involve anyone other than Mr. Cargill, Judge Johnson, and Judge Welch?

A Yes, sir.

Q I mean specifically members of the Court.

A Just those two members of the Court were the only ones, as members of the Court.

Q Did you involve Judge Arnold?

REPRESENTATIVE MORDY: Judge, I am going to object.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained.

REPRESENTATIVE MORDY: We are working on --

Q (By MR. BINGAMAN) You say you have no unkind feelings towards Judge Johnson?

A That's right.

Q You did have some trouble with some members of the Court in conference during the time that Judge Johnson has been a member of the Court, did you not?

A Well, I had a little trouble one day.

Q Had a fist fight, didn't you?

A It wasn't much of a fist fight.

Q Was a blow struck?

A Yes. I got slapped, and I hit one blow.

Q Now, at the time I called at your home within the past two or three weeks, since this matter has been pending, you refused to talk with me about any of these matters, did you not?

A Yes, sir, that's right.

Q Now, at the time you were elected to the Court, you were practicing law in Talloga?

A Yes, sir.

Q Was anyone practicing with you?

A Yes, my son, Lonnie Corn.

Q Is that son now one of the attorneys for the Cities Service?

A Yes, sir.

REPRESENTATIVE MORDY: I am going to object, Your Honor; completely irrelevant and immaterial.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By MR. BINGAMAN) Now, you have testified, Judge Corn, that during the year 1959, which was the last year you served as a member of the Oklahoma Supreme Court, ---

A I just served two weeks in '59.

Q Yes, sir. And during that two weeks' time, you took money, you have testified, to influence your vote on the Court?

A Yes, sir.

Q You have also testified that you took money in a substantial amount to influence your vote during the year 1957 that you served on the Court?

A Yes, sir.

Q I will ask you, Judge Corn, if there was ever a single year that you served in the 24 years on the Supreme Court that you didn't take money to influence your vote in cases there?

A Well, I don't know. I had arrangements --

Q And you are unable at this time then to recall a single year during your 24 years of service on the Oklahoma Supreme Court that you did not accept bribes to influence your decision in that Court; is that true?

REPRESENTATIVE MORDY: Objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may conduct your redirect examination.

REDIRECT EXAMINATION

By REPRESENTATIVE MORDY

Q On cross-examination, I believe you testified that you made a statement to Mr. Floyd Rheam of Tulsa?

A Yes, sir.

Q Was anybody with you at the time you talked to Mr. Floyd Rheam?

A Yes.

Q Who was with you at that time?

A Judge Welch.

Q Did anyone ask you to make that statement to Mr. Floyd Rheam?

MR. BINGAMAN: Object. Incompetent, irrelevant and immaterial, if the Court please.

He's already testified it was unsolicited.

PRESIDING OFFICER SENATOR GRANTHAM: That's right. Repeat the question, Mr. Reporter.

(Whereupon, the last set out above question was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

THE WITNESS: Judge Welch ..

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained.

REPRESENTATIVE MORDY: Your Honor, I would like to direct your attention to the question as asked by Judge Bingaman yesterday on Page 89, halfway down the first column. This question was asked:

"Question: That was an unsolicited statement from you that you told him to convey that order to the Bar committee?"

Now the Board of Managers will submit to the Court at this time Judge Corn's answer was not given. He was interrupted.

PRESIDING OFFICER SENATOR GRANTHAM: There was no objection offered on that testimony, was there?

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Had it been, it would have been sustained.

This question before us, the objection is sustained.

Proceed.

REPRESENTATIVE MORDY: Your Honor, I still contend they opened this up and we wish to explore it a little further. They opened it up on cross-examination.

PRESIDING OFFICER SENATOR GRANTHAM: Objection is sustained.

Q (By REPRESENTATIVE MORDY)

May I ask this question. Judge Corn, you say Judge Welch was with you at the time you made the statement, is that correct?

A Yes, sir, he had been with me some thirty minutes.

MR. BINGAMAN: We object to this line of testimony. They objected to it yesterday. The Court sustained it when I sought to elicit information.

PRESIDING OFFICER SENATOR GRANTHAM: Read me the question again.

(Whereupon, last set out above question was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The objection is overruled.

Proceed.

REPRESENTATIVE MORDY: Would you then read the answer, please, Judge Corn gave.

(Whereupon, last set out above answer was read by the reporter.)

Q (BY REPRESENTATIVE MORDY) There has been some question asked you in regard to immunity, Judge. What is your understanding of this immunity? Were you to tell anything untruthful here today or yesterday, would you have immunity from that?

MR. BINGAMAN: Object as leading and suggestive and self-serving declaration.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (By REPRESENTATIVE MORDY) Your answer.

A No, sir, I was just given immunity for things I might disclose or testimony having a tendency to incriminate me. If I were to testify to something false incriminating myself, I wouldn't need immunity.

Q Judge, have you made any prior sworn statements that are inconsistent with the testimony that you gave yesterday and today?

MR. BINGAMAN: We object to it as leading and suggestive and calling for a conclusion.

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: That was opened up on your cross-examination, Mr. Bingaman. Your objection is overruled.

A No, sir, I have not.

Q (By REPRESENTATIVE MORDY) Judge, yesterday you stated in regard to your conversation with Mr. Rheam, "I'm going to lay the predicate for making the statement I did, I did make that statement, but it wasn't true --" and at that time you were cut off by Mr. Bingaman.

Would you go ahead and tell us what you were going to state yesterday in regard to that statement?

A Well, I was going to say that I called Judge Welch and he came down to my place. He and I had been conferring off and on, I had been going to his place and he had been coming to mine, and he didn't want me to resign, either from the Court or from the Bar. I think I had already resigned from the Court. I know I did, and I called him and told him that I wasn't going to resign --

MR. BINGAMAN: Object to anything he told Judge Welch out of the presence of this accused.

PRESIDING OFFICER SENATOR GRANTHAM: Would you restate your objection, Mr. Bingaman?

MR. BINGAMAN: Object to anything he told Judge Welch out of the presence of the accused.

PRESIDING OFFICER SENATOR GRANTHAM: What he told Judge Welch out of the accused's presence is admissible, but what Judge Welch said is not.

It will be overruled.

REPRESENTATIVE MORDY: Go ahead, Judge.

A Well, he came down and visited a while, and he said that he could get in touch with --

MR. BINGAMAN: Object to anything Judge Welch said to him, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE MORDY: Now, Your Honor, we contend once again, although it is hearsay, it is admissible hearsay. We are not trying to prove the truth of the fact stated by Judge Welch, but, merely he said this and merely follow through with what actually happened.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy, the Court has been over this, and what you say, with the proper background, might be true, but, at this point the objection is well taken, and the objection is sustained.

Q (By REPRESENTATIVE MORDY) Judge, go ahead and state without saying what Judge Welch told you, then.

A Okay. Mr. Rheam came to my home, in my presence there at my home, Judge Welch called him, I think he was in some tourist court, he was informing Judge Welch that I wanted to resign and said he would be there in about thirty minutes. He came, I think there was someone came with him, but stayed in the car, and he came in a little while. Of course, when I made that statement to him I was trying to help Judge Welch. Of course --

MR. BINGAMAN: We object to any excuses he has in trying to help Judge Welch.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken and the answer is not responsive to the question.

Just answer the question, Judge Corn.

Q (By REPRESENTATIVE MORDY) What was the purpose of you making this statement?

MR. BINGAMAN: We object as incompetent, irrelevant and immaterial. The question is whether he made a false statement or not, not for what reason he might have had for it.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A Well, as I said before, it was for the purpose of helping Judge Welch.

MR. BINGAMAN: I move that answer be stricken for the very reason it was sustained earlier.

PRESIDING OFFICER SENATOR GRANTHAM: Would you read the answer back, please?

(Whereupon, the answer of Judge Corn last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The objection is overruled.

Q (By REPRESENTATIVE MORDY) Was it also for the purpose of helping Judge Johnson?

MR. BINGAMAN: We object as leading and suggestive.

PRESIDING OFFICER SENATOR GRANTHAM: It will be sustained. You will refrain from leading the witness, Mr. Mordy.

REPRESENTATIVE MORDY: One moment, Your Honor.

REDIRECT EXAMINATION

By REPRESENTATIVE MORDY:

Q Judge Corn, directing your attention specifically to the \$125,000, now, you testified that you did not give any of that, I believe, to other members of the Court.

MR. BINGAMAN: Objected to as leading and suggestive; his testimony was not to that effect at all.

PRESIDING OFFICER SENATOR GRANTHAM: Let him complete his question.

Complete your question, Mr. Mordy.

Q (By Representative Mordy) Would you tell us if at any time you did anything with part of this money other than keeping it for yourself?

A Yes, I turned \$33,000 of it back to Hugh Carroll.

Q When did you do that, Judge?

A Well, that was after he got in trouble with the stockholders; that was in '58 sometime, maybe May, somewhere along in there, '58. I don't know the exact date.

Q At whose request was it that you returned this money?

MR BINGAMAN: Objected, as immaterial.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained.

THE WITNESS: I didn't get the ruling of the Court.

REPRESENTATIVE MORDY: The Court sustained it.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained.

Q (By REPRESENTATIVE MORDY) Judge, of the \$25,000 you received on April 10, 1957, did you do anything with any of that money other than the \$15,000 which you have testified about?

A Yes, sir, I gave \$2,500 to O. A. Cargill.

Q For what purpose, Judge?

A To get --

MR. GREEN: We object to this as incompetent, irrelevant and immaterial, what he did.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained. Proceed.

REPRESENTATIVE MORDY: Your Honor, once again we would contend that a conspiracy has existed in this matter.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained; it is incompetent, irrelevant and immaterial, not a question of conspiracy, and again on this matter of conspiracy, you have not established a conspiracy, and hitherto, that question is not before this Court.

REPRESENTATIVE MORDY: May I ask the Court for the sake of my own clarification, was the answer allowed to the effect of what was done with part of the money?

PRESIDING OFFICER SENATOR GRANTHAM: Yes. The objection that he had was what the other part of the money -- with reference to Mr. Cargill; that was the objection of Mr. Green, and that was

sustained, and any of that answer that got in the record will be stricken.

REPRESENTATIVE MORDY: No further questions.

MR. BINGAMAN: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness is excused. You will call your next witness.

Just a minute, Judge Corn, I have some questions by the Court that I was about to overlook. This is a question by Senator Baggett. Did Mr. Cargill know about the bribe in the Selected Investments case?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: If so, was that the matter that he used in trying to extort \$20,000 from you as you have testified?

A Well, I don't know what his reason was. I never did disclose that I was getting \$150,000. The \$2,500 went his way. I had reason to believe he wasn't satisfied with the amount he got. Therefore, he framed me.

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute. Then your answer is that you don't know; is that right, on that second question?

A Well, I don't know for sure what his idea was.

PRESIDING OFFICER SENATOR GRANTHAM: Now, the next question by Senator Baldwin. How do you explain the fact that in the Selected case and other cases in question that other Justices voted the same way as Welch and Johnson? By Senator Baldwin.

A I didn't get your question. I want to be sure --

PRESIDING OFFICER SENATOR GRANTHAM: How do you explain the fact that in the Selected Investments and other cases in question that other Justices voted the same way as Welch and Johnson?

A I didn't know they would. I guess they thought the opinion was right.

PRESIDING OFFICER SENATOR GRANTHAM: All right. We have another--

MR. GREEN: If the Court please, I didn't get his answer.

PRESIDING OFFICER SENATOR GRANTHAM: Will you read back the answer, Mr. Reporter.

(Whereupon, the last answer set out above was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Another question here by Senator Howard, a series of questions.

One: Why were Judge Welch and Judge Johnson to receive only \$7,500 each of the \$150,000 paid in the Selected Investment case?

A Well, that was an arbitrary amount that I fixed.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2: Did anyone else receive any of the remaining \$135,000 other than the \$33,000 you returned to Hugh Carroll?

A No, no one else as a bribe received any of it.

PRESIDING OFFICER SENATOR GRANTHAM: No. 3: I believe it is answered, because that question says if so and how much. That question becomes moot as the result of your answer to question No. 2.

Question No. 4: If not, what happened to the \$135,000 and how was it spent? Be as specific as possible.

A Well, to begin with I paid out \$17,500 as I have already testified to. I turned back \$33,000 to Hugh Carroll. That left \$95,000--\$99,500. The federal government and the state government got over \$34,000 of it. I bought a car, automobile, that took \$8,000. I used about \$10,000 in my savings account. I loaned my son, Lonnie, \$16,000 and for current expenses for a period of five or six years I used up the rest of it.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

No. 5: What bank was the \$10,000 de-

posited in your savings account and when was this done?

A Well, I don't know the dates. I didn't deposit the money--perhaps I would use a few hundred dollars and write a check on the bank for the rest of it. The only money I have deposited in the bank was the First State Bank--I think that was the first of '59 I deposited \$2,500 in the bank.

PRESIDING OFFICER SENATOR GRANTHAM: The last question: Is there any other place where a record would show any of this money being deposited?

A No, sir. I deposited it in the bank--I say I deposited \$2,500 in the First State Bank and Trust Company, 1959. During the years '57, '58 and '59, it was less than \$10,000 I used in building up my savings accounts. I think three different savings and loan companies. Outside of that there wasn't any more of the money put in the bank or disclosed in the matter except what I've heretofore stated.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The last question by Senator Howard: Did Judge Johnson or Judge Welch know you were to receive the \$117,000?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: If not, how much did they think you were to receive? I believe that is an improper question. I am going to rule that that question shouldn't be answered.

A Read that question again.

PRESIDING OFFICER SENATOR GRANTHAM: I'm not going to read that question.

A I don't know what they thought it was.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Here is a question by Senator McSpaden. In your 28 years on the Supreme Court, were there any specific years in which you did not take a bribe to influence

your decision on other cases the Court has ruled on?

That question, I don't believe that is -- I believe that is a prejudicial question and not admissible, and unless the Court objects, Senator McSpadden.

Here is a question by Senator Luton.

Did Judge Johnson ever discuss the bribe with you in the presence of any other person?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2 by Senator Luton: Did he, of your knowledge, ever discuss the matter with anyone else?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Here is a question by Senator Payne: Did you have a physical encounter in the Court or Judge's office?

A Judge Arnold.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Arnold?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Here is a question by Senator Birdsong, two questions, in fact.

One, was the loan to your son, Lonnie, a loan or a gift?

A Well, I've already answered, I said it was a loan, and he has paid back quite a bit of it.

PRESIDING OFFICER SENATOR GRANTHAM: Two, the second question is, if it was a loan, has any -- has the loan or any part of it been repaid, and your answer to that is that it has.

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Pope. At the time you resigned from the Bar, did Welch know you had received a total of \$150,000.00?

A Not to my knowledge.

PRESIDING OFFICER SENATOR GRANTHAM: Here is another series of

questions by Senator Baggett, and don't answer this question. Do you know of any bribes to any Justices in the following cases: Marshall versus Amos, and it has the citation, Magnolia versus Angelly, Woodson versus Hughey, Jordan Bus Company versus Waver, Independent Eastern Torpedo Company versus Price, and Battle versus Mason; the Court is going to rule that that question is not admissible.

The next question is by Senator Bartlett: Judge, you testified you had -- What is that Senator Bartlett?

SENATOR BARTLETT: Transaction.

PRESIDING OFFICER SENATOR GRANTHAM: Judge, you testified you had a financial transaction in the Selected Investment in the Oklahoma Company case.

Another question, did any of the other cases involve Justice Johnson? Don't answer that, I am going to hold that that question is not admissible.

The next question is by Senator Birdsong: Justice Corn, during your term in court, did you and Justice Johnson have any arguments or disagreement or hard feelings?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: What was your answer?

A No, sir, we did not.

PRESIDING OFFICER SENATOR GRANTHAM: Here is one by Senator Bartlett: Why didn't you divide the \$150,000.00 equally with the other two?

A I didn't quite get the question.

PRESIDING OFFICER SENATOR GRANTHAM: Let's have order, please.

The question by Senator Berry is this: Why didn't you divide the \$150,000.00 equally with the other two?

A Well, I just wanted to keep the rest of it, I guess.

PRESIDING OFFICER SENATOR GRANTHAM: Here is a question by Senator Pope: Did Johnson or Welch ever accuse you of holding out on them, in that

they did not receive a larger portion of the \$150,000.00?

A No, sir, they did not; never was discussed. I didn't tell anybody about getting the \$150,000.00 until I told it up at Springfield, Missouri.

PRESIDING OFFICER SENATOR GRANTHAM: Here is a question, two questions, in fact, by Senator Rogers: First, have you ever had any other financial dealings with Justice Johnson regarding any other cases except the two you mentioned?

I am going to hold that this is not a proper question, because we are limiting this case, and again I repeat, to the Articles of Impeachment, unless there is objection.

Number two, did Justice Johnson ever come to you concerning voting a certain way on any case to help out friends or for any reason, and can you answer that?

A I say he did not.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer was what?

A I say he did not.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Corn, Senator Porter asks a question as to what happened to the rest of the money. I believe you touched on it, but he wants it gone into again.

Senator Porter?

SENATOR PORTER: I think that has been answered.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Would Senator Porter come to the desk?

The next question is by Senator Murphy and Senator McSpadden: How many different times have you given statements in connection with the Selected Investment case, and would you state the number of statements you have made that are different than the one now made?

A Well, I will say this, that all the statements I have made before the Grand

Jury, Federal Grand Jury, State Grand Jury and the County Grand Jury, the Bar Board, a couple of times, and Legislative Committee, I wouldn't say my statements have been just exactly the same as to the three that I have implicated and to the penny as to the amount of money I received and the amount of money that I paid to these three. Now, I suppose it might have varied as to date from one day or another after I was released. Of course, on some of the facts, my first statement was, the first answer I gave was in '38, after checking the records, relying upon the mortgage that had been released on property that I lived in at 812 Northeast 26th Street, I learned it was 1936, so, I made the correction. My first statement I made up at Springfield, I used the name Westbrook; of course, I learned it was Westcott, I corrected that statement. Outside of that, there isn't any material difference in any of the testimony that I have testified to anywhere, because it is just one open book.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Corn, why did this... This is a question by Senator Berrong: Why did you think you could approach Judge Welch and Judge Johnson on the deciding of the two cases in question?

A Well, I didn't know for sure they would go along. I had reasons to believe they would.

I want to state right now that I don't want to testify to anything pertaining to anybody unless I know it to be true. Now, in answering that question, I would have to refer to hearsay evidence, and I don't know the hearsay evidence was true, so, I'd rather not answer as to the hearsay evidence. However, I will, if the Court requires me, but I want to say it is going to involve other members of the Court and I don't want to involve them or anybody else unless it is something that I know to be true.

PRESIDING OFFICER SENATOR GRANTHAM: This question, Judge Corn, I think has been answered, but, it is a

question by Senator Birdsong: Who was involved in the fight with you, and your answer was what?

A I didn't get the question.

PRESIDING OFFICER SENATOR GRANTHAM: Who was involved in the fight with you?

A There wasn't anybody except Judge Arnold, and he slapped me while I was sitting down. He was seated to the left of the conference room.

PRESIDING OFFICER, SENATOR GRANTHAM: All right.

A And I..

PRESIDING OFFICER SENATOR GRANTHAM: I believe that is not material anyway, as I see it, so we will go on to the next question.

This is the question by Senator Murphy: How many Judges participated in the Selected Investment case?

A Well, you mean concurring in the opinion?

PRESIDING OFFICER SENATOR GRANTHAM: I trust that is what he desires.

A Well, of course, the record shows, I think, there was maybe six. I am not sure.

PRESIDING OFFICER SENATOR GRANTHAM: The second part, what was the vote by the Judges in that case?

A Well, I don't know as I recall how they voted.

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer, No. 2, is you do not remember: is that right?

A Beg your pardon?

PRESIDING OFFICER SENATOR GRANTHAM: The answer to that question is that you do not know; is that right?

A Well, I am not positive I know. I think maybe, but I am not real sure about it.

PRESIDING OFFICER SENATOR GRANTHAM: His question was, what was the vote, six to three or five to four?

A I think it was six.

PRESIDING OFFICER SENATOR GRANTHAM: What?

A I wouldn't say for sure, I think it was six.

PRESIDING OFFICER SENATOR GRANTHAM: I will inquire further, do you mean six to three or just six judges participated in the case?

A Out of three, if it was a six, the other three would have to be against or pass. They wouldn't pass, they have to vote one way or the other.

PRESIDING OFFICER SENATOR GRANTHAM: The last question by Senator Murphy, and stay close to your speaker when you answer. How did you know if no other Judge was talked to that the decision would be in favor of Selected Investments?

A I didn't..Repeat that question, please.

PRESIDING OFFICER SENATOR GRANTHAM: All right. How did you know if no other Judge was talked to that the decision would be in favor of Selected Investments?

A Well, I didn't. I didn't know it until after it was voted on. All I knew that was going to concur were the four, myself, Carlile, Johnson and Welch.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Here is a question by Senator Berry. Did either Welch or Johnson ever take a bribe before in any case, to your knowledge? And I am going to rule that that is not admissible.

A You mean from me?

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute, no. Just a minute. I am going to rule that that question is not relevant unless we have an objection.

SENATOR HAMILTON: Judge, ..

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

SENATOR HAMILTON: I don't have any objection, sir. Now, this is the third time that this particular question has been

asked; in fact, two of them have been repeated. How many times are we going to ask the same question?

PRESIDING OFFICER SENATOR GRANTHAM: Well, Senator Hamilton, my reason for reading the question is so that the whole Court will know what question was asked, and if these other things were involved in these charges, then I'd say they would be admissible, but they are not herein involved and for that reason, I am just reading it so that the whole Court will know. Senator Rogers.

SENATOR ROGERS: Mr. President. The same question has been asked two or three times, and I ask the Court -- which indicates to this member of the Court that it may be that other members of the Court would like to hear the answer to that, so in order to determine that, I am going to take exception to the ruling of the presiding officer in the refusal to ask the first question, and see if there are nine other members of the Senate who will second that, so that the question can be put to the Court. And I ask that the Court read the first question, which I presented, which was held to be inadmissible.

PRESIDING OFFICER SENATOR GRANTHAM: I think maybe -- All right, members of the Court. The question to which Senator Rogers excepts is, "Have you ever had any other financial dealings with Justice Johnson regarding any other cases except the two you mentioned?" Don't answer that.

Gentlemen of the Court, the reason I am holding as I am, and I rarely will state this, is that the charges under the Articles of Impeachment involve these two cases only, and for that reason, I am excluding testimony as to any other possible cases, and would consider that in order for them to be admissible, charges would have to have been made. Now, Senator Rogers makes an exception to that ruling, and under Rule 9 the question now occurs as to whether or not his exception is sustained by ten members of

the Court. Those who are in favor of sustaining Senator Rogers' exception -- just a moment, Senator Baggett.

SENATOR BAGGETT: Senator Grantham, since you saw fit to comment as to your reason for making the objection, would we be permitted to make a comment to the contrary?

PRESIDING OFFICER SENATOR GRANTHAM: I believe that that comment should come -- I just wanted to clarify. I think if you want -- I would allow you to do that. We don't want to make a practice of it; go ahead.

SENATOR BAGGETT: There has been presented by the Board of Managers the question of a common plan, scheme and conspiracy. The question, if addressed to that particular element of the case, would be material within the two Articles, in my opinion.

PRESIDING OFFICER SENATOR GRANTHAM: Under that theory, it would be, that is true, but my further statement would be that it has not yet been established there was any scheme. But in any event, here is the exception to the ruling as to the admissibility of Senator Rogers' question. How many sustain Senator Rogers' exception? Let's see the hands. Will the Clerk count.

The exception being sustained by fifteen members of the Court, the roll call will now be called as to whether or not the objection to the ruling of the Chair sustaining the objection to this question by Senator Rogers. If you are in favor of sustaining the objection and not letting it in, you vote Aye. If you are opposed and feel that it should come in, vote No.

SENATOR McSPADDEN: Before the roll call is put, we yesterday had a little discrepancy on the manner in which we would vote to sustain the Chair. Will you put that --

PRESIDING OFFICER SENATOR GRANTHAM: If you are in favor of sustaining the Chair, in reality, you vote Aye,

and if you are opposed to sustaining the Chair in this decision, vote No, but that is correct.

SENATOR HAM: Mr. President, who objected?

PRESIDING OFFICER SENATOR GRANTHAM: Who objected?

SENATOR HAM: Who objected to the question?

PRESIDING OFFICER SENATOR GRANTHAM: The Chair ruled that this question was not proper.

SENATOR HAM: I understood that in voting, if we were in favor of sustaining an objection, we would vote a certain way, and I didn't understand --

PRESIDING OFFICER SENATOR GRANTHAM: If you are in favor of sustaining the Chair, vote Aye; if you are opposed, vote No. Any objection to Judge Corn being excused while the roll is being called?

MR. GREEN: No objection from us.

PRESIDING OFFICER SENATOR GRANTHAM: You are excused while the roll is being called.

(Whereupon, the roll was called, the following members voting AYE: Baldwin, Birdsong, Boecher, Dacus, Field, Garrison, Grantham, Ham, Hamilton, Holden, Horn, Luton, McClendon, McSpadden, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Smith, Williams.)

NAY: Atkinson, Baggett, Bartlett, Berong, Berry, Bradley, Findeiss, Garrett, Gee, Graves, Howard, Keels, Martin, Masad, Massey, Porter, Rhoades, Rogers, Romang, Selman, Stansberry, Taliaferro, Terrill, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Any other senators desiring to vote or change your vote? Any other members of the Court desiring to vote or change your vote?

All right. The clerk will announce the roll.

COURT CLERK: 22 Ayes and 24 Nays.

PRESIDING OFFICER SENATOR GRANTHAM: The voting having been 22 Ayes and 24 Nays, the chair is not sustained. The objection is not sustained and the Rogers question and the similar questions will be admitted.

SENATOR McCLENDON: One question, Your Honor. By this vote then we are seeking to go beyond the Articles of Impeachment, is that right?

PRESIDING OFFICER SENATOR GRANTHAM: Senator McClendon, the court has decided for some reason they want to hear this. The theory that Senator Baggett advanced was that if on the day of perhaps a conspiracy, but of course that is a decision made by the Court. For what reason, it's the individual responsibility of each member of the Court.

Senator McSpadden is recognized.

SENATOR McSPADDEN: Judge, I think this is a proper time to make these statements while the witness is outside of chambers. A moment ago I think you overruled the identical question that defense counsel for the accused put...that I put...on previous years that Judge Corn had spent on the bench. I think you know the question that I am talking about.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, sir.

SENATOR McSPADDEN: My question is this, from a lay point of view if we can...if the Court has the right to make Judge Corn to answer questions involving something other than the other two cases in the Articles, then, shall I repeat my question, so I can take exception to it on the basis that we can make him answer previous questions or any conversations or plans he had with Judge Johnson through the years, why cannot the Court have the same information on bribes that Judge Corn might have accepted through his 20 years of service?

PRESIDING OFFICER SENATOR GRANTHAM: You can certainly do that, Senator McSpadden, and it would indeed be proper. The reason for the ruling on

that is the question of his receiving bribes is not a question in this case. But, the question of Judge Johnson receiving bribes is and therefore, the Court ruled it was irrelevant. However, if more than a majority of these want to hear this evidence, then, of course, it may be heard.

SENATOR McSPADDEN: I would like to take exception on that.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Do you want to take exception now -- just a moment --

Representative Connor is recognized.

REPRESENTATIVE CONNOR: Judge, just for the purpose, if I might make a suggestion for the purpose of moving this along, did you segregate the questions you received the answers or refused to allow the witness to answer up there?

PRESIDING OFFICER SENATOR GRANTHAM: I did not.

REPRESENTATIVE CONNOR: What I was thinking is possibly you would probably remember the ones you turned down. I think Mr. McSpadden's question would probably come under the rule of the Court as made here on a number of other questions. It might save time if the Court will go through those questions and reask them and in light of the ruling of the Court on this question, re-examine your ruling and we would have no objection to this rather than having to take exception and vote on each and every question.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Nichols is recognized.

SENATOR NICHOLS: This inquiry is addressed to the Court. May it please the Court, the indictment or charges relates two specific offenses, is that right?

PRESIDING OFFICER SENATOR GRANTHAM: That's correct, Senator Nichols.

SENATOR NICHOLS: And the Court has heretofore ruled up to the present time that no conspiracy has been established, is that right?

PRESIDING OFFICER SENATOR GRANTHAM: That's right.

SENATOR NICHOLS: Under this ruling -- kill that question. The Court has ruled out all testimony except based upon these two charges, is that right?

PRESIDING OFFICER SENATOR GRANTHAM: That is right.

SENATOR NICHOLS: Under this ruling, the Court's order is set aside and all of the testimony outside of these indictments would be brought into this case, is that the effect of this ruling here?

PRESIDING OFFICER SENATOR GRANTHAM: That is the interpretation of it, that's right.

SENATOR NICHOLS: Thank you, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Howard.

SENATOR HOWARD: Mr. President, for just a brief observation if the President would permit it on this question, and that is that the only reason I voted to override the Chair was restricted to the particular question then before us and not to make a decision on whether this other material would be allowed. I think it would be improper to decide any other question in light of this vote.

PRESIDING OFFICER SENATOR GRANTHAM: The Court agrees with you.

SENATOR KEELS: That was my point, Judge Grantham. The vote was on the one question, not to open the field up.

PRESIDING OFFICER SENATOR GRANTHAM: That's right. We have reached the time of recess and we will at this time stand at recess until -- for about fifteen minutes.

SENATOR ROGERS: This question before recess. Will all of the questions on this particular line of questioning have to come from the Court or will it be possible for both the Board of Managers and defense counsel to open up this line of argument or this line of questioning?

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers will

certainly not be out of line to question the witness on whatever questions are made by the Court.

SENATOR ROGERS: Thank you.

(Whereupon, Court was recessed for fifteen minutes.)

PRESIDING OFFICER SENATOR GRANTHAM: The impeachment trial of the Thirtieth Legislature is now in session, the recess having expired. Let the record show that the accused is present with his attorney.

Where is the Board of Managers? Notify the Board of Managers, Mr. Marshal.

We will stand at ease, the Board of Managers is in conference. We will stand at ease until they get in here.

Gentlemen, the Board of Managers has returned, and let the record show that the Court of Impeachment of the Thirtieth Legislature is now in session, that the Board of Managers is present, the accused with his attorneys is present; the Clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen of the Senate, Gentlemen of the Court, I want to say that when you have a Page sending a question up, please remind the Page to deliver this personally to me. The way these things get misplaced, when I have read the question I place them over in another category here; if the Page comes and leaves the question over in the category I have already received, then I

never get to see it. So, remind the Pages and the Pages will take notice of this.

Now, at this time, Judge Corn will return to the stand.

MR. BINGAMAN: While Judge Corn is returning to the stand, Your Honor, may I make an observation?

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

MR. BINGAMAN: Prior to recess I did not want to be in the attitude of objecting to any question that might be asked by the members of the Court, and I don't want to be of that attitude now, but, I believe that the question that has been asked by the Court, propounded to this witness, has been already answered by him, and I believe I have checked with the reporter during the recess, and I think it has, and I believe the witness qualified his statement that he did not want to testify to any hearsay unless the Court insisted upon it, so, when the question is propounded, may I ask that the witness be cautioned and not blurt out any hearsay, but only that which he himself knows. I believe it would expedite the matter here.

PRESIDING OFFICER SENATOR GRANTHAM: The witness I am sure is familiar with the hearsay rule and he will be admonished and is admonished at this time that any hearsay is not admissible in this court unless it is admissible in the courts of record in Oklahoma and in the trial of cases in the Oklahoma courts, and therefore will limit your answer to what you know. Of course, we attorneys are familiar that there are certain exceptions to the hearsay rule, and they will have to qualify under one of these exceptions. The Court will be at method now, we are at the point in this trial where the question of Senator Rogers is now in order.

He has submitted two questions; the first was rejected by the Court, and the second was asked. The one which was rejected by the Court was excepted to

by Senator Rogers, and that exception was sustained, and the ruling of the Court was overruled, and this question will now be propounded by Senator Rogers:

Have you ever had any other financial dealings with Justice Johnson regarding any other cases except the two you mentioned?

A I have not.

PRESIDING OFFICER SENATOR GRANTHAM: Now, the next question is by Senator Williams, and the question is: Why did you give \$33,000.00 back to Mr. Hugh Carroll in 1958?

A I didn't quite get that.

PRESIDING OFFICER SENATOR GRANTHAM: The question is, Judge Corn, why did you give \$33,000.00 back to Mr. Hugh Carroll in 1958?

A Mr. Carroll came to me and he said he was going to have to have \$60,000.00 for his friends. I told him I would give him back what money I had available, and I gave him \$33,000.00.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Pope: Did Judge Johnson ever offer to return money in either case to you?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Pope: Did you tell Johnson you had to pay back Carroll some of the money?

A No, I never talked to him about the case.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Baldwin: Did you know how Judge Carlile would...

A Beg your pardon?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, I can't read one of your words, how Judge Carlile was what?

SENATOR BALDWIN: My question was, Judge...

PRESIDING OFFICER SENATOR GRANTHAM: Just tell me the word.

SENATOR BALDWIN: How did you know how Judge Carlile would vote on the Selected Investment case.

PRESIDING OFFICER SENATOR GRANTHAM: The question is, how did you know how Judge Carlile would vote on the Selected Investment case?

A Well, I only knew what Cargill told me, and I told Cargill...

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute, the Court is going to rule that what Cargill told you should be stricken from the record, because it is hearsay.

The Court will ask you this question a little different. Did you know of your own personal knowledge?

A No sir, I did not.

A I never talked to Carlile about this.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Stansberry and Senator Findeiss. Judge, would you give to the Court your reasons for thinking that Judge Johnson and Judge Welch would participate?

A I can't do that without going to hearsay evidence.

PRESIDING OFFICER SENATOR GRANTHAM: You will not be required to do that.

A I cannot.

PRESIDING OFFICER SENATOR GRANTHAM: Here is a question by Senator Young. What arrangements did you have in 1936 or 1938 and with whom and what case? Young.

Now, gentlemen of the Court, the Court is going to hold that this is too remote to be material in this case, and for that reason, this question will not be asked unless exception is taken.

The next question is by Senator Smith. Judge Corn, what prompted you to make these disclosures after so many years?

A Repeat the question, please.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Corn, what prompted you to make these disclosures after so many years? That is a question by Senator Smith.

A I didn't think that it would ever be brought out. I didn't think Hugh Carroll would ever disclose what was--

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer is, the actions of Mr. Carroll caused you to bring it out; is that right?

A I didn't quite get it.

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer is that the actions of Mr. Carroll caused you to bring it out; is that right?

A Well, of course, after it was brought out, I entered a plea of nolo contendere. I made up my mind that I never was going to tell anybody anything about this deal unless I was forced to. If it ever come to a place where I would have to take the witness stand and testify, I was going to tell the truth. I wasn't going to tell a lie for anybody.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, Judge Corn, is by Senator Payne. Why did it become necessary that you reveal any information relative to the Selected Investments case and the \$150,000 payment?

A Well, as I was given immunity to tell the truth.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Porter. What did Judge Johnson ever do to impress you that you could bribe him?

A I didn't quite get the question.

PRESIDING OFFICER SENATOR GRANTHAM: What did Judge Johnson ever do to impress you that you could bribe him?

A Nothing of my own knowledge.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't hear your answer.

A I say nothing to my own knowledge.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Porter. Have you ever tried to buy his vote prior to the Selected Investment case?

Now, the personal feeling of the Court is that this is inadmissible, but it is the same--it is similar to Senator Rogers' question, therefore I am going to ask it. You may answer.

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer is "No, sir."

The next question is by Senator Atkinson. Did Judge Welch and Judge Johnson ever indicate to you that they were aware that you had not given them a fair cut?

A They did not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Pope, Senator Pope. Did you ever receive any money from Justice Johnson?

A I think I answered that question, and I will answer it again. I did not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by--also by Senator Pope. Did Judge Johnson tell you what he could or would do or did do with the money?

A Could I have the question again.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. The question by Senator Pope: Did Judge Johnson tell you what he could do or would do or did do with the money?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Now, inasmuch as there has been considerable examination by the Court, I am going to give time for the Board of Managers and the accused to examine this witness with reference to the questions to the Court, if they so desire.

Does the Board of Managers care to further examine the witness?

Just a moment. Senator McSpadden is recognized.

SENATOR McSPADDEN: Before we go into that, I would like to ask unanimous consent of the Court to withdraw the exception that I lodged just before recess.

PRESIDING OFFICER SENATOR GRANTHAM: Senator McSpadden asked unanimous consent to withdraw the exception that he lodged just before recess. Any objection? Hearing none, that will be the order.

All right. Board of Managers will proceed.

REDIRECT EXAMINATION

By REPRESENTATIVE MORDY

Q Did you have any type of agreement in regard to the vote of Judge Carlile in the Selected Investments case?

MR. BINGAMAN: To which we object; it would be incompetent, irrelevant and immaterial. I believe the Court sustained the motion on it previously.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, the reporter has said that they have trouble with you and the Board of Managers and myself when we talk at the same time. So, the objection has been lodged and I will caution all of us to try to make it easier for the reporter. The objection is sustained.

REPRESENTATIVE MORDY: Your Honor, not wishing to argue with the Court, but by question of the Court, the matter was brought out that he believed that Judge Carlile would go along with the other three, and I would now like to ask him if such an arrangement had been made, and I feel in tenor with the question asked from the Court that it is now proper; otherwise, it leaves it dangling in the air.

PRESIDING OFFICER SENATOR GRANTHAM: Your point is well taken. The witness will answer.

REPRESENTATIVE MORDY: Would you read the question back.

(Whereupon, the last question set out above was read by the reporter.)

A Yes, sir.

Q What was that arrangement?

MR. BINGAMAN: May I inquire if it was with Judge Carlile?

PRESIDING OFFICER SENATOR GRANTHAM: You may inquire. The accused will be allowed to explore this before you proceed.

Q (By MR. BINGAMAN) Was the arrangement with you personally with Judge Carlile?

A No, sir.

MR. BINGAMAN: We object then as hearsay.

REPRESENTATIVE MORDY: It's not going into hearsay evidence. I'm talking about any type of arrangements being made. He testified that he believed Carlile would vote with Judge Johnson, Welch and Corn.

PRESIDING OFFICER SENATOR GRANTHAM: I will allow you to proceed further on this and say you are on close ground.

MR. BINGAMAN: May I make this further observation, Your Honor. I believe he has testified in response to a question from a member of the Court he had no arrangement with Judge Carlile. He did not know for sure; it was dependent upon what some person told him, and the Court at the time did not ask the question as to what the arrangements were with the third person. I believe it's repetition for that reason and I believe that he has fully answered everything except the hearsay feature.

PRESIDING OFFICER SENATOR GRANTHAM: We'll see. Proceed.

Q (By REPRESENTATIVE MORDY) What was that arrangement?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, just a moment, just a moment. Let's find out who

the arrangement was with before we reach that.

Q (By REPRESENTATIVE MORDY) With whom did you have an arrangement in regard to the Carlile vote?

A With who?

Q Yes, sir.

A O. A. Cargill.

Q What was that arrangement?

MR. BINGAMAN: I object to any arrangement he had with O. A. Cargill and I ask that the answer be stricken from the record.

PRESIDING OFFICER SENATOR GRANTHAM: I think it's admissible. He did have arrangements with O. A. Cargill. As to what these arrangements were is hearsay and that objection is going to be sustained.

Q (By REPRESENTATIVE MORDY) Was money delivered to O. A. Cargill in regard to this arrangement?

MR. BINGAMAN: Object; repetition. If the Court please, he already testified as to that.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A Yes, I delivered \$2,500.

Q (By REPRESENTATIVE MORDY) How did Judge Carlile vote in the Selected Investment case?

A He concurred in the opinion.

Q When was the arrangement with O. A. Cargill made?

A Well, it was right away after I got the proposition from Hugh Carroll.

Q Was it contemporaneous with the time you spoke to Judge Johnson and Judge Welch?

A Yes, sir.

Q Now, you stated that you had no other financial transactions with Judge Welch and Judge Johnson. I will ask you why you approached Judge Welch and Judge Johnson in this matter?

MR. BINGAMAN: Object. Repetition, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (By REPRESENTATIVE MORDY) Why did you approach Judge Welch and Judge Johnson in this matter?

A Well, that's what I have already mentioned.

Q Without going into hearsay evidence, would you tell the Court why you believed that you could approach them without going into --

PRESIDING OFFICER SENATOR GRANTHAM: Would you rephrase that question? It's not why he believed, but why he did go.

Q (By REPRESENTATIVE MORDY) That's correct.

A I didn't know they would, as far as that goes, for sure. I figured they would from what I observed and --

Q What had you observed, what did you know?

A Well, along in '55 or the first of '56..

MR. BINGAMAN: If the Court please, he has repeatedly said -- he goes into hearsay with that. I think counsel should be admonished to not extract questions of hearsay with reference to these things.

PRESIDING OFFICER SENATOR GRANTHAM: The Court is going to be liberal because both parties are going to be able to explore these matters. However, Mr. Mordy, you know you can only get hearsay answers so rephrase your questions to avoid that.

REPRESENTATIVE CONNOR: May we have about a minute or two here?

PRESIDING OFFICER SENATOR GRANTHAM: Court will stand at ease.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, we will proceed.

REPRESENTATIVE MORDY: Your Honor, before going any further, the Board of Managers wishes to be completely fair to the accused. Now, we have tried to explore this, and it is our con-

ention that Judge Corn did a particular act because of knowledge that he had. This knowledge is predicated on something he was told. It is a contention of the Board of Managers that this goes into the very reason that an act was done, and whether or not it is predicated on hearsay, it is an admissible question, and the Board of Managers would like to argue this question at this time in an effort to show the Court that the knowledge on which the Judge's actions were based is admissible and be received by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: You will be heard, and the witness will step down.

How much time do you want to argue?

REPRESENTATIVE MORDY: Ten minutes, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

And the accused will have equal time.

Proceed, Mr. Smalley.

REPRESENTATIVE SMALLEY: Your Honor, may we split our time?

PRESIDING OFFICER SENATOR GRANTHAM: Any objection?

MR. BINGAMAN: No.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Unless the Court.. You want five and five?

REPRESENTATIVE SMALLEY: About six and four.

PRESIDING OFFICER SENATOR GRANTHAM: You want four?

REPRESENTATIVE SMALLEY: Six.

PRESIDING OFFICER SENATOR GRANTHAM: Give him a minute warning

there, Mr. Clerk. You keep the time on that and give him a minute warning; when he has five minutes up, give him a warning.

Proceed.

REPRESENTATIVE SMALLEY: Your Honor, my argument is addressed to the proposition that the prosecution, by their vote a few moments ago, that they thought a conspiracy had been established, and I

called the Board's attention to the question and answer beginning at bottom of page 76 and continuing on page 77, column 1 of yesterday's proceedings.

"Question. What brought this case to your attention? Answer. Mr. O. A. Cargill called me, wanted me to come out to his place where he was living, northwest, one Saturday afternoon. He wanted to talk to me."

And then drop on down to the last part of that paragraph: "He said he would give \$7,500.00 to Judge Welch, Judge Johnson and me, if we could get this case reversed. And he wanted to know if I would take it up with them. He said, 'You are up there handy', and he said, 'I've got some of the other boys to see.' And I told him I would. And I did."

Now, we contend, Your Honor, that at that point there is evidence in this case that a conspiracy did exist in the Oklahoma Supreme Court, and in that connection, because of the time limit, I'm not going to review all of the cases that were cited to the Court yesterday in the prosecution, that the testimony or the statement of a co-conspirator, even though the defendant was not present; at the time that the Court gave the ruling yesterday, Justice Corn had not testified. The Court made that ruling in connection with Mr. Carroll's testimony, and I would agree with the Court that at that time that the conspiracy had not been established, but, I do submit to the Court that at this particular time that the conspiracy has been established and at least a majority of the Court is satisfied that it has been established a few minutes ago. In connection with the case that we recited to the Court yesterday, that I am going to reread today, I will call your attention to the one case of State versus Smith, I am pointing out that in that case, testimony of a co-conspirator was allowed into evidence, although the other conspirator was not present when the statement was made. This was not a prosecution for conspiracy, this was a prosecution for homicide.

Now, Your Honor knows that at this particular forum, this Senate has jurisdiction only over members of the Oklahoma Supreme Court who are still on the bench. The House Research and Investigating Committee brought Articles of Impeachment against Johnson and Welch, and Justice Welch resigned and that took him out of the case. We can't worry over who is no longer on the Court, Justice Carlile is not on the Court and Justice Arnold is not on the Court, and Justice Corn is not on the Court. We have no authority over Mr. Cargill, he will have to answer downtown there, for we cannot bring informations of Articles of Impeachment against these people, or co-defendants, thereby making them all parties to the same crime. We can only bring Articles of Impeachment against this one witness. We do submit that we have established that a conspiracy has existed and that Mr. Cargill was a party to that conspiracy, and if he was a party to that conspiracy, statements made by him in the absence of Mr. Johnson, although hearsay, are admissible under the hearsay rule.

I will yield the rest of my time to Mr. Connor.

PRESIDING OFFICER SENATOR GRANTHAM: Are you going to split your time? You want to open and close?

REPRESENTATIVE SMALLEY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

The accused will be heard at this time.

MR. GREEN: If the Court please, the Board of Managers is very consistent in this hearing in going outside the Articles of Impeachment. There is not one word in the impeachment articles which charges or which accuses anybody of a conspiracy. They have charged Justice Corn with accepting a bribe in two cases.

Now, the reasons behind the act of Judge Corn has nothing to do with what

Judge Johnson did, that we are interested in what he did and not what Corn did, except directly with Judge Johnson, and not in the reasons for Corn's acts.

If you will go back through the testimony in this case, there has never been any reason that Corn could give for any act that he ever did, it's just because he was ready, there with his hands reaching out, and in this case, the fact that he reached it out, as he said, and delivered it, is sufficient so far as they are concerned in this case, and the reasons he did it are not competent and there is no conspiracy charged in this case.

Now, they go on the law of conspiracy. Now, at the time, and say that the statement of one conspirator is competent against another conspirator; if the Court knows that the law of this State is that there is -- that any statement of a conspirator, if there was a conspiracy, is not binding upon a person who might have entered into the conspiracy after that statement was made, and the only evidence of a conspiracy in this case, if they want to rely on the conspirator, is the evidence of Judge Corn when he said he went and talked to Judge Johnson, and it was not until that time that there was any evidence of a conspiracy on the part of Judge Johnson in this case, and the statement that they want into the record from O. A. Cargill is a statement made prior to the time, under Corn's own testimony, that he ever discussed this matter with Judge Johnson.

Therefore, if there was a conspiracy between Corn and Cargill, at the time they were out at Cargill's house, it was prior to their own testimony that any time that Johnson might have been in it, and therefore, under every case they cited yesterday, every one of them, they held that the statement of a conspirator against another conspirator was not competent if that conspirator wasn't in the conspiracy at the time the statement was made. There is no evidence of a conspiracy here at all, about Mr. Johnson being in the one under

Corn's testimony until after the statements he had with O. A. Cargill, and it wouldn't be binding and will not be admissible against Judge Johnson.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers will proceed.

REPRESENTATIVE CONNOR: If it please the Court, very briefly in answer to Mr. Green, I would call two things to Mr. Green's attention on page 11 of the Journal of the Court of Impeachment, we have Articles I and II. He made the statement that the only thing that Justice Johnson is accused of is receiving a bribe. I find nowhere in -- I find nothing concerning bribery. We allege that he received certain sums of money.

Now, what we are talking about is the method in which we prove that he received these certain sums of money. I would also call his attention again to the record that this language was read by Mr. Mordy in his argument and with emphasis supplied, it's not necessary that an individual have been one of the original conspirators in order to be a member of the conspiracy. This was brought forth in the argument on the law, as I recall the questioning about this specific point, but, this is the law as best we can find.

Now, what we are talking about here, if the Court please, is not a point of substitutive law, we are talking as to a point of procedure, and no evidence, I would refer the Court to their own rules, wherein you specify the ruling on hearsay. We are limited to criminal rules of procedure, except as to hearsay.

And in these cases, we follow the hearsay rule as in other judicial actions or some language to this effect. I do not have that in front of me, I apologize to the Court for not being able to report it to you accurately, but the only thing that we are asking -- this question was asked by the Court, not by the Board of Managers. I think it is a valid question. Now, I think it is in the minds of each and

every member sitting on this Court, why did Judge Corn approach Justice Welch and Justice Johnson. We do not ask for hearsay. We ask for the reasons a man had for doing an act. Now, the fact that he might have got these reasons from many different places, this is not the hearsay rule, it has never been and never will be in any Court in the State. All we are saying is that Judge Corn had certain reasons for acting as he did, as to Justice Welch and as to Justice Johnson. Now, this is admissible evidence, the reasons why a man does an act. This is not hearsay. It is not even an exception to the hearsay rule, if the Court please.

This is the only argument we make. I think it is a question that is most pertinent. Why did he do it? Why didn't he go to some other Justice? This question, as I said, I do not think it would have been pertinent had we tried to introduce it, because then it is a self-serving statement for our own witness; it is attempting to corroborate our own witness, which we are not permitted to do. But we did not ask this question. It was asked by the Court, and in that case, it is admissible. We are not asking for a single shred of hearsay evidence. We are asking for the reasons a man did an act. He could see a plane fall, and say it crashed. We do not go into the truthfulness of whether it crashed or not. He runs in, he calls the fire department and sends them out there, there's no crash. We do not ask for the truthfulness of whether or not it crashed. We asked "Why did you go to that telephone and call the fire department?" We see a man -- he walks in, a man is observing a man in the bank, he sees him pick a big paper sack up of money and walks out the door. He notifies the guard, the police come in and he's arrested for bank robbery. They check it back and they find that he did not rob it. All right; do we ask the man as to the truthfulness of the act of the man with the paper sack? No, sir. We ask this man, "Why did you go call the police and report this offense?" He says, "Well, I

saw him walk out with the paper sack." We are not attempting to prove or disprove any fact with this testimony. However, the question has been raised. I think it is in the minds of every member of this Court. I know it was in my mind when I first got into this; I was not privileged to be throughout -- That's a good statement whether or not it is a privilege or a duty to even stand in this thing, but this was the first question I wanted asked, why Welch and Johnson, why not somebody else. Now, this is admissible, and we would urge it most strongly to the Court, and I would probably say, let's limit Justice Corn's answer strictly to Welch and Johnson, the conspirators, but it is admissible, and as I say, I am probably repeating myself, but there is no hearsay involved, none. It is simply a man did an act; why? He is in any Court in these United States, it is competent admissible evidence to testify as to why I, Jim Connor, am standing here. Whether it be by hearsay or what, I can tell this Court and any Court why, and this is all we propose it for. In line with Mr. Smalley's argument again, again to refer very briefly to that, is that we allege he received; these things go to how he received it. The proof of the receiving of it. We would urge most strongly that this question is admissible, and if the Court would care to limit it strictly to Welch and Johnson, we have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: The question of whether or not what Mr. Cargill said to Judge Corn is hearsay, is certainly to be answered in the affirmative, that it is hearsay. Then the next step is to explore whether or not it is an exception to the hearsay rule. Then we come to the question of what exception could it be. The declaration of a co-conspirator? And then we have the question of whether or not you have to corroborate the evidence of a co-conspirator, if you have an exception to the hearsay rule. In that regard, you also have the question here of whether or not the accused was present and certainly, he wasn't present.

So I feel that you are not entitled to present that evidence in this matter. Now, you already have presented the fact of why he went was because he went to talk to Mr. Cargill; that is admissible. What Mr. Cargill said is not admissible until you bring Mr. Cargill into this Court. That is the ruling of the Court.

REPRESENTATIVE SMALLEY: Could we very respectfully take an exception to the Court's ruling and ask for it to be submitted to the entire Court?

PRESIDING OFFICER SENATOR GRANTHAM: Exception has been taken by Mr. Smalley of the Board of Managers. Is it sustained by ten members of the Court? The Clerk will count.

Five members having voted to sustain the exception, the same is not sustained. Board of Managers will proceed.

REPRESENTATIVE MORDY: We will recall Judge Corn.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Corn will return to the stand.

REPRESENTATIVE MORDY: Your Honor, I have no further questions of the witness.

PRESIDING OFFICER SENATOR GRANTHAM: The accused will examine.

MR. BINGAMAN: I would like to ask just one question.

RE-CROSS-EXAMINATION

By MR. BINGAMAN

Q You mentioned Judge Carlile awhile ago. That was Judge Lon Carlile. Is he living or dead?

A He's dead.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

REPRESENTATIVE MORDY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: No further questions by the accused. Judge Corn, you are excused.

Just a moment, I've got some questions

here by the Court again. This is a question by Senator Pope: Do you have any idea how Judge Johnson spent the \$7,500?

A I didn't quite catch it.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any idea how Judge Johnson spent the \$7,500?

A No, sir, I do not.

PRESIDING OFFICER SENATOR GRANTHAM: What is your answer?

A I do not.

PRESIDING OFFICER SENATOR GRANTHAM: Okay. The \$2,500, do you have any idea?

A I do not.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record be corrected that I think I referred to Judge Corn by some other title; let the record be corrected to show it was Judge Corn. All right, Judge Corn, you may step down.

Just a moment, here is another question. The question by Senator Bartlett as to what your reasons were for contacting Judge Welch and Judge Johnson.

A Well, I wanted them to go on the opinion that that would be fair to Hugh Carroll or Selected Investment Company.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Corn, Senator Bartlett asked this question: What observations did you make or have that led you to contact Judge Welch and Judge Johnson?

A Well, none except based upon hearsay evidence.

PRESIDING OFFICER SENATOR GRANTHAM: That is not admitted. There is another question. Would Senator Rhoades come up? Part of your question got torn off.

PRESIDING OFFICER SENATOR GRANTHAM: This question is by Senator Rhoades. You stated that you had observed some things about Judge Johnson that gave you the reason to believe

he could be approached, what have you observed?

A That would be based on hearsay evidence.

PRESIDING OFFICER SENATOR GRANTHAM: That will not be answered.

Is there any objection on the part of the accused to Judge Corn being excused?

MR. BINGAMAN: We have no objection to his being allowed to leave the Court. We would like to have the privilege of recalling him at some later time during the hearing if it would become necessary.

PRESIDING OFFICER SENATOR GRANTHAM: Would you keep yourself available so that you could be recalled?

THE WITNESS: I will be at home. I can get up here in fifteen or twenty minutes.

PRESIDING OFFICER SENATOR GRANTHAM: That's fine.

Senator Berry asks this question: Judge Corn, do you think Judge Welch and Judge Johnson would have gone along with you without giving them money?

A You mean whether they would have gone along on the opinion without the money?

PRESIDING OFFICER SENATOR GRANTHAM: I would presume that is the question.

A I didn't get the question clear. I wonder what it was.

PRESIDING OFFICER SENATOR GRANTHAM: Will you read the question back to him?

(Whereupon, last set out question was read by the reporter.)

A Well, I don't know. They might have gone along on the opinion because it appeared to be right that's Selected Investment, if you're talking about that.

PRESIDING OFFICER SENATOR GRANTHAM: Now then, Judge Corn, this question is by Senators Porter, Stansberry and Findeiss. Ask if Judge Corn

answered why he felt he could approach Judges Welch and Johnson, and if the Presiding Officer approves it is hearsay, we take exception to the ruling and ask for a ruling by the entire Court. Now the question is why he felt he could approach them. I will ask you that question and see what the answer is.

Why did you feel you could approach them?

A Read the question.

PRESIDING OFFICER SENATOR GRANTHAM: The question is, we ask why you felt that you could approach Judges Welch and Johnson, why did you feel you could approach them?

A Well, that would be based on hearsay evidence.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The answer is based on hearsay and the Court is going to rule that since it's based on hearsay, it will not be admissible. However, in the same note it says if I rule in this manner that they except the ruling of the Court and this exception is lodged by -- it should be lodged by one senator. Senator Findeiss takes exception.

Those that vote to sustain the objection raise your hands.

SENATOR POPE: Observation.

PRESIDING OFFICER SENATOR GRANTHAM: I think we are in the process of getting an exception here, so let's see if we have the exception and I will recognize you when we get through with this.

Is this exception sustained?

The Clerk will count.

(The Court Clerk took a count of the Senate.)

PRESIDING OFFICER SENATOR GRANTHAM: The exception is not sustained.

Now then, Senator Pope, you are recognized.

SENATOR POPE: Mr. President, my observation that I would like to make

before we voted was isn't the statement that it's hearsay, isn't it his conclusion?

PRESIDING OFFICER SENATOR GRANTHAM: We are dealing with a former member of the Supreme Court. I'm quite sure he knows what hearsay is.

Did you get the information by talking to somebody else? Is that right, Judge Corn?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Now, here's a question by Senator Pope. Question. That is no question. It's just Senator Pope's observation.

There have been some other questions by the Court. Does the Board of Managers desire to question further on these questions?

REPRESENTATIVE MORDY: No, sir; but I would ask Judge Corn one more question.

Q (By REPRESENTATIVE MORDY) Judge Corn, your frame of mind came about by reference to what other case before the State Supreme Court?

MR. GREEN: If the Court please, we object to that as incompetent, irrelevant and immaterial with reference to some other case other than one of the two mentioned in the Articles of Impeachment.

PRESIDING OFFICER SENATOR GRANTHAM: It might be on the basis of a common scheme. I will overrule that.

Q (By REPRESENTATIVE MORDY) What other case was it that your opinion was based on?

A Well it was based on another prior case.

Q What case, Judge?

A Well, I first want to say that also is connected with hearsay evidence.

Q But what case was that, Judge?

A It is Marshall vs. ..

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. If it's hearsay evidence, that will be excluded.

THE WITNESS: It's Marshall vs. Amos case.

REPRESENTATIVE MORDY: Your Honor, I will admit the question has already been answered. I will submit to the Court I am not asking anything that was said to him, but just what case that it was based on.

PRESIDING OFFICER SENATOR GRANTHAM: He can answer what he based it on and he has answered that. Any conversations he had that caused this conclusion would -- it was hearsay, it's not admissible. If it was purely based on that, the answer would be stricken.

Q (By REPRESENTATIVE MORDY) Would you answer again the case?

A Marshall vs. Amos.

MR. GREEN: No questions.

PRESIDING OFFICER SENATOR GRANTHAM: All right. You may step down, Judge Corn.

At this time the doors of the Court will be closed.

REPRESENTATIVE MORDY: Might I make two short requests.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, sir.

REPRESENTATIVE MORDY: I would like to ask leave of the Court to substitute a photo copy for Board of Managers Exhibit No. 3 at this time, please.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers request unanimous consent to substitute a photo copy for Board of Managers Exhibit No. 3. Any objections?

Hearing none, that will be the order.

REPRESENTATIVE MORDY: One other request, Your Honor. The Board of Managers note that the offer of proof as submitted to this Court yesterday was not included in the record. We ask the Court if it would not be proper for it to be included in the record.

PRESIDING OFFICER SENATOR GRANTHAM: State that again.

REPRESENTATIVE MORDY: The offer of proof as submitted to this Court yesterday was not included in the record we received this morning. We were wondering if it would be proper to be included in the record.

PRESIDING OFFICER SENATOR GRANTHAM: The offer of proof was not made a part of the record yesterday, therefore was properly excluded from the record.

REPRESENTATIVE MORDY: The fact we took exception to it and it was at least sustained by ten members, then later determined by the entire Court not to be allowed, but it still would appear that at such time the exception was sustained by ten members, it should then become a part of the record. It was presented to you too, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy's request. My point is, that it is more in the nature of a brief; however, if you want it in the record, it will be put there, I am sure, by this Court. We are not usually putting the briefs in there. For instance, we have a brief by the accused that we don't have in the record either, but, in any event, is there any objection to this offer of proof being put in the transcript proceedings?

MR. GREEN: If the Court please, this was not admitted into evidence and is not a proper part of the record, and we object.

PRESIDING OFFICER SENATOR GRANTHAM: It is objected to by the accused that it go into the record.

I can't see what authority you pursue, that this will go into the record, other than their briefs go into the record.

REPRESENTATIVE MORDY: We have no objection to their briefs going in.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any objection to both the briefs?

MR. BINGAMAN: This was for difference. A brief is a matter of question of

law; if you want to put it in, it's all right with us; if you want to leave it out, it's all right with us. It has nothing to do about the evidence here. When the Court has excluded...when they sustained the objection..

PRESIDING OFFICER SENATOR GRANTHAM: The Court is going to rule that both of these are in the nature of briefs and neither will be contained in the record and merely clutter up the record.

That is the ruling of the Court.

Now, we will go...we will resume in open session at 1:30. The doors of the Court will be closed.

(Whereupon, the noon recess was had.)

AFTERNOON SESSION

PRESIDING OFFICER SENATOR GRANTHAM: One-thirty now having approached, we will continue in session the Court of Impeachment of the 30th Session. The Clerk will call the roll.

Let the record show that the Board of Managers are present, that the accused is present with his attorneys. The Clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members of the Court were present: Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Williams and Young.)

COURT CLERK: Atkinson is absent, Cowden, and Stipe.

Board of Managers, the accused has requested that we inquire at this time as to your estimate of the time when your case would be closed, in order that they may have witnesses here, that we may not have any interruptions in the continuation of the trial. Can you give us an estimate of that?

REPRESENTATIVE MORDY: Your Honor, we believe that it will be this evening, but, it might be that we will require one or two hours, probably.

PRESIDING OFFICER SENATOR GRANTHAM: In any event, we may conclude, Mr. Mordy, they will not need any witnesses this evening, but sometime tomorrow morning, they will be able to proceed; is that satisfactory with the accused?

MR. GREEN: That is satisfactory, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers will call their next witness.

REPRESENTATIVE SMALLEY: Mrs. Farmer.

MRS. ROSCOE FARMER, called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE SMALLEY

Q State your name, please.

A Mrs. Roscoe Farmer.

Q What is your present address, Mrs. Farmer?

A At California, 1702 Sharlinday, West Gardena, California.

Q Are you a former resident of Oklahoma City?

A I am.

Q When did you leave Oklahoma City and go to California?

A About two and a half years ago.

Q What was your address when you lived here in Oklahoma City?

A 330 Northeast 14th.

Q Were you married when you lived here in Oklahoma City?

A I was.

Q What was your husband's name?

A Roscoe D. Farmer.

Q Mrs. Farmer, are you familiar with

the case of Oklahoma Company versus O'Neil?

A I am.

Q Did you know any of the officers of the Oklahoma Company?

A I did.

Q What were their names, please?

A Otha Westcott and Harold Westcott.

Q What was the relationship of Mrs. Westcott to Mr. O. A. Cargill?

A It was his daughter.

Q How long had you known Otha Cargill Westcott?

A Over many years, I imagine about 20 years.

Q How long had you known Mr. Harold Westcott?

A Well, not quite so long; after they were married.

Q More than ten years?

A Oh, yes, I would say 15.

Q Did Mr. and Mrs. Westcott visit with you frequently in your home?

A Almost every day.

Q Do you recall that they visited frequently in your home during the time that the Oklahoma Company versus O'Neil was on appeal in the Oklahoma Supreme Court?

A Yes, I do.

Q What year was that, if you remember?

A Oh, that was the year that Mr. Farmer and I were married, in '58.

Q Did Harold Westcott and Otha Cargill Westcott discuss this case with you at your home?

A At length, yes.

Q Did their discussions indicate a conspiracy of certain members of the Oklahoma...

MR. GREEN: Just a minute, we object as incompetent, irrelevant and immaterial, and unless the defendant himself was

present and heard the conversation, it will be pure and simply hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: Your motion is sustained, but not on that grounds. Sustained on the grounds that it is calling for a conclusion of the witness of an issue in this case.

Q (By REPRESENTATIVE SMALLEY) Did they try to sell you and your husband an oil and gas lease?

A They tried to.

Q Did they indicate the reason they needed the money for the oil and gas lease?

MR. GREEN: Object to that as incompetent, irrelevant and immaterial and pure and simple hearsay, outside of the presence of this defendant.

PRESIDING OFFICER SENATOR GRANTHAM: At this point I'm going to overrule your objection.

Proceed.

REPRESENTATIVE SMALLEY: Would you read the question back, please, sir?

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, I am going to sustain the objection on the basis that she can talk about what transpired out there, but the conversations they had, I am going to sustain it as to that.

REPRESENTATIVE SMALLEY: Your Honor, I wonder if she could state yes or no they stated the reason without saying it.

PRESIDING OFFICER SENATOR GRANTHAM: I will allow that, yes.

Q (By REPRESENTATIVE SMALLEY) Did they state the reason they wanted the money?

A Yes.

Q Did their state of reason implicate the defendant in this case?

MR. GREEN: Just a minute, I object to this as incompetent, irrelevant and

immaterial. It's calling for an interpretation of what they said about this witness.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE SMALLEY: Your Honor, may we make an offer of proof at this time?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

REPRESENTATIVE SMALLEY: Comes now the Board of Managers of the House of Representatives, State of Oklahoma, and moves this Honorable Court to let the Board introduce testimony of Mrs. Faye Farmer as follows: If Mrs. Farmer is allowed to testify, she will state that Harold Westcott and his wife Otha Cargill Westcott came to their home on the occasion the case of Oklahoma Company versus O'Neil was pending before the Oklahoma Supreme Court, that Harold Westcott attempted to raise money to pay members of the Oklahoma Supreme Court for a favorable decision on the case of Oklahoma Company versus O'Neil, namely the defendant Justice N. B. Johnson, Justice Welch and Justice Carlile.

We have a brief to support our offer of proof, Your Honor, and we would like to argue this point. I have given the Court a copy of this brief, and I would like to give the defendant copies, and with the Court's permission have the copies distributed to the other members of this court.

PRESIDING OFFICER SENATOR GRANTHAM: You will be heard and you may distribute a copy of this brief to the members of the Court.

How much time, Mr. Smalley?

REPRESENTATIVE SMALLEY: Your Honor, we feel this is important enough to our case that we would like at least 30 minutes. We may not use that much time, but, we hate to be cut off in the middle of our argument.

PRESIDING OFFICER SENATOR

GRANTHAM: I am wondering, can you run it for 15 minutes or not?

REPRESENTATIVE SMALLEY: If the Court requires us to, but, it will be in a little higher gear.

PRESIDING OFFICER SENATOR GRANTHAM: Well, let's limit you to 20 minutes on each side, and the witness may step down during the argument of the case.

REPRESENTATIVE SMALLEY: May we have fifteen and five, Your Honor?

PRESIDING OFFICER SENATOR GRANTHAM: You may proceed.

REPRESENTATIVE SMALLEY: The Board of Managers of the House of Representatives, State of Oklahoma, contends that the testimony of Mrs. R. D. Farmer, concerning the testimony or statements made by Harold Westcott and his wife, Otha Westcott, although hearsay, is admissible hearsay under the rules of evidence followed by the courts of the State of Oklahoma.

Testimony has been introduced into evidence in the case that a criminal conspiracy existed regarding the case of Oklahoma Company versus O'Neil, which was pending before the Oklahoma Supreme Court in 1958, in that O. A. Cargill proposed a bribe to Judge N. S. Corn in this case and asked that Corn contact Judges Welch and Johnson regarding the bribe, and that Cargill said we have got some other boys to see. That Cargill stated the purpose was to help the son-in-law and daughter, Otha Cargill Westcott. Harold Westcott was O. A. Cargill's son-in-law, was the plaintiff in the trial court in this case and . . . that is an error in our brief, he was the plaintiff, the defendant should be plaintiff. Mrs. Farmer's testimony is relative to his statement made by Westcott saying that he was actively engaged in the conspiracy and links N. B. Johnson to the conspiracy as well as the other judges, one of whose names has been just mentioned today.

Clark versus Sloan, an Oklahoma case,

defines conspiracy as a combination of two or more persons to do a criminal or lawful act -- unlawful act, or do a lawful act by criminal or unlawful means.

Hughes versus Bizzell, states a conspiracy is a combination of two or more persons to accomplish by concerted action some unlawful purpose or to accomplish a lawful purpose by unlawful means.

Our statutes of 21 Oklahoma, Section 421, characterizes a conspiracy when two or more persons conspire to commit any crime.

From the foregoing, it is apparent that a conspiracy existed in this particular matter from the time that O. A. Cargill contacted N. S. Corn until such time as the money was paid by O. A. Cargill to N. S. Corn and subsequently disbursed by Corn to Justices Welch and Johnson.

Now, as to the question of whether or not Harold Westcott was a member of the original conspiracy, we will go to Section 754, which states, and I quote: "When two or more persons are found acting together with an unlawful intent in the commission of an offense they are conspirators within the significance of the term as it is used in the rules under discussion. It is not necessary that an individual have been one of the original conspirators in order to be a member of the conspiracy."

Oklahoma cases have long held that the statements or acts of one conspirator done in pursuance of the common design is admissible against the other conspirators until the conspiracy is fully completed.

Morris versus State is another Oklahoma case; when there is testimony of a conspirator to commit a crime and of its subsequent commission, the State may, in support and corroboration thereof, show any act or declaration or conduct of the alleged conspirators intermediate of the conspiracy and the crime which apparently recognizes the existence of the conspiracy or reasonably indicates preparation or motive to commit the crime.

Fairris versus State sets further the general rule adhered to in this State, that such declarations are admissible until consummation of the act.

We quote Professor Wigmore, an authority on evidence, for the laymen of this Court, "When evidence is once given to the jury of a conspiracy against A, B and C, whatever is done by A, B and C, in furtherance of the common criminal object is evidence against A, B and C, though no direct proof be given that A, B and C knew of it or actually participated in it. If the conspiracy be proved to have existed, or", and we add with emphasis, "rather if evidence be given to the jury of its existence, the acts of one in furtherance of the common design are the acts of all; and whatever one does in furtherance of the common design, he does as the agent of the co-conspirators."

Many Oklahoma cases uphold the principle that it is not necessary that the defendant be present at the time the declaration is made by a co-conspirator in order to render the declaration admissible. This case holds that conspiracies are often difficult to prove by direct testimony and rarely can any express understanding or agreement be shown. This case later states, one performing one part and another another part of the same so as to complete it, with a view to the attainment of the same object, a sufficient and proper foundation has been laid for the admission of the acts and declarations of other conspirators made and done while the conspiracy was continuing in furtherance of the common design.

The case further approves in statement of the law of evidence that where a conspiracy is shown to exist, which is usually inductively from circumstances, then the declarations of one conspirator in furtherance of the common design, so long as the conspiracy continues, are admissible against his associates, though made in the absence of the latter.

Numerous Oklahoma cases uphold this

principle. Among them are Burns versus State, that is where two or more persons have conspired together to commit an offense, any statement made by one of such persons in pursuance of such conspiracy is admissible in evidence against all of his co-conspirators.

Sledge versus State is where the general rule is that, where there is evidence of conspiracy to commit a crime, and of its subsequent commission, the prosecution may, in support and corroboration thereof, show acts, declarations, or conduct of the alleged conspirators intermediate of the conspiracy and the crime which apparently recognizes the existence of the conspiracy or reasonably indicates preparation or motive to commit the crime.

And unless the Court thinks that we are making the same argument with Mrs. Farmer that we made this morning, with relation to Justice Corn, it is my understanding that Judge Grantham ruled this morning that Judge Corn did not corroborate his own testimony as to corroborating, and this is what he told him is that this witness doesn't know Justice Corn or the other Justices here. Her testimony can corroborate Justice Corn's testimony, both to the existence of the conspiracy and to the Justice N. B. Johnson. Her testimony is directly in line with this case.

We are not attempting to go beyond the Articles of Impeachment with Mrs. Farmer's testimony. Now, there are five grounds of impeachment, and the Board of Managers of the House of Representatives and the House of Representatives allege that they have committed the crime involving moral turpitude.

Now, the Smith case, which we cite in our brief, was the case in which the information was for murder, the crime of murder, not the crime of conspiracy to commit murder, but the crime of murder. In that case, the two witnesses were allowed to testify what one of the defendants said out of the presence of the other defendants, under the theory that this was a

co-conspirator and his testimony would be relevant and admissible even though it was hearsay.

Now, we want to point out to the Court this morning that this forum in the Oklahoma State Senate, under the present proceedings, we cannot make Justice Corn, Hugh Carroll, Justice Welch, Justice Carlile or O. A. Cargill or Harold Westcott defendants in this impeachment proceedings, and, of course, as well as Mrs. Otha Cargill Westcott, their names are not in the Articles of Impeachment, but, this does not make them any the less a conspirator in this case.

What does Oklahoma hold in conspiracy? Referring back to our brief, it's a combination of two or more persons to do a criminal or lawful act or unlawful act, or to do a lawful act by criminal or unlawful means.

We have, by previous testimony, that three or more persons were combining to do an unlawful act; that is Justice Corn and Justice Johnson, Justice Welch, O. A. Cargill and Harold Westcott.

To have conspiracy, you only have to find any two or the above acting together to do an unlawful act under the cases of Oklahoma. To bribe Justice Johnson and Justice Welch would be an unlawful act. Mrs. Farmer can shed some light on this subject if she is allowed to testify.

Now, Your Honor, if Westcott and Cargill were co-defendants to Justice Johnson in this case, there seems to be little doubt in the Smith case or numerous other cases in Oklahoma that the statements of one of them made outside the presence of Justice Johnson would be admissible.

The House of Representatives and the Board of Managers submit that we should not be penalized because the Oklahoma State Senate has no jurisdiction over O. A. Cargill at the present time, and since Justice Welch has resigned, they have no jurisdiction over Justice Welch and no jurisdiction over Westcott, only over Justice

Johnson, since he is presently a member of the Oklahoma Supreme Court.

In closing, I am pointing out that we take no great pride of authorship in the Articles of Impeachment. The lawyers in the Oklahoma State Senate and Your Honor and the lawyers for defense know that this is the first impeachment trial in 36 years. There are no form books on impeachment, and we would further point out to this Honorable Court that these Articles of Impeachment were drafted and submitted to the House of Representatives. They were voted on and they were submitted to the Oklahoma State Senate before the Oklahoma State Senate wrote the rules under which we would be trying this case. It's too late to go back and redraft the Articles of Impeachment and allege conspiracy, but, we submit under the Smith case the fact that we have alleged that Justice Johnson committed the two offenses of corruption in office and a crime involving moral turpitude would allow us to present the testimony or the statements made by the co-conspirators in the furtherance of this unlawful act, although it was made outside the presence of Justice Johnson, and I would also state that conspiracy is not one of the five grounds of impeachment.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green.

MR. GREEN: If the Court please, the entire argument of counsel is based upon two false premises. They are based upon two assumed facts which are not facts. They are based upon a statement he made himself in the Court which he now tried to get this Court to accept as evidence having been produced in this case. Let's see what they are.

In the first place, he says that we have proven that a conspiracy exists and the way he has proven it is by statements made by O. A. Cargill to Corn which were statements he made himself, and which testimony this Court refused to be produced on the witness stand. If the Court will recall, that in every instance

where Judge Corn testified as to his reasons for thinking he could bribe Johnson and Welch, went right back to the statement that they had put into the record that Cargill said to Corn, and which this Court has ruled is hearsay, and would not let Corn testify to those statements. Now, the Court did say, "Mr. Corn, you can tell what you said to Mr. Cargill, but you cannot tell what Cargill said to you," and the record in this case, as far as from the witness stand is bare of any statement as made by Cargill to Corn with reference to a conspiracy, or that would anywhere indicate there was a conspiracy. And, if the Court will remember, the question was put, the Court sustained an objection and counsels from across the table appealed from the ruling of the presiding judge to the entire Court and he failed to get ten members to sustain his objection to the ruling of the Court, and therefore, the testimony in every instance was from Judge Corn, "What I say will be based on hearsay." And therefore, it was not put into the record, and there is no evidence whatsoever to show a conspiracy between Cargill and Corn and Johnson and Welch. It's just bare of that record. You can't substitute a statement made by counsel for evidence in this case in order to let counsel now produce incompetent testimony. So his first false assumption is there is a conspiracy that has been shown.

Now, his next false assumption is that Westcott is a party to any such conspiracy, if there had been one in the first place, because there definitely... if you admit the statement he made as evidence, then it doesn't connect this man Westcott at all because Westcott wasn't there, and the statements he made in trying to put in the witnesses mouth as Cargill's statement to Corn did not bring in or say one single word about Westcott in on the deal. Therefore, his assumption that first there was a conspiracy is wrong, and his next assumption that there is one and that Westcott is a party to it, was wrong.

Therefore, there is no conspiracy in this case. It has not been established and definitely they have not established Westcott or Westcott's wife as being a party to any conspiracy if you take his own statement he put in the record.

Now, the law, in his memorandum brief, is good law. We have no objection to that as the law, but before you can use the law set forth in this brief, you must assume two facts which are not in the record.

So they won't come back a little later, let's go over this brief a minute. Clark vs. Sloan, an Oklahoma case, defines conspiracy as "a combination of two or more persons to do a criminal or unlawful act or do a lawful act by criminal or unlawful means". That is right. That is the law. That is a conspiracy, but no conspiracy has been proven in this case except his statement that he put in the record.

Another case, Hughes vs. Bizzell, 117 Pac. 2nd 763 states: "A conspiracy is a combination of two or more persons to accomplish by concerted action some unlawful purpose or to accomplish a lawful purpose by unlawful means." That is exactly the one they had before.

And then he cites 21 Oklahoma Statutes, Sec. 421 the same way. Then he says, "From the foregoing, it is apparent that a conspiracy existed in this particular matter from the time O. A. Cargill contacted N. S. Corn until such time as the money was paid by O. A. Cargill to N. S. Corn and subsequently disbursed by Corn to Judge Welch and Johnson." It isn't apparent there is a conspiracy. You can't take two cases that the Supreme Court has had in this State, or the Criminal Court of Appeals heretofore in years before held, and say that is evidence in this case, because it isn't. Those cases are not evidence in this case, and in those cases there was a conspiracy, and in our case there is not a conspiracy, one has not been proven. He has assumed it from his own statements. Then they go ahead at the bottom of the first page, "It is not

necessary that an individual have been one of the original conspirators in order to be a member of a conspiracy." That is true. No question about that being the law. I could form a conspiracy between these two gentlemen here and later somebody else could come in and become a member of it. You don't have to be a member of it to begin with. There is no evidence of any conspiracy in this case. It's just not here. Oklahoma cases have long held that the statements or acts of one conspirator done in pursuance of the common design is admissible against the other conspirators until the conspiracy is fully completed—that is the law, but there isn't any conspiracy proven in this case. That is a false assumption on their part. Then it cites Morris vs. State along the same line on down through, and they cite the law as to conspiracy in the State of Oklahoma on the false assumption there is conspiracy in this case when there is not a conspiracy.

Now, I know that if there had been a conspiracy proven and if they had proven Westcott was in it, then the statement of Westcott to this lady would be competent evidence. No question about that. But, they have first got to establish the conspiracy. They can't prove a conspiracy by the statements of a conspirator. That is not the way to prove a conspiracy. A conspiracy must be shown before a co-conspirator not on trial, statements by the co-conspirator can be competent against one on trial. And those acts and declarations must be in the consummation of the conspiracy.

Now, let's say admitting, which we don't admit, but for the purpose of this argument, there was a conspiracy proven which there hasn't been and that Westcott is a party to it. Assume that's been proven, which it has not. Then, what type of statements of a conspirator is competent? A recitation of what has been done is not sufficient.

But the law of this State, 1117 Pacific 2nd, 155, 72 Oklahoma Criminal 432, holds

that the statement of a co-conspirator in order to be competent must not be just relating some of the things that the conspirators have done, but it must be declaration in the consummation of the conspiracy. Now, there has just been no conspiracy proven in this case at all except on what he said. And what he says is not part of the evidence in this case and there is nothing in the world to connect Westcott in any way with it. And they want to bring a charge of conspiracy. They say, "Oh, we can't try poor old Lon Carlile, he's dead." Yes, Lon's dead; "we can't try Welch because he's already out. Don't jump on to us because we can't do that. Don't jump on to us; if we had him here, boy, we would twist his tail," but they ain't got him here. The only one they ain't got is poor old Judge Johnson and Judge Johnson is the tail they want to twist, right or wrong, legally or illegally, with incompetent evidence or anything else, and if this Court lets this testimony in here, you are going to put in testimony incriminating a man, from what they say, I don't know what it is going to be, incriminating a man and trying to impeach him by incompetent, illegal evidence based on a statement made by counsel and not upon the testimony in this case.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers may proceed.

REPRESENTATIVE MORDY: Your Honor, pardon me for turning my back to you, but I want to talk to the Court. I want to look at my jury at one time here. Now, let's look for just a moment at the bare record that Mr. Green spoke of. He has spoken time and time again of "statement from counsel" and "bare record." Please turn in the transcript that you have here to Page 83 yesterday, and you members of the Court tell me just how bare that record is in regard to conspiracy that O. A. Cargill and N. S. Corn originated back in 1958. I see nothing in here where all of this evidence was struck as to the conspiracy; all of that evidence is

in the transcript that you have been given right there. Bare record, gentlemen, you can go into it; I can read it all to you, but you can tell that a criminal conspiracy began in 1958 in regard to the case of Oklahoma Company vs. O'Neil, and testimony has been given you today that in 1959 this conspiracy was closed out when money changed hands. Mr. Green has read to you law in which it stated that it would be admissible if the declaration was in consummation of the conspiracy. Well, why, pray tell, did Harold Westcott, in our offer of proof, state that he wanted to sell the oil and gas lease to consummate the conspiracy? Now, we cannot come into this Senate, into this Court, and file Articles of Impeachment whereby we charge N. B. Johnson with bribery or with conspiracy, because those are not Constitutional grounds for impeachment in the State of Oklahoma. We have charged him with an offense involving moral turpitude. We have charged him with corruption in office and we have brought to you evidence showing that a conspiracy existed, and it is set forth on Page 83 and 84 of your transcript. I only want to read you one case on this memorandum brief that was given to you, and that is Smith vs. State, on Page 2, and it states that "Conspiracies are often difficult to prove by direct testimony, and rarely can any express understanding or agreement be shown."

We say back in my home town, "You ain't whistling Dixie." It is hard to show, and that is why the Courts of the State of Oklahoma have enlarged upon the conspirator rule and as set forth in CJS, and as Mr. Green said, that our entire brief is a good brief. It is set forth in there that a conspirator need not be a conspirator at the time that the act was started. Why is this rule in evidence? Because it is hard to show a conspiracy and the Oklahoma courts recognize it and courts throughout the country recognize it, and we contend to you that if Mrs. R. D. Farmer is permitted to testify, you will see indeed what Harold Westcott was try-

ing to do with the Oklahoma Supreme Court. Thank you.

PRESIDING OFFICER SENATOR GRANTHAM: In your offer of proof, put your witness on the stand and we will look at what you are asking.

MRS. ROSCOE FARMER, having been previously sworn, testified further as follows:

DIRECT EXAMINATION

By REPRESENTATIVE SMALLEY

Q Mrs. Farmer, what reason did Harold Westcott give to you and Mr. Farmer for attempting to sell this oil and gas lease?

MR. GREEN: To which we object as incompetent, irrelevant and immaterial, and hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is overruled. Proceed.

A He told us that he had to pay off these judges to get out of this indictment.

Q (By REPRESENTATIVE SMALLEY) Did he name the judges?

A Yes, he did.

Q What judges did he name?

A Johnson, Welch and Carlile.

Q Those were the only three Justices named?

A Yes.

Q Did you purchase this oil and gas lease from him?

A No, we did not.

Q Were these statements made in your presence?

A They were.

Q Is Mr. Farmer living?

A No, he's not.

Q When did he pass away?

A It will be five years this 2nd day of November.

Q Do you know whether the oil and gas lease was sold?

A Yes, it was.

Q Did you have any subsequent conversation?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Would you inquire how she knows?

Q (By REPRESENTATIVE SMALLEY) How do you know the oil and gas lease was sold?

A I looked it up to see who he sold it to.

Q And what did the record reflect?

MR. GREEN: Object to that; incompetent, irrelevant and immaterial. The records are the best evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE SMALLEY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: You may examine.

CROSS-EXAMINATION

By MR. GREEN

Q Mrs. Farmer, you live now in California?

A I do.

Q Has anyone from Oklahoma been out to California recently talking to you about this case?

A Yes.

Q Who came out there, Mrs. Farmer?

A Oh, there was a very crude person by the name of Mr. Holland.

Q Mr. Holland?

A Yes. And one .. and another is Bob Cunningham. He works for O. A. Cargill.

Q Anyone else?

A No.

Q Mr. Mordy come out there?

A No.

Q Did you ever see..

MR. GREEN: Stand up, Mr. Mordy, would you please?

Q (By MR. GREEN) Did you ever see that man before?

A I did not.

Q Anybody with the -- thank you -- with this Board of Managers come out to see you?

A No, they did not.

Q You said Bob Cunningham worked for O. A. Cargill?

A Yes, everybody--

Q Who does Mr. Holland work for?

A I don't know, he didn't say.

Q He didn't say?

A I asked him but he wouldn't tell me.

Q Did you tell either Mr. Holland or Mr. Cunningham that that money was for the judges in Florida?

A No, not in Florida.

Q Not in Florida?

A No. No. How could it be judges in Florida?

Q Did the Westcotts have a case in Florida at that time?

A No.

Q They did not have one in Florida?

A Not that I know of.

Q Did they have one in California?

A No.

Q Was there anything said about bribing the Supreme Court of California to either Holland or Cunningham?

A No, they didn't ask me.

Q Was there anything said about bribing the Supreme Court of Florida to Mr. Cunningham or Mr. Holland?

A No.

Q You don't like Mr. Cargill, do you?

A I don't hate him bad enough to even lie for him.

Q You don't hate him bad enough to lie for him?

A No.

Q Did you hate him bad enough to lie against him?

A Not even to tell the truth.

Q You don't even hate him bad enough to tell the truth on him?

A No.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will come to order, please.

Q Have you got some kind of a lawsuit against him now?

A No.

Q Have you had a lawsuit against Mr. Cargill?

A We tried...not Mr. Cargill, no.

Q Who did you have it with, Mr. Westcott?

A We tried to have one, but nobody would file the suit. They would take our money and do nothing about it.

Q Now, tell us who took your money and wouldn't do anything about it.

A Tom Bennett and Sid White and we just couldn't -- and Kidd down in Wewoka.

Q Anyone else?

A That's all; that's all the money we had.

Q Did you try to sue Kidd and White and the rest of them?

A No, haven't so far.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let's have order in the balconies, order in the courtroom, please. Proceed.

Q (By MR. GREEN) You have had quite a few lawsuits, haven't you?

A No.

Q When did you marry Mr. Farmer?

A 1958, in February.

Q February of '58?

A In '58, yes.

Q Where was he living at that time?

A 330 Northeast Fourteenth.

Q Where were you living at that time?

A In St. Louis.

Q Had you known Mr. Farmer prior to that time?

A Oh, yes, a long time.

REPRESENTATIVE SMALLEY: We don't see --

Q (By MR. GREEN) What was the condition of his health at that time?

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute.

REPRESENTATIVE SMALLEY: May I make an objection? We don't see the competency or relevancy as to Mr. and Mrs. Farmer's courtship.

PRESIDING OFFICER SENATOR GRANTHAM: Allowing broad latitude in cross-examination, your objection is overruled.

Q (By MR. GREEN) What was the condition of Mr. Farmer's health when you married?

A Very bad.

Q And how long did he live after you married him?

A About -- lacking two months being four years.

Q Were you a practical nurse or a registered nurse?

A No. No, I was not.

Q Were you acting --

A Thank you for the compliment, but I am not.

Q Were you acting, at the time you married him, in the business of taking care of elderly people or something of that kind?

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

Q Now, after he died, are you in dispute over Mr. Farmer's estate?

A No, I have no dispute over his estate.

Q You don't have any dispute. Isn't there a dispute something about a Will that he had or that he made?

A Solon Smith made a mistake in the Will, and this Tom Bennett wouldn't do anything about it and it could have been thrown out of court because there was a mistake, and nothing was done about it.

Q All these lawyers, all of us are practically crooks, aren't we?

A Well, so far I found them that way.

Q And all judges?

A Well, the papers -- I don't know; what I read. I'm like Will Rogers, all I know is what I read in the papers.

Q From what you read in the papers, you think all judges are crooks?

A So far so good.

Q So far, you think all the judges are crooks. In fact, you think nearly everybody is a crook but yourself, don't you?

A No, no, no, I don't.

Q You don't do that?

A No.

Q Just lawyers and judges?

A Well, --

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any redirect examination?

REPRESENTATIVE SMALLEY: No.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may be excused.

MR. GREEN: We excuse her at this time but would like her to remain for subsequent call.

PRESIDING OFFICER SENATOR GRANTHAM: Will you remain where you can be contacted?

THE WITNESS: Oh, yes.

(Witness excused.)

PRESIDING OFFICER SENATOR GRANTHAM: Call your next witness.

REPRESENTATIVE CONNOR: Harold Long.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be sworn.

(Witness sworn.)

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers.

HAROLD LONG,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

(By REPRESENTATIVE CONNOR)

Q State your name, please, sir.

A Harold Long.

Q And your occupation, Mr. Long?

A I am Chief Legal Executive Assistant to the Chief Justice of the Supreme Court of Oklahoma.

Q And how long have you been so employed, Mr. Long?

A A little over two years.

Q Mr. Long, would you briefly describe for the Court the duties that you have by virtue of your position?

A Yes. I suppose you might say that I am administrative officer for the Court. I assist in assignment of cases by the Chief Justice, and am a custodian of records for the Court.

Q Now, by "records", sir, would you tell us briefly what kind of records you are referring to when you say you are custodian?

A Primarily the minutes of the conferences of the Court.

Q Do you keep other records as pertains to the progress of the various cases as they are filed?

A Yes.

REPRESENTATIVE CONNOR: If the Court would bear with us at this time, I would like to have this marked for evidence and allow the Marshal to look it over briefly and then question him about it.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

(Whereupon, Board of Managers' Exhibit 4 was marked for identification by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire what this exhibit is labeled?

REPRESENTATIVE CONNOR: Board of Managers' Exhibit No. 4.

Q (By REPRESENTATIVE CONNOR) Could you tell us what Board of Managers' Exhibit No. 4 purports to be, please?

A Yes, it's a copy of the case cards in Case No. 38178, the Oklahoma Company vs. Eugene O'Neil.

Q And in checking it, sir, does this copy purport to be an accurate reproduction of those cards, to the best of your knowledge?

A Yes, it is.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, I would request that Board of Managers' Exhibit No. 4 be received in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: May I look at it, please?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection to this exhibit?

MR. GREEN: The accused does not.

PRESIDING OFFICER SENATOR GRANTHAM: It will be received in evidence as Board of Managers' Exhibit No. 4.

REPRESENTATIVE CONNOR: May I have permission of the Court to pass a copy to each member of the Court so that the questions that I ask concerning the exhibit, everyone can see what we are talking about?

PRESIDING OFFICER SENATOR GRANTHAM: You have such permission and it will be passed; the Pages will distribute this to all members of the Court.

(Whereupon, Board of Managers' Exhibit 5 was marked for identification by the reporter.)

Q (By REPRESENTATIVE CONNOR) Now, sir, you have in your hand what is marked for identification as Board of Manager's Exhibit No. 5. Have you ever seen that before, sir?

A Yes, I have.

Q Would you tell us, please, what that purports to be?

A This is a copy of the minutes of the conferences of the Supreme Court in the

case of The Oklahoma Company vs. Eugene O'Neil, No. 38178.

Q Are those accurate reproductions of the minutes in the office of the Supreme Court?

A Yes, sir, they are.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would ask that Board of Managers Exhibit No. 5 be received in evidence. Again, I realize it is not the best evidence, but...

PRESIDING OFFICER SENATOR GRANTHAM: Let me ask you, do you keep these records, is that correct?

THE WITNESS: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You have control and keep these records?

THE WITNESS: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection?

MR. GREEN: It does not, we do not.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 5 will be received in evidence.

REPRESENTATIVE CONNOR: May I at this time have permission to distribute these among the members of the Court?

PRESIDING OFFICER SENATOR GRANTHAM: You have permission to distribute these, and the Pages will distribute Board of Managers' Exhibit No. 5 to all members of the Court.

Q (By REPRESENTATIVE CONNOR) Now, Mr. Long, referring you to Exhibit No. 4, I will ask you, sir, does this represent a photocopy of three separate cards as contained by your office?

A Yes, it does.

Q And would you tell us how we determine the three cards, what we can use as a guideline to determine which card is which?

A Yes. The first card is the one at the top, and this card is made at the time the case is filed, which was February 26, 1958.

Q May I stop you, sir, and with the indulgence of the Court, where a number appears, a date and the County on top, and then in the middle and then toward the bottom, would this represent the breaking line for the different cards?

A Yes, it would.

Q All right. Then, sir, directing your attention to the first card, would you tell us, please, what this card is, and when it is filled out in the first instance, when it is placed in your files?

A This card is made out on the day that the case is filed with the Clerk of the Supreme Court, which was February 26, 1958.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. I don't see any February 26, 1958.

REPRESENTATIVE CONNOR: Exhibit No. 4. Do you have a copy of the exhibit?

PRESIDING OFFICER SENATOR GRANTHAM: I don't have a copy, I don't believe.

Q (By REPRESENTATIVE CONNOR) All right, sir. There is some typing below the line; would you tell us, please, what this is, very briefly?

A That is the style of the case, The Oklahoma Company, a corporation, vs. Eugene J. O'Neil.

PRESIDING OFFICER SENATOR GRANTHAM: Are the members of the Court able to hear the witness?

Proceed.

Q (By REPRESENTATIVE CONNOR) Then, sir, you have on the left-hand side towards the top in writing two dates and after the word just the name and a date. Will you tell the members of the Court what those mean?

A Yes. The top date, the first date is a request by the plaintiff in error for oral argument filed with the clerk on March 28th, 1958. The second date in writing, "September 30th", then "9-12-58" represents the date on which the case was set for oral argument, and the date that

was done. It was set for oral argument on September 30th and by an order which was dated September 12th, 1958.

Q All right, sir. Now I will ask the second part of my question. The writing immediately below that.

A The case was assigned to Justice Johnson on September 10, 1958.

Q Under the rules and procedures of the Court, sir, how is a case assigned to a particular justice?

A Assigned by the Chief Justice.

Q And now on the bottom of it, I notice there are a number of dates in handwriting. Could you tell us, please, without going into each one what they represent?

A They represent extensions of time granted defendant in error in which to file a brief.

Q Is this unusual for extension of time?

A No, it's not at all.

Q All right, sir, I notice on the bottom of the card there is a stamped date. Would you tell me what this would indicate?

A Yes, sir. That represents the date on which it was considered in conference the first time.

Q Would this stamped date lead you to some other record in your office?

A Yes.

Q Would you tell us, please, what that would be?

A That refers to the minutes of the conference of September 11th, '58.

Q All right, sir. I will direct your attention to Board of Managers' Exhibit No. 5 and ask you to tell us, sir, the first entry there. Is that what you are talking about?

A That is correct.

Q And is this contained by cases or is this contained by date?

A By date.

Q In other words, on September 11th,

many other matters could have been considered by the Supreme Court?

A That is correct, yes.

Q I will ask you to consult the back of Board of Managers' Exhibit No. 4 and those typewritten dates there, sir.

A Stamped dates?

Q Yes, pardon me. The stamped date.

A October 20, 1958 is another date on which it was considered by the conference. All of the stamped dates are considered by the conference.

Q All right, sir. Board of Managers' Exhibit No. 5 reflects the minutes that are shown as an index with these numbers here, is this correct?

A That's right.

Q All right, sir. Direct your attention to the second card, or the card reported in the middle of Board of Managers' Exhibit No. 4. Would you tell us, please, sir, what that is and what it represents?

A This card comes into existence on the date that an opinion of the Court is filed with the Clerk of the Court. It's prepared in the office of the justice who wrote the opinion and turned to me at the time that the opinion is filed.

Q All right, sir. And on the lefthand side it says Justice Johnson in printing, typewritten, then handwriting 29BJ1729, would you please tell us what that represents?

A That means that Justice Johnson was the author of the opinion in this case and that it can be found at 29 Oklahoma Bar Journal 1729.

Q I notice, sir, on the right-hand side there are a number of justices listed concurring, dissenting and so on on this order. Would you tell us what that is?

A That means Justice Welch, Justice Corn, Justice Davison, Justice Johnson and Justice Carlile concur with Justice Johnson in the opinion in this case. Justice Halley, Justice Williams, Justice Blackbird and Jackson dissented.

Q All right, sir. I direct your attention on down that card on the left-hand side, you will find submitted printed then in handwriting -- I will let you read it; if you will tell us what that means, sir?

A That indicates an application for leave to file a second petition for rehearing was assigned to Mr. Justice Corn on December 29, 1958.

Q And on down can you tell from this card what the disposition or --

A The application was denied on January 6th, 1959.

Q And on the right-hand side the date issued?

A The mandate was issued on the same day.

Q All right, sir. Now the third card. Would you tell us what that represents, sir.

A That represents a dissenting opinion which was filed by Mr. Justice Halley.

Q And is this also done in the normal ordinary course of affairs of the Court?

A Yes, it is.

(Whereupon, Board of Managers' Exhibits 6 and 7 were marked for identification by the reporter.)

Q (By REPRESENTATIVE CONNOR) I have handed you, sir, for the purpose of identification, what has been marked for introduction as Board of Managers' Exhibit No. 6. I will ask you to examine it please.

A Yes.

Q Have you examined Board of Managers' Exhibit No. 6?

A I have.

Q Would you tell us, please, what that purports to be?

A These are copies of the case card in Case No. 36731 Selected Investment Corporation vs. Oklahoma Tax Commission.

Q Have you had the opportunity to check them there quickly?

A Yes, they are correct.

Q Are they a true and accurate reproduction of what they purport to be?

A They are.

REPRESENTATIVE CONNOR: We would ask No. 6 be received in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire whether you have control of these records?

A Yes, I do.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection to this exhibit?

MR. BINGAMAN: We have none, no, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 6 will be received in evidence.

REPRESENTATIVE CONNOR: With the Court's permission, may we distribute this to the members of the Court?

PRESIDING OFFICER SENATOR GRANTHAM: You may ask the Pages to distribute Board of Managers' Exhibit No. 6 to each member of the Court.

Q (By REPRESENTATIVE CONNOR) I have handed you, sir, what has been marked for identification as Board of Managers' Exhibit No. 7. I ask you to examine that, please, sir. Have you seen this reproduction prior to this time?

A Yes, I have.

Q And is that a reproduction of the record as contained in your office, sir?

A Yes.

Q And to your knowledge, sir, is that an accurate reproduction of the record in your office?

A It is an accurate reproduction.

Q And is it a complete reproduction as far as you know? There is nothing left out?

A Yes.

Q These are still under your control?

A That's right.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would ask

Board of Managers' Exhibit 7 be received in evidence.

MR. GREEN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: No objection being offered, Board of Managers' Exhibit No. 7 is received in evidence.

REPRESENTATIVE CONNOR: With the Court's permission we would like to distribute this to the members.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 7 will be distributed to each member of the Court by the Page.

Q (By REPRESENTATIVE CONNOR) All right, Mr. Long, if we could refer -- I think we have got the cards pretty well located on here -- if you would refer to the first card, sir, and tell us what this involves, what case it is and the date of filing?

A It is Case No. 36731, Selected Investments Corporation vs. Oklahoma Tax Commission. It was filed in the Supreme Court on November 29, 1954.

Q On the left-hand side of the printed Justice and written Justice name, would you tell us who that is and what that indicates, sir?

A It indicates that the case was assigned to Mr. Justice Welch on January 11th, 1956.

Q And again it was assigned in the ordinary course of the Court's business as far as you know from the record?

A That is correct.

Q On the bottom, sir, again there is handwriting.

A It indicates extensions of time granted the parties in which to file briefs.

Q All right, sir. On the back.

A Those are also extensions of time down to the stamped dates which refer to minutes of the conference.

Q All right, sir, and the minutes of the conference are reproduced as Board of

Managers' Exhibit No. 7, is that correct, sir?

A That's right.

Q And referring you to the second card, would you please tell us without my asking you as to each specific one what does that card show?

A This card is the opinion card which indicates Mr. Justice Welch was the author of the opinion and that the opinion was reported at 28 Oklahoma Bar Journal 340. On the right-hand side a petition for rehearing was filed on March 20, 1957. There was a request for oral argument. The case -- the petition for rehearing was assigned to Mr. Justice Johnson on March 22, 1957. It was denied on April 2, 1957--1957.

Q All right, sir, and the third card?

A Sir?

Q The third card.

A This third card indicates that Mr. Justice Jackson was the author of the dissenting opinion.

Q Mr. Long, from the Court's records, can you tell this Court who was Chief Justice in the years 1955 and '56 and also 1957 and '58?

A Mr. Justice Johnson was Chief Justice in 1955 and '56 and Mr. Justice Welch was Chief Justice in '57 and '58.

Q Mr. Long, is Justice N. B. Johnson presently a member of the Supreme Court?

A Yes, he is.

Q Has he been participating in the Court and performing his duties?

A Yes, he did until about -- about March 24th.

Q Can you tell us from your records, Mr. Long, how long has Mr. N. B. Johnson or Justice N. B. Johnson been a member of the Court?

A He was elected in 1948 and took office in January, 1949.

Q All right, sir. And, as far as you know from your records, has he or has he not participated in the business of the Su-

preme Court of the State of Oklahoma since that time?

A Yes, he has.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease for a moment.

REPRESENTATIVE CONNOR: We have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The accused will examine.

CROSS-EXAMINATION

By MR. BINGAMAN

Q Mr. Long, I see some writing with a pen or with ink on these cards which have been identified by you. Is that in your handwriting?

A No, it's not.

Q You did not occupy the position that you now hold at the time that these cards were made then?

A No, sir, I did not.

Q I will ask you if you don't know that Mr. Charles Young occupied the position then you have now?

A That's correct.

Q Now your testimony as to how cases are assigned from the office of the Chief Justice to members of the Court is based upon what you know is done now rather than what Mr. Young may have done while he occupied the position you have.

A That's correct.

Q You would not mean to say to this Court here today that the fact that an opinion or a case was assigned to any particular Justice that it indicates any particular act on the part of the Chief Justice. It's largely a matter handled by an executive person such as you?

A I think that is probably right.

Q Now, this Exhibit 6 which you have just identified shows at the top of it under the name of the plaintiff in error the name of the attorney, does it not?

A Yes, it does.

Q Which was the principal attorney in the case?

A That's right.

Q And that shows it was Mr. Paul Washington?

A That is correct.

Q There is a CE 20268 following his name. Do you know what that means?

A I would suppose it's a telephone number.

Q And under the Oklahoma Tax Commission, the name R. F. Barry. He was one of the attorneys for the Tax Commission?

A That is right.

Q And this case then shows on the same exhibit it was assigned to Justice Welch on 1-11-1956?

A That's right.

Q The reason that it was not assigned sooner to some member of the Court to write an opinion is rather apparent from the notations down on the bottom there where it says "Remarks" and notations on the back that there has been numerous extensions in which to file briefs, is that right?

A That's right, yes.

Q Now do you have or do your records there reflect the dates that these various extensions were obtained in this particular case?

A They do.

Q And just to interpret this now for the members of the Court, if the case was filed on November 29, 1954, when, under the rules of the Court would the first brief by the plaintiff in error be due?

A January 28, 1955.

Q And what does this notation in pencil here, or pen, indicate to you occurred on February .. January 28, 1955 down under "remarks"?

A Well, the way I understand it, Mr. Young, when he prepared this card, put January 28, 1955 at the time he prepared the card to indicate the date on which the brief was due.

Q That is when the brief was due?

A That's right.

Q And the "Pf" means plaintiff's brief?

A That's right.

Q That would be the first brief, then the pencil notation immediately following that would mean plaintiff again, wouldn't it?

A That's right.

Q And the date was February 27th?

A That's right.

Q 1955?

A 1955.

Q What does the date 2-1-55 mean immediately following that?

A That was the date on which the order was entered granting the extension of time until February 27th.

Q Until February 27th. All right. What is the next notation there "Pf"?

A On March 1st, 1955, the plaintiff in error was granted until March 27 in which to file this brief.

Q That was the Selected Investment Company?

A That's right.

Q All right. What does it show on April 24th?

A On March 29, 1955, the plaintiff in error was granted until April 24th in which to file a brief.

Q These notations indicate to you that the plaintiff had requested that time?

A That's right.

Q On May the 26th, or April the 26th?

A On April 26, 1955, the plaintiff in error was granted until May 26th in which to file a brief.

Q All right. And what about the next notation there?

A On May 3, 1955, the plaintiff in error was granted until June 25 in which to file his brief.

Q What does it indicate on August the 3rd?

A On July 19, 1955, the plaintiff in er-

ror was granted until August 3rd in which to file a brief.

Q And do you find any objections on there by the Oklahoma Tax Commission to these continuous extensions in time to file briefs?

A On the back of Board of Managers' Exhibit 6, there is an indication that perhaps there was an objection to the order granted July 19, 1955, which extended the time until August 3rd.

Q All right. And then what happened after that?

A On August 9th, the defendant in error was granted until...

Q These are not easy to interpret is the reason I am asking you to do it instead of leaving it up to us to interpret it from these instruments.

A On August 9th, the defendant in error was granted until October 2nd, 1955, in which to file his brief.

Q And was there a stipulation indicated there as to when they should file a brief?

A No, there is not.

Q Not by your cards?

A No.

Q And then those votes here indicate how the opinion was adopted?

A That's correct.

Q And it shows how many concurring Justices adopted the opinion?

A That's right.

Q And it gives the names?

A That's correct.

Q In order to get it in the record, that's Welch, Chief Justice; Corn, Vice Chief Justice; Davison, Johnson, Williams and Carlile concurred in the opinion?

A That's right.

Q There was a dissent by Blackbird and Jackson?

A That's right.

Q That doesn't mean that they both concurred in the dissenting view, but they both dissented?

A That's correct.

Q And Judge Halley did not vote?

A That's correct.

Q Now, referring back to Exhibit No. 4 in the Oklahoma case, the names of the attorneys are indicated on that as well as on the other form which you have had here?

A Yes, sir, that's right.

Q And that shows who were the attorneys for the plaintiff in error?

A Charles Hill Johns of Oklahoma City, Smith, Johns & Neuffer.

Q Who does it show was the plaintiff in error?

A The Oklahoma Company.

Q Do you see the names of any other plaintiffs in error there?

A No, I do not.

Q You don't see the name of...

REPRESENTATIVE CONNOR: If Your Honor please, I would like to offer an objection; the record would speak for itself as to which names appear and which names do not appear as to questions as to explain the things there. I think these are proper questions, and I offer no further objection, but as to what is there and what is not, I think this is...

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken. However, I believe that the counsel is merely trying to reach an understanding of what the meaning is on this, and your objection is overruled.

Q (By MR. BINGAMAN) This indicates there is only one plaintiff in error?

A That's right.

Q If Otha Westcott or Mr. Westcott either one were plaintiffs in error, their names would appear there; that would be some notation like "et al" following the name O'Neil?

A There should be, yes.

Q Yes, sir. And you have the votes the same way here as to who the concurring Justices were?

A On the second card, yes.

Q Now, counsel has asked you numerous questions about these notations on the back. And I note that Exhibit 1 or Exhibit 4 and Exhibit 5, on the face of them, end with January the 6th, 1959, on Exhibit 4, and January 5, 1959, on Exhibit 5. Is that correct?

A I am sorry. I don't...

Q Well, look at the bottom of Exhibit 4. I think it says "Mandate issued" is the last thing on the front page of that.

A Yes, January 6th.

Q Now, Exhibit 5, the last thing on the front page of that is January 5, 1959?

A That's right.

Q Now, you have some other notations here on the back of Exhibit No. 4 of things occurring on February 3, 1959, do you not?

A Yes, that's February 2nd, I believe.

Q It says "2-3-59", doesn't it? Do you find that 2-3-59 in handwriting there?

A Yes, I see it.

Q Then you see a stamped date down here (indicating), February 2, 1959?

A That's right.

Q And then a March 2, 1959?

A That's correct.

Q Now, as the custodian of the records of the Court, when did Judge Corn leave the Court?

A Offhand, I don't know.

Q Well, will you get your records, please, and tell us, and also get the records which show what action occurred on this matter on February 2nd, 1959, and on March 2nd, 1959, as reflected by the conference vote record, please?

A Okay.

MR. BINGAMAN: It will take him a few moments, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want him to get his records now?

MR. BINGAMAN: From his office,

yes. I think I can conclude my examination with him right shortly then. I say I believe I can conclude the examination with him within a very few moments after he gets those, if he would be allowed a few minutes to assemble them.

PRESIDING OFFICER SENATOR GRANTHAM: What is your point?

REPRESENTATIVE CONNOR: My point is, Your Honor, I had just noticed that I was under the impression there would be two pages printed, containing this February 2nd and March 2nd. If we could have probably twenty or twenty-five minutes, I am sure he could get these typed off, we could get them Xeroxed, and I would like to make them part of our evidence. It is an oversight.

PRESIDING OFFICER SENATOR GRANTHAM: Our recess time is approaching and it is a good breaking point. And we will take a recess until 3:25.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, please find your seats.

The Court of Impeachment of the Thirtieth Legislature continues in session. Let the record show that the Board of Managers is present and that the accused is present with his attorneys.

The Clerk will call the roll.

(The roll was thereupon called by the Clerk with the following members of the Court being present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Romang, Selman, Smith, Stansberry, Terrill, Williams and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: When these members of the Court appear, please notify the Court of

their presence in order that their presence may be noted in the record.

The accused will continue the examination of the witness.

Q (By MR. BINGAMAN) Mr. Long, during the intermission, have you ascertained from the records the date that Judge Corn left the Oklahoma Supreme Court?

A Yes, sir, I have.

Q What is that date, please?

A January 12, 1959.

Q Now, during the intermission, you have handed to me an instrument which I will hand to you in a moment, which will be marked as Defendant's Exhibit No. 1, which purports to cover --

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, the correct way will be the Accused's Exhibit No. 1.

MR. BINGAMAN: The Accused's Exhibit No. 1.

Q (Continuing) Which purports to cover the minutes --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let the record show that Senator Taliaferro and Senator Rogers are present.

Q (By MR. BINGAMAN) -- of February 2, 1959, and March 2, 1959, and you have caused that to be made during the intermission?

A That's right.

Q Photostatic copies or Xerox copies.

(Whereupon, Accused's Exhibit No. 1 was marked for identification.)

Q (By MR. BINGAMAN) Mr. Witness, this instrument --

PRESIDING OFFICER SENATOR GRANTHAM: It has been suggested for clarification by the members of the Court to make the letter Accused's Exhibit, and therefore I think it is a good suggestion that the Accused's exhibits be Exhibit A and so forth, is that agreeable with you?

MR. BINGAMAN: Oh, yes, sir.

(Whereupon, Accused's Exhibit 1 was re-marked for identification as Accused's Exhibit A.)

Q (By MR. BINGAMAN) Now, you have in your hand, Mr. Witness, the instrument which you have furnished to me, which has been marked for identification as Accused's Exhibit No. A, and I will ask you to state if that is an exact and true copy of the minutes which are under your custody and control as chief executive --

A Yes, it is.

MR. BINGAMAN: We offer it in evidence.

REPRESENTATIVE CONNOR: To the contrary, if Your Honor please, we would also ask leave of the Court to make this Board of Managers' Exhibit No. 8.

PRESIDING OFFICER SENATOR GRANTHAM: For clarification, I don't think we had better get a double marking on this. I would prefer just to have it Accused's Exhibit A so we won't have any conflict.

REPRESENTATIVE CONNOR: Judge, I can feel myself being pushed into an embarrassing predicament. May I ask the witness a question with the leave of the Court?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

REPRESENTATIVE CONNOR: This Exhibit No. A, have you seen a sheet similar to this prior to this time, sir?

A Yes, I have.

REPRESENTATIVE CONNOR: Where did you see this sheet?

A You brought it to me at the time that you brought Board of Managers' Exhibit No. 5.

REPRESENTATIVE CONNOR: And what did I ask you to do with that, sir?

A To check it to be sure that it was correct.

REPRESENTATIVE CONNOR: And I think that's all.

My reasoning behind this is of no use to offer to the Court, why this was not presented as a Board of Managers' exhibit, so far as that, we sent it to the printer and we must not have gotten it back. I do not want to place the Board of Managers in a position that they are trying to conceal something from the Court by leaving something out, that is why.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the accused offers no objection to this exhibit, the Accused's Exhibit A, and that the Board of Managers had originally intended to introduce this together with the other exhibits of the Board of Managers heretofore introduced. Offering no objection to Accused's Exhibit A, the same is received in evidence.

Proceed, Mr. Bingaman.

Q (By MR. BINGAMAN) Now, to save time, I assume these are going to be distributed, I would like to ask you two or three questions before they are.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, do you wish them to be distributed?

REPRESENTATIVE CONNOR: The Xerox machine is going right now. May we have permission of the Court, as soon as they get here, to distribute them?

PRESIDING OFFICER SENATOR GRANTHAM: There being no objection on the request of the Board of Managers and the Accused, the copies of the Accused's Exhibit No. A will be distributed to each member of the Court by the pages.

Proceed.

Q (By MR. BINGAMAN) Now, in order to get this before the Court now before they are distributed, this date of February 2, 1959, was, of course, after Judge Corn left the Court?

A Yes, that's right.

Q And what does this instrument indicate was before the Court at that time?

A There was a petition to recall the

mandate in this case, to vacate the opinion and to write a new opinion.

Q Had that been granted, it would have the effect of changing the ruling of that case, in all probability?

A That is correct.

Q Now what does this show with reference to the vote and concurring with the denial of that application?

A Justice Davison, Welch, Johnson, Blackbird, Jackson and Irwin concurred in the recommendation.

Q That is a total of six?

A That's right.

Q And how many dissented from the view?

A Three.

Q Now, on March 2, 1959, there was further action on the second application to recall the mandate and vacate the formal opinion, is that right?

A That's right.

Q Would you tell the Court the vote on that, please?

A Concurring were Justice Davison, Welch, Johnson, Jackson and Irwin. Dissenting were Justices Williams, Halley, Blackbird and Berry.

Q And the second petition was denied?

A Yes, sir.

Q Who presented each of these two applications or petitions to the Court conference?

A Mr. Justice Davison.

MR. BINGAMAN: That is all.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers desire redirect?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: The witness is excused.

MR. BINGAMAN: If the Court please, we had subpoenaed this witness, also, but he had expressed to us a desire that he had some important personal matters he

wanted to attend to out of town, and he wanted to be through early today and to be excused from attendance tomorrow. We perhaps will not need him at all in view of the evidence here now, but could he be excused until Monday?

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: You will be excused until Monday.

(Witness excused.)

PRESIDING OFFICER SENATOR GRANTHAM: Call your next witness.

REPRESENTATIVE CONNOR: Judge Halley, please.

(Witness sworn.)

HARRY HALLEY,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Would you state your name, please, sir?

A Harry Halley.

Q And your occupation?

A Chief Justice of the Supreme Court of Oklahoma.

Q And how long have you been Chief Justice of the Court, sir?

A I have been since January, second Monday in January of 1965.

Q And prior to that time, sir, were you an Associate Justice of the Supreme Court?

A Yes. I served previously two years as Chief Justice back in '53 and '54.

Q And this was your second term as Chief Justice?

A Yes.

Q How long have you been on the Court, Judge?

A Since the second Monday in January, 1949.

Q Judge, are you familiar with the method by which a case is reduced to a written opinion in the Supreme Court of the State of Oklahoma?

A Yes.

Q Would you tell us briefly, sir, how is this done?

A Why, a Justice, individual Justice asks for some cases to work on, and the Marshal goes up to the Clerk's office and gets cases in which the briefs are in, that are ready for assignment. He brings them down to his office and I -- it is my policy, I check these, and I check them to whom they go for personal reasons -- well, reasons just simply this, that I think some judges are more familiar with certain types of litigation than others, and that unless -- under rare circumstances, if there is a big hurry about it, and I don't have time to get the Marshal, he might do that on his own, I might tell him to.

Q Judge, who is responsible, then, for the assignment of a case to an individual Justice?

A The Chief Justice's responsibility.

Q Has this existed since the time you have been on the Court, sir?

A I think so. Some Chief Justices are more -- allowed a Marshal more liberty to do that, and he might let the Marshal just assign to Justices.

Q Would it be accurate, sir, to say that the assignment is made from the office of the Chief Justice?

A Yes, sir, that's his responsibility.

Q You stated, sir, that a Judge might come to you and request cases. Now, a Judge would not come and request specific cases, would he?

A No, he does not.

Q Am I correct, sir, that he would say, "I need some work, give me some", something to this effect?

A Yes, that's right, sir.

Q Any time during your tenure on the Court, sir, do you know of any occasion where it was not the policy of the Court whereby the Chief Justice had the responsibility for the assignment of opinions?

A No, I never have.

REPRESENTATIVE CONNOR: You may inquire.

CROSS-EXAMINATION

By MR. BINGAMAN

Q Mr. Justice Halley, the Marshal, as you call him, is the title we called the office in the days when Charlie Young was there?

A Yes, sir, and he's Chief Executive Legal Assistant, I believe was his title.

Q Charlie Young was a very efficient young man, was he not?

A Splendid; splendid, one of the best.

Q And he was in the office for many years, of the Chief Justice?

A Yes, he was -- he was the secretary in the office of Justice Davison, and when Justice Davison became Chief Justice, why, he was moved up, and he stayed there until his death.

Q And he had a great deal of the responsibility of the assigning out of cases in almost every instance of the Chief Justice's administration there while he was there?

A No, not mine.

Q Not yours?

A No, sir.

Q Now, when a member of the Court ran out of work, he would simply ask someone in your office, either you, or some of the help there, to send out some cases?

A Yes, that primarily goes through the Marshal.

Q And after the issues are joined and the briefs are filed in the office of the Clerk of the Supreme Court, it is quite the custom to send a bunch of them down to the Chief Justice's office, is it not?

A Yes, they have -- they go up -- Ordinarily, the Marshal goes and gets them.

Q Yes, sir. The cabinet there, quite a quantity of them in the cabinet?

A Yes.

Q If a member of the Court wants five or six or eight or ten, you send them out to them?

A We wish they would; they don't go out in that number but --

Q When you were acting Chief Justice when Ben Arnold was sick, you used to send me around eight or ten at once didn't you?

A Well, you worked a little harder than some folks.

MR. BINGAMAN: That's all.

REDIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, just a point of clarification. Just while you were in there, I take it that Harry Halley assigned the cases, not Charlie Young; is that correct?

A That's my policy.

REPRESENTATIVE CONNOR: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any further questions by the accused?

MR. BINGAMAN: No, sir, not at this time.

PRESIDING OFFICER SENATOR GRANTHAM: You may be excused, Judge Halley.

(Witness excused.)

PRESIDING OFFICER SENATOR GRANTHAM: Call your next witness.

REPRESENTATIVE CONNOR: At this time, Your Honor, we would ask the Court to take judicial notice of the law of the State of Oklahoma as pertaining to salaries paid to a Justice of the Supreme Court. I have the salaries and to the best of my knowledge they are accurate and correct. I have the session laws with citations. I

would like to read them into the record if I might.

PRESIDING OFFICER SENATOR GRANTHAM: You may proceed.

MR. BINGAMAN: Maybe we can stipulate with them if you are sure they are accurate, I haven't checked them. I know that they have additional duties from time to time.

REPRESENTATIVE CONNOR: Those are shown on this. This was compiled for me by Jack Rhodes, of the Legislative Council. In 1947 the salary as shown by Oklahoma Session Laws 1947, Page 631, is \$7,500 per year. In 1949 the salary as shown by Oklahoma Session Laws 1949, Page 759, also Oklahoma Session Laws 1949, Page 186, the salary was \$7,500 a year plus \$5,000 per year for additional duties in conducting a study of rules and methods of proceeding in civil cases. In 1951, according to Oklahoma Session Laws 1951, Page 249 and Oklahoma Session Laws 1951, page 273, the salary was \$12,500 and through all the subsequent ones until we get to 1959 the \$5,000 per year was paid to the Justices who were performing the additional duties. 1953, according to Oklahoma Session Laws, Page 408, Oklahoma Session Laws, Page 438, the salary was \$12,500 plus the \$5,000. In 1955, Oklahoma Session Laws 1955, Page 533, the salary was \$12,500 plus the \$5,000. 1957 --

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Atkinson is present.

REPRESENTATIVE CONNOR: In 1957, according to Oklahoma Session Laws 1957, Page 639, \$12,500 plus the \$5,000.

PRESIDING OFFICER SENATOR GRANTHAM: Speak louder, please.

REPRESENTATIVE CONNOR: Plus the \$5,000. According to Oklahoma Session Laws of 1959, Page 463, the salary was \$16,500. In 1961, according to Oklahoma Session Laws of 1961, Page 705, the salary was \$16,500, and according to Oklahoma Session Laws 1961, Page 223, it shows \$4,000 additional duties on this. I would in-

quire of Mr. Bingaman at this time, I believe these are for Justices not entitled to this. I would stipulate either way. It is my understanding that Judge Johnson did not receive an additional \$4,000 over the \$16,500.

MR. BINGAMAN: His term started in 1961 in which he drew the salary of \$16,500.

REPRESENTATIVE CONNOR: The maximum he would have received was \$16,500, is that correct?

MR. BINGAMAN: That's correct.

PRESIDING OFFICER SENATOR GRANTHAM: It is stipulated between the parties the maximum that he received for the year 1961 and following was \$16,500.

REPRESENTATIVE CONNOR: 1963, the salary according to Oklahoma Session Laws, Page 325 was \$16,500.

I would now at this time ask of Mr. Bingaman if in the years 1951, '53, '55, '57 if Justice Johnson did not receive \$16,500? If I am in error, I would be very happy to correct my offer at this time.

It's my understanding in 1949, according to what I see here, he received \$7,500 plus \$5,000, making a total of \$12,500, and reading through here I think I announced to the Court he got \$12,500 plus an additional \$5,000. I am in error in this I'm confident. And in 1951, '53, '55 and '57 the salary was \$12,500.

PRESIDING OFFICER SENATOR GRANTHAM: Will the parties stipulate the salary from 1951 to 1959 was \$12,500? Is that what you want to stipulate to?

REPRESENTATIVE CONNOR: Yes. I think I announced it in error. I didn't mean to.

MR. BINGAMAN: I'm sure from '51 to '59 it was \$12,500. I am not certain for the years 1949 and '50, but since 1961. the beginning of this present term, he has drawn \$16,500.

REPRESENTATIVE CONNOR: Yes, sir. We might approach it in this manner to save time. Double check this and maybe

Mr. Bingaman could supply the Court with the figures and whatever the true and correct figure is, I would be happy to have my remarks amended.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want to stipulate again in 1951 up through 1959 the salary of Judge Johnson, N. B. Johnson, Judge N. B. Johnson, the accused, was \$12,500?

MR. BINGAMAN: That's correct.

PRESIDING OFFICER SENATOR GRANTHAM: Starting in 1959.

REPRESENTATIVE CONNOR: Through '61, it was my understanding he drew \$16,500.

MR. BINGAMAN: I think starting in '61 that was the beginning of his new term.

REPRESENTATIVE CONNOR: 1959 and '60, it would have been \$12,500.

MR. BINGAMAN: I don't know if he had additional duties.

PRESIDING OFFICER SENATOR GRANTHAM: You also stipulate that in 1961 the salary from that year on was \$16,500. Is that the stipulation?

MR. BINGAMAN: Correct.

PRESIDING OFFICER SENATOR GRANTHAM: For the year 1959, you are not certain, is that correct?

MR. BINGAMAN: That's right, sir.

PRESIDING OFFICER SENATOR GRANTHAM: And the parties will ascertain what that salary was and we will cover that point later.

REPRESENTATIVE CONNOR: That will be fine.

MR. BINGAMAN: We can get that at the State Treasurer's office.

REPRESENTATIVE CONNOR: That will be fine. I would like as my next witness to call Monty Williamson.

MONTY WILLIAMSON,

called as a witness by the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Would you state your name, please, sir?

A Monty Williamson.

Q And your occupation, Mr. Williamson?

A Vice President of the First National Bank in Claremore, Oklahoma.

Q And how long have you been so employed, sir?

A How long have I been with the First National?

Q Yes, sir.

A About ten years.

Q And how long have you been Vice President, sir?

A About four years.

Q Are you acquainted, sir, with N. B. Johnson?

A Yes, I am.

Q I will ask you, sir, in the performance of your duties do you have custody of various records and documents of the bank?

A Yes, I do.

Q I will ask you, sir, if a person would have an account in your bank, would your bank retain records concerning the transactions in this account?

A Yes.

Q Would it retain it under the person's name?

A Yes, it would.

Q Would this be true for both checking and saving?

A Yes, it would.

Q I will ask you, sir, did you have occasion to look...Strike that.

Does N. B. Johnson have an account in your bank, sir?

A Yes, he does.

Q Did you have an occasion to look into your records and ascertain whether or not records were kept upon this account?

A Yes.

Q Do you have those records with you here today?

A Yes, I do.

Q What, briefly, do you have?

A Ledger sheets for checking accounts, saving accounts, and liability ledger sheet.

Q All right, sir. Now, would you refer to your records, please, sir.

You have something in your hand, would you tell us, sir, just what you are holding?

A These are the ledger sheets from the First National Bank of Claremore in the account of N. B. Johnson.

Q And what type of account is it, sir?

A Checking account.

Q All right, sir.

(Whereupon, Board of Manager's Exhibit No. 8 was marked for identification.)

Q (By REPRESENTATIVE CONNOR) I hand you, sir, what has been marked for identification as Board of Managers' Exhibit No. 8 and I will ask you, sir, if you can tell us, please, what that is.

A These are ledger sheets for the account of N. B. Johnson in the First National Bank of Claremore.

Q And what date does it start on... what dates are covered in these ledger sheets you have?

A From 1948 to 1965.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would offer in evidence Board of Managers' Exhibit No. 8.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection?

MR. BINGAMAN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see that. May I inquire of the Board of Managers, are you going to refer separately to these throughout your examination?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR

GRANTHAM: There being no objection, the Board of Managers' Exhibit No. 8 is received in evidence.

Q (By REPRESENTATIVE CONNOR) Now, sir, referring to this Exhibit No. 8, are you familiar with this particular account in your bank?

A Yes.

Q Can you tell me, sir, what is the primary source of deposit to this account, if you know?

A I would say primarily from the monthly salary checks.

Q All right, sir.

(Whereupon, Board of Managers' Exhibits Nos. 9, 10, and 11 were marked for identification.)

Q (By REPRESENTATIVE CONNOR) I would refer your attention now to Board of Managers' Exhibit No. 9, and would you please, sir, tell us what that is?

A It's a ledger sheet of an account, N. B. Johnson Special Fund.

Q And that is part of the official record of your bank, is that correct, sir?

A That's correct.

REPRESENTATIVE CONNOR: At this time, we offer into evidence Board of Managers' Exhibit No. 9.

MR. BINGAMAN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see this exhibit. Board of Managers' Exhibit No. 9 will be received in evidence.

Q (By REPRESENTATIVE CONNOR) Mr. Williamson, do you know what gave rise to that special account?

A That particular account?

Q Yes.

A I believe it was -- had to do with an estate.

Q And referring to it, sir, would you tell us what the amount of the initial deposit was?

A \$1,551.24.

Q What is the ending balance?

A The account was closed.

Q And how long did the account remain in existence?

A About, let's see, two and a half years, three years.

Q Now, if you would, please, sir, refer to Board of Managers' Exhibit No. 10 and I will ask you, sir, if you can tell us what that is.

A This is a savings account ledger.

Q Whose saving account?

A N. B. Johnson.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would offer into evidence Board of Managers' Exhibit No. 10.

MR. BINGAMAN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 10 will be received in evidence.

Q (By REPRESENTATIVE CONNOR) Now, sir, would you tell us the date of the opening of this account, please, sir?

A This No. 10?

Q Yes, sir, please.

A January 16, 1956.

Q And is this account still in existence?

A The account is closed at the present time.

Q All right, sir. I would ask you to refer to the next Board of Managers' Exhibit.

A These are liability ledger sheets.

PRESIDING OFFICER SENATOR GRANTHAM: You are now referring to Board of Managers' Exhibit No. 11, is that right?

REPRESENTATIVE CONNOR: I forgot the number.

A That's right.

REPRESENTATIVE CONNOR: Board of Managers' Exhibit No. 11.

Q Would you tell us what is a liability ledger sheet, sir?

A It's a record of the customer's borrowing from the time the account started and continued on; it's a permanent record of the bank.

Q That you keep on all the people that borrow money from you?

A Yes, we do.

REPRESENTATIVE CONNOR: At this time, we would ask that Board of Managers' Exhibit No. 11 be received in evidence.

MR. BINGAMAN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see them.

Board of Managers' Exhibit No. 11 will be received in evidence.

Q (By REPRESENTATIVE CONNOR) Now, sir, to the best of your knowledge, have you brought with you all records that you have in your bank concerning finances and transactions that would involve N. B. Johnson?

A Yes, I have.

REPRESENTATIVE CONNOR: If the defense would agree, I think probably Mr. Williamson would request or I would request in his behalf at the conclusion of this testimony, if we make copies of these and substitute for the originals so that his bank may retain..

MR. BINGAMAN: The accused has no objections. I understand they are supposed to keep the original records in the bank; if copies haven't been made, I suggest they be made here today so they can get them back.

PRESIDING OFFICER SENATOR GRANTHAM: That is correct, and the accused having no objection, the originals may be withdrawn and correct copies be substituted for these exhibits.

You may cross-examine.

MR. BINGAMAN: We have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness is excused.

REPRESENTATIVE CONNOR: May we ask a Marshal or an Assistant Marshal to go with the witness to the Xerox room and copy these exhibits?

PRESIDING OFFICER SENATOR GRANTHAM: Yes, a Marshal or an Assistant Marshal will accompany the witness to get these exhibits Xeroxed.

REPRESENTATIVE CONNOR: We would call as our next witness Kenneth L. Lawton.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers may examine.

KENNETH L. LAWTON,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Do you have certain exhibits you have brought with you today, sir?

A I do.

Q All right, sir. Would you state for the record what your name is?

A Kenneth Lawton.

Q And what is your occupation, Mr. Lawton?

A Cashier, Citizens National Bank, Oklahoma City.

Q And how long have you been so employed?

A Since 1952.

Q And what are your duties, sir, as cashier?

A Custodian of the bank records.

Q I will ask you, sir, under your supervision or with your knowledge, has a search been made of certain records of your bank?

A Yes, there has.

Q What specific records have been looked at, sir?

A Paid Cashier's Checks.

Q Do you also have records concerning safe deposit box with you?

A Yes, I have entry records of a safe deposit box.

REPRESENTATIVE CONNOR: All right, sir.

(Whereupon, Board of Managers' Exhibits 12 and 13 were marked for identification by the reporter.)

Q (By REPRESENTATIVE CONNOR) I have handed you, sir, what has been marked for evidence as Board of Managers' Exhibit, little card, I believe it is, 11, sir. Would you tell us...

A 12.

Q It is 12. Would you please tell us, sir, what that is?

A This is a record of entry on safe deposit box No. 1717 at our bank, Citizens National Bank.

Q In whose name is that box carried?

A It's in the name of N. B. Johnson.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would ask that Board of Managers' Exhibit No. 12 be received in evidence.

MR. BINGAMAN: The accused has no objections.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 12 will be received in evidence.

Q (By REPRESENTATIVE CONNOR) Would you tell us, sir, if you can, when was this... Well, let's get into what you have in your hand, Board of Managers' Exhibit No. 13. Would you tell us, please, sir, what is that?

A This is also a record of entry.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

MR. BINGAMAN: I thought he introduced them both; I thought he introduced both of them.

PRESIDING OFFICER SENATOR GRANTHAM: No, just one.

MR. BINGAMAN: I am sorry. We have no objection to the other one, either, if it would expedite it any.

REPRESENTATIVE CONNOR: I offer it in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 13 will be received in evidence.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, if you can tell us when this box was leased.

MR. BINGAMAN: If the Court please, we object to any observations of his. The instrument speaks for itself as to what it is that he has in his hand; unless he is testifying from some other record, this record would take care of itself.

PRESIDING OFFICER SENATOR GRANTHAM: Would the court reporter read the question.

(Whereupon, the last question set out above was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Objection overruled. Senator Massad.

SENATOR MASSAD: Mr. President, I don't think anyone ever said what that was that was just introduced.

PRESIDING OFFICER SENATOR GRANTHAM: It hasn't been introduced yet, Senator Massad. We are working on that.

Q (By REPRESENTATIVE CONNOR) Board of Managers' Exhibit No. 13, will you tell us what that is, please, sir?

A This is also a record of entry of safe deposit Box 1717.

Q Do you have other records as to safety deposit boxes?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. I believe that this has been introduced; Board of Managers' Exhibit No. 13 has been introduced, and that is the question Senator Massad asked.

Q (By REPRESENTATIVE CONNOR)

Board of Managers' Exhibit No. 12 and 13, sir, are they different type records or are they identical records?

A No. 13 is a record of entry of box as we originally had it when our bank first went into business, and we changed to a card entry later on.

Q Well, are they the same type of record?

A Yes, they are the same type of record. It's just a continuation.

Q All right, sir. Now, I will ask you from Board of Managers' Exhibit No. 13, does it indicate anywhere on this exhibit the date this box was leased or rented?

A June 10, 1957.

MR. BINGAMAN: Object; the exhibit speaks for itself.

PRESIDING OFFICER SENATOR GRANTHAM: That is correct, the objection is sustained.

REPRESENTATIVE CONNOR: If I might inquire of the Court or ask the Court to look at the exhibit, I am looking at a photocopy of it here and I do not believe that it does state the date on which the box was rented. It gives a number of entry dates which I, of course, would not ask questions about, but it takes a man, I feel, that is familiar with the record to be able to testify the date the box was rented.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see the exhibit.

PRESIDING OFFICER SENATOR GRANTHAM: I don't see on the exhibit any indication of when the box was leased. That is the question. I think it is a proper question. Overruled.

MR. BINGAMAN: I just wanted to be sure he is testifying from his knowledge and not from this instrument, if that is the issue, because the instrument speaks for itself. If he is testifying from something independently I would withdraw the objection.

REPRESENTATIVE CONNOR: May I rephrase my question, sir?

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

Q (By REPRESENTATIVE CONNOR) From consulting the instrument, can you, based on your familiarity -- what you know about the operation of the bank, sir, can you tell us the date that this box was leased?

A June 10, 1957.

Q And how do you make that statement, sir; what do you base it on?

A That is a date at the top of the sheet.

Q All right, sir. Now, down at the left-hand -- or towards the middle of it, there are a number of dates and a number of signatures. Would you tell us what these are? What happens each time one of these dates and signatures was put there?

A These indicate the dates the customer entered the box.

Q All right, sir. The last date, then, November 19, 1958, with the signature there. There are no more entries I notice. There are a number of vacant lines. Would you tell me or tell the Court, please, sir, why there are no more entries and that the next entry appears on Board of Managers' Exhibit No. 12?

A We changed our method from a ledger entry to a card entry on December 1st, 1958.

Q All right, sir. Would you tell us, please, sir, the size of this box? How big a box would it be?

A It's 3 by 5 by 24 inches.

Q How many packs of cigarettes could I put in a box of that size?

A I would have no idea.

MR. GREEN: If the Court please, we object to that as calling for a conclusion.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained. Sustained.

Q (By REPRESENTATIVE CONNOR) All right, sir. I will at this time direct

your attention to Board of Managers' Exhibit No. 14.

(Whereupon, Board of Managers' Exhibits 21 through 51 inclusive were marked for identification by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The reporter has the exhibits marked, please find your seats. Let's find our seats, members of the Court.

The Board of Managers will continue the examination.

Q (By REPRESENTATIVE CONNOR) Mr. Lawton, you have in your hand what has been marked for identification, 14 through 51; are those the items you brought with you to this Court today, sir?

A Yes.

Q And will you tell us, please, sir, what they are generally without going into it specifically?

A Cashier's checks drawn on our bank.

Q And does each of these exhibits, 14 through 51, have anything in common with the other?

A Yes.

Q What would that be, sir?

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute, I think you had better get them identified and admitted; get them identified and then admitted before you inquire about their relationship and so on.

Q (By REPRESENTATIVE CONNOR) Well, let me rephrase my question. I was trying to get the same place.

Would you tell us, please, sir, if those checks show who purchased them?

A Yes.

Q And would you tell the Court, please, sir, who was that?

A N. B. Johnson.

Q And would that hold true for each check, 14 through 51?

A With the exception of one.

Q And what is that one, sir?

A Shows the purchaser as Mrs. Earl Welch and Mrs. N. B. Johnson.

Q All right, sir.

REPRESENTATIVE CONNOR: We would at this time ask that Board of Managers' Exhibits 14 through 51 -- Well, strike that.

Q Would you tell us, sir, the dates which these extend to, from Exhibit 14, which I assume is the earliest date, is that correct, sir?

A July 26 of '56 and March 3, 1962.

REPRESENTATIVE CONNOR: At this time, Your Honor, we would offer into evidence Board of Managers' Exhibits 14 through 51.

MR. BINGAMAN: We have no objection to anything he has purchased, they raised a question about someone else being a purchaser of one of these checks. I wonder if I could see it, please?

PRESIDING OFFICER SENATOR GRANTHAM: You may see it. What exhibit is it, what is the number of the one in question?

MR. BINGAMAN: The exhibit I have in my hand is Board of Managers' Check No. 49, it's made to some concern that I can't too well make out, it's in the amount of \$47.93, but, it doesn't have N. B. Johnson's name on it; it does have Mrs. Johnson's name and Mrs. Welch. I don't have any idea of the significance of why they would wish to offer it, but, certainly we would object to anything else, it would have no relation -- As I understood, the subpoena was for the matters, transactions he had with the institution.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire, what is the number of that exhibit?

MR. BINGAMAN: Forty-nine.

PRESIDING OFFICER SENATOR GRANTHAM: What?

MR. BINGAMAN: Forty-nine.

PRESIDING OFFICER SENATOR GRANTHAM: Forty-nine. Then, you are objecting to the introduction of Exhibit

No. 49, but you have no objection to the other exhibits?

MR. BINGAMAN: No objection to the others, no, sir.

PRESIDING OFFICER SENATOR GRANTHAM: May I see those exhibits again?

Exhibits 14 through 51 will be received in evidence. Exhibit 49, that is Board of Managers' Exhibit 49, will not be received at this time.

Q (By REPRESENTATIVE CONNOR) Now, sir, I would ask you to refer, if you would, to Board of Managers Exhibits 12 and 13, and can you tell us who would have access to this safe deposit box; can you tell us from these exhibits?

A N. B. Johnson.

Q Would anybody else, from these exhibits, have any access to this safe deposit box?

A No.

Q Would there be any way by which Mrs. Johnson could, say, get into that box?

A Not without written permission from Mr. Johnson.

Q All right, sir. As to Board of Managers' Exhibit No. 49, may I see Board of Managers' Exhibit No. 48 and 50, please, and 49?

As to the best of your knowledge, sir, was this check sold in the normal course of business?

A These cashier's checks?

Q Yes, sir.

A Yes.

Q Do you, sir, require identification from a person to buy a cashier's check?

A Not necessarily.

Q I will ask you, sir, if...

A Depends on what they buy it with.

Q I will ask you, sir, if I wished to pay a bill for my wife, I came in with a hundred dollar bill and said put this in her name because the bill is in her name, would your bank do that?

MR. GREEN: Object to that as incompetent, irrelevant and immaterial and surmising.

PRESIDING OFFICER SENATOR GRANTHAM: It will be sustained.

Q (By REPRESENTATIVE CONNOR) Is it possible, sir, that your bank in filling out a check, would adhere to a request from the person buying the check to place another name other than the one of the person purchasing it?

MR. GREEN: Object as incompetent, irrelevant and immaterial, and not the custom but what happened on these exhibits is the only thing that would be competent with reference to these exhibits.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection will be sustained.

I think you can rephrase your questions and get what you want.

REPRESENTATIVE CONNOR: I will try.

Q Do you have a policy in your bank as to the issuance of cashier's checks?

A I don't know what you mean by that.

Q Do you have a policy or a rule of your bank concerning the issuance of a cashier's check; do you have any rules or regulations that you give to your employees?

A Accept either cash or a good check.

Q All right, sir. Do you have any prohibition against one of your employees putting a name other than the name of the person who purchases the check on it as the purchaser?

A None.

Q Is it possible, sir, that a check could be purchased by one individual and another's name appear on it?

MR. BINGAMAN: Object, if the Court please. Possibility, it shows no relation to any of these matters here involved.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE CONNOR: If Your Honor please, at this time, we would again offer into evidence Board of Managers' Exhibit No. 49, and I would like to make a short statement in support of it.

PRESIDING OFFICER SENATOR GRANTHAM: You may be heard. How long do you want to be heard?

REPRESENTATIVE CONNOR: I am talking, just 30 or 40 seconds.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

REPRESENTATIVE CONNOR: Judge, we offer this as a cashier's check, we have a number of them purchased over a number of years, I think from 14 to 51, this is thirty some odd checks that we have in evidence. We have the name of Mrs. N. B. Johnson, we have the name of Mrs. Earl Welch upon this check. Now, I do not say for sure that it was purchased by anybody; I might have purchased the check, I don't know, but, we are talking circumstances that we bring before the Court for their consideration.

Now, if the Court feels that this check does not have merit, fine, they cannot consider it; but I think that the Court is entitled to have this check presented to them. It's in the same scheme, cashier's check.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire as to how you tie this check to the accused.

REPRESENTATIVE CONNOR: The check is purchased -- What I see on the face of the check is my surmise, if this is what you're asking me for, and, this is plain argument, nothing but, but, the check is to pay a bill at Vandever's Department Store in Tulsa, Oklahoma, and I assume that the bill was incurred by Mrs. N. B. Johnson and by Mrs. Earl Welch, and I would argue if it is anything like my home, I will pay the bills that my wife incurs. I think this is a circumstance that this Court should have before it. It's another check in a list of some

thirty odd checks, it's consistent with the checks that we have there, even though the exact name is not on it, but it certainly is not inconsistent that Judge Johnson purchased this check, and I think the Court can give what weight to it they wanted to, but, I think it is admissible.

PRESIDING OFFICER SENATOR GRANTHAM: Until such time as the Board of Managers ties this check to the accused, the objection is sustained. Exhibit will not be admitted.

REPRESENTATIVE CONNOR: All right. Then, at this time, if Your Honor please, we would make an offer of proof to preserve our --

PRESIDING OFFICER SENATOR GRANTHAM: You are making an offer of proof?

REPRESENTATIVE CONNOR: Or we offer this check.

PRESIDING OFFICER SENATOR GRANTHAM: You have already offered this check.

REPRESENTATIVE CONNOR: Fine.

PRESIDING OFFICER SENATOR GRANTHAM: And it has been objected to by the accused, and the objection is sustained, and Exhibit No. 49 will not be received in evidence.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, if you would -- Have you totaled the amount of this money as evidenced by these checks?

A Yes.

Q I will ask you, sir, to take the Exhibit 49 -- Let me ask you this, sir, was Exhibit 49 figured in the total that you have?

A Yes.

Q Would you please, sir, take Exhibit No. 49 and subtract it from the total?

A All right.

Q Would you please, sir, tell the Court the sum total of Exhibits 14 through 51, excluding Exhibit No. 49, of those checks

shown to be purchased or alleged to be purchased by Justice N. B. Johnson?

A \$6,909.89.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By MR. BINGAMAN

Q Mr. Lawton, Exhibits 12 and 13, with reference to the lock box records, are on different type of instruments there?

A Yes.

Q Now, I will ask you this, if your bank has not changed locations during the period of time that this lock box record shows there?

A This is when we changed our form.

Q From one form to another?

A Yes.

Q The earlier form was when your bank was at the location on the corner of what?

A 23rd and Dewey.

Q 23rd and Dewey, and then you moved further west?

A 23rd and Classen.

Q And that is when you changed in the forms of that?

A That is true.

Q Now, these records which you have identified here today are the same records that your institution has exhibited to the Oklahoma Bar Association and to the United States tax people?

A I don't know that we have shown them to the tax people.

Q Do you find any dates there that indicate when the tax people and the United States Government went into that lock box?

A I didn't know that they did.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect examination?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused. You will call your next witness.

REPRESENTATIVE CONNOR: Yes. Might we have them reproduced, Xeroxed, and allow him to --

PRESIDING OFFICER SENATOR GRANTHAM: Yes, the Marshal will see that these are Xeroxed and then copies substituted for them; there will be no objection.

MR. BINGAMAN: Can we have copies also, please?

PRESIDING OFFICER SENATOR GRANTHAM: Sufficient copies to be Xeroxed of all exhibits so that the accused will have copies also.

MR. BINGAMAN: If we could, we would appreciate it if we could have them tonight before we go.

PRESIDING OFFICER SENATOR GRANTHAM: You don't require any further identification of these Xeroxed, do you?

MR. BINGAMAN: Oh, no.

PRESIDING OFFICER SENATOR GRANTHAM: All right, fine; okay. The witness is excused. Call your next witness.
(Witness excused.)

REPRESENTATIVE MORDY: Your Honor, at this time we would like to renew our offer of proof that was submitted to this Court yesterday.

PRESIDING OFFICER SENATOR GRANTHAM: You renew your offer of proof?

REPRESENTATIVE MORDY: Yes, sir, and ask for a ruling of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Your offer is denied.

REPRESENTATIVE MORDY: We ask for an exception, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Exception has been asked for, and in order to. Will you state what your offer consists of? That is the offer of

proof that you have printed copies on the desks of each member of the Senate; is that correct?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: And that offer has been denied, exception has been taken. If sustained by ten members or more -- Just a moment. Senator Rogers.

SENATOR ROGERS: Might I ask, is the offer of proof made on each individual case or as a group? Is the offer at this point made on all of them as a group or are we going to take them one at a time?

PRESIDING OFFICER SENATOR GRANTHAM: It is my understanding that this offer is made of the entire amount of the whole thing, and it is my further understanding that it is the theory of the Board of Managers that these are all tried together so they should all come in or all stay out; is that your feeling?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: That being the feeling, then exception has been taken by Senator Rogers to the ruling denying the offer of proof that was submitted by the Board of Managers. Senator Rogers.

SENATOR ROGERS: I did not take exception, they took exception.

PRESIDING OFFICER SENATOR GRANTHAM: That is true. That's right, I meant to say that you didn't, Senator Rogers. That exception was taken by the Board of Managers. Now, the question is, is it sustained by ten or more members of the Board of Managers; if so, those who would sustain the exception of the Board of Managers make it known by raising your hands. The Clerk will count.

Being four members of the Court voted to sustain the exception, the same is not sustained, and the offer of proof is denied.

REPRESENTATIVE MORDY: Your Honor, the Board of Managers, because of the late hour, would announce to the Court that we believe we will rest at this

time, but we would like to reserve that ultimate decision until in the morning, if the Court would allow us to.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire of the Board of Managers. Have you perused your Articles of Impeachment and are you desiring the Court to take judicial knowledge of the fact that Judge Johnson has been elected as alleged in your Articles of Impeachment?

REPRESENTATIVE MORDY: Yes, Your Honor, and we also had testimony from Mr. Long to the effect that he was in office at that time. We would ask...

PRESIDING OFFICER SENATOR GRANTHAM: I feel that that is not...

MR. BINGAMAN: If there's any issue about it, the accused will stipulate that he was elected beginning in 1949, and he took office and he has been re-elected since and was re-elected the last time in 1960; that his term of office began in January, 1961, and will expire in January, 1967.

REPRESENTATIVE MORDY: Also, Mr. Bingaman, as to the oath of office that he took.

MR. BINGAMAN: He took the oath of office required by the Constitution and statute on each occasion.

PRESIDING OFFICER SENATOR GRANTHAM: As set out in the Articles of Impeachment, will the parties stipulate that Judge Johnson was elected in 1954 and re-elected in 1960, and that on each election he took the oath of office? Will the accused stipulate to that?

MR. BINGAMAN: He will indeed.

PRESIDING OFFICER SENATOR GRANTHAM: Will the Board of Managers stipulate that that...

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that those facts are stipulated to by the Board of Managers and by the accused. Now, I think we have one other fact dangling in

the air, and that is the salary of Justice Johnson for the year of 1959.

REPRESENTATIVE CONNOR: This is actually the reason why we requested to delay our resting, to not only check this figure, make sure our information is correct, but we thought we might introduce possibly the opinion in these two cases which we have checked, and have not reached a decision on that yet. Our evidence in the morning would be extremely brief in light of the Court's ruling, and this is why we make the request or renew the request to be allowed to make the ultimate decision on resting in the morning.

PRESIDING OFFICER SENATOR GRANTHAM: I don't understand—You are going to reach a figure to stipulate on for this salary of 1959?

REPRESENTATIVE CONNOR: Yes, sir. I would assume that Mr. Bingaman, in checking with Mr. Johnson this evening, could announce to us what that figure is. We would be happy to stipulate it; I think I know what it is, but I am sure he will know and I will take whatever figure he offers.

PRESIDING OFFICER SENATOR GRANTHAM: I am asking if there are any legal matters, inasmuch as that you are not putting on any evidence, that you want to call to the Court's attention at this time, either side, in order that the Court may be thinking about them overnight.

Board of Managers have any further legal matters that need to come before this body concerning this case?

REPRESENTATIVE CONNOR: Not to my knowledge right now. If, as I say, we might get into a question of whether we can introduce Pacific Reporters, or the official files contained in the Clerk's office as to the opinions, and I would say the best evidence would be the Clerk's office.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will take judicial

notice of any decision in any Oklahoma statute, as far as that is concerned.

REPRESENTATIVE CONNOR: We would ask, then, that these two opinions with the dissents be included in the record.

PRESIDING OFFICER SENATOR GRANTHAM: These two opinions, you are speaking now of the two opinions--

REPRESENTATIVE CONNOR: Selected and Oklahoma are the only two, as I understand it.

PRESIDING OFFICER SENATOR GRANTHAM: That these two opinions be incorporated in the record?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: That will be quite a lot in the record. I wonder if we could agree to this, if we could perhaps reproduce sufficient copies of these two opinions so that each member will have a copy of these opinions.

REPRESENTATIVE CONNOR: I am sure we would agree to that.

PRESIDING OFFICER SENATOR GRANTHAM: Would that be agreeable?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Would that be agreeable to the accused?

MR. BINGAMAN: It would, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Now, I am wondering if the library has facilities to reproduce enough copies for that; can either party advise the Court of that?

REPRESENTATIVE CONNOR: No, sir, I would say --

PRESIDING OFFICER SENATOR GRANTHAM: It would be almost impossible to Xerox these copies, wouldn't it?

REPRESENTATIVE CONNOR: Yes, sir, I don't think we would ask that they be out by nine o'clock in the morning or anything. The most inexpensive way, or they might be able --

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers check with Mr. Ralph Hudson to see whether or not arrangements could be made to get this number of copies for each member of the Court of these two opinions?

REPRESENTATIVE CONNOR: We would be happy to.

PRESIDING OFFICER SENATOR GRANTHAM: Will you do that?

MR. BINGAMAN: I might suggest to the Court that we had in mind calling the Clerk of the Court, who has copies of each of these opinions in legal-sized sheets which can be run right through our Xerox machine without any difficulty at all. You don't have to resort to these books that shows the vote and everything else, and the filing date of them.

REPRESENTATIVE CONNOR: I think there is a less expensive way to do it than by Xerox, so we might be --

PRESIDING OFFICER SENATOR GRANTHAM: Will you explore that? We may want to get it in the record, if you want to make an issue of it and introduce it in evidence, but otherwise, I think the Court can take judicial knowledge of any opinion of the Supreme Court or any statute of the State of Oklahoma.

REPRESENTATIVE CONNOR: Consulting with the Board, I do not believe that in our maximum in the morning, if we would call more witnesses, it would be more than two. And we anticipate they would be extremely short, but we would like to reserve that right before resting.

PRESIDING OFFICER SENATOR GRANTHAM: So, what does that mean in amount of time? An hour, or what?

REPRESENTATIVE CONNOR: I would say in all probability, less than an hour, yes, sir, less than one hour.

PRESIDING OFFICER SENATOR GRANTHAM: Less than one hour. Will the accused be ready to proceed at that time?

MR. BINGAMAN: We will do our best, Your Honor. May I inquire, what is the plan of the Court with reference to adjournment tomorrow? I see no hopes of being able to conclude this in its entirety tomorrow, as to whether we will quit at noon or later.

PRESIDING OFFICER SENATOR GRANTHAM: Unless it comes to some objection to the Court, I think we will continue on 'til five o'clock tomorrow evening, and that will be my thought. Now, then, we have a few minutes here, and you raised some points in this brief you filed. Do you want to urge these points at this time, or are you going to urge them?

MR. BINGAMAN: It is our thought in view of the fact the charges of this character have been made against a Justice of the Supreme Court, that it is his duty to present a defense and we expect to offer his evidence regardless of what action you might take on any jurisdictional questions, and therefore, we would like for you to leave that until after we have put on our defense.

PRESIDING OFFICER SENATOR GRANTHAM: Let me ask you this: Pursuant to the Court and in all fairness to the Court, are you going to urge the jurisdictional question in this case?

MR. BINGAMAN: We feel that it is here and if the Court will want itself to consider it, we had not in mind that that was our principal defense, but in duty to our client, we felt it should be raised; and I think it is here before the Court, and ultimately should be considered by the Court. We have hopes that independently of any question of that, that the accused will be exonerated; but otherwise, the question is here.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire of the Board of Managers, when are you planning to get an answer brief as presented by the Court to each member of the Court?

REPRESENTATIVE CONNOR: I am

informed by the Chief Manager in charge that probably Monday would be the earliest that we could hope to have this. Our time, of course, is taken during the day, and then during the evening hours, preparing for the following day. Hopefully, we could have something for you Monday.

PRESIDING OFFICER SENATOR GRANTHAM: Okay. Now, then, may I inquire of the accused again, if tomorrow you feel that after they take an hour, and we run on to five o'clock, and with your opening statement, let me ask you this: Are you intending to lodge a demurrer in this, or any other pleadings at the close of their evidence?

MR. BINGAMAN: If it was an ordinary case we would, but for the reasons we stated, we feel that the accused wants this Court and the public to know his position in this matter, so we will not urge it.

PRESIDING OFFICER SENATOR GRANTHAM: You will not have a demurrer?

MR. BINGAMAN: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Now, then, taking in consideration the hour they will take, the opening statement that you will have, and the witnesses, that you will have to present, do you feel that you can conclude by tomorrow evening?

MR. BINGAMAN: If we can get the witnesses here, we can, in our opinion. We thought we had a stipulation with the Board of Managers as to certain character witnesses, which would shorten this by a half day, but I understand they have withdrawn that consent, which makes it necessary we bring those people here, and that might drag into Monday, due to the fact that we had originally subpoenaed them for Monday in the anticipation by agreement with counsel of Managers, and with the Court.

PRESIDING OFFICER SENATOR

GRANTHAM: You want to alert your witnesses so you can --

MR. BINGAMAN: We started last night for that purpose and we hope to have a great many of them here.

PRESIDING OFFICER SENATOR GRANTHAM: How much time for final argument would the Board of Managers like in this matter?

REPRESENTATIVE CONNOR: I don't think that we could make an intelligent guess at that particular thing at this time, Judge. We have no idea as to what Mr. Johnson's testimony will be.

PRESIDING OFFICER SENATOR GRANTHAM: Can you give me an estimate, Mr. Bingaman, of what you feel that you would like in the way of how much time in final argument?

REPRESENTATIVE CONNOR: We might have rebuttal evidence. I have no idea.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

MR. BINGAMAN: Well, there are two of us, I think at a maximum we would not ask for more than an hour each, which would be two hours for our side, if it is not imposing on the Court. We will try not to use that much.

PRESIDING OFFICER SENATOR GRANTHAM: Then we have running up against the problem here when your evidence is concluded, of course, then they may want to put on some rebuttal and sur-rebuttal and we may run into that. I am just trying to get an estimate of our time. It looks as if we probably will run over into Monday, doesn't it?

MR. BINGAMAN: I see little hope of concluding before then.

REPRESENTATIVE CONNOR: I don't mean to mislead the Court in any way as to tomorrow morning. It is possible we will take no time at all, as far as the evidence you are talking about, the hour that we will take; it is possible we will take none.

PRESIDING OFFICER SENATOR

GRANTHAM: It is possible you won't call any witnesses?

REPRESENTATIVE CONNOR: Yes, sir.

MR. BINGAMAN: If you ascertain that later tonight, would you mind calling us at the hotel so that we know where we are at nine in the morning?

REPRESENTATIVE CONNOR: I would say again, we are trying to talk here over a table, but if we do have witnesses, it will be so short, I would think possibly if you would -- depending on how long your opening statement was, give yourself time for opening statement and bring the witnesses in, allowing for that, you wouldn't miss it too far.

PRESIDING OFFICER SENATOR GRANTHAM: On this question of opening statement, we decided to limit it to thirty minutes, but I believe you took about forty, and so you will have about that much time for opening statement.

MR. BINGAMAN: We will not need that much, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Is there any other matter that we can entail about this case so we can move along and clear up at this time? I want to compliment at this time the Court and the counsel on both sides and the present guests, the visitors, for the decorum we've had in this case. This Court is adjourned until in the morning at nine o'clock.

Saturday, May 8, 1965

PRESIDING OFFICER SENATOR
GRANTHAM: The Impeachment Trial of
the 30th Legislature is now in session.

Members of the Court will please find
your seats. The clerk will call the roll.

(Whereupon, the clerk called the roll,
the following members of the Court were
present: Atkinson, Baggett, Baldwin, Bart-
lett, Berrong, Berry, Birdsong, Boecher,
Dacus, Field, Findeiss, Garrett, Garrison,
Gee, Grantham, Graves, Ham, Hamilton,
Holden, Horn, Keels, Luton, McClendon,
McSpadden, Martin, Massad, Miller, Mul-
drow, Nichols, Payne, Rhoades, Romang,
Selman, Smith, Stansberry, Stipe, Tal-
iaferro, Williams, Young.

PRESIDING OFFICER SENATOR
GRANTHAM: Any other members of the
Court who have not answered the roll?
The clerk will announce the roll.

COURT CLERK: Absent are Bradley,
Cowden, Howard, Massey, Murphy, Pope,
Porter, Rogers and Terrill.

PRESIDING OFFICER SENATOR
GRANTHAM: The Court will be advised
at the time that the members who are
absent return.

Let the record show Senator Pope is
present.

At this time members of the Court will
stand and the visitors in the gallery will
stand and Senator Dacus give the prayer.

(Whereupon, Senator Dacus gave the
invocation.)

Let the record show Senator Bradley
is present.

PRESIDING OFFICER SENATOR

GRANTHAM: Senator Garrison, take the
floor. Do you have, at this time, correc-
tions for the Journal?

SENATOR GARRISON: Not as yet,
Your Honor.

PRESIDING OFFICER SENATOR
GRANTHAM: When they arrive, advise
the Court.

SENATOR GARRISON: Thank you, sir.

PRESIDING OFFICER SENATOR
GRANTHAM: Let the record show Sen-
ator Bartlett is now present and that Sen-
ator Massey is now present.

I would like to inquire of the Board of
Managers and the counsel for the ac-
cused: Are these exhibits that run from
about 14 on, I don't believe that members
of the Court have been given those par-
ticular exhibits. Is it the desire that each
member of the Court be given those ex-
hibits?

REPRESENTATIVE CONNOR: If Your
Honor please, they have been requested
out here.

PRESIDING OFFICER SENATOR
GRANTHAM: What is that?

REPRESENTATIVE CONNOR: I think
one or two of the senators requested
them. We intend to ask questions concern-
ing them this morning. We realize it isn't
very clear what they are.

PRESIDING OFFICER SENATOR
GRANTHAM: Let me ask you again: Are
you going to get copies of these exhibits
to distribute one to each member of the
Court?

REPRESENTATIVE CONNOR: We
have not done that.

PRESIDING OFFICER SENATOR GRANTHAM: I think the Court would like to have them. I wonder if you could do that.

REPRESENTATIVE CONNOR: I believe we can. Can't they take that original Xerox and run on that other machine?

PRESIDING OFFICER SENATOR GRANTHAM: Do you feel you can do that?

REPRESENTATIVE CONNOR: I think they are set up to do that.

PRESIDING OFFICER SENATOR GRANTHAM: I think the members of the Court would like to have copies of all exhibits, each member of the Court would like to have one. I think it's highly desirable that each member of the Court have copies of all exhibits.

Now then, let the record show that Senator Porter is present, Senator Terrill is present. I believe Senator Baggett answered the roll, did you not?

SENATOR BAGGETT: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The Board of Managers will call your next witness.

REPRESENTATIVE CONNOR: Mr. Kenneth Lawton.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be sworn by the clerk.

REPRESENTATIVE CONNOR: If the Court please, he was sworn yesterday. He testified yesterday.

PRESIDING OFFICER SENATOR GRANTHAM: All right, you can take the witness chair.

Let the record show Senator Howard is now present.

KENNETH LAWTON,

called as a witness on behalf of the Board of Managers, having been previously sworn, testifies further, as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Would you state your name, please, sir.

A Kenneth Lawton.

Q And are you the same Kenneth Lawton that testified in this matter yesterday, sir?

A That is correct.

Q You were placed under oath at that time?

A That is correct.

Q You realize at this time you are still testifying under oath?

A That's right.

Q Mr. Lawton, I believe yesterday you testified that you were custodian of the bank records, is that correct?

A That is correct.

Q I will ask you, sir, referring to Exhibits 14 through 51, are you familiar with what these were?

A Yes.

Q Has either the Bar Association or the United States Tax people, to your knowledge, ever covered this area or in any way, shape or form gone through and separated or segregated these checks?

A No.

REPRESENTATIVE CONNOR: Do we have the exhibits? Do we have the exhibits here, Mr. Reporter?

(In response to Representative Connor's inquiry, the reporter indicated the exhibits were not present in the Court.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease until the exhibits are brought to the Board of Managers.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, is this what you want here?

REPRESENTATIVE CONNOR: I assume, sir, yes. I also need the exhibits.

PRESIDING OFFICER SENATOR

GRANTHAM: Let the record show that Senator Rogers is now present.

REPRESENTATIVE CONNOR: I also need Exhibits 12 and 13.

PRESIDING OFFICER SENATOR GRANTHAM: Exhibits 12 and 13.

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen, the Court now has the Board of Managers' exhibits, and we will proceed.

Senator Terrill was previously shown present.

All right, proceed.

Q (By REPRESENTATIVE CONNOR) All right. Directing your attention, Mr. Lawton, to Board of Managers' Exhibit No. 12, I will ask you, sir, are you able to read the dates on the left hand side on the photocopy of Board of Managers' No. 12?

A Not all of them.

Q Are they blurred in the reproduction, sir?

A Yes.

Q Do you have the original record with you, sir?

A No, sir, I do not.

REPRESENTATIVE CONNOR: Your Honor, may I make a statement to the Court?

PRESIDING OFFICER SENATOR GRANTHAM: You may. Proceed.

REPRESENTATIVE CONNOR: Board of Managers' Exhibit No. 12, in reproducing approximately, one, two, three, four, five, six, seven, eight, nine dates, sir, are illegible, and we have our copy conformed, but, it is done with our figures and I am not sure that the defense would take very kindly to our figures and I wouldn't blame them at all.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused object to Mr. Connor calling to the attention of the witness the dates which are blurred on the copy?

MR. GREEN: If counsel will vouch for the fact that the written figures he has are made by him and are correct, we will agree to it.

REPRESENTATIVE CONNOR: They are not made by me, I assume they are correct. We have a certificate here signed by Kenneth Lawton, I might hand him our copy here and see.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers and the counsel for the accused will confer on this matter.

Let the record show that Senator Murphy is present.

MR. BINGAMAN: I will agree those dates are correct.

PRESIDING OFFICER SENATOR GRANTHAM: The parties, the Board of Managers and the accused, will stipulate that the dates on the copy which is in Mr. Connor's hand is correct; is that correct, Mr. Green?

MR. GREEN: That's correct.

REPRESENTATIVE CONNOR: That's right.

PRESIDING OFFICER SENATOR GRANTHAM: It is so stipulated.

REPRESENTATIVE CONNOR: Might I ask that Board of Managers' Exhibit No. 12 be corrected by the Court Reporter to make it legible to where the exhibit is readable?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, the Board of Managers, the Court Reporter will be authorized to correct any other copies to conform to this copy. Any objection?

MR. GREEN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: No objection being heard, that is the order.

Proceed.

REPRESENTATIVE CONNOR: Just a minute, Your Honor, the reporter cannot do two things at one time.

PRESIDING OFFICER SENATOR GRANTHAM: We will stand at ease.

The reporter is now finished, the Board of Managers will now proceed.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, to refer, if you would, to Board of Managers' Exhibit No. 13.

MR. BINGAMAN: May I ask a qualifying question here at this time?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

MR. BINGAMAN: The question which they are proposing to ask you are conclusions that may be formed from the instruments which you have in your hands, are they not, Mr. Lawton?

A I don't know.

MR. BINGAMAN: What you know about this is reflected by these instruments themselves?

A I don't know what they are going to ask me, sir.

MR. BINGAMAN: Well, you have the instruments.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, I think you had better wait for the question.

Proceed.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, if you find an entry on there of August, 1957.

MR. BINGAMAN: We object, if the Court please, as to what he finds. The instrument speaks for itself as to the date of the entry, these are proper matters of argumentation and individual members of the Court as well as counsel can draw any conclusions they want to from them.

PRESIDING OFFICER SENATOR GRANTHAM: It is true that the instrument itself is the best evidence; however, he can inquire about the meaning of certain items on these exhibits by the witness; as to asking what the exhibit itself shows; that should not be. And that should be and that will be the guide of any future objection.

REPRESENTATIVE CONNOR: I will conform to the ruling of the Court.

Q (By REPRESENTATIVE CONNOR) Is there an entry shown on or about that date, sir?

A On what date?

Q Around August of 1957.

A Yes, sir.

MR. BINGAMAN: We object to what any entry shows.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE CONNOR: Well, I'm trying to lay a predicate.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, you may ask him what the meaning of a certain entry on there is, but you cannot ask him what is on there, because that is the best evidence. The instrument is itself.

REPRESENTATIVE CONNOR: If Your Honor please, I was trying to do it in this manner because the majority of the Court does not have the exhibit in front of them. I will do it the other way.

Q (By REPRESENTATIVE CONNOR) I will call your attention to the second line on Board of Managers' Exhibit No. 13, wherein this is shown September 10, 1957, a signature which appears to be N. B. Johnson. Now, sir, would you tell me what happened at the time this was done, as far as you know, from the procedures and operations of your bank?

A This indicates that N. B. Johnson entered the safe deposit box on that date.

Q All right, sir. I will refer you to Board of Managers' Exhibit No. 19, sir; I find the words "remittor, N. B. Johnson, Oklahoma City, Oklahoma, September 10, 1957", check in the amount -- It proceeds with the check in the amount of \$200. Now, sir, will you tell us, please, if you can, from the operations and procedures of your bank, upon what date was this check purchased?

A September 10, 1957.

Q And I would assume, sir, in all the entries, if I were to go through them, all the entries contained on Board of Managers' Exhibits 12 and 13 and the ones that would apply, or all of them, 14 through 51, your answer would be the same, the date shows as to the time it was purchased?

A The date shows the date that it was purchased.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, Exhibit No. 49 is eliminated from this; is that right?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: And that is understood.

REPRESENTATIVE CONNOR: Yes, sir.

Q (By REPRESENTATIVE CONNOR) Can you tell me, sir, from this exhibit whether or not this check was purchased with cash?

A No, I cannot.

Q Directing your attention to Board of Managers' Exhibit No. 13. Now, sir, this is a lease contract or receipt or something for the rental of a safety deposit box; is that correct, sir?

A Yes, this is the contract.

Q And I believe yesterday you testified as to the approximate size of this box.

A Yes.

Q And would you state for the Court, sir, how long have you been engaged in the banking business?

A At Citizens National or altogether?

Q Just through your lifetime, please, sir.

A Since '46.

Q I will ask you, sir, during this time, have you had the opportunity to see and handle various denominations of money in bill form?

A Yes.

Q I will ask you, sir, could you visualize the amount of space \$7,500 in \$100 bills would take up?

A Approximately.

Q Would such a pile of money fit in this safety deposit box?

A Very easily.

Q I will ask you, sir, if you could visualize the amount of money that \$2,500 could take up piled in a hundred dollar bill pile; how big a pile would \$2,500 in \$100 bills be?

A It wouldn't be very much.

Q Very frankly, I have never seen that much money. Could you tell us about how thick this pile might be? Can you estimate for us, sir?

A It would be twenty-five bills, it wouldn't be very thick.

Q Would it be a quarter of an inch, maybe, half an inch thick, what would be your estimate?

A It wouldn't be half an inch thick.

Q All right. And as to the \$7,500, how thick?

A It would be less than a half inch thick.

Q All right, sir. I will ask you if you would look through the numbers, check numbers, on Board of Managers' Exhibits 14 through 51, please, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, you should always eliminate Exhibit 49 in your questions, if you will.

REPRESENTATIVE CONNOR: I will, but for the purpose of the record I do not believe Exhibit 49 is even contained in what he has. Is that correct, sir?

COURT REPORTER RAY COURTE-MANCHE: Yes, sir.

REPRESENTATIVE CONNOR: We are dealing with only the exhibits that are admitted into evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Then all of your questions asked in the future will exclude Exhibit 49?

REPRESENTATIVE CONNOR: Yes, sir, except any questions specifically to that exhibit.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, sir. While there is a pause, I don't believe you -- This witness was excused, then he was recalled this morning and I trust counsel for the accused has no objection to his being recalled; is that right?

MR. BINGAMAN: That is correct, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, if you would tell the Court approximately how many checks would you say from looking at the numbers there that would have to be gone through to find the exhibits as you have in your hand?

A Better than a 121,000.

Q Has anyone prior to the last two or three days, either Federal or State authorities, made this search?

A No.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: You may proceed.

CROSS-EXAMINATION

By MR. BINGAMAN

Q Mr. Lawton, Exhibits 12 and 13 indicate that this safety deposit box bears a number. Does that number that is on this exhibit correspond with the number which is on the face of the box?

A Yes, sir.

Q Do your lock boxes or safes begin at No. 1 and run consecutively?

A Yes, sir.

Q I take it, then, that your institution has at least 1717 of these boxes.

A Yes, sir.

Q Are all of these that bear these numbers the same size?

A No, sir.

Q How many would you say of the hundreds of thousands of boxes that you have in your bank are the same size as this Box 1717?

A I would say approximately 2,000 boxes of this size.

Q That is the common size the ordinary family man would buy to put his insurance policies and deeds and perhaps a small abstract and a few "E" bonds or anything else he might want to put in safe-keeping?

A It's the most popular size we have.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect examination?

REPRESENTATIVE CONNOR: We have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

Call your next witness.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, the Board of Managers would rest.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the Board of Managers at this point rest their case.

We will now proceed with the opening statement of the -- Do you have any pleading you wish to file at this time?

MR. GREEN: No, sir, not at this time.

PRESIDING OFFICER SENATOR GRANTHAM: At this time, we will proceed with the opening statement of the counsel for the accused. I would like to advise you, Mr. Green, that as to my best recollection there was approximately forty minutes taken up by counsel for the Board of Managers and you may be given an equal time if you desire.

MR. GREEN: Thank you. I am sure we will not use that much time.

If it please the Court, we are going to show you a contrast. You have already

seen from that witness chair an evil old man. A man who admits he has lived a life of corruption. We are going to show to this Court a different kind of man. We are going to show you a man, seventy-four years of age, who has lived a life that his family, his children, his friends and his neighbors can be proud about. We are going to bring in some of the best citizens, the best people of the State of Oklahoma to show to this Court that N. B. Johnson bears a reputation of being honest, truthful, and being a lawful citizen of his country.

We are going to show you where N. B. Johnson was born in the State of Oklahoma down in the southern part of this state, which is now a part of Garvin County, Oklahoma; that he is part Cherokee Indian and that in his early life he left that part and went back to his native territory in the Cherokee Nation around Tahlequah.

We are going to show you he was educated in the State of Oklahoma among the Indian Mission schools of this state, and that he attended the Cumberland University of Law School at Cumberland, Tennessee. That this school now is known as the Howard College of Birmingham, Alabama, having been moved from Cumberland to Birmingham. That after his graduation from that law school, he was admitted to practice law in Oklahoma in the year 1921; and that he became a member of the firm of Kight and Johnson of Claremore. In 1925 he was elected as county attorney of that county. We are going to show you that he was not forced to resign that job. And, in 1934 he was elected as district judge of his judicial district and that in 1948 he became a candidate for the office of Justice of the Supreme Court of this state, running against an incumbent from his native town. We will show you how the people of his community felt about him. The confidence they had in him by giving him an overwhelming majority in his

home county over a fellow townsman who already had that job.

We are going to show you further honors that this man gained throughout his lifetime. The confidence that his friends and his neighbors and the people of this state have placed in him. Instead of showing you a life of corruption, we are going to show you a life of honesty, a life of integrity, a life that he in his old age can look back upon and be thankful that he himself has never accepted a bribe to change or get his decision in any case.

Of course we are going to put him on the witness stand. He is going to tell this Court and this Court is going to believe him when they hear him. I truly believe that N. S. Corn falsely testified from this witness stand when he said that N. B. Johnson accepted \$7,500 from him in the Selected Investments Case or \$2,500 from him in the Oklahoma Company Case. We are going to show to you that the law as set forth in those cases is good law in this state, and that other members of the Court will tell this Court that they voted for those decisions and that in their opinion they were the law of that case.

We will show you the reputation and kind of a man that N. B. Johnson is and compare him to N. S. Corn as you will see from the witness stand that he is not going to be the kind of a man that can sit there and look out over this audience, look at his two sons sitting up in the gallery, and say, "Yeah, I took a bribe." "Yes, I don't remember a year that I have been on the Supreme Court that I didn't take a bribe." With all of the confidence, with not one single bit of remorse, when you see this man testify, hear him, you are going to know that N. B. Johnson didn't do the things he is charged with in this case.

PRESIDING OFFICER SENATOR GRANTHAM: When the Board of Managers closed their case and before they closed their case, we had an understand-

ing there would be a stipulation as to the salary of N. B. Johnson for the years of 1959, and I think there is some doubt about 1960. I would like to get an understanding at this time about that item of evidence.

MR. BINGAMAN: If I might give you the information we found on it, during the years 1949 and '50 his salary was \$7,500.00 per year; for the years 1951 through the year 1960, it was \$12,500.00 a year, and beginning with January, 1961, and continuing from that date, it's \$16,500.00 per year, and we are willing to stipulate.

PRESIDING OFFICER SENATOR GRANTHAM: Is that stipulation agreeable to the Board of Managers?

REPRESENTATIVE CONNOR: It is.

PRESIDING OFFICER SENATOR GRANTHAM: It is stipulated and agreed by and between the parties that the salary of N. B. Johnson for the years stated by Mr. Bingaman are as just stated by him.

MR. BINGAMAN: It has just come to our attention that some of the witnesses that we expect to call are in the presence of the Court. The Rule was asked for, and if the Presiding Judge --

PRESIDING OFFICER SENATOR GRANTHAM: The Court's attention has already been drawn to that, Mr. Bingaman. The Rule has been invoked in this case, and I am advised that some of the witnesses are present in the gallery. Under the Rule, which can be requested by either party, all witnesses must not be present in the courtroom at any time except when they are called to testify. All witnesses are admonished not to discuss this case with anybody at any time until after this trial is completed. All witnesses will comply with this Rule, and I think, if you are here, please absent yourself from the courtroom.

The accused will call its first witness.

MR. GREEN: We call C. F. Bliss, Jr.

PRESIDING OFFICER SENATOR

GRANTHAM: Will you be sworn, Mr. Bliss?

MR. BLISS: Yes.

C. F. BLISS, JR.,

called as a witness by the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, there is some noise in the gallery. The acoustics in this building are not good, and the decorum has been very high, and you are requested to observe silence.

Proceed, Mr. Green.

Q (By MR. GREEN) Would you state your name, please, sir.

A C. F. Bliss, Jr.

Q Mr. Bliss, where do you live?

A Tahlequah.

Q How long have you lived at Tahlequah?

A Practically all of my life.

Q What is your age?

A Fifty-seven.

Q What is your profession or business?

A I am District Judge of the Fifteenth Judicial District, State of Oklahoma.

Q How long have you been a District Judge?

A Eight years.

Q What counties comprise that judicial district?

A Muskogee, Wagoner, Cherokee, Adair and Sequoyah.

Q How far do you live from Claremore or Rogers County?

A I would say approximately 50 to 60 miles.

Q Are you acquainted with N. B. Johnson?

A I am.

Q How long have you known him?

A Since about 1945, along there somewhere.

Q Are you acquainted with his reputation in your area as being a truthful, law-abiding and honest person?

A I am.

REPRESENTATIVE CONNOR: If Your Honor please, we are going to object to this testimony. This man has just testified he does not reside in the community in which the Justice does.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, he stated that he does know the character and reputation for the basis of which he has quoted, and the objection will be overruled, and the latter goes to the weight of his testimony.

REPRESENTATIVE CONNOR: I might ask one further question of the Court. I would like to inquire of the Court, do I understand the Court, by his ruling, is going to allow character testimony to Mr. Justice Johnson's testimony in other areas other than the community in which he lives?

PRESIDING OFFICER SENATOR GRANTHAM: No, he didn't ask that question. He asked if he knew the reputation of Judge Johnson in the area in which he lived and he said he did, and that is the basis of his question.

REPRESENTATIVE CONNOR: May I ask for the reporter to come back. As I understand the question, he asked for the reputation where the witness lives.

PRESIDING OFFICER SENATOR GRANTHAM: All right, the reporter will read the question.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand corrected on the question, inasmuch as this man is statewide, his character and reputation, I think, may be inquired into in a greater degree than perhaps the ordinary person who is not acquainted throughout the State and the reputation in the differ-

ent areas would go to the weight of the testimony.

Your objection is overruled, Mr. Connor.

Q (By MR. GREEN) Is that reputation good or bad?

A That reputation is good.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q How long have you been acquainted with Justice Johnson, sir?

A Best of my recollection is about 20 years, I would say about 1945 when he was trial judge to the district north of where I live.

Q And you have known him over the years, sir?

A I have known him since that time, yes.

Q And would you classify yourself as a close friend or acquaintance?

A Acquaintance, I have known Justice Johnson largely through professional activity.

Q You have visited in ..

A What?

Q Have you ever visited in his home?

A I have never been in his home, nor has he ever been in my home.

Q I will ask you, sir, you do not, or have you of your own knowledge, have no knowledge concerning the taking of either \$7,500.00 or \$2,500.00?

A I have not so testified, nor do I know anything about the accusations.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

MR. GREEN: No.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

MR. GREEN: Judge Garrett.

PRESIDING OFFICER SENATOR GRANTHAM: Who is your next witness?

MR. GREEN: Claude Garrett.

May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection to this witness being excused?

REPRESENTATIVE MORDY: It's all right.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused. (Witness excused.)

CLAUDE GARRETT,

called as a witness on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Will you state your name, please, sir?

A Claude Garrett.

Q Mr. Garrett, where do you live?

A Fort Gibson.

Q What is your profession, if any?

A I am a District Judge for the 15th Judicial District.

Q Is that district located within the judicial district of Judge Johnson's Supreme Court District?

A It is not.

Q How long have you been District Judge?

A Since the 1st of October, 1958.

Q I believe that comprises of Muskogee, Wagoner, Cherokee, Adair and Sequoyah Counties?

A Yes, sir.

Q Are there any of those counties in which you preside over as District Judge located within the Judicial District of Judge Johnson of the Supreme Court?

A Yes.

Q How many of those counties?

A Four.

Q How long have you been District Judge?

A Since October 1, 1958.

REPRESENTATIVE CONNOR: For a point of clarification, if Your Honor please. To save my getting up and objecting on every question, do I interpret the Court's ruling that anybody within the State of Oklahoma can come in and testify as to the good character of Justice Johnson in the witness's area?

PRESIDING OFFICER SENATOR GRANTHAM: They cannot testify as to the good character of Johnson in the witness's area; what they can testify, if they know, is the reputation of Judge Johnson, if they know, and you can inquire as to how they know, but the Court is going to hold that this accused is -- there will be more latitude allowed in the reputation of this accused than in the ordinary accused because of his statewide jurisdiction. Proceed.

Q (By MR. GREEN) I believe you stated you knew Justice N. B. Johnson.

A Yes, sir.

Q How long have you known him?

A I would say about forty years.

Q Are you acquainted with his reputation in that area of being a truthful, law-abiding and honest citizen of this State?

A I am.

Q Is that reputation good or bad?

A Up until this occasion, it has been excellent.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

REPRESENTATIVE CONNOR: No questions.

PRESIDING OFFICER SENATOR GRANTHAM: No cross-examination. The witness may step down. Call your next witness.

(Witness excused.)

MR. GREEN: W. E. McIntosh.

May Judge Garrett be excused?

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection to Judge Garrett being excused?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: He may be excused.

W. E. McINTOSH,

called as a witness on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Would you state your name, please, sir?

A W. E. McIntosh.

Q Mr. McIntosh, where do you live, sir?

A Tulsa, Oklahoma.

Q How long have you lived in Tulsa?

A Twenty-three years.

A Miami, Oklahoma.

Q Prior to living in Tulsa, where did you live?

Q Mr. McIntosh, do you have any Indian blood in you?

A I am happy to say that I do.

Q How much and what tribe?

A I am a member of the Creek Tribe. As near as we are able to figure, I have 7/16 and I am trying to get more.

Q Do you hold any office in connection with your particular tribe?

A Yes, sir.

Q What is that?

A Principal Chief of the Creek Indian Nation.

Q How long have you been the Principal Chief of the Creek Indian Nation?

A Four years next October 6th.

Q Mr. McIntosh, tell us whether or not you are acquainted with N. B. Johnson.

A I am.

Q How long have you known him?

A Some forty-four years.

Q What has been your acquaintance-ship with him?

A A very close association.

Q Are you acquainted with the reputation of N. B. Johnson in the areas where you live and where you have known him in the State of Oklahoma?

A Yes, sir.

Q For being a truthful, law-abiding and honest citizen?

A Absolutely.

Q Is that reputation good or bad?

A Excellent.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers will examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Mr. McIntosh, I believe, sir, that you testified you are a Principal Chief or a Chief of the Creek Nation; is that correct, sir?

A That is correct.

Q And I will ask you, sir, have you talked to Justice N. B. Johnson since the Articles of Impeachment were voted by the House of Representatives?

A. Last January at a meeting of the Oklahoma Historical Society we sat side-by-side.

Q Have you talked to him since March?

A Over the phone.

Q Have you talked to him concerning your testimony here?

A No, sir.

Q Have you talked with him concerning this case?

A Only in this way: He asked me if I would be a character witness. I told him I would.

Q Did he ask anything else of you other than to appear as a character witness?

A That is all.

Q I take it, sir, you are extremely proud of your Indian heritage?

A Definitely.

Q You are, I would assume, also extremely proud of Judge Johnson's Indian heritage?

A You bet I am; he's a credit to the Indian tribe and to the citizenship of the State of Oklahoma and to the nation.

Q Is Justice Earl Welch of Indian heritage, sir?

A Yes, sir.

Q Are you also proud of him in the same way?

A I am proud of any Indian.

REPRESENTATIVE CONNOR: I have no further questions.

MR. GREEN: That's all. May this witness be excused?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down. Does the Board of Managers have any objection to the witness being excused?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: Having none, you may be excused. Call your next witness.

(Witness excused.)

MR. GREEN: Wheeler Mayo.

PRESIDING OFFICER SENATOR GRANTHAM: There has been some noise in the gallery, and I want you to find seats and quiet down. The witness will be sworn.

MR. WHEELER MAYO,

called as a witness in behalf of the accused, after having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Will you state your name, please, sir.

A Wheeler Mayo.

Q Where do you live, Mr. Mayo?

A Sallisaw, Oklahoma.

Q What is your age, please, sir?

A Sixty-two.

Q What is your business?

A Newspaper publisher.

Q Where?

A Sallisaw.

Q Have you been a newspaper publisher at any other towns in the State of Oklahoma?

A Yes, sir.

Q Where?

A Co-publisher at Claremore.

Q How long have you been interested in the newspaper at Claremore?

A Oh, twelve -- about twelve years, I think. Maybe longer than that.

Q A little louder.

A It's been more than ten years. I don't remember the date we did buy the paper there.

Q You have been interested in the publishing business in other towns?

A Pauls Valley.

Q Are you interested in the newspaper in Pauls Valley now?

A Not now.

Q When were you interested in the newspaper at Pauls Valley?

A That's probably eight years ago, I believe.

Q Any other town where you published a newspaper in Oklahoma?

A I was interested in one at Braggs, Oklahoma for a short time before the start of the war.

Q Are you acquainted with N. B. Johnson?

A Yes, sir.

Q How long have you known him?

A You'll have me repeating my age again. I've known him thirty-five or forty years.

Q Are you acquainted with his reputation in your area or other areas in the

State of Oklahoma as being a truthful, law-abiding and honest citizen?

A I don't know of any more ..

Q Are you acquainted with that reputation?

A Yes, sir.

Q Is that reputation good or bad?

A Excellent.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q I'll ask you, sir, I believe you testified that you own a newspaper, is that correct, sir?

A Beg your pardon?

Q You own a newspaper, is that correct?

A Yes, sir, Sallisaw.

Q Have you commented editorially one way or the other on the proceedings herein, sir, since they came about?

A No, sir, I don't believe so.

REPRESENTATIVE CONNOR: All right. I have no further questions.

THE WITNESS: I felt like it ought to be tried by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't get your last statement.

THE WITNESS: I felt like this should be tried by the Court not by editorial columns.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down.

MR. GREEN: May this witness be excused, if the Court please?

PRESIDING OFFICER SENATOR GRANTHAM: May the witness be excused? Has the Board of Managers any questions?

REPRESENTATIVE MORDY: No objection.

MR. GREEN: Judge Halley.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Halley is called as the next witness.

You have been previously sworn, haven't you Judge Halley?

JUDGE HALLEY: I have.

HARRY HALLEY,

called as a witness on behalf of the accused, having been previously sworn, testified further, as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Will you state your name?

A Harry Halley.

Q Where do you live, Judge Halley?

A Tulsa, Oklahoma.

Q And what official position, if any, do you occupy in the State of Oklahoma?

A Chief Justice of the Supreme Court.

Q How long have you been a member of the Supreme Court of Oklahoma?

A The second Monday of January, 1931 -- beg your pardon, 1949.

Q Prior to coming to the Supreme Court of the State of Oklahoma, did you hold any position in the courts at Tulsa, Oklahoma?

A I was District Judge.

Q During the time that you were District Judge at Tulsa, Oklahoma, did you know N. B. Johnson?

A I did.

Q What was his occupation at that time?

A Well, I have known him as County Attorney and District Judge in Rogers County. He was District Judge of three counties up there.

Q At the time you were District Judge in Tulsa County?

A Yes, sir.

Q You have known him for a good many years?

A I have.

Q He came to the Supreme Court of the State of Oklahoma at the same time you did?

A He did.

Q You, of course, have known him during all of the time he has been here.

A I have.

Q I will ask you, Judge Halley, if you are acquainted with the reputation of N. B. Johnson in the State of Oklahoma as being a peaceable law-abiding truthful citizen?

A I have -- I am.

Q Is that reputation good, or bad?

A It's good.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers may cross-examine.

REPRESENTATIVE CONNOR: I have no questions at this time.

PRESIDING OFFICER SENATOR GRANTHAM: No cross-examination. The witness may step down. Call your next witness.

MR. BINGAMAN: Can this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: May Judge Halley be excused?

REPRESENTATIVE CONNOR: Yes, sir.

MR. BINGAMAN: Is Judge Davison out there?

REPRESENTATIVE CONNOR: I assume he would be available to recall. As far as I'm concerned he can leave now.

PRESIDING OFFICER SENATOR GRANTHAM: It's understood Judge Halley would be available for recall if you want him, is that correct, Judge Bingham?

MR. BINGAMAN: That is my understanding.

PRESIDING OFFICER SENATOR GRANTHAM: With reference to these other witnesses, I presume they are going to leave?

REPRESENTATIVE CONNOR: As to the various justices of the Supreme Court, I just request they stay in town.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingham, will you advise Judge Halley?

MR. BINGAMAN: Andy Payne as the next witness.

PRESIDING OFFICER SENATOR GRANTHAM: What is your next witness?

MR. BINGAMAN: Andy Payne, clerk of the Supreme Court.

PRESIDING OFFICER SENATOR GRANTHAM: Andy Payne is called as the next witness.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that some of the witnesses who have been excused are now in the gallery; is there any objection to that, inasmuch as they will not be recalled?

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: No objection.

REPRESENTATIVE MORDY: The Supreme Court, we would except the Supreme Justices.

PRESIDING OFFICER SENATOR GRANTHAM: Except the Supreme Court Justices, those that are excused may remain in the gallery, but, Supreme Court Justices must not remain in the gallery, under the Rule.

You will be sworn, Mr. Payne, by the Clerk.

ANDY PAYNE,

called as a witness by the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Will you state your name to the Court, please.

A Andy Payne.

Q Where do you live, Mr. Payne?

A Well, Oklahoma City.

Q What is your business or occupation?

A I am a Clerk of the Oklahoma Supreme Court.

Q How long have you occupied that position?

A Oh, approximately thirty years.

Q As the Clerk of the Supreme Court, what are your duties?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, I am advised that the accused is not here.

MR. BINGAMAN: He has gone out to see about a witness.

PRESIDING OFFICER SENATOR GRANTHAM: We will not proceed in this case without the accused present under any circumstances. The Court will stand at ease.

SENATOR HAM: Mr. President, I don't believe the accused is required to be present under the Constitution unless he is willing to be here.

PRESIDING OFFICER SENATOR GRANTHAM: The Court is requiring him to be here.

MR. BINGAMAN: We are happy to have him here, he simply went to ask...look for a witness.

PRESIDING OFFICER SENATOR GRANTHAM: I will ask you to re-examine this man. The members of the Court will find their seats, please.

Q (BY MR. BINGAMAN) Would you state your name to the Court, please.

A Andy Payne.

Q And I believe you live in Oklahoma City?

A That's correct.

Q And you occupy the official position of Clerk of the Supreme Court of the State of Oklahoma?

A Right.

Q You have occupied that for several terms of office?

A That's correct.

Q Is that an elected office?

A It is.

Q Elected by the people of the State of Oklahoma?

A Yes.

Q The Supreme Court has no control over your occupying the position?

A No.

Q You are, as Clerk of the Supreme Court, however, the custodian of the records of the Court?

A That is correct.

Q Now, what records are you the custodian of with reference to the Court?

A Well, I am custodian of all the records.

Q By that, you mean the documents?

A The documents.

Q The records and the papers that are filed in connection with the cases?

A Right.

Q And with the final opinion, when the opinion is adopted by the Court?

A Yes.

Q Do you have any control at all or any responsibility with maintaining the record of the conference of the Court or any action they take there?

A None whatever.

Q It is only after it has become final and reached the disposition stage that it reaches your office?

A That is correct.

Q Now, when a case is filed in your office, would you tell us briefly the procedure so that the members of the Court may become familiar with how the matters are handled there?

A Well, the first thing, we take the filing fee and give them a receipt for the case, and, then, we have what we call a docket book which we docket the case and give it a number, and then, from there...

Q If it is an appeal from one of the District Courts, what do they file with

you at the inception of the proceedings in your office?

A Well, the old system, either a case made or a transcript, but now, under a recent law, they can proceed and file only a petition in error and proceed on the original record.

Q Do you have the records there of Case 36371 in your Court, entitled Selected Investment Company versus Oklahoma Tax Commission?

A I do have.

Q That was docketed, can you tell us from your records there when that was docketed in your Court?

A Okay. Just half a minute.

MR. BINGAMAN: May I inquire of the Court and opposing counsel, would it be agreeable to establish the dates and let him take his book back, rather than to encumber the record?

PRESIDING OFFICER SENATOR GRANTHAM: Is it agreeable with the Board of Managers?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: It is so agreed.

A This case was docketed November 29, 1956.

Q At that time, what was filed?

A Well, petition in error and case made.

Q A case made, in that instance, was attached to the petition in error?

A Right.

Q Now, after that case made was filed in your office, what becomes of that case made?

A Well, we retain it, we keep the records in our office.

Q After the issues are joined by the filing of briefs, when the Court is ready to consider the matter, what becomes of the case made and copies of the briefs?

A Well, they are checked out of our office by the Marshal, usually, and then

assigned by the Marshal of the Supreme Court.

Q They are assigned by the Marshal?
A Right.

Q That was formerly the Marshal and now Chief Executive Assistant..

A Yes.

Q This young man who testified here yesterday, Mr. Harold Long, has that office now?

A That's right.

Q Who formerly held that office?

A Mr. Young.

Q Mr. Young?

A Charles Young.

Q And when they take them out of your office, do they sign a receipt for them?

A They sign a receipt for them.

Q And it goes then to the Court?

A Right.

Q When the case made comes back to your office, does it ever come back?

A Oh, yes. Well, no particular time, it just works..whoever is working with the record is through, and it just works its way back.

Q When the Court closes the matter, so far as they are concerned, it is returned to their office?

A That's right.

Q Now, there are numerous copies of the briefs filed in this instance, are there not?

A Yes, the rules provide for twenty copies in the District Court cases.

Q Are there many used by the Court?

A No, we have ample..even more than enough copies; usually about nine copies is sufficient.

Q Now, under the system of handling those matters, is it possible for anyone other than the Court, after a case has been disposed of in the Court, to borrow or check out these case makes and copies of briefs?

A Oh, yes, on a case that's filed, the lawyers are permitted any lawyer to come to the office and check out a record or briefs, for reference purposes.

Q And when they do that, do you expect any receipt or record from them?

A Oh, yes, we take their receipt.

Q And what do you do with that receipt?

A We retain it until they return the record and then we hand them the receipt.

Q Now, a few days ago, I asked you to check your records and obtain for me the case made in this Case 36731 entitled Selected Investments Company vs Oklahoma Tax Commission, did I not?

A That's right.

Q Do you have that case made in your office?

A I do not.

Q Was it in your office at the time I requested that you locate it for me?

A No.

Q Do you have any record in your office of where it might be or what became of it?

A I have a receipt.

Q Would you get that receipt to refresh your recollection and to tell us, please, from that receipt, where the case made is and when it left your possession?

A I have a receipt dated the 19th of October, 1959, and it's signed by W. M. Harrison, Trustee, Sic. by Luther Bohanon, Attorney, 1405 Liberty Bank Building, Oklahoma City, Oklahoma.

Q Mr. Luther Bohanon was at that time a member of the Bar of the State of Oklahoma?

A I am sure he was.

Q And there was nothing unusual about his checking it out?

A That's right.

Q Apparently it was involved in some proceedings downtown with reference to the Selected Investment Company?

A Yes.

Q Have you ever been able to get that back?

A No, I haven't.

Q He is now one of the United States District Judges here?

A Yes.

Q So you do not have either that or a copy of that case made in your possession?

A No, that's right.

Q Do you have the briefs in the case?

A Yes.

Q How many copies do you have of each of the briefs?

A Oh, I have about three copies of each.

Q If you would..

PRESIDING OFFICER SENATOR GRANTHAM: Get over to the speaker, because the Court can't hear you.

A Okay. I have about three copies of each brief filed in that case.

Q (By MR. BINGAMAN) Would you locate among those, if you can, the brief in support of petition for rehearing which was filed by the Oklahoma Tax Commission.

A Yes, I have that brief.

Q The instrument which you have had in your hand and have just now handed to me is one of the copies of a petition for rehearing filed by the Oklahoma Tax Commission in the Selected Investment Company Case No. 36731?

A Yes.

Q Is that right?

A Right.

Q That's a part of the original records on file in your office?

A That's right.

Q Under the official Court records of this case?

A Yes.

MR. BINGAMAN: We offer in evidence at this time Page 13 of that petition for

rehearing, and Page 24 of that petition for rehearing, and would ask that because of the scarcity of copies in the Clerk's Office and by reason of the voluminous nature of the exhibit, that Xerox copies be permitted to be made of these pages which we offer, and offer them in evidence as Accused Exhibits.-

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire why you don't offer the whole brief?

MR. BINGAMAN: Only by the fact that it is so voluminous, is the reason, and it costs money, I expect, printing all of this, and those are the pages I am interested in, and I was just trying--

PRESIDING OFFICER SENATOR GRANTHAM: Have you made a copy of those two pages?

MR. BINGAMAN: I have for my own purposes, but I think it would be more appropriate, if they are admitted in that manner, to let the Clerk take the instrument with him to the Xerox office and have copies made here.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection to these being offered?

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers offers no objection to these two pages being offered. I ask you, Mr. Bingaman, to have the reporter label those respective pages as Accused Exhibits with their proper number, proper letters.

MR. BINGAMAN: B and C, I believe.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have the number on the original?

MR. BINGAMAN: Page 13 will be Exhibit B, and Page 24 would be Exhibit C.

PRESIDING OFFICER SENATOR GRANTHAM: Please allow the reporter to mark these pages so it shows on the Xerox. The counsel for the accused now offers in evidence Accused Exhibits B and C, and

there being no objection, these exhibits will be received in evidence and they will be Xeroxed and distributed to each member of the Court. Gentlemen of the Court, and counsel, we have reached the hour of 10:20 which would be the time for recess, and if you are at a stage in your examination where we could pause here, the Court will stand in recess for twenty minutes.

PRESIDING OFFICER SENATOR GRANTHAM: The recess period having expired, the Court of Impeachment for the 30th Legislature continues in session.

Members of the Court will find their seats. The Clerk will call the roll.

(Whereupon, the clerk called the roll, the following members of the Court being present: Atkinson, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Granttham, Graves, Ham, Hamilton, Holden, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, M u r p h y, Payne, Porter, Rhoades, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.

Absent: Baggett, Baldwin, Bartlett, Cowden, Horn, Nichols, Pope, Rogers.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Pope is here, Senator Horn is here. Any other senators who have not answered the roll call?

The Clerk will announce the roll.

Bartlett is here, Baldwin is here, Senator Baggett is here. Any other senators who have not answered the roll call?

Senator Nichols is here.

The clerk will announce the roll.

COURT CLERK: Absent: Cowden and Rogers.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will be advised when any of those senators who are absent, those members of the Court who are absent, return to the Court.

Let the record show that the Board of

Managers is present and the accused and his attorneys are present.

The accused will continue the examination of Mr. Payne.

By MR. BINGAMAN

Q Mr. Payne --

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Rogers is present.

Q (By MR. BINGAMAN) Mr. Payne, you are the same Andy Payne who was on the witness stand prior to the Court's recess?

A Yes.

Q Now, in addition to the Selected Investments Company Case, I asked you to bring with you the records in Case No. 38168 entitled the Oklahoma Company vs. O'Neil. Do you have that record with you?

A I do.

Q That is the official record in your office of the proceedings in that case?

A Yes, sir.

Q Would you open your docket, please, to the page, referring to the page or pages referring to this particular case. Do you have it open before you?

A Yes. Do you want me to identify the book and the page?

Q If you would, please.

A Well, it's Page 498 and Fee Record 79, Fee Record Book 79.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, Mr. Bingham, inasmuch as there has been some time lapse, I want to ask about your last Exhibits B and C. How soon will they be distributed to the members of the Court? Do you know that, or not?

MR. BINGAMAN: Well, in trying to work it out during the recess with the reporter and with Mr. Payne, it was suggested that when his testimony is concluded he go with the exhibits to the office where the machine is and let the copy be made there and rush it out immedi-

ately. I think they should be ready by noon.

PRESIDING OFFICER SENATOR GRANTHAM: At this point in the trial I don't want to interrupt your line in the case, but I was wondering if the clerk could not read those pages so that the Court may be familiar with those pages. Would you like that, or not?

MR. BINGAMAN: Well, I can read them parts that I had in mind from those particular pages if you would like?

PRESIDING OFFICER SENATOR GRANTHAM: I think it would be well to point them out to the clerk, what pages you want read and have the clerk read those pages.

MR. BINGAMAN: You mean of this brief?

PRESIDING OFFICER SENATOR GRANTHAM: On these exhibits.

MR. BINGAMAN: Exhibits B and C?

PRESIDING OFFICER SENATOR GRANTHAM: Exhibits B and C, right.

MR. BINGAMAN: I have now handed to the clerk of the Court Exhibit B, which is Page 13 of the Petition for Rehearing and the particular part of that page in which I was interested and which it has been suggested should be read, is the part beginning with the second paragraph which begins: "The nature and source..." and ends with a quotation in the third paragraph, "'CM 149'".

PRESIDING OFFICER SENATOR GRANTHAM: The clerk will read.

COURT CLERK: "The nature and source of the company's earnings in 1948 were as follows: There was received interest on loans and contract in the amount \$161,569.80; interest on real estate contracts \$39,694.98; interest and discounts on installment contracts \$107,706.92; dividends of \$120,998.38; profit on sale of investments \$159,234.75; penalty for delinquent payments \$2,257.07; oil royalties \$475.50; income from safety deposit boxes \$278.00; profit on sale of houses \$57,619.72; and real estate rentals \$6,712.00 (CM 149)."

Q (By MR. BINGAMAN) Now, Mr. Payne, if I could ask you this question with reference to the figures "CM" Page 149, which appears after the quotation which the Clerk of the Court has just read, could you tell the Court what that "CM" means in the instruments filed in your office?

A The abbreviation for case made.

Q And that refers in this instance as a quotation from the case made which you were unable to produce here for the reasons stated?

A Well, yes, C-M means case made.

Q Yes, sir. Now, I ran a tape on these items which they have just read off by the Clerk, and it totals \$656,547.12; is that the total in here?

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers stipulate that total is correct?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The parties stipulate that the total just read by Mr. Bingaman, is the total of the figures given in Accused's Exhibit No. --

MR. BINGAMAN: B.

PRESIDING OFFICER SENATOR GRANTHAM: B, the letter B.

Proceed.

Q (By MR. BINGAMAN) Now, for the benefit of the Clerk, you have the brief before you. If you will, turn to page 24, please, and the part I was particularly interested in there begins at the top of the page with the figure 24, and ends with the -- or, at the period after the word amount. In the fifth line, the figures. The whole page has been offered, but, that is the part I was particularly interested in.

PRESIDING OFFICER SENATOR GRANTHAM: The Clerk will read it.

THE CLERK: 1948 paid under protest, 10-23-53, tax \$21,728.61; interest to February 28, 1957, \$6,029.69; making a total of \$29,758.30; 1949 not assessed, but open,

\$26,796.89, interest to February 28, '57, \$11,187.70, totaling \$37,984.59; 1950, not assessed, but open, \$39,328.51, interest \$14,238.69, totaling \$54,067.20; 1951 not assessed, but open, \$31,631.45, interest to February 28, '57, \$6,247.21, totaling \$37,878.66; 1952 not assessed, but open, \$29,871.67, interest to February 28, '57, \$7,094.52, totaling \$36,966.19; 1953 not assessed, but open, \$41,950.55, interest to February 28, '57, \$7,446.22, making a total of \$49,396.77; 1954 not assessed, but open, \$53,795.45, interest to February 28, '57, \$6,320.97, making a total of \$60,116.42; 1945, not assessed, but open, \$65,412.20, interest to February 28, '57, \$3,761.09, making a total of \$69,173.29; --

MR. BINGAMAN: Could I interrupt just a moment? I believe you read that as '45, I believe it was 1955.

PRESIDING OFFICER SENATOR GRANTHAM: The record will be corrected to show from 1945, stated by the Clerk, to be 1955; that correction will be made if there is no objection. I ask unanimous consent. Hearing no objection, that will be the order.

Proceed, Mr. Clerk.

THE CLERK: 1956 estimated tax, \$65,009.00, no interest, making a total of \$65,000.00. Then totals, tax \$376,015.33, interest \$62,326.09, with the total of \$438,341.42. Of course, any income taxes paid by certificate holders in 1948, 1949, 1950, 1951, inclusive (none were paid after 1951), would be credited against said tax liability, but after this is done, the tax in controversy would be a very sizeable amount.

PRESIDING OFFICER SENATOR GRANTHAM: Before you proceed, I have an inquiry from Senator Stipe that the Board of Managers have not furnished copies of their last exhibit, and I would like to inform the Court that they are to be distributed, and are they ready to be distributed, and I would ask that the Pages quietly distribute these exhibits

while Mr. Bingham continues his examination of Mr. Payne.

Proceed.

Q (By MR. BINGAMAN) Now, Mr. Payne, I believe I was inquiring of you with reference to Case 38178, entitled Oklahoma Company vs. O'Neil, and that you have identified the book and page of the original entry in your office with reference to this matter.

A That's right.

Q And that is the docket book which is now open before you?

A Yes.

Q Now, would you refer to that docket book, please, and to avoid the necessity of putting the whole thing in evidence, I would like to ask you to indicate to the Court the date that that appeal was filed in your office.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may refresh his recollection by referring to the book.

A The appeal was lodged in the Clerk of The Supreme Court's office on February 26, 1958.

Q Now, there were case made filed in that?

A Yes.

Q That is a rather voluminous record?

A Yes, sir.

Q And do you have it here?

A Right.

Q And the briefs were filed?

A Yes.

Q And you have the opinion which was filed in your office?

A Yes.

MR. BINGAMAN: If the Court please, I believe it has been stipulated -- if I could interrupt right here, because this matter should be disposed of while the witness is here.

PRESIDING OFFICER SENATOR GRANTHAM: You may.

MR. BINGAMAN: That we have reach-

ed an agreement between ourselves that from the State Law Library there have been made copies sufficient to distribute to each member of the Court of the opinion and the dissenting opinion as published in the Reporters in both the Selected Investment case and in this Oklahoma Company case, which are the matters here at issue, and they may be used rather than this original opinion which is in possession of the Clerk.

PRESIDING OFFICER SENATOR GRANTHAM: Is it so stipulated by the Board of Managers?

REPRESENTATIVE CONNOR: So stipulated.

PRESIDING OFFICER SENATOR GRANTHAM: It is stipulated by the parties that the copies made by the Law Library, by the librarian, Mr. Hudson, may be substituted for the original opinion shown in the Reporter system. Is there any objection from any member of the Court?

Hearing none, that will be the order, and it is so stipulated.

May I inquire when those will be available for each member of the Court?

MR. BINGAMAN: I understood that was the responsibility of the Board of Managers, that they had taken, and that they expected to have them here sometime within -- They may have them now.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have those now?

REPRESENTATIVE CONNOR: I am told we have Selected and this is all we have at this time.

PRESIDING OFFICER SENATOR GRANTHAM: You have the Selected case now?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Pages will quietly distribute the opinion in the Selected case, and this includes the dissenting opinion; is that correct?

MR. BINGAMAN: It is supposed to, yes, sir. I haven't seen the exhibit, but I anticipate that it will.

PRESIDING OFFICER SENATOR GRANTHAM: The Pages will quietly distribute these to each member of the Court.

Proceed, Mr. Bingaman.

Q (By MR. BINGAMAN) Now, after the mandate shows issued on your docket there, which you have open before you, Mr. Payne, do you find any other entries there?

A Yes, I find two orders by the Court.

Q Now, before you say about those, let me ask you what you mean by "orders." Does that mean that you have an order that has been written up and signed by someone, or how do you get those entries on there about orders?

A Well, these two orders are on what we call our order sheet, which includes a number of -- a whole number of orders included in one order.

Q What day of the week do you normally get that order sheet?

A Tuesday.

Q Is that the day that the Court customarily hands down opinions?

A Yes.

Q And that order sheet is signed by whom?

A Usually the Chief Justice.

Q And that is the same order sheet that is published to the lawyers over the State, and a lawyer who has a case, you make mimeographed copies and send that to him, it is published in the legal newspapers here in Oklahoma City and in Tulsa and other places, isn't it, to keep up with these matters?

A Yes, that's right.

Q And from that sheet, then, you copy the minute on that particular case onto the docket?

A Right.

Q And that is what you have done in this instance?

A Yes.

Q Now, with that preparatory statement, would you give us the date of the two minutes from the order sheet that you have there that were made after the mandate went down in the Oklahoma Company case?

A February, 3, 1959. "Petition to recall mandate", so on and so forth "denied. Notice to attorneys."

Q That was on February 3, 1959?

A Right.

Q Now, do you find a subsequent order there?

A Yes, I do.

Q And on what date is that?

A March 3, 1959.

Q And what do you find that that recites?

A "Second petition to recall mandate denied. Notice to attorneys."

Q Now, what was the practice of the Court at that time with reference to the filing of any papers in your office after the mandate had gone down in a case?

A Well, the Clerk is not permitted to file anything without leave of the Court after the mandate is issued.

Q Now, Mr. Payne, there are some of the members of this Court who are not lawyers, and they may not exactly understand what we mean by "mandate." Would you tell the Court, please, what you mean by the "mandate"?

A Well, the mandate is a certified copy of the opinion or the order, final order by the Court, sent down to the trial court to which this appeal originally came from, and it is just directing them to proceed --

Q In accordance with the opinion?

A -- in accordance with the opinion or to the order of the Supreme Court.

Q You say it is the custom of the Court, and under their directions it was your custom that no paper would be filed

in your office after the mandate went down, except with Court permission?

A Yes, definitely. After the mandate.

Q Now, these two minutes which you have read indicate that there must have been presented to the Court a petition to recall the mandate and vacate the opinion in this case, and that then there was a second petition to recall the mandate and vacate the opinion in the case?

A Yes.

Q Do you have those petitions in your possession?

A No.

Q Could you tell the Court why that you do not have them in the files of the case?

A Well, since we could -- since we weren't permitted to file them, I don't just -- I don't remember this particular case, but the procedure is anything that we can't file, we just -- under the rules of the Court, we shoot it on down to the Court, and evidently from the move here, these were considered without ever being shown on our record.

Q When you say you shoot it on down to the Court, where do you send it to, if I may inquire?

A Chief Justice's office.

Q To the Chief Justice's office. Which means, with whom do you deal in the Chief Justice's office?

A Well, the Marshal or the Chief.

Q Or the Chief Justice himself?

A Yes.

Q Or whoever is in charge of the office?

A Right.

Q And that would be your testimony as to what happened in this case?

A Yes, evidently.

Q And if the Court did not give permission to file it, it was not filed, consequently?

REPRESENTATIVE CONNOR: If Your

Honor please, we have remained quiet through very much of the leading questions in an effort to move this thing on, but we are getting to the point where I would like the witness to testify and not Mr. Bingaman.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken. Sustained. You will refrain from leading the witness, Mr. Bingaman.

Q (By MR. BINGAMAN) Mr. Payne, just tell us why you do not have these petitions to recall the mandate, the first petition to recall the mandate in your files at this time.

REPRESENTATIVE CONNOR: If Your Honor please, I believe this has been asked and answered. If I understood the answer, it has been covered completely, why these particular ones are not there.

PRESIDING OFFICER SENATOR GRANTHAM: I will let him inquire. You may proceed.

A Evidently the Court never did give the Clerk's office permission to file them.

Q (By MR. BINGAMAN) Why do you say that the Court didn't give permission to file them?

A It would be on our record.

Q Do you have any record there which indicates whether the Court did or did not grant permission to file?

A Well, the absence of it shows that they didn't.

Q Well, referring your attention to the minute that you just read, February 3rd, what does that indicate to you?

A That indicates that they considered it.

Q And acted?

A And acted.

Q And what about the second petition to recall the mandate?

A Well, the same thing would be true in that instance.

Q And that is the reason you do not have them here in your files?

A That's right.

MR. BINGAMAN: You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers may cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Mr. Payne, I believe you testified from examining one of the Accused Exhibits as to the amount of income tax liability, sir; is that correct, that you read from a brief?

A I think the Clerk did.

Q All right. In that brief, is there any mention of "in excess of \$174,000 of franchise tax liability"?

PRESIDING OFFICER SENATOR GRANTHAM: The Court didn't get your question. What was the question?

REPRESENTATIVE CONNOR: I asked him if anywhere contained in this brief, if there is anything in reference to an assessment for franchise tax in excess of \$174,000.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you.

A Well, I would have..Before I could answer that question, I think I would have to go through here and..

Q Well, I believe you referred to page 24, did you not, sir?

A Well, it was introduced and he read it over here. Do you want me to check it out, take the time here?

Q No, sir, I am asking you if on page 24, where this is set forth, as I understand it, it is summarized, is there any mention of a \$174,000 plus franchise tax liability?

A Well, I don't see that figure.

Q Well, then, sir, I can safely assume that you are not able to testify whether or not this debt would be contingent on the outcome of this case? What I am trying to ask you, you have no idea..

MR. BINGAMAN: I don't believe that is being quite fair with the witness. This man has simply identified records; he

hasn't attempted to testify what was or wasn't involved. I believe he should be fair with the witness.

PRESIDING OFFICER SENATOR GRANTHAM: Are you lodging an objection, Mr. Bingaman?

MR. BINGAMAN: Yes, we object to this line of questioning.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained on the basis that the document itself is the best evidence.

REPRESENTATIVE CONNOR: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any redirect?

MR. BINGAMAN: No. If this witness could be excused, then, to take these to the Xerox room. If you would like him to stay on call, I will ask him to stay in the building throughout the session of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want him to remain on call?

REPRESENTATIVE CONNOR: I don't believe so, no, sir.

MR. BINGAMAN: You can be excused, then.

PRESIDING OFFICER SENATOR GRANTHAM: Then this witness can be excused. You may call your next witness.

MR. BINGAMAN: May he take all these original papers back, then, that he has brought here?

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection for the witness to take all his exhibits back with him that he used to refresh his recollection?

REPRESENTATIVE CONNOR: No. Prior to the time of calling the next witness, if Your Honor please, we have caused to be distributed the Exhibits 14 through 51, excluding 49. I think we are short 18, 19, 20, and 21, that were not transcribed for some reason or the other

and I might request that the Court request the members of the Court to check the ones that they received.

PRESIDING OFFICER SENATOR GRANTHAM: The members of the Court will check to see if they have the exhibits in consecutive order, with the exception of 49, of course, which has not been admitted in evidence. That is Board of Managers exhibit.

Senator Gee is recognized.

SENATOR GEE: If the Court please, I am missing Exhibits 18 through 25, and Exhibits 34 through 37.

PRESIDING OFFICER SENATOR GRANTHAM: And Senator Baggett also states that he is missing those exhibits. And Senator Rogers. I will ask that the Board of Managers endeavor to... Each Senator that is missing exhibits, list the exhibits which he is missing, sign a note and send it to the Board of Managers, listing the exhibits that Court member is short, and the Board of Managers, I am sure, will endeavor to get to you copies of those particular exhibits.

MR. BINGAMAN: There has been a great deal of time consumed on these exhibits and a great amount of paper was used with it, it is a matter of copying the endorsement on the back. They are of no significance on there, and there are numerous copies of them. We have no objection to eliminating that page of the endorsements, if that is agreeable with the Board of Managers.

PRESIDING OFFICER SENATOR GRANTHAM: The accused and the Board of Managers stipulate that the endorsement on the back of these copies of the exhibit may be eliminated. Any objection from any member of the Court? Hearing none, that will be the order and is so stipulated.

Proceed, Mr. Bingaman.

MR. BINGAMAN: We would like to call Mr. McBride.

REPRESENTATIVE CONNOR: Judge,

I think we are just short one exhibit. Could we try and find it before we go on?

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease while we try to locate one exhibit.

SENATOR GEE: What exhibit is the Selected Investment Company opinion?

PRESIDING OFFICER SENATOR GRANTHAM: Selected Investment Company opinion is not an exhibit, it was just distributed to the members of the Court.

SENATOR GEE: Thank you.

PRESIDING OFFICER SENATOR GRANTHAM: Unanimous consent that that case and the other cases involved in the Articles of Impeachment will be distributed to each of the members and not labeled as an exhibit and not included in the transcript.

Senator Luton is recognized.

SENATOR LUTON: Judge, could you inform us as to the number of exhibits we are supposed to have so as we can better evaluate those that we do have?

PRESIDING OFFICER SENATOR GRANTHAM: The number of exhibits, Board of Managers' Exhibits 1 through 51, less Exhibit No. 49, and also Accused's Exhibits A through C.

REPRESENTATIVE CONNOR: Your Honor, we are just flat short 18, 19, 20 and 21.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

REPRESENTATIVE CONNOR: We have just found them.

PRESIDING OFFICER SENATOR GRANTHAM: You have now located them, is that right?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease.

In any event, I would ask each member of the Court to check your exhibits 1 through 51 with the exception of Exhibit No. 49. If you do not have them, list them

on a sheet of paper, sign your name to it, and have a Page deliver it to the Board of Managers.

Call your next witness.

MR. GREEN: Joe McBride.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. McBride will now be sworn.

JOE W. McBRIDE,

called as a witness on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q State your name, please.

A Joe W. McBride.

Q Mr. McBride, where do you live?

A I live in Oklahoma City.

Q How long have you been living in Oklahoma City?

A Well, about 10 years.

Q Prior to that time, where did you live?

A Anadarko, and I lived both places, I might say.

Q What is your business?

A Newspaper.

Q Newspaper business?

Q Are you acquainted with N. B. Johnson?

A Yes.

Q How long have you known him?

A Oh, 15 years.

Q Tell us whether or not you are serving on any organization of any kind with him.

A I served with him on the Hall of Fame for famous Indians, since 1952, he has been President of that organization.

Q What organization was that?

A The Hall of Fame for famous American Indians.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, some mem-

bers in the rear can't hear you, Mr. McBride, will you pull the microphone a little closer to you, please?

Proceed.

A You want me to answer that question again?

MR. GREEN: Please, sir.

A This organization is the Hall of Fame for famous American Indians.

Q (By MR. GREEN) Is that state or national, or nationwide?

A Well, we are trying to make it a national organization.

Q What other organizations, if any, have you served with Mr. Johnson?

A I served with him on the Board of Directors of the Oklahoma Historical Society.

Q For how long?

A Oh, about six or seven years.

Q Are you serving on that board with him at this time also?

A Yes.

Q Mr. McBride, are you acquainted with the reputation of N. B. Johnson?

A I believe so.

Q In the area where you live, in Oklahoma, as to being truthful, honest and law-abiding citizen?

A I would think so.

Q Is that reputation good or bad?

A Good.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, he said he would think so. I think you had better qualify this witness.

Q (By MR. GREEN) Mr. McBride, you say you think; do you know, would you say you do or you do not know his reputation?

A He has a good reputation.

Q Then, you do know it?

A Yes.

Q What his reputation is?

A Yes.

MR. GREEN: All right, that is all.

REPRESENTATIVE MORDY: That's all.

CROSS-EXAMINATION

Q (By REPRESENTATIVE CONNOR) Mr. McBride, what was your occupation, sir?

A Newspaper publisher.

Q All right, sir. And you say you think you are acquainted, or you are telling what you personally think about Judge Johnson, is that correct, sir?

A Yes.

Q Have you discussed Judge Johnson's reputation for truthfulness or veracity with other people; did you talk about him?

A Well, I never had occasion to.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

MR. BINGAMAN: No. May Mr. McBride be excused?

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down.

May Mr. McBride be excused? Board of Managers, do you have any objection?

REPRESENTATIVE CONNOR: No.

If Your Honor please, we would like to call the Court's attention to the fact that Mr. McBride testified he never discussed Judge Johnson's reputation for truthfulness and veracity with anyone. He merely rendered his personal opinion which I do not think qualifies him.

PRESIDING OFFICER SENATOR GRANTHAM: That goes to the weight of the testimony as brought out on cross-examination.

Call your next witness.

MR. GREEN: Judge Tom Blaine.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Blaine, will you be sworn by the clerk.

(Whereupon, the witness was sworn by the clerk.)

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

TOM R. BLAINE,

called as a witness on behalf of the accused, having been first duly sworn, testifies as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Would you state your name to the Court, please?

A Tom R. Blaine.

Q Would you tell us where you live, please, sir?

A Enid.

Q And what is your business or occupation?

A I am District Judge of the Fourth Judicial District.

Q And how long have you served in that capacity, Judge Blaine?

A Twenty-three years.

Q How many counties are included within your district?

A Nine.

Q Could you tell us the names of the nine counties, please, sir?

A Grant, Garfield, Kingfisher, Alfalfa, Major, Blaine, Dewey, Woods and Woodward.

Q During the time that you have been serving on the District Bench here in the State of Oklahoma, have you known N. B. Johnson?

A Yes, sir.

Q Were you acquainted with .. How many years have you been acquainted with him?

A About thirty-five years.

Q During that period of time, have you served on any organizations with him?

A Yes.

REPRESENTATIVE CONNOR: If Your Honor please, we are going to object to this testimony. There has been no foundation laid for any testimony about Justice Johnson's activities. This background is not competent for qualifying a character witness. I see no way whatever this sort

of testimony would be admissible at this time.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that he will connect it up. With that understanding, we will permit it here. Your objection is overruled.

Q (By MR. BINGAMAN) You may answer the question, please.

A We have both been members of the Oklahoma Judicial Conference, and also members of the Oklahoma Judicial Council.

Q For some number of years?

A Yes.

Q Are you acquainted, Judge Blaine, with the reputation of N. B. Johnson in the State of Oklahoma for truth and veracity and for being a peaceable and law-abiding citizen?

A I believe that I am.

Q Is that reputation good, or bad?

A I would say good on both questions.

MR. BINGAMAN: You may cross-examine.

REPRESENTATIVE CONNOR: We have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down. May this witness be excused?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: May this witness be excused?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: You may be excused, Judge Blaine. Thank you.

Call your next witness.

MR. BINGAMAN: Denver Davison, please.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Denver Davison is called as a witness.

You will be sworn by the clerk, Judge Davison. Face the clerk, please.

(Whereupon, the witness was sworn by the clerk.)

DENVER N. DAVISON, called as a witness on behalf of the accused, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Would you state your name to the Court, please?

A My name is Denver N. Davison.

Q And what is your business or occupation?

A I'm a member of the Supreme Court of the State of Oklahoma.

Q And from what part of the state were you elected to the Supreme Court of the State of Oklahoma?

A My home is in Ada, Pontotoc County.

Q How long have you served on the Oklahoma Supreme Court?

A It will be twenty-eight years the coming 7th of August.

Q Were you at one time Chief Justice?

A Two times.

Q During the year of 1949, what position did you occupy on the Court?

A I believe I was Chief Justice at that time.

Q And at that time do you remember Judge N. B. Johnson coming to the Court?

A Yes sir.

Q And you were Chief Justice when he came to the Court?

A Yes.

Q Were you acquainted with him prior to his coming to the Oklahoma Supreme Court?

A Yes, sir.

Q How many years have you known him?

A Well, I knew him about three years before he came as a member of the Court.

Q And since that time while he has

been serving on the Court you have known him?

A Yes.

Q Are you acquainted with his reputation in the State of Oklahoma as being a peaceable law-abiding citizen and for truth and veracity?

A Yes, sir.

Q Is that reputation good, or bad?

A It's good.

Q Now, Judge Davison, there has been some issue here about two opinions of the Supreme Court of the State of Oklahoma. One of them is in Case 36731, Selected Investment Company vs. Oklahoma Tax Commission, and the published opinion shows that you were one of the concurring Justices in that opinion; is that correct?

A That is correct.

Q Did you, at the time you joined in this opinion, believe it was good law and in accordance with the former decisions of the Court and precedence?

A I thought so.

Q The other case brought in issue here is Case No. 38178, entitled The Oklahoma Company vs. O'Neil, and from the published opinion it appears that you are one of the concurring Justices in that opinion; is that correct?

A That is correct, sir.

Q Was it your belief at the time you joined in that opinion that it was a good opinion and pronounced the law as you found it at the time in the State of Oklahoma?

A I thought it was a very close case, but I thought it was correct.

MR. BINGAMAN: You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers cross-examines.

MR. BINGAMAN: My attention was distracted by one of the sergeant at arms; I missed it.

PRESIDING OFFICER SENATOR GRANTHAM: I was asking the Board of Managers if they were ready to proceed. They are having a conference. Just stand by.

The Board of Managers will examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge Davison, you have been questioned about the Selected Investments Case and the Oklahoma Case as to your views. Now it's also correct there were other members of the Court that did not think it was a good opinion or good law, is that correct?

A Yes, sir.

Q In both cases?

A That's right.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

MR. BINGAMAN: No, sir. May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down. Does the Board of Managers have any objection to him being excused?

Senator Luton is recognized.

SENATOR LUTON: We have a question being sent up.

PRESIDING OFFICER SENATOR GRANTHAM: Stand by. There's a question by the Court coming up.

Judge Davison, there are a series of four questions proposed by Senator Smith and Senator Luton. I will read these questions to you and you may then answer them.

Did you observe any unusual activities in regard to either the Selected Investments Case or the Oklahoma Company Case?

A No, sir, I did not.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2: Were you

contacted by Justice Johnson or any other person to influence your vote in either the Selected Investments Case -- just a moment -- Oklahoma Company Case. I will read this question again.

Were you contacted by Justice Johnson or any other person to influence your vote in either the Selected Investment or the Oklahoma Company case?

A No, sir. The only -- the only -- Only in the conference room we always discussed these cases in conference quite often in length, but I was never talked to by Judge Johnson on either one of these cases outside of the conference room.

PRESIDING OFFICER SENATOR GRANTHAM: The second part of that question: If so, by whom and in what manner?

A I was not contacted by anyone outside of the conference room.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 3: Did you do any substantial independent research on either the Selected Investment or the Oklahoma Company case?

A No, sir. The Selected Investment Company case was sort of a run of the mill case as I recall. We didn't have too much trouble with it and I don't recall -- well, it was -- there was quite a bit of discussion on the Oklahoma Case like we have -- we will have varied occasions when we have a 5-4 opinion or a 6-3 opinion lots of time. And 9 to nothing. But, it's not unusual for us to disagree on opinions, and --

PRESIDING OFFICER SENATOR GRANTHAM: The next part of that question: If your answer is yes, was the research done before or after the submission of the majority opinion to the conference?

A Well, I can't very well remember directly to answer that question directly. Sometimes I do research work on some. Sometime you take the author's opinion and his discussions of what the facts might disclose. We don't have time, each indi-

vidual Judge doesn't have time to go into every record in every case. It's just a physical impossibility, so we have to, to a great extent, take the author's opinion and statements as to the facts and, of course, we do independent research on lots of cases. I don't particularly remember these two cases. We have had some 3,000 cases or more since those happened and I don't remember the details about them.

PRESIDING OFFICER SENATOR GRANTHAM: The next part of that question: Judge Davison, if your answer is no, then did you vote to concur in reliance upon the author as an indication of personal confidence or for what reason?

A Well, naturally you vote somewhat on the -- what you think the author might be telling you in his opinion and in his argument and then many times you do some independent research also. I have studied both of those cases some and I thought they were both correct or I wouldn't have so voted.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is No. 4, if you did not rely upon independent research in either Selected Investments or the Oklahoma Company case, tell us why you rejected Justice Jackson's dissenting opinion in the Selected Investments case, and/or why you rejected Justice Halley's dissenting opinion in the Oklahoma Company case.

A Because I thought that both of the dissenting opinions were wrong.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Garrison. Did you know of any extra activity as to these two cases by either, one, Judge Welch, or two, Judge Corn?

A No, sir, I did not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Birdsong. This question is: In the Judges' conference, did Justice Johnson or

Welch, I believe it is, exert any unusual interest in the case of Selected Investments Company and Oklahoma Company?

A No, I can't say that they did. As I say, the Selected Investment Company, it was a 6-2 opinion, as I recall, and I thought the law was clear in that case and plain, and I still think that the opinion is correct.

PRESIDING OFFICER SENATOR GRANTHAM: The second part of Question No. 2 by Senator Birdsong may have been answered in Question No. 1, but I shall read it. If so, in what manner?

A Well, I saw or heard no unusual comment by either Justice Welch or Justice Johnson in either of those cases.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Rogers. When was majority opinion in the Selected case first submitted to the conference?

A I am unable to answer that question.

PRESIDING OFFICER SENATOR GRANTHAM: Is there any way you can ascertain that?

REPRESENTATIVE CONNOR: As an assist to the Court, if he would be furnished with the Board of Managers' Exhibits 5 and 7, I believe these would allow him to refresh his memory, as they are in the copies.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection?

MR. BINGAMAN: The dates are already in evidence; I think it would be repetition, but I have no objection to this witness having the exhibit to testify from it if it isn't clear.

REPRESENTATIVE CONNOR: The Clerk should have it.

PRESIDING OFFICER SENATOR GRANTHAM: If the accused has no objection to Justice Davison referring to Exhibits 5 and 7 to refresh his recollection.

A What was the question?

PRESIDING OFFICER SENATOR

GRANTHAM: Will the reporter please read the question.

(Whereupon, the last question set out above was read by the reporter.)

A Well, I am testifying from the record here. I guess this is the record that the -- that was obtained from the Marshal of our Court?

PRESIDING OFFICER SENATOR GRANTHAM: This is the record that has been admitted into evidence, yes, Judge Davison.

A Well, it shows here on February 8, 1957, Selected Investments Corporation vs. Oklahoma Tax Commission, Judge Welch presents opinion on merits, reversed and remanded; concurred, Welch, Corn, Davison, Johnson, Williams and Carlile. Dissenting, Blackbird; pass, Halley and Jackson. And action, went to the back list, what we call it, goes to the back list, for future consideration. And March 8, 1957, the case was again called, Selected Investments Company vs. Oklahoma Tax Commission, Jackson presents dissenting opinion. No change in the vote. On March 11, 1957, Selected Investments Company vs. Oklahoma Tax Commission, Welch presents opinion on merits, reversed and remanded with direction, 2-8-57; concurred, Welch, Corn, Davison, Johnson, Williams and Carlile. Dissent, Blackbird and Jackson, who presents dissent 3-8-57; Halley not voting, adopted 3-11-57. April 1, 1957, Selected Investments Company vs Oklahoma Tax Commission, Johnson presents on rehearing with recommendation for rehearing and oral argument, denied; concurred, Welch, Corn, Davison, Johnson and Williams. Dissent, Halley, Blackbird and Jackson. Absent, Carlile. Action denied. Now, --

MR. BINGAMAN: May I inquire if they wish to read further or just wanted to establish that one date?

PRESIDING OFFICER SENATOR GRANTHAM: Senator Rogers, do you require him to read further from the exhibit?

SENATOR ROGERS: No.

PRESIDING OFFICER SENATOR GRANTHAM: All right. That will be sufficient for that question, Judge Davison.

The next question is a question by Senator Murphy: Was there oral argument by the attorneys in the Selected Investments case.

A I don't recall that there was.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Murphy reads: If so, will the record so show the Judges that were present when the argument was made.

Go ahead, answer the question, Judge Davison.

A I don't recall it, that we had oral argument in the case. If we didn't, --

PRESIDING OFFICER SENATOR GRANTHAM: Let me read the question again. If so, will the record -- In other words, if there was oral argument, will the record so show the Judges that were present when oral argument was made?

A No, I don't think the records would show that. I don't think the Marshal keeps a record of everyone who attends or is present at an oral argument.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Murphy also wants to ask these same questions with reference to the Oklahoma Company case, and the first question, then, would be: Was there oral argument by the attorneys in the Oklahoma Company case?

A I don't recall if there was.

PRESIDING OFFICER SENATOR GRANTHAM: And then the next question would be: If so, will the record so show the Judges that were present when oral argument was made?

A I don't think the record would show that, because I don't think the Marshal keeps a record of attendance at oral arguments.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by

Senator Massad: When and how did you learn there was any claim of alleged bribe in the Selected and Oklahoma Company cases?

A I believe it was sometime after Judge Corn had some trouble with the Internal Revenue Department; I believe that's the first I ever heard of it, and I don't remember when it was.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, Judge Davison, is by Senator Baggett. Why was the Selected case pending so long from November 29, 1954, to January 11, 1956, before it was referred to Justice Welch?

A I can't answer that question.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, by Senator Baggett, was, why was there a 15 month delay from January 11, 1956, to April 8, 1957, between the time the Selected case was referred to Justice Welch and the time it was first discussed in conference?

A I can't answer that question, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, by Senator Baggett, is this, are such delays usual and common in other appeals?

A Well, they're not usual, but they're not really unusual. We had a number of cases that have taken much longer than that. For instance, the Merry Christmas Ball case was tied up for -- involving heirship down in Lawton, that was under fire for, oh, several years after it got to conference room.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Romang. Did you consider the decision to be close in both the Selected case and the Oklahoma case? By Senator Romang.

A I thought the case in the Oklahoma case was very close, I didn't think that the decision in the Selected Investment case was close. I had been following the rules of the Tax Commission, that the

Tax Commission had been following for some 18 or 20 years, and I didn't think it was close at all, and I still think the decision is as right as it can be.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Garrett. What was the major point of law involved in the Oklahoma Company case?

A Well, it involved a question of recision of some oil and gas leases and involved also a question of receivership, and it involved a question of accounting.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Selman. How is a vote taken, does the Chief Justice vote first, or how is the vote taken in the Supreme Court?

A Well, the Justice presents the opinion, they are called upon to go -- explain the case, and then this subjects him to any and all questions that might be asked, and then the case goes around for a round table discussion, and then the vote starts with the one across the table from the person, the Judge who presented the opinion. For instance, if it starts -- if the vote started down at the end of the table, it goes to the next person across the table and then back and forth until finally the full nine votes are taken. But, it also starts from the next person in line from the Justice who presents the opinion.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Selman. Does the Chief Justice vote first and then the Under Justices?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, or do they vote at the same time by hand vote, raising of the hand, I presume.

A No, sir, they vote by saying "I concur" or "I dissent".

PRESIDING OFFICER SENATOR GRANTHAM: I presume you mean they concur or dissent with the author's opinion, is that right, sir?

A That's right.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Berrong, reading as follows: Judge Davison, you indicated the question in the Selected Investment case was not close at all. Do you have reason to believe that the Oklahoma County District Court acted improperly in holding for the Oklahoma Tax Commission?

A Would you repeat that question, please.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Davison, you indicated the question in the Selected Investment case was not close at all. Do you have reason to believe that the Oklahoma County District Court acted improperly in holding for the Oklahoma Tax Commission?

A I thought the decision by the District Court was incorrect.

PRESIDING OFFICER SENATOR GRANTHAM: The question is, was it improper?

A Well, I wouldn't say that any decision by any judge is improper. I would say that in my opinion it was incorrect.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Findeiss, it's a series of two questions. Were you aware that the case made in the Selected Investment case had been checked out since 1959?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Question number two: Is it a usual procedure or is there a time limit for the case made to be returned?

A Well, I would think that anybody called for the case made, that the Chief Justice would immediately get in touch with the Clerk of the Court and find out where the case made was, where it was checked out and who it was checked out to, and endeavor to get that case made back up in the Clerk's office.

PRESIDING OFFICER SENATOR

GRANTHAM: The next question is by Senator Graves. Are the members seated identically in each conference?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Young. When did you first suspect Judge Corn of taking a bribe in litigation?

A Well, I never saw anything that made me think he took any money. Only one case that I thought that he showed any undue interest in, but I never thought about he or anyone else on the Court taking any money for what they did.

PRESIDING OFFICER SENATOR GRANTHAM: Would you enlarge on what the case was he showed undue interest in?

A Yes, it was the case referred to as the Meadors Will case, I thought he showed a little undue interest in that particular case.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Pope. Do you know what precipitated the scuffle between Judge Corn and Judge Arnold?

A Well, I don't know just that occasion. I was there, and it would seem like it was kind of like a running difficulty and difference there over quite a period of time, and they were sitting next to each other and they just fussed and fought all the time. So, this particular occasion, Judge Corn was sitting down and Arnold sitting next to him, and Arnold raised up and slapped Corn on the side of the face, and Judge Corn got up, I don't remember whether he hit Arnold or not, but, we got them separated, so there was no damage done to either one.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will come to order, please.

All right. The second part of that question, if so, why? And I believe you answered that.

Now, the next part, was there a reference

to a particular case before the scuffle started?

A I don't recall any particular occasion, they just kind of had running battles for some period of time, but this was the first time that it came to slapping blows.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is, if so, what type -- I believe you answered that, and the next part of the question is, did Arnold challenge the integrity of Judge Corn?

A I don't recall if there was any question of integrity involved in the thing. It was just -- it looked like they just weren't getting along, and I don't know, I don't know what became of it.

PRESIDING OFFICER SENATOR GRANTHAM: I believe you answered the next part of the question. If so, what way?

And then the next question, have you ever heard any other Judge challenge the honesty of Judge Johnson?

A No, I don't believe I have ever.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is not signed, I will read the question and ask the Senator who wrote this to identify himself. Did any other member of the Court show an unusual interest in the Meadors Will case? That is Senator Rogers. And if so, who?

A I thought Judge Arnold showed extraordinary interest in that particular case.

PRESIDING OFFICER SENATOR GRANTHAM: But, I believe it is any other Judge besides Judge Arnold.

A Judge Corn and Judge Arnold.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. All right. The next question is by Senator Garrison. Did Judge Welch show any undue interest in the Meadors Will case?

A Not that I recall, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen, the hour of noon has approached and I feel --

Just a moment, we have some more questions; let me get these questions.

The next question, what was the nature of the activity and action displayed by Justice Corn to you that made you conclude that Justice Corn exhibited an undue interest in the Will case you mentioned?

This question is not signed -- Senator Smith, this question is by Senator Smith.

A Well, as I recall, the Meadors Will case, the mother filed for another opinion in this case, Judge O'Neal was one of the five who concurred in the original petition, and then the case was assigned to Judge O'Neal for rehearing, and if you don't know, we all sign -- the Chief Justice assigns the petition for rehearing to some other Judge, other than the one who was the author of the opinion. When Judge O'Neal got the case on rehearing, he came to the conclusion that he had voted incorrectly on it, and he wanted to change his vote. At the time he wanted to change his vote was right close to the Christmas holidays, I believe it was just almost in the holiday time, and he told Judge Halley, as I recall, that he wanted to change his vote. We were not having conference during this particular time, due to the Christmas holidays, and Judge O'Neal was getting off of the Court. Well, the early part of January, being succeeded by Judge Floyd Jackson from Walters, so, when Judge Jackson came on the Court, that particular opinion stood. Judge O'Neal was off and the opinion then stood the full floor. And Judge Arnold and Judge Corn didn't think that Judge Jackson was entitled to participate in the case, and they both raised the question very seriously, but, we -- the majority of us did allow Judge Jackson to participate and wanted him to participate, and Judge Jackson's opinion changed the opinion to where it was opposite from what it had originally been written. It was filed the other way.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Smith is: When did this occur?

A Well, it occurred...I can't give you the date, but it was just about the time... just immediately before the time when... within the next thirty days after Justice Floyd Jackson became a member of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: The third question by Senator Smith is: What, if anything, did you do about your suspicions of Justice Corn?

A Well, I didn't do anything. I just... Wasn't anything for me to do. I didn't even then suspicion him of taking any money in it, or anyone else, but recalling back, I think he did show unusual interest in that particular case.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Baggett: Please fix the date when you first were apprized by any person, and give the name of that person, that there was a possibility that Judge Corn had received a bribe in the Selected case.

A Well, I don't know that anyone ever informed me about it. It seemed like, I believe, the first time I knew about it is when something appeared in the paper about what had happened, probably about the time that he appeared in his trial in the Federal Court. I think that's about the time.

PRESIDING OFFICER SENATOR GRANTHAM: I believe your answer to the first question answers the second, which is: Please state the circumstances when you received the news of such possibility. Are there any other circumstances other than what you have given in answer to your first question?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a question by Senator Rogers: Who were the attorneys in the Meadors will case?

A Just offhand, I believe the Looney

firm on one side and I believe the Crowe firm was on the same side. I don't remember whether Judge Cargill was in that case or not. If someone would refresh my memory, I could tell them.

PRESIDING OFFICER SENATOR GRANTHAM: If you don't know, just answer you don't know, Judge.

A I don't recall.

PRESIDING OFFICER SENATOR GRANTHAM: And the next question is: What fees, if you know, were paid to lawyers in the Meadors will case?

A I don't know, sir; I have no idea.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Young: Approximately how many cases did O. A. Cargill appeal to the Supreme Court?

A Well, I would have to check the law books for that. I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: The next one is: How many did Cargill win or lose on appeal?

A I couldn't answer that question without...I would just have to go through the law books to determine that.

PRESIDING OFFICER SENATOR GRANTHAM: The next two questions are by Senator Berrong: Did you object to Judge Welch serving on the Court and working on cases after his indictment by the Federal Court?

A Well, as I recall, Judge Welch didn't participate in any cases after his indictment, I don't believe. I believe he quit coming to conferences and didn't vote in any cases. That's my best recollection.

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer to the next question, I believe, may have been covered in your first; If you objected, in what manner did you object?

A Well, I never made any objection, because it wasn't necessary for me to make any objection.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by

Senator Berrong, and it reads as follows: Were you aware of any undue or improper influence upon any member or members of the Court by O. A. Cargill?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer is "No"?

A Yes, that's right.

PRESIDING OFFICER SENATOR GRANTHAM: The next one is by Senator Stipe: Do you know or have any information of a bribe being paid in the Meadors will case?

A No, sir, I do not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Howard. It is a series of two questions: How many other Selected Investment cases, approximately, have been decided while you were a member of the Court? Just a minute.

A Well, I don't know, sir, I would have to run the law books down on that, but I know they have had several cases, and I think they lost some and I think they won some.

PRESIDING OFFICER SENATOR GRANTHAM: No. 2, has Judge Corn or Judge Johnson ever indicated any interest in any of these?

A No, not to my knowledge.

PRESIDING OFFICER SENATOR GRANTHAM: Here is another question. Those last two questions were by Senator Howard. This question is by Senator Berrong. Judge Davison, you indicated Judge Corn exhibited unusual interest in the Meadors Will case; specifically what unusual acts or statements were made by Judge Corn to cause you to take notice?

A Well, the acts that I referred to a few moments ago about his objecting to Justice Jackson taking any part in the Meadors Will case after Judge Jackson became a member of the Court, and we had quite a few rounds on that particular phase of it before we finally found Judge Jackson should sit in the case.

PRESIDING OFFICER SENATOR GRANTHAM: Now this completes the questions by the Court and the noon hour has approached.

I think Mr. Green had something he wanted to say here.

MR. GREEN: If the Court please, at this time we wish to announce to the Court that we have two other witnesses here which will be very short.

As the Court knows, at the beginning of this hearing and prior to the beginning of the hearing we were informed that our witnesses, it would be necessary to have them here this coming Monday. We made arrangements for them to be here on Monday, and then when the Board of Managers concluded earlier than they had anticipated, we were requested by the Court to try to get our witnesses here today and we spent some time the night before last and quite a bit of time last night in trying to get the witnesses here, and we have succeeded as the Court has seen in getting quite a few. There is about eight more besides Judge Johnson that we could not get here today. They had made arrangements, we learned, to be here Monday. Some were out of town on other business, to be at their homes Sunday, and made arrangements to be here Monday.

Now, these other two witnesses we have which will be very short, they are not included in the eight that can't be here. When we complete the two that are here, we would be unable to put Judge Johnson on now, because it would be out of order as we planned this matter, and we would request the Court that they would -- it's 12:15 at this time -- we would request the Court to permit us to put on the other two witnesses and then ask for a recess until Monday.

REPRESENTATIVE CONNOR: I would have some further examination of Justice Davison in light of the questions that were asked by the Court. It might take a little while. I would like to inquire of the Court

as to -- maybe Mr. Green can tell us; are all of the witnesses character witnesses? Will the Court impose any limit on the number of character witnesses that will be allowed to testify?

PRESIDING OFFICER SENATOR GRANTHAM: The Court will impose no limit on the number of character witnesses. Certainly not.

Both sides will be given an opportunity to inquire as to these questions that have been submitted by the Court and I ask you, can you give me an estimate as to how much time, Mr. Connor, you feel you would want for further examination as a result of the questions by the Court?

REPRESENTATIVE CONNOR: I don't know that I can give you an intelligent estimate of the time. Judge Davison has touched briefly on some procedures of the Court that I think should be brought out more fully. I would intend to go into this and other matters.

PRESIDING OFFICER SENATOR GRANTHAM: Would you say half an hour or fifteen minutes or an hour?

REPRESENTATIVE CONNOR: Well, I will guess with you, a half an hour.

PRESIDING OFFICER SENATOR GRANTHAM: How much additional time would you want to inquire?

MR. GREEN: If the Court please, not anticipating what he would go into, we would say not over five minutes. It's possible he would cover what we would want to go into and we would not require any time.

PRESIDING OFFICER SENATOR GRANTHAM: All right. We are going to take the rest of these. There is another Court question. Then we are going to recess. I am going to read this question and we will take a look when we come back from lunch.

The next question is by Senator Pope.

What procedure would you or could you follow if you felt any unusual interest in any one case by any particular judge?

A Well, there's just no procedure that you would follow. Of course, there are many cases that a Judge shows some interest in. Every time I take a case in conference that I am the author of the opinion I show interest in that to see if I can't convince the other members of the Court that my opinion is correct, so there's just no -- no procedure that -- no procedure that any judge could follow in thinking that somebody showed any particular interest in the case.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The next question by Senator Pope: How strong would your suspicions have to be before you would report them to the Bar Association? That's the first part of the question.

A Well, I would say that I would have a pretty strong suspicion that a person might be subject to taking some sort of bribe before I would report them to the Bar Commission. It would be something unusual, very unusual, that a person would have to report to the Bar Commission.

PRESIDING OFFICER SENATOR GRANTHAM: The next part of the question is: Or report to the Chief Justice?

A Well, yes. Of course, there are things that come into conference and the Chief Justice would be there, but if I learned of somebody accepting a bribe I would not only take it up to the conference, but I would take it up with the Chief Justice. I would take it up in full conference.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The last part of the question: Or the Attorney General?

A Well, I haven't thought of the Attorney General. I would take it up in full conference and then go from there. Probably if the conference thought there was merit in the matter, they would probably take it up with the Bar Commission, the State Bar.

PRESIDING OFFICER SENATOR GRANTHAM: Now 12:20 having arrived, inasmuch as the cafeteria is closed -- isn't

that right? It isn't? I'm wondering if we could get back here by 1:35.

Court will recess until 1:35.

PRESIDING OFFICER SENATOR GRANTHAM: Will the members of the Court please take their seats.

The Court of Impeachment of the Thirtieth Legislature continues in session.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young.)

At this time, Mr. Connor will make some explanation about the exhibits of the Board of Managers.

REPRESENTATIVE CONNOR: We have had numerous Board of Managers' 4, 5, 6 and 7 for your records, these are the printed cards of the Court and the minutes of the Court that we handed out to you earlier. If you would care to notice on your exhibits, I will identify them by number for you, so that you can mark the same on your exhibit.

The card in the Oklahoma case, it's at the top of the page, it's the one of these sheets, the top of the page number 3817, a Washington County, February 26, 1958, this is Board of Managers' Exhibit No. 4.

This is a card on the Oklahoma case which is Board of Managers' Exhibit No. 4. The minutes, Court minutes, conference minutes on the Oklahoma case versus Eugene O'Neil is Board of Managers' Exhibit No. 5.

The cards on the Selected Investment case is Board of Managers' Exhibit No. 6.

and the conference minutes on the Selected case is Board of Managers' Exhibit No. 7, and I believe all of you Senators have copies of each of these exhibits on your desk.

Eight, nine and ten, gentlemen, are the records introduced in evidence of the Claremore bank. This is one group here, so far as I know, we are making no effort to reproduce these unless we should be requested to by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: How do you propose that the members of the Court are going to be able to see this exhibit?

REPRESENTATIVE CONNOR: We have no objection whatsoever to running it off, it just has not been done yet, if the Court please. If the Court does direct us, I am sure we will do it and get it done.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that it is going to be impossible for the 48 Judges of this Court to see that exhibit. I don't believe there is any testimony about the contents of the exhibit except interpretation of these contents, and I feel that it would be highly desirable for each member of the Court to have a copy of each exhibit, and would that be possible?

REPRESENTATIVE CONNOR: I have no objection. I assume it would -- we, of course, would have no objection whatever, and I believe the exhibits are on the reporter's desk.

PRESIDING OFFICER SENATOR GRANTHAM: Then, if there is no objection, I will ask that each exhibit be reproduced so it can be on each member's desk.

Any objections to that?

Hearing none, that will be the order.

PRESIDING OFFICER SENATOR GRANTHAM: There has been some discussion by the press that on these exhibits, if there are sufficient copies they

would like to have copies distributed to the press. Is there any objection to that by the accused?

MR. BINGAMAN: No, Your Honor, we have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection to it by the Board of Managers?

REPRESENTATIVE CONNOR: No sir.

PRESIDING OFFICER SENATOR GRANTHAM: Then the Pages will distribute, when you distribute these exhibits, distribute them to the press table.

At this time, we have on the witness stand Judge Davison, and he will take the stand again and we will continue. Proceed.

REDIRECT EXAMINATION

By MR. BINGAMAN

Q Judge Davison, you are the same witness who was testifying here just shortly before the recess for lunch?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let the record show that from the beginning, that the Board of Managers is present and that the accused is present in person and with his attorneys. Continue.

Q (By MR. BINGAMAN) Perhaps it would aid if there was an explanation as to the method of procedure by the Supreme Court of Oklahoma in the handling of an appeal, so I would like to ask you briefly some questions with reference to that. Assume that you run out of something to do in your office and needed some cases to work on. What procedure would you take to obtain additional cases?

A Well, I go to the Chief Justice and tell him we are out of cases and need some new cases to work on.

Q And what happens after you do that?

A Well, we don't have any trouble getting cases.

Q And when the case comes to you,

what do you receive from the Marshal of the Court?

A Well, when a case is assigned to us, we get copies of the briefs and also what we call the case made; that's the record in the case.

Q That's what you have referred to here as the record?

A Yes, sir.

Q And that includes the petition in error and all of these papers?

A All the evidence, yes, sir.

Q After that is in your office, what do you and your legal assistant do with reference to it?

A Well, we go over the record and the briefs and we consult with each other to determine the way that we think the opinion should be written.

Q Now, you speak of the record. You mean by that the case made?

A The case made.

Q What does the case made contain in it?

A The case made contains the petition, the answer of the defendant, any interpleading or anything of that kind, and then it contains all of the evidence that was taken before the -- during the trial of the case, and the Court's instructions after the case goes to the jury, and then --

Q The exhibits?

A The exhibits and verdict.

Q And the jury's verdict?

A Yes.

Q If it has been a jury case, and the judgment of the trial court?

A That's right.

Q And after you have considered those and the briefs, you then have a full picture of what has gone on in the trial court?

A Yes, sir.

Q Now, how many copies of that case made or record comes to the Supreme Court?

A Only one.

Q Only one. Now, that is in the office of the person who is writing the opinion?

A Yes, sir.

Q And in due time, after you and your legal assistant have studied it, you do formulate an opinion?

A That's right.

Q And how many copies do you make of that opinion?

A Well, we make ten.

Q And what becomes of those ten copies?

A Well, we keep two in our office and we circulate the other eight to each one of the other Judges, together with the briefs in the case.

Q So the other Justice to whom the matter is sent has a copy of your opinion and he has a set of each of the briefs in the case?

A That's right.

Q He doesn't have the case made, because there are not enough copies to go around?

A No, there's only one case made.

Q And how long does he have that in his office before the matter is to be presented to the conference?

A Well, we circulate opinions on Wednesdays, and then they are taken up in conference; a regular docket is set just like a regular court docket, and the opinion is presented by the Judge who has it on his assignment on the following week from Friday. That's a ten day period there.

Q So this opinion and a copy of the briefs from all sides is in the office of each Judge of the Court at least a full ten days before the matter is to be taken up in conference?

A Yes, sir.

Q During that period of time, if any Justice wants to see the case made itself where is it available?

A Well, he goes to the Justice who has it on his assignment.

Q And then the matter is discussed in conference as you have detailed here this morning before a vote is taken on the matter?

A Yes, sir.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may examine, Mr. Connor, for the Board of Managers.

REPRESENTATIVE CONNOR: Thank you, sir.

RECROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, in line with this, after the opinion is circulated, I take it then you review the opinion and maybe look at the brief or page through it or something, and determine -- or take a preliminary stand on your views in the case; is that correct, sir?

A Yes, sir.

Q And then it is discussed in conference?

A Yes, sir.

Q Is this more or less a debate or question and answer on the merits of the case in the opinion?

A You mean in the conference?

Q Yes, sir.

A Yes, sir. Sometimes we have very little discussion and other times we have a great deal of discussion.

Q Well, let me ask you this, sir: Would it be unusual, say, if an opinion was circulated to you on Wednesday and you read it Thursday, and there was something in there that you just did not in any way agree with or understand what the author was trying to get across, would it be unusual for you to go to that Justice's office and discuss this point with him prior to the conference?

A Well, sometimes we do and sometimes we don't. We get so tied up with our work, our own affairs, that sometimes we just don't have time to do it.

Q But this is not out of the ordinary that this happens?

A No, no, not many times happens.

Q I would take it on occasions when you have circulated an opinion, some Justice might come to you and say, "Judge Davison, what are you trying to get across here? What do you mean?" Am I correct in this?

A Yes, but that's not very -- not too often.

Q All right, sir. And then at the conference you take a vote?

A Yes, sir.

Q And everyone must take some stand, either concurring, dissenting, or passing; is that correct?

A Well, that's about 98 percent true, I would say. Sometimes a Justice might have some friend that is involved in the litigation and he would rather not vote and he would ask to be excused from voting.

Q So one of four things would happen. You would either vote, pass, or just say "I would rather not participate in this decision"?

A That's right.

Q Do you have to give any reason for passing?

A Well, the only reason you give for not voting at the time is that you sometimes, a Justice will raise a question maybe you haven't thought about and you wanted to check into that some, so you would pass, or then, under our rules we have when a judge passes he is supposed to vote within two weeks on that pass. Sometimes they don't do it, but that's our rule.

Q What happens, sir, when you have -- What happens to the case on your calendar when there is a passed vote?

A Well, it just stays -- it goes in what we call the back list.

Q The back list?

A Yes.

Q Now, where this has happened, again,

it is not unusual is it, Judge, that someone would go, after the case has gone to the back list, say a Justice passes, either that Justice might come to the author of the opinion or vice versa and discuss the merits of the opinion?

A Yes, sir, that happens at times; not a great many times, but we try to make up our own mind.

Q Yes, sir. Then, I would direct your attention, sir, to Board of Managers' Exhibit No. 5. I can probably tell you this without you having to look it up, but on October 20, 1958, it is reflected that you passed when Judge Johnson presented the opinion on the merits reversing and remanding the lower court decision with directions. Do you recall, sir, why you passed at that time? This is on The Oklahoma vs. O'Neil case.

A No. But, I don't recall, but my thought would be that I wanted to check it further.

Q All right, sir. On that case would it be out of the ordinary or unusual that you might discuss it with Justice Johnson or Justice Johnson might discuss it with you?

A Well, I say ordinarily we wouldn't discuss it. I would usually make up my own mind what I think it was. Occasionally we discuss it, but I'd say not too many times.

Q All right, sir, do you recall --

A I think maybe some of the Justices discuss cases with other Justices more than perhaps I do.

Q All right, sir. And also reading from Board of Managers' Exhibit No. 5, it shows on November 7th, you changed your opinion. You changed your vote from pass to a vote of concur. Now did you state that you do not recall the exact reasons that you had for passing at the first instance and then concurring?

A No, I don't remember the exact reasons.

Q All right, sir. I believe you stated some of the principles of law involved in the Oklahoma Company Case vs. O'Neil,

to refresh your recollection sir, was not the prime point of law that of fraud and covering the syllabuses of the opinion dealt primarily with fraud?

A As I recall that is correct.

Q Now, Judge, in the Selected Case, Justice Halley and Justice Jackson passed, you concurred on the first vote; am I correct in assuming from that that in all probability in your review prior to the conference you had decided that Justice Welch's opinion stated the law correctly?

A Yes, sir.

Q Do you recall your review of this case prior to going into conference?

A No, I don't recall it other than the case wasn't unusual to me. It was, I considered, just sort of another run of the mill lawsuit.

Q All right, sir, and was there anything either in the Selected Case or the Oklahoma Case that you would consider unusual? Let's ask one question at a time. There was nothing unusual in the Selected Case at all, unusual from what you would call your run of the mill appeals?

A Not that I could think of. We have quite a few appeals from the Tax Commission.

Q Directing your attention to the Oklahoma Company vs. Eugene O'Neil, was there anything in that case that was unusual or different from the ordinary run of appeals.

A Well, to me it was a closer case.

Q Do you recall anything out of the ordinary or anything unusual about this particular case other than the principles of law involved?

A Well, I remember something about the facts of it.

Q Well, I mean other than the facts or outside of the opinion itself, or the facts, and the law, was there anything unusual about that case that at the time struck you or caused you to remember anything about it?

A Do you mean about the facts or ---

Q No, sir.

A The law of it or --

Q Other than those things?

A No.

Q In other words, am I correct, Judge, in saying that except for unique law or the unique facts, this also was an ordinary case as far as the Supreme Court of the State of Oklahoma is concerned?

A Yes, sir.

Q As far as you know.

A Yes.

Q Judge, how many cases would you guess with me have come through the Supreme Court since the time you have been on the Court?

A I would have to check that. We handle probably approximately 400 cases a year, so in twenty-eight years why that --

Q About 15 to 16 thousand, is that what you would say, sir?

A Yes.

Q Then, sir, you answered, I believe, in direct examination or either in questioning of the Court, I have forgotten which, to Mr. Bingaman's question concerning whether or not Judge Johnson discussed this case with you. Are you positive that you never discussed this case with Judge Johnson under these circumstances as I have outlined them here?

A I don't recall that I ever did.

Q Would it be unusual if possibly you and Judge Johnson had discussed this case after you passed in attempting to satisfy yourself as to the merits of the case?

A Well, I would say it would be more unusual than it would be usual.

Q Is it possible? Is it possible that you did discuss it?

A Oh, it's possible. I just don't recall it.

Q All right, sir. Judge, again referring to Board of Managers' Exhibit No. 5, where according to the exhibit it said the opinion was adopted on December 1st,

1958, we find going on down, sir, that a petition for rehearing was filed on December 22nd. You returned it with the recommendation that it be denied. Do you recall this, sir?

A You mean it showed on a rehearing?

Q Yes, sir.

A No, I don't recall it.

Q All right, sir, and then on January --

A I say it could be, I don't recall.

Q All right, sir, and then on January 5, 1959, some 13 days later, apparently an application to file a second petition for rehearing was filed with the recommendation it be denied. Judge Corn presented it. Now, did you, sir, in this case at any time notice or suspect any haste to have the decision reached prior to the time that either Judge Corn or Judge Carlile left the Court?

A No, sir, I don't recall.

Q Is this what you would call prompt or speedy justice through these steps or is this again --- would this be normal, usual, or unusual?

A Well, I would say that's a little quicker than ordinary.

Q All right, sir. I believe, Judge, if I am quoting you correctly, you stated that prior to the time that Judge Corn made his statement in Springfield, Missouri, at the Federal Hospital or Federal Penitentiary, that you had no reason to believe or had no indication that possibly either Supreme Court Justices had taken money or had it offered to them. Did I understand that?

A Yes. As far as them taking any money I never knew anything about it.

Q Now, Judge, have you ever heard of any Justice being offered any money and refusing it? I am referring specifically to the Meadors Will Case, which has been mentioned.

A No, sir.

Q And I would ask you, sir, whether or not Justice Williams appeared in open con-

ference or in full conference and informed the Court that he had had a contact made of him trying to offer some \$25,000 for a favorable decision?

A Yes, I recall that.

MR. BINGAMAN: If the Court please, I believe we are getting far afield on cross-examination as to the issues involved. For that reason we object to it.

PRESIDING OFFICER SENATOR GRANTHAM: This is cross-examination, but the last question is objectionable on the grounds of hearsay and will be sustained on that basis.

Q (By REPRESENTATIVE CONNOR) Justice Davison, referring to the conference that I was speaking of, did you hear Justice Williams make a statement concerning some money?

A Yes, sir.

Q Were you present?

A Yes, sir.

Q Who else was present, sir?

A Oh, Judge Blackbird was there, and Halley, I'm not sure about the others, but, I remember they were there, because they tried to find out who it was.

Q All right, sir.

A And Judge Williams didn't -- he refused to give any names, we just kind of -- I don't know, just kind of brushed it off and --

Mr. GREEN: If the Court please, we object to this testimony as being outside the purview of direct examination of this witness.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection would be well taken, but for the fact that they are questions by the Court, I believe it's under the scope of these questions that were put by the Court, and that is the reason that this examination is being continued.

Continue.

Q (By REPRESENTATIVE CONNOR) Then, you do recall Justice Williams bringing this before the conference, is that correct, sir?

A Yes.

Q And in line with Senator Pope's question as to what action would be taken, I take it no action was taken on this particular matter?

A No, sir.

Q And was it again brought up before a conference, sir, shortly after Judge Corn made his statement; do you recall?

A Well, I believe it came up in conference another time, I don't recall just when, but, the same thing happened. He failed to disclose who it was, so the same thing happened.

Q It was not reported either to the Bar Association nor to any other investigating media?

A As far as I know, it was not.

Q And you were not Chief Justice at that time, is that also correct, sir?

A Yes, that's correct.

Q Judge, I believe you stated again in answer to a question of Mr. Bingaman's, that you have had no reason to believe that Judge Johnson has taken anything for any of his actions on the Court.

MR. BINGAMAN: If the Court please, I question the accuracy of the question; I asked no such question.

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read the question back, please.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: I don't recall that question, Mr. Bingaman, and I will sustain that.

REPRESENTATIVE CONNOR: I have a note, if Your Honor please, that it could have been a question by the Court, something to the effect, have you at any time had any question as to the honesty of Justice Johnson. I might have been dreaming when I wrote it down here.

MR. BINGAMAN: We put him on as a character witness only, and I asked him questions if he was not one of the con-

curring Justices in these two opinions, and he said he was, and I asked him if he thought that they were good law then and good law now.

REPRESENTATIVE CONNOR: I am informed that it was a question by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: I believe there was a question by the Court in that respect, and for that reason, this will be allowed.

The objection is overruled.

Q (By REPRESENTATIVE CONNOR) Now, this was your answer, as I recall your answer was to the effect that you have never had reason to have any question as to the honesty or integrity of Judge Johnson?

A That's right, I never have been accused of questioning Judge Johnson's integrity.

MR. GREEN: If the Court please, we will think this is not in purview of the direct examination. We realize that these questions were asked by the members of the Court, that is true, but, I think if you hold as you are, it means that we are bound to respond to the questions asked by the Court, and I realize, and I think the Presiding Judge realizes that in many instances there are questions asked by the Court that would be incompetent questions to ask for either of the parties to the action, and when you ask incompetent questions, it opens up avenues for other things, and I think that this accused should not be required or they should not be permitted to go into other avenues which were not developed by the accused himself, and it is a position that is an embarrassing position of putting the accused in, because we certainly can't object to questions asked by the Court, and we can't permit either side to go into extraneous matters other than asked by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Let me call your attention that this witness was examined as the

witness of the accused, he was then cross-examined by the Board of Managers, and following that there were a large number of questions asked by the Court, and in reply, you have a chance to except to any question asked by the Court. It's the feeling of the Court that you have that right, although it is realized that both parties might be hesitant to do it; because of that hesitancy, the Presiding Officer has excluded some questions that have been asked by the Court. Then, following the questioning by the Court, the accused was given the right and exercised that right to continue to examine this witness on the questions which were propounded by the Court, and when you had finished that examination, then the Board of Managers began the examination covering those questions which had been propounded by the Court, and for that reason I believe that this field should be explored within the limits of evidence, which is admissible, and I do not believe that those limits have been exceeded to this point. However, I must say that they have approached that point.

You will proceed.

REPRESENTATIVE CONNOR: Thank you, sir.

I think we covered your statement well enough, my question that I am leading up to is, at any time prior to the time that Judge Corn made his statement, or at the time that he pled nolo contendere in Federal Court, had you at any time prior to either one of these times had any reason to suspect the honesty or integrity of Judge Corn.

MR. BINGAMAN: The accused objects as repetitious.

PRESIDING OFFICER SENATOR GRANTHAM: The Court was distracted here, and I would like the question read back.

(Whereupon, the question last above set out was read by the reporter.)

A Well, no.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

MR. BINGAMAN: I think he has answered it on two occasions.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that he inquired in that field with reference to the accused, and not with reference to Judge Corn, and had that not been overruled by the Court, I would sustain your objection, but, proceed.

REPRESENTATIVE CONNOR: Would you answer the question, please, Judge.

A Yes. I can't recall any time when I had any suspicion of Judge Corn accepting any bribe.

Q (By REPRESENTATIVE CONNOR) All right, sir. Now, you testified, I believe, sir, that you would not consider any action of a Judge in reaching a decision improper; rather, you would say it would be incorrect. Do you recall that question being put to you?

A Yes.

Q I would ask you if --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, I don't think that was the question. The question is whether the Trial Judge's actions were proper, not just any judge.

REPRESENTATIVE CONNOR: Well, I am sorry, what was your answer to that question; did you not expand it to any judge, sir?

A The question was asked about the Trial Judge, and in the Selected Investment Company case, and I answered that the judgment wasn't improper, I thought it was incorrect. Any judge is liable to make a mistake.

Q All right, sir. I think, sir,--

REPRESENTATIVE CONNOR: If Your Honor please, if I might make an inquiry of the Court. I was under the impression and again have on my notes that the Justice enlarged as to whether they are incorrect or not, but made the comment as

to impropriety he did not even consider. I think his statement was broad on that.

PRESIDING OFFICER SENATOR GRANTHAM: He asked the question about whether it was improper of the Trial Judge in making the ruling he did in the lower court, and his answer was just as he repeated it. I will not block your right to inquire into that, but that question is incorrect, in the opinion of the Judge, in the way you framed it.

REPRESENTATIVE CONNOR: I will defer to the memory of the Court and I would have no further questions of Mr. Davison at this time.

MR. BINGAMAN: Would the Court indulge me? I overlooked into inquiring as to the procedure of the Supreme Court where there are questions of oral argument. I would like to explore that.

PRESIDING OFFICER SENATOR GRANTHAM: You may question the witness.

REDIRECT EXAMINATION

By MR. BINGAMAN

Q Judge Davison, when a case comes up for oral argument in the Court...Let me ask you first: Does the Supreme Court of Oklahoma grant oral argument as a matter of right in a case?

A No, sir.

Q It is only on application or by the Court's own order?

A Well, either on application of one of the parties to the lawsuit or many times, oh, Constitutional questions come up or cases of great importance, and new questions, and the Court will ask for oral argument on its own motion.

Q If the parties ask for it, that goes around with the case made and the rest of the record to the Judge to whom the case is assigned?

A Yes, sir.

Q If the Judge, then, to whom it is assigned, feels that oral argument should be granted, he presents that to the conference?

A Yes, sir.

Q And then what happens in the conference?

A Well, nearly every time the Court will grant oral argument if a Judge asks for it, but occasionally we might think the case was so simple that we don't care to have oral argument on it.

Q Assuming that oral argument is granted, then what happens to it?

A It's set down for oral argument.

Q All the parties are notified?

A Oh, yes.

Q And as many members of the Court as are in attendance are there for the oral argument?

A That's right.

Q And the case is argued at length by the lawyers on each side?

A Well, ordinarily not at length. Some of..

Q About an hour on each side, or thirty minutes, whatever you allow?

A The ordinary time is thirty minutes on a side, unless it's extended by the Court on its..

Q And then at the conclusion of the oral argument, what does the Court usually do then with reference to a question of conference?

A Well, we have a short conference immediately after the oral argument.

Q And at that short conference, what do you consider?

A Well, the person who has it on his assignment lists first what he thinks about the case, how it should be decided, and then we take a little round-table discussion as to how we think the case should be decided, and..

Q If as many as five disagree with the man who has the case on his assignment, what happens?

A Well, take it off the assignment and put it on one of the five who disagree with him.

Q So at the preliminary conference it

is assumed that as many as five would go along with the views of the man who has it, or it would be taken off of his conference?

A Yes.

Q Off of his assignment, I mean?

A Yes.

Q And then the opinion is written at a subsequent date?

A Yes, sir, that's right.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, before you proceed. Word was sent that Judge Halley needs to go to Tulsa, and the question is whether or not he may be excused. May he be excused?

MR. BINGAMAN: As far as the accused is concerned, he may.

PRESIDING OFFICER SENATOR GRANTHAM: So far as the Board of Managers is concerned he may, so Judge Halley will be excused. I trust he will be back Monday to be available, if need be.

REPRESENTATIVE CONNOR: Yes, we would like him here Monday, but not until.

MR. BINGAMAN: I assume so; normally his duties .. he would be back here anyway.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. So inform Judge Halley that he may be excused until Monday.

Proceed.

RE-CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, just very briefly, I notice here on the Oklahoma Company vs. Eugene O'Neil, it says "Johnson recommends oral argument be granted", and a minute is made of this showing the vote on this particular thing; on this particular one, you were absent, but where the oral argument would not be granted, would any minute be made on this?

A I don't think so.

Q So the only time a minute would be made, as far as the Court records are concerned, is where oral argument was granted and was allowed and set at a time certain?

A Yes, sir.

REPRESENTATIVE CONNOR: Thank you.

MR. BINGAMAN: That's all. This witness may be excused, as far as we are concerned.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, there is a question by the Court. This question is by Senator Berrong: Do you have personal knowledge or have you heard that one or more members of the Court has or may have paid equally to the State or Federal government under statutes involving fraud -- No, wait a minute, pardon me. I will re-read that. Do you have personal knowledge or have you heard that one or more members of the Court has or may have paid a penalty to the State or Federal Government under statutes involving fraud?

MR. BINGAMAN: If the Court please, I believe anything of that sort would be hearsay. I don't know of its connection with the proceedings here, I hesitate to object, and it's the first time we have to any questions.

PRESIDING OFFICER SENATOR GRANTHAM: Let me ask you, do you object or not?

MR. BINGAMAN: We do object, yes.

PRESIDING OFFICER SENATOR GRANTHAM: It is sustained. The next question by Senator Berrong: And, if so, what member? I would say your objection is well taken; sustained.

Another question by Senator Berrong: Were you aware that an unfavorable decision on the Selected Investment Company case would have placed this company into receivership?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Now, does the accused care to inquire of the witness further after that?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers?

REPRESENTATIVE CONNOR: We have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down.

MR. BINGAMAN: May this witness be excused, if the Court please?

PRESIDING OFFICER SENATOR GRANTHAM: May this witness be excused?

REPRESENTATIVE CONNOR: Yes, he may.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Murphy is recognized.

SENATOR MURPHY: If it please the Court, may I have the date of the Meadors Will case, when it was decided. It doesn't show in this, in the synopsis here, I mean the date.

PRESIDING OFFICER SENATOR GRANTHAM: The date that the Meadors will case was decided. I don't believe that is in evidence.

SENATOR MURPHY: If it please the Court, we have been talking about it on cross-examination.

PRESIDING OFFICER SENATOR GRANTHAM: I know, but it hasn't been introduced in evidence nor sought to be.

All right, call your next witness.

MR. GREEN: Amos Ward.

PRESIDING OFFICER SENATOR GRANTHAM: Amos Ward is called.

PRESIDING OFFICER SENATOR GRANTHAM: Be sworn, Mr. Ward.

AMOS WARD,
called to the witness stand on behalf of

the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q State your name, please, sir.

A Amos Ward.

Q Where do you live, Mr. Ward?

A Claremore, Oklahoma.

Q How long have you lived at Claremore, Oklahoma?

A In Rogers County all my life.

Q Do you hold an office there of any kind?

A Yes, sir.

Q What is it?

A Sheriff, Rogers County.

Q How long have you been Sheriff of Rogers County?

A Since January, 1949.

Q That is the same year Judge Johnson became a member of the Supreme Court, is it not?

A Yes, I remember we hit the campaign trails together.

Q You did?

A Yes.

Q Are you acquainted with N. B. Johnson?

A Yes.

Q How long have you been acquainted with him?

A I'd say about 30 years.

Q Do you know his reputation in that area of being a truthful, honest, law-abiding citizen?

A Yes, sir.

Q Is it good or bad?

A It's good.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

REPRESENTATIVE CONNOR: We have no questions.

MR. GREEN: May this witness be excused, please?

PRESIDING OFFICER SENATOR GRANTHAM: May this witness be excused?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may be excused.

JOHN Q. ADAMS,

called to the witness stand on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q State your name, please, sir.

A John Q. Adams.

Q Where do you live?

A Vinita, Oklahoma.

Q What is your profession?

A Lawyer, sir.

Q Do you hold any office at this time?

A Yes, sir, District Judge, Twelfth Judicial District.

Q What counties does that cover?

A Craig, Mayes and Rogers Counties, sir.

Q Is that the county in which Rogers County..Claremore is located?

A Yes, sir, it is.

Q Are you acquainted with N. B. Johnson?

A Yes, sir.

Q How long have you been District Judge?

A Seven years, sir.

Q Did you hold any office prior to that time?

A Yes, sir, I was County Attorney at Craig County.

Q Craig County?

A Yes, sir.

Q What is the county seat?

A Vinita, Oklahoma, sir.

Q Did you hold any other office?

A No, sir.

Q Did you ever live at Claremore?

A No, sir.

Q How long did you say you had known N. B. Johnson?

A Ever since I can remember, more than 30 years.

Q Are you acquainted with his reputation in that area?

A Yes, sir.

Q Eastern Oklahoma, of being a truthful, honest and law-abiding citizen?

A Yes, sir.

Q Is that reputation good or bad?

A Good.

MR. GREEN: That's all.

REPRESENTATIVE CONNOR: I have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

REPRESENTATIVE CONNOR: I have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down.

MR. GREEN: At this time, if the Court please, the hour is about 25 minutes of 3:00. We have other witnesses who are not able to be here on notice we had. We ask for a recess at this time until Monday morning.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire how long you figure that your witnesses will take.

MR. GREEN: We can finish easily Monday.

PRESIDING OFFICER SENATOR GRANTHAM: Would you estimate about what time you would be through on Monday?

MR. GREEN: We'll be through by noon.

PRESIDING OFFICER SENATOR GRANTHAM: You'll be through by noon?

MR. GREEN: Yes, sir, I believe we will.

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire of the Board of Managers. Can you estimate how much time you will need on rebuttal?

REPRESENTATIVE CONNOR: I do not know of any way that we could give you an intelligent estimate. I do not know what Judge Johnson will testify to. We might have rebuttal, I do not know the other witnesses, I have not looked to see which witnesses they subpoenaed that have not arrived.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire how many witnesses you will have?

MR. GREEN: Nine.

PRESIDING OFFICER SENATOR GRANTHAM: Nine more witnesses.

MR. GREEN: I said we will be through by noon; I did not include the cross-examination, because I have no idea about that.

PRESIDING OFFICER SENATOR GRANTHAM: Sure. Well, I think that in all fairness to the accused, you should put the witnesses on in the order you want to put them on, and, of course, we would like to have been able to have proceeded a little later in the day, but with no objection by any member of the Court, the Court will stand adjourned until 9:00 o'clock Monday morning, at which time we will resume this trial. That will be May 10 at 9:00 o'clock.

(Whereupon, Court was adjourned until 9:00 o'clock A.M. Monday, May 10, 1965.)

Monday, May 10, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature is now in session.

Let the record show that the Board of Managers is present and that the accused, with his attorneys, is present.

The Clerk will call the roll. Will all members of the Court please take your seats. All members of the Court please take your seats.

(Whereupon, the roll was called by the Clerk, the following members being present: Atkinson, Baldwin, Bartlett, Dacus, Field, Grantham, Graves, Ham, Holden, Howard, Keels, Luton, Massad, Massey, Miller, Muldrow, Rhoades, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams.)

PRESIDING OFFICER SENATOR GRANTHAM: Are there any members of the Court who have not answered the roll?

Senator Garrison is present; Senator Findeiss is present; Senator Martin is present; Senator Baggett is present; Senator McClendon is present; Senator Gee is present; Senator Boecher is present; Senator Birdsong is present; Senator Rogers is present; Senator Berry is present; Senator Hamilton is present. All of the members of the Court please take your seats.

Senator Payne is present. Any other members of the Court who have not answered the roll?

Senator Garrett is present.

Gentlemen of the Court, at this time we will have the opening prayer by Dr. J. M. Gaskin, Pastor of the First Baptist Church of Durant, Oklahoma.

Will members of the Court and all members present please stand.

(Whereupon, the invocation was given by Dr. J. M. Gaskin.)

PRESIDING OFFICER SENATOR GRANTHAM: Will the Clerk advise the Court as to the members absent?

Senator Porter is present; Senator Bradley is present; Senator Horn is present; Senator Pope is present.

COURT CLERK: Absent: Berrong, Cowden, McSpadden, Murphy, Nichols, Young.

PRESIDING OFFICER SENATOR GRANTHAM: Senator McSpadden is present.

Would the members of the Court please advise the entire Court when any absent member comes in?

Senator Nichols is now present, let the record show.

The accused will call their next witness.

MR. GREEN: Joe Curtis.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Joe Curtis is called.

The Court will stand at ease until we get the witness.

Mr. Curtis will be sworn by the Clerk.

Just a moment. Members of the Court please find...take your seats. All members of the Court please take your seats.

Senator Berrong is present, let the record show.

(Whereupon, the witness was sworn by the Court Clerk.)

JOE W. CURTIS,

called as a witness on behalf of the ac-

cused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Would you state your name, please?

A Joe W. Curtis.

Q Mr. Curtis, where do you live?

A Pauls Valley.

Q How long have you lived at Pauls Valley?

A Since April, '43.

Q How long have you lived in the state of Oklahoma?

A All of my life. I will be sixty-seven in July.

Q Mr. Curtis, did you ever live over in the eastern part of Oklahoma?

A I was born and reared at Sallisaw, Mr. Green.

Q Any other county in the eastern part of the state where you lived?

A Well, I have relatives in a number of counties over there, particularly Adair and Rogers Counties.

Q What is your business, Mr. Curtis?

A I practice a little law.

Q Do you have any other business?

A Well, I'm connected with one of the banks in Pauls Valley.

Q In what capacity?

A I'm president of the First National Bank at Pauls Valley and have been since, oh, '47 or '48.

Q Are you acquainted with N. B. Johnson?

A I am.

Q How long have you known him?

A Well, I don't know when I first met Judge Johnson. I'd say I've known him fifteen or twenty years, possibly longer. I have known of him longer than that.

Q Are you related to him in any way?

A I am not.

Q Are you acquainted with the reputation of Judge Johnson in the area where

you live and in the eastern part of this state as being a truthful, honest and law-abiding citizen?

A I am.

Q Is that reputation good, or bad?

A It is good.

MR. GREEN: That's all.

REPRESENTATIVE CONNOR: We have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers has no cross-examination. The witness may step down.

MR. GREEN: May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objections to the witness being excused?

The witness will be excused.

Call your next witness.

MR. GREEN: Keith Smith.

PRESIDING OFFICER SENATOR GRANTHAM: Will you be sworn by the Clerk, Mr. Smith.

KEITH SMITH,

called as a witness by the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Would you state your name, please.

A Keith Smith.

Q Mr. Smith, where do you live?

A Jay, Oklahoma.

Q How long have you lived in Jay, Oklahoma?

A I have lived in the town of Jay 36 years.

Q I believe Jay is in Delaware County?

A Yes.

Q How long have you lived in the State of Oklahoma?

A I was born in Delaware County and I am 57 years old.

Q What is your business or profession, Mr. Smith?

A A lawyer, and I am interested in banking.

Q In your lawyer practice, do you specialize in any particular courts?

A No, sir. I have done more federal practice, I would say, in recent years, but, no specialty.

Q Do you have any cases before the Supreme Court of Oklahoma at this time?

A No, sir.

Q You say you are in the banking business; to what extent?

A I have banking interests in Delaware County.

Q What bank?

A Delaware County Bank.

Q Where is it located?

A Jay, Oklahoma.

Q What is your official connection with that bank?

A Director and Attorney.

Q All right. What other banks?

A Bank of Grove.

Q What county is that?

A Mayes County.

Q What is your official connection with that bank?

A President.

Q Any other bank?

A The City National Bank of Tulsa, Oklahoma.

Q What is your connection with that bank?

A President.

Q Any other bank?

A The Guaranty National Bank of Tulsa, Oklahoma.

Q What is your connection with that bank?

A President.

Q Any other bank?

A The First National Bank of Tahlequah, Oklahoma.

Q What is your connection with that bank?

A President.

Q Any other bank?

A The First National Bank of Sallisaw, Oklahoma.

Q What is your official connection with that bank?

A Chairman of the Board.

Q Do you know N. B. Johnson?

A Yes, sir.

Q How long have you known him?

A Ever since 1935.

Q Where was Mr. Johnson living at that time?

A In Claremore.

Q Did he hold any official position there at that time?

A Yes, he had just, as I recall, recently gone on the District Bench for Rogers and Craig and Mayes County.

Q Are you related to Judge Johnson in any way?

A I am not.

Q Are you acquainted with the reputation of N. B. Johnson in that area --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let the record show that Senator Young is present.

Q (By MR. GREEN) Are you acquainted with the reputation of N. B. Johnson in that area of being a truthful, honest and law-abiding citizen?

A Yes, sir.

Q Is that reputation good or bad?

A It is good.

MR. GREEN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers, any cross examination?

REPRESENTATIVE CONNOR: We have no questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down.

MR. GREEN: May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

MR. GREEN: Raymond Bassman.

PRESIDING OFFICER SENATOR GRANTHAM: Raymond Bassman is called as the next witness.

RAYMOND BASSMAN,

called as a witness on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Would you state your name, please, sir?

A Raymond Bassman.

Q Mr. Bassman, where do you live?

A Claremore, Oklahoma.

Q How long have you lived in Claremore?

A All my life.

Q What is your profession or business?

A I am an attorney.

Q Where do you practice?

A In Claremore.

Q Do you know N. B. Johnson?

A I do.

Q First, do you have any cases pending before the Supreme Court of the State of Oklahoma at this time?

A I believe not.

Q How long have you known Judge Johnson?

A About 40 years.

Q Are you acquainted with his reputation in that area as being a truthful, honest and law abiding citizen?

A I am.

Q Is it good or bad?

A It's good.

MR. GREEN: Take the witness.

REPRESENTATIVE CONNOR: No questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may be excused.

MR. GREEN: Jack Gordon.

JACK E. GORDON,

called as a witness on behalf of the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q State your name, please, sir.

A Jack E. Gordon.

Q Mr. Gordon, where do you live?

A Claremore, Oklahoma.

Q How long have you lived in Claremore, Oklahoma?

A 48 years.

Q Is that your age?

A Yes, sir.

Q What is your profession?

A I am a lawyer.

Q Do you practice in Claremore?

A Yes, sir, I do.

Q How long have you practiced there?

A Since 1940.

Q Are you acquainted with N. B. Johnson?

A I am, sir.

Q Are you related to him in any way?

A No, sir, I am not.

Q Are you acquainted with his reputation in that area for being an honest, truthful and law abiding citizen?

A Yes, sir.

Q Is it good or bad?

A It's good.

MR. GREEN: Take the witness.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers may cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q My only question is: I am sorry, sir, I did not get your last name.

A Jack Gordon, G-o-r-d-o-n.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any further questions?

MR. GREEN: No other questions. May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: May this witness be excused, Board of Managers? The witness may step down and he is excused.

MR. GREEN: Dennis Bushyhead.

PRESIDING OFFICER SENATOR GRANTHAM: The Court is advised that Mr. Bushyhead is not here.

MR. GREEN: Wynona Hogue.

PRESIDING OFFICER SENATOR GRANTHAM: Wynona Hogue is the next witness.

MR. GREEN: If the Court please, they are coming in this morning. They may be just a little late.

Floyd Rheam.

PRESIDING OFFICER SENATOR GRANTHAM: Floyd Rheam is called. You will be sworn, Mr. Rheam. Face the Clerk.

(Whereupon, the witness was sworn by the Court Clerk.)

FLOYD RHEAM,

called as a witness on behalf of the accused, after being first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Would you state your name, please, to the Court.

A Floyd Rheam.

Q Where do you live, Mr. Rheam?

A Tulsa, Oklahoma.

Q What is your business or occupation?

A I am an attorney.

Q How long have you been practicing law in the State of Oklahoma?

A Since 1929.

Q Has all of that time been in Tulsa?

A That is correct.

Q The Bar of this state is organized into a unit. Do you have any official connection with the organized Bar Association of the State of Oklahoma?

A Yes, sir. I am in the House of Delegates of the Oklahoma Bar and also on the Executive Council of the Oklahoma Bar.

Q How long have you been a member of the Executive Council and of the House of Delegates of the State of Oklahoma Bar?

A I am serving my eighteenth year as a member of the Executive Council.

Q Some of the members of the council are elected by the lawyers and some are appointed. Would you tell us, please, in which capacity you are serving?

A I am elected, sir.

Q By the lawyers of the state?

A Right. There are three members in addition to the officers that are elected. I am one of the three that's elected.

Q Do you remember the occasion of last July of having some matters in connection with the Bar Association and the Supreme Court of the State of Oklahoma come to your attention?

A Yes, sir, on July the 3rd, I read in the newspaper where Chief Justice Blackbird and Judge -- rather Governor Bellmon had said that the Oklahoma Bar Association should investigate the Supreme Court as a result of Potter's statement to the Court.

Q And where were you at the time that the newspaper article came to your notice?

A I was on the way from a judicial conference in Santa Fe and I spent the night in Amarillo and got up and read in The Oklahoman the next morning. I came to Tulsa and I arranged for the meeting of the Executive Council which met on July 7th, the Tuesday following.

Q What action did you take, please, to arrange for the meeting? Did you have authority yourself to call it?

A I did not. I called Jimmy Fellers who was the president of the Oklahoma Bar. He had left the judicial conference in Santa Fe and had gone to -- had gone to Houston to attend the Texas Bar. I got him about 11 o'clock Thursday night and... I mean Friday night, July 3rd, and I told him what had happened.

REPRESENTATIVE CONNOR: If Your Honor please, I believe we are getting quite far afield here. I can't see that this is relevant to the proceedings here as to why and what manner and who he talked to.

PRESIDING OFFICER SENATOR GRANTHAM: For the moment I am going to overrule the objection with the understanding that he will connect this up.

MR. BINGAMAN: It's connected directly with the resignation and conversation with Judge Corn.

REPRESENTATIVE CONNOR: We have no objection to the facts, but as to who he talked to setting up a meeting I can't see where that has anything..

PRESIDING OFFICER SENATOR GRANTHAM: As I said before, Mr. Connor, I trust this will be linked up. At the moment it is not and it must be, otherwise it will be stricken.

Q (By MR. BINGAMAN) Pursuant to your arrangement with the president of the Bar, did you do anything toward calling a Bar meeting of the Executive Council?

A Yes, sir. I came over here to Oklahoma City to the Bar Center headquarters on July 4th and Wilson McCully, one of the investigators for the Bar Association, and I called the meeting for Tuesday night, July 7th at 7:30.

Q Now, was this meeting held pursuant to that call?

A Yes, it was.

Q And how many members of the council were present?

A Let me say there was a meeting of the council at 4 o'clock in the afternoon. I called Judge Blackbird, Chief Justice at that time, on Monday morning and suggested that it might be well if certain members of the Court and certain members of the Executive Council met at 4 o'clock to discuss what could be done, and we had a meeting at 4 o'clock that lasted until 6:15 with eight members of the Court, including Judge Johnson, and fourteen members of the seventeen-member Executive Council.

REPRESENTATIVE CONNOR: If the Court please, I would like to interpose an objection. I don't think that going through this blow by blow has anything to do with the issues whatsoever.

PRESIDING OFFICER SENATOR GRANTHAM: He is going to lead up to it, and I suggest you move along; for the moment the objection is overruled.

Q (By MR. BINGAMAN) At this meeting, what occurred with reference to anything in regard to the investigation of the Court and its members?

A We discussed Judge Corn's plea of nolo contendere ..

REPRESENTATIVE CONNOR: If Your Honor please, again I hate to push this, but, what a Bar committee did, their conversations they had concerning anything, can have no bearing whatsoever on this Court. The Court will determine the eventual facts, what happened and what .. if they took some official action, if they heard some testimony from someone, fine, that would be material, but as to any action that this Bar committee took, this is not binding on this Court, nor proper argument before this Court.

MR. BINGAMAN: If Your Honor will listen to me just a minute, I'm not offering it for that purpose.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we will trust that you

are leading up here to the testimony that is relevant.

MR. BINGAMAN: Correct.

PRESIDING OFFICER SENATOR GRANTHAM: And we will bear with you.

For the moment the objection is overruled.

Q (By MR. BINGAMAN) What action occurred there that Judge Johnson participated in particularly?

A We discussed appointment of the investigating committee which did make the investigation, which we understand was very cooperative with the legislative committee, and we talked about whether we would file disbarment proceedings against Judge Corn or against -- or what action we should take. There was a consensus of opinion there, I think, the Court and the Executive Council, it would be better for Judge Corn to resign and to save us the expense and trouble of disbarment --

Q Just a moment, if you will, you say it was the consensus of that meeting that an investigation should take place. What action did Judge Johnson take at this time, either to oppose or acquiesce in that?

REPRESENTATIVE CONNOR: If Your Honor please, I object to this testimony. It has no material bearing on the facts or issues in this matter.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A Judge Johnson urged, as did all the Judges, the investigation. It was suggested by some members of the Executive Council that such a committee, such an investigation would be labeled a "white wash committee" because of the Chambers case, which held that judges were not lawyers and therefore --

REPRESENTATIVE SHERMAN: We object to that.

PRESIDING OFFICER SENATOR GRANTHAM: The objection is sustained to the Chambers case.

Q (By MR. BINGAMAN) What action,

if any, was taken by Judge Johnson, in particular with reference to waiving his right to be investigated by the Bar?

A Judge Johnson voluntarily said he would waive any immunity that he might have under the Chambers case, as did the other judges.

Q Now, between the time of your meeting, the meeting that was held that afternoon, adjourned, and the time that the committee was to meet again, about 7:00 that evening, did you have any conversation or meet with Judge Corn?

A Yes, about 7:20 I was called out of the dining room at the Trade Winds Motel and asked to come to Judge Corn's residence to pick up his resignation.

Q Did you go to Judge Corn's residence?

A I was there at 7:30 and got --

Q Who did you meet when you got there?

A Judge Corn.

Q And what did he say to you, if anything?

A He handed me his resignation, he said, "You may --"

Q Was it in writing?

A It was in longhand.

Q Longhand, and did he say anything to you?

A He said, "You may take my resignation and give it to the Executive Council, and tell the Executive Council that I never gave money to a judge or any member of the Supreme Court for any purpose."

MR. BINGAMAN: You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers may cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Now, Mr. Rheam, you testified that at this meeting, I believe you said there

were eight judges there; who was missing, please?

A Judge Irwin was the only one missing.

Q All right, sir. I take it all the judges urged the appointment of a committee?

A Right.

Q And I take it all judges waived their rights to be investigated?

A That's correct.

Q You talked, sir, you said in your direct testimony that you were talking about disbarment proceedings against Judge Corn and Welch?

A We were talking about whether we should disbar him or whether we should attempt to get his resignation. It was felt that if we could get his resignation it would be much better and save time and money.

Q Was any other Judge or Justice discussed at that time other than Judge Corn?

A Yes, I'd say that all of the Judges were discussed, and it was said there that... and I was one of those that said this, the fact is, I told each of the eight individually and collectively that if any one of them ever took a dime in bribery, that I hoped that it could be proven and that their throats were cut from ear to ear.

Q You said you were eating dinner at the Trade Winds Motel when you were called, sir?

A Right.

Q Who called you?

A Judge Earl Welch.

Q Where did he call you from?

A From Judge Corn's home.

Q Did you go to Judge Corn's home?

A Yes, sir.

Q Who else was there besides Judge Corn?

A The only other person that I saw was Judge Welch.

Q And was Judge Welch with Judge

Corn during the time that you were there?

A I would say yes, because Judge Welch was standing back in the dining room. I went to the door, the front door that opened up into what I presumed was a parlor; it was only partially lighted and the dining room was well lighted, and Judge Welch was standing back in the door. Judge Corn and I stayed close to the door, the front door of the parlor.

Q Now, Judge Welch was standing off to the side observing what you were doing, is that correct?

A In the background, yes.

Q Was he close enough to hear your conversation, sir?

A I would say that he was.

Q And I will ask you, sir, in your conversation you said that Judge Corn made this statement for you to relay to the Executive Committee. Did you ask him a question or did he volunteer it?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let the record show that Senator Murphy is now present.

A I did not make any comment at all, he volunteered the statement.

Q In the presence of Judge Welch?

A Right.

Q I will ask you, sir: He did, as I understand your statement, he did not make the statement, "I have not given money," rather he made the statement, "You may tell the Executive Committee that I had not", is that correct, sir?

A He said in substance this: "You may tell the Executive Council for me that I never gave any member of the Supreme Court anything for any purpose."

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect examination?

MR. BINGAMAN: No redirect. May this witness be excused, if the Court please?

PRESIDING OFFICER SENATOR

GRANTHAM: Just a moment. A question is being prepared by members of the Court. The Court will stand at ease until the question is prepared.

SENATOR YOUNG: May we inquire from the Board of Managers what steps they have taken to secure the case-made in the Selected Investment Company case?

PRESIDING OFFICER SENATOR GRANTHAM: I believe that you had better talk to them personally about that. They have not -- you can send a question up, Senator Young, or you can talk with the Board of Managers personally about whether or not the case made is going to be introduced, but I don't believe that -- on the other hand, I think I will inquire of the Board of Managers about that point.

REPRESENTATIVE CONNOR: If your Honor please, we did not put Mr. Payne on or bring it up. We have taken no steps. The accused's attorneys are the ones that have opened this field, and we would assume that if it was necessary they would take steps to produce it. We have done nothing.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Young, do you want me to inquire of the accused's attorneys about that, too?

SENATOR YOUNG: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Will counsel for the accused give an explanation on that?

MR. BINGAMAN: Some time about two weeks ago I first approached Mr. Payne, the Clerk of the Court, with reference to it, and he informed me he had tried many times over the years to recover it, but had been unsuccessful in so doing. I only wanted it to see what I could learn about what the case was about, and the fact that it was missing was of no particular significance to me because of the extended litigation that I knew that they had had in the Federal Court in regard to the matter of the bankruptcy, and it could very readily have gotten lost among those records down there and misplaced, and

I attributed no particular significance to it, but I felt that the Court was entitled to an explanation as to why it wasn't here, and that was the only purpose in asking about it. I have no criticism of the lawyer who took it or whoever is responsible for its absence, and I know of no useful purpose that it can serve here except that it would be here.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you. Now, we have a question, Mr. Connor?

REPRESENTATIVE CONNOR: May I ask one further question of Mr. Rheam?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

FURTHER CROSS-EXAMINATION
By REPRESENTATIVE CONNOR

Q Sir, subsequent to the 4th day of July, 1964, has Earl Welch either been disbarred or resigned?

MR. BINGAMAN: To which we object, incompetent, irrelevant and immaterial, not within the issues of this case.

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read back the question?

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (By REPRESENTATIVE CONNOR)
Would you answer?

A Yes, he has resigned as of a rather recent date.

REPRESENTATIVE CONNOR: Thank you, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The question by the Court -- pardon me. Continue, Mr. Connor.

Q (By REPRESENTATIVE CONNOR)
Now, referring your attention to the Bar Association, sir, have they disbarred him?

A Under the rules of the Bar Association, there is no disbarment in the event

of resignation prior to a hearing of disbarment or the filing of charges.

Q I see.

A He resigned before charges were filed.

Q I see. Charges were being contemplated, is that correct, sir?

MR. BINGAMAN: To which we object, incompetent, irrelevant and immaterial.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained. We now have a question by the Court. I believe these are by Senator Berrong. There are a series of questions. Question No. 1: Was Judge Welch present at the Bar meeting when immunity of judges was waived?

A Judge Welch was present, and Judge Welch was one of the first to say that he would give a waiver of his immunity under the Chambers case. The fact is, I think he was the first.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2: Did Judge Welch also waive immunity, and if so, by what affirmative action?

A He waived it by giving a letter as did the other judges.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 3: Did you think there was anything unusual in Judge Welch's presence at Judge Corn's home -- after Corn had accused Welch?

A No, I did not think there was anything unusual and I would explain the reasons if you would care to hear it. Namely, that immediately after the recess of the meeting of the Executive Council with the Court -- remember we were in session from 4 until 6:15 -- Judge Welch, maybe Judge Johnson, I don't remember, one or two others, Claude Rosenstein and myself, and I think one or two members of the Executive Council met outside of the meeting room of the Bar and we discussed that it would be much better if Corn resigned. And it's my recollection Judge Welch said that he thought he could obtain his resignation.

PRESIDING OFFICER SENATOR GRANTHAM: Will there be further questions by counsel for the accused?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Will there be further questions by the Board of Managers?

REPRESENTATIVE CONNOR: Yes, sir. Might I have the last question of the Court read? The one concerning Judge Welch being in Judge Corn's house?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, you may have the question here and then deliver them to the Journal Clerk.

REPRESENTATIVE CONNOR: All right.

Q (By REPRESENTATIVE CONNOR) Mr. Rheam, I'm just rereading this. The question was: Did you think there was anything unusual in Judge Welch's presence at Judge Corn's home -- after Corn had accused Welch? That was the question you just answered.

A Well, I misunderstood the last part. Actually Corn did not accuse Welch directly. The accusation was a statement of Bill Potter who was United States District Attorney at the time, that Corn plead nolo contendere. You will recall that he made the statement that he had a witness without naming the witness that had been involved in some important litigation and that this witness said that he had paid Corn \$150,000 and that Corn had made the statement that he would use this money for his own and other judges campaign expenditures.

Q Yes, sir. At this time there was no indication that Judge Welch was involved in any way, shape or form?

A There was not.

Q Also, sir, if you know, why did Judge Welch -- strike that if you would.

Didn't Judge Welch make some comment to you or to this executive meeting that he was sure he could talk Judge Corn into resigning or get his resignation?

A No, not at the meeting. He did state, I was there, and Rosenstein, and one or two others, I'm not even sure who they were. I think maybe Judge Johnson was present at that time. We were discussing it would be much better if, and general discussion in the Executive Council meeting with the Court was it would be much better and much easier if Judge Corn resigned. And, at this little group outside of the chamber where we met Judge Welch did say that he thought he could get, perhaps get, Judge Corn's resignation.

Q This statement was made by Judge Welch?

A Yes.

Q And then later on that evening Judge Corn did resign?

A Right.

Q I hate to belabor this, Mr. Rheam, but some of the Managers and myself seem to recall a disbarment opinion with a dissent, stating it is a vain and useless thing because of a prior holding authored by Judge Welch saying that members of the judiciary do not have to be members of the Bar Association. Are you sure that Judge Welch was not disbarred by Court Order?

A There was a court order entered pending, as I recall. I could be in error about it.

Q Was it suspension instead of disbarment?

A Judge Welch and Judge Williams wrote a dissenting opinion in which he did say it was a vain and useless thing.

Q This must be what we are confused about. It was resignation prior to disbarment, but there was a suspension action you recall?

A Right. At the time of the decision Judge Welch was still a member of the Court. There were no proceedings at all pending before the Bar Association.

REPRESENTATIVE CONNOR: I see. I don't believe we have anything further, Mr. Rheam.

PRESIDING OFFICER SENATOR GRANTHAM: Counsel for the accused care to further examine?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: We have some more questions by the Court. Following this group of questions I will give the accused's counsel opportunity to examine and then the Board of Managers.

The question is by Senator Berrong.

Were you aware that Judge Corn testified that Judge Welch had used his, Judge Welch's, influence to get him, Corn, not to resign from the Bar and also from the Court as Supernumerary Judge?

A No, I was not aware of that fact.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Birdsong.

At Judge Corn's house did either Judge Welch or Judge Corn in any manner discuss or mention Judge Johnson's name or connect Judge Johnson in any manner in these matters?

A No. I would say that I wasn't there long enough for there to be any such discussion. I knocked on the door or rang the doorbell, I've forgotten which; Judge Corn came to the door. I said, "Good evening"; he said, "Good evening, Floyd." I don't even recall that I spoke to Earl Welch. I wouldn't say I didn't. Judge Corn had his resignation already written out in longhand and he handed it to me and he said, "Floyd, here's my resignation. You may tell the Executive Council for me that I never gave any member of the Court anything for any purpose." There were no judges mentioned except as the group. And there was no discussion of any individual. That was the end of the conversation.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a series of two questions by Senator Berrong.

Question No. 1: Did the Bar Association ascertain whether Earl Welch was con-

tinuing to consider cases as a member of the Court after his indictment by the Federal Court?

A I'm sure --

MR. BINGAMAN: I don't like to object, particularly to a question from the Court, but Earl Welch is not here on trial and I do not see how anything that might have involved him could involve this accused and I therefore object as being completely irrelevant to the accusations under the Articles of Impeachment.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled. You may answer the question.

PRESIDING OFFICER SENATOR GRANTHAM: Did the Bar Association ascertain whether Justice Welch was considering cases?

A The Bar Association never had any such information that he was continuing to consider cases until this statement was brought out sometime recently, I have forgotten just how long.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, by Senator Berrong, did your committee determine by affirmative action that Welch was serving as a judge after indictment, and if so, what did the Bar Committee do?

A I would say that the Bar Committee did not consider it, because it was none of the Bar Committee's business. I mean, he was a judge, and under the law the only procedure that could be taken against him was impeachment, and we have no right to do anything about it. If he and the Clerk saw fit for him to work, this was their business. I would say that there were some of us that advised Judge Welch that he should not participate.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't quite understand that last part.

A I say, there was some of us that had advised Judge Welch that he should not participate.

PRESIDING OFFICER SENATOR

GRANTHAM: The next question is a series of four questions by Senator Baggett. The first question, did N. B. Johnson give you and the committee copies of his income tax return?

A I can only answer that by hearsay.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, if it is hearsay, we don't want to hear it, but if you know anything of your own knowledge, let us know.

A Well, I do know this; that from the report that was filed by the investigative committee with the Executive Council, it was said that all of the judges had given complete financial statement, including their income tax returns for the years that they had been on the bench.

PRESIDING OFFICER SENATOR GRANTHAM: Question number two, if so, did their returns reveal any substantial amounts of income from any disclosed sources?

A No, sir, it is my understanding that they did not, and with reference to this income tax matter, I was on a prosecuting team with Claude Rosenstein, Jim Denton and myself, back in 1959, I believe it is, where we disbarred another attorney, and the accused, or the disbarment respondent, asked for an open hearing and asked for a subpoena duces tecum for all of the judges to bring in their income tax returns for every year that they had served. Claude Rosenstein and I had a meeting with the Court, and we told them, or we asked them for their income tax returns for the years that they had been on the bench, and we were furnished by the Court, by every member of the Court with their returns. I would further state that we told the Court at the time we asked for them that we were going to keep them out of evidence as a matter of law, that the moment that we did that, we wanted their permission to make the returns available if the respondent could show or name any one year any returns would show anything improper, and every

Judge, including Judge Johnson, gave us certified copies of their federal income tax returns for every year they have been on the court bench.

PRESIDING OFFICER SENATOR GRANTHAM: The third question by Senator Baggett, did your committee make a report exonerating the seven judges thereafter, other than Welch and Johnson?

A Yes, we did.

PRESIDING OFFICER SENATOR GRANTHAM: Question number four. If so, what caused your committee to exclude Welch and Johnson from the exoneration from its report?

A Corn's statement that he had given before his release from the penitentiary to the statement that he had paid Judge Welch and Judge Johnson \$7,500.00 each in the Selected Investments case and \$2,500.00 each in, I believe it is the Westcott case; in view of this testimony the committee did not feel that it was proper, but, they did say that there was no corroborative testimony at all involving Judge Johnson. They did say that there was slight corroborative testimony involving Earl Welch.

PRESIDING OFFICER SENATOR GRANTHAM: The next two questions are by Senator Garrison. Did you advise Judge Welch that he should not participate?

A Did I personally?

PRESIDING OFFICER SENATOR GRANTHAM: Let me read the question again. Did you advise Judge Welch that he should not participate?

A I personally visited with Judge Welch, and immediately after his trial and conviction in Muskogee, I told him that he had not been convicted of bribery, but of income tax evasion, and that I thought that it would be much better if he did not participate, and I even thought that it would be much better for everybody concerned if he could afford to resign from the Court and from the Bar. But, that this was a question that he was

going to have to answer himself, and after he had considered everything, if he could not afford it, then, he should not do so.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Garrison. The disbarment case that you spoke of, did Judge Corn and Welch also submit their returns?

A They did. Just a moment, I forget whether Judge Corn was on the bench in '59 or not; I know that Judge Welch did give his income tax return. I don't recall whether Corn did. I know that all members of the Court at that time did give us certified copies of all of their returns.

PRESIDING OFFICER SENATOR GRANTHAM: Of all their returns?

A For the years that they had been on the Bench.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. All right. Does the counsel for accused care to further examine?

MR. BINGAMAN: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers care to further examine?

REPRESENTATIVE CONNOR: Just one or two brief questions.

RE-CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Mr. Rheam, did you know Judge Corn prior to the time that you went to his house?

A Yes, I have known Judge Corn, I would say any lawyer that has anything to do with the Bar Association or the Court does. I have known him quite a number of years. I was never close to Corn at all.

Q All right, sir. And I will ask you, sir, if you know, in line with another answer of yours, is it not a fact that after Judge Welch and his conviction, even though he was not participating in conference, he was writing opinions the whole time up until the time that he resigned?

A I did not know at the time that he was

doing it. I know only -- I think it was during the legislative investigation that this was brought out, and that was the first I knew of it.

Q But, you do now?

A Well, I do know it only by virtue of the fact that I read it in the paper, yes.

Q All right. In light with your comment as to the action of your committee, sir, I will ask you, did your committee have access to Judge Johnson's safety deposit box, records, cashier's checks and a great amount of cash expenditures?

A Yes, sir -- I do not know, because the investigation council, Carroll Logan, Earl Craig --

Q And then, what you say, sir, in light of corroboration, you would have to wait and hear this evidence before reaching a full determination or a final determination; would that be a correct statement, sir?

A I am not sure that I follow you.

Q I believe you stated that either it was the committee's opinion or your opinion, did I not get that too clearly, by something about a complete or utter lack of corroboration as to Judge Johnson?

A The committee said that -- said that, that is the minority of the committee said that there was no corroborative evidence connecting Judge Johnson with the taking of the bribe, there was slight corroborative evidence on the part of Welch.

Q You say the minority of the committee; there was a minority did think there was?

A Yes.

Q So far as you know, the safety deposit records and the cash expenditures, and the cashier's checks were not brought before the committee?

A This I do not know.

Q You never heard it?

A I never heard of it.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

MR. BINGAMAN: No sir.

PRESIDING OFFICER SENATOR GRANTHAM: We have some more questions by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: These questions are by Senator Payne, two questions. First question reads: Are the copies of the income tax returns submitted to the Bar Committee certified by the individual Justice or were they certified by the Internal Revenue Service?

A I can state positively that the ones that were submitted to my Committee of Denton, Rosenstein and myself back in '59 were certified by the Internal Revenue Service, and I am satisfied in my own mind that the later returns were certified by the Internal Revenue Service, because otherwise it would be useless, it would be a self serving declaration.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2: If certified by the Internal Revenue Service, how was certification obtained?

A This I do not know.

PRESIDING OFFICER SENATOR GRANTHAM: This last question was also by Senator Payne. The next question is by Senator Pope. As the law now stands, whose business is it to check into the affairs of the Supreme Court Justices?

A On May 5th of this year, the Supreme Court signed an order appointing or re-requesting and approving a Committee of the Bar Association; the committee will be of five members of staggered terms, one year, two years, three years, four years and five years. Thereafter one will be appointed each year for five years. This Committee is given power to investigate all Judges of all courts of record, and the Committee has been by this order given subpoena powers. The Committee has been directed to investigate alleged, should I say, sale of influence with the Court, and I am quite sure that the law-

yer members of the Senate realize that there has been some instances of lawyers who are unethical who have purported or at least contended that they had influence, which I never found them to have.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Pope is: To whom could one Justice report suspicious activity of another Justice?

A I would say to the Court itself.

PRESIDING OFFICER SENATOR GRANTHAM: He goes on to say particularly if the other Justice were the Chief Justice?

A I would still say to the Court. After all, there are nine members of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Would the counsel for the accused care to further examine?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers care to further examine?

REPRESENTATIVE CONNOR: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Then the witness may step down.

MR. BINGAMAN: May I inquire if this witness may be excused?

PRESIDING OFFICER SENATOR GRANTHAM: This witness may be excused? You may be excused, Mr. Rheam.

We have here a motion by a member of the Court, which I will ask the Clerk to read.

THE CLERK. Mr. President, I move that the Court direct the Board of Managers to issue a subpoena for the case-made and record in the Selected Investment case, directed to the person who --

PRESIDING OFFICER SENATOR GRANTHAM: I believe that word is checked.

THE CLERK: -- checked out the record. Young.

REPRESENTATIVE CONNOR: We have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: You have no objection to that?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection to that?

MR. BINGAMAN: Your Honor, we have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: I understand that this case made was checked out to a then lawyer who is now a Federal Judge, is that right?

MR. BINGAMAN: That was my understanding of the testimony of the Clerk of the Supreme Court. I don't know whether you have jurisdiction of him or not.

PRESIDING OFFICER SENATOR GRANTHAM: Well, in any event, I will ask unanimous consent of the Court that the Board of Managers be directed by the Court to issue a subpoena for the case made in compliance with the motion of Senator Young. Any objection? Senator Stipe?

SENATOR STIPE: Mr. President, I object for the reason that I don't see any purpose in it, and it simply involves this Court in a controversy with other courts, and other sitting Judges, and I see no reason why it should be involved in this case we have here today whatsoever; and our experience with the Federal Judges has not been too good in the past anyhow.

PRESIDING OFFICER SENATOR GRANTHAM: Your point is well taken, Senator Stipe, and unanimous consent request has been objected to. Senator Young, do you care to press your motion?

SENATOR YOUNG: Yes, I do, Your Honor, because the very case that we are requested to sit as a court in has been gone -- it has been gone for a long, long time, and I think before we can reach a proper decision in this case that we

should have the record of the case that is involved, because the Federal Court, I understand they had a million dollars worth of attorney fees and court costs in that case, and I cannot understand why the case made in this particular case would be gone for such a long length of time, and I think before we can render a proper decision in this case that both the accused and the Board of Managers should have the case made available, because that was the case that the Supreme Court was requested to act upon in the case involved.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Stipe?

SENATOR STIPE: I will withdraw the objection.

PRESIDING OFFICER SENATOR GRANTHAM: You withdraw the objection. All right, I will ask unanimous consent of the Court that the Board of Managers be directed to issue the subpoena. I think it is going to be a lot of extra effort, but in any event the subpoena will be issued in compliance with Senator Young's motion.

Hearing no objection, that will be the order.

REPRESENTATIVE CONNOR: Judge, we now have a number of exhibits to pass out that we have prepared in compliance with the Court's order over the weekend. I wonder if this would be a good time to do it? It does cause quite a bit of consternation and confusion to be passed out.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, I wonder if it would be wise to do that during the recess time. Would that be advisable?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: And at this time we are approaching recess period, so we will stand recessed until approximately 10:30.

(Whereupon, a recess was taken.)

PRESIDING OFFICER SENATOR

GRANTHAM: Members of the Court will please take your seats. The Court of Impeachment of the 30th Legislature continues in session.

Recess having expired, the Clerk will call the roll.

(Whereupon, the roll was called by the Clerk and the following members were present: Atkinson, Baldwin, Bartlett, Berry, Birdsong, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Ham, Hamilton, Holden, Howard, Luton, McClendon, Massad, Miller, Muldrow, Nichols, Pope, Rhoades, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Graves is present; Senator Keels is present; Senator Payne is present; Senator Horn is present.

Any other members of the Court?

Senator Murphy is present.

Any other members of the Court who have not answered the roll?

Senator Massey is present.

Any other members who have not announced the roll?

Clerk will announce the roll.

COURT CLERK: Absent: Baggett and Berrong are absent. Cowden is absent. McSpadden is absent.

PRESIDING OFFICER SENATOR GRANTHAM: Senator McSpadden is now present. Senator Boecher is present in case you didn't get his name before.

COURT CLERK: Martin.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Porter is present.

COURT CLERK: Berrong, Cowden, Martin and Rogers.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Martin is here.

COURT CLERK: Berrong is here. Now it's Baggett, Cowden and Rogers.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the Board of Managers is present and

that the accused with his attorneys is present.

I would like to call to the attention of the Court that during the recess there has been placed on your desk the exhibits which were planned to be placed there at our session last Saturday. In the event any member of the Court does not have all of the exhibits, I should appreciate it if you would list the exhibits he does not have and send this list to the Board of Managers.

Mr. Allard is recognized.

REPRESENTATIVE ALLARD: Your Honor, at the recess hour when I stepped out the door I was handed this slip by one of the girls at the telephone and it asked me to call Judge Bohanon at Central 9-2681. I called the Judge and the Judge told me that he did have some records down there, he thought that the truth should be told that when he tried to bring them back to the Clerk of the Supreme Court he was told that these were not the originals. He reported, he told me that he told the Clerk of the Supreme Court that this is what you gave me and they refused to give him back his receipt. He did take the records back and told them that he would keep them until they decided to give him back his receipt. He advised me he didn't need a subpoena duces tecum if we would draw a receipt for all records with exhibits that he would be happy to give them to us.

I wanted to call to the Court's attention that he says these are not the originals before I issue a receipt.

PRESIDING OFFICER SENATOR GRANTHAM: Would Senator Young take the floor?

Senator Young, if Judge Bohanon would deliver to this Court the records which he has, even though they are not the originals, would you then be satisfied? Would that be satisfactory; let me ask you that?

SENATOR YOUNG: I think we should make every effort to try to get the

original case made if possible. I don't know what the situation is.

REPRESENTATIVE ALLARD: Your Honor, in view of the extenuating circumstances I don't want to become involved in a proposition as to whether these are the originals or not, and can the Court issue a receipt to be signed by Judge Bohanon?

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show at this point Senator Baggett is present.

Now, Mr. Allard, the Court has asked that a subpoena duces tecum be issued and that was on the motion of Senator Young and on a unanimous consent request made to the entire Court. Therefore, I feel that under the circumstances we can only issue a subpoena duces tecum to comply with the order of the Court unless we have a different motion or a different order.

Senator Baggett is recognized.

SENATOR BAGGETT: Mr. Presiding Officer, as a substitute for Mr. Young's motion, I would move we accept and issue a receipt of this Court for a duplicate copy of the case made which is certified.

PRESIDING OFFICER SENATOR GRANTHAM: And any other records that Judge Bohanon has? I understood that he had other records. Is that also in your motion?

SENATOR BAGGETT: I would include them, yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You heard the motion by Senator Baggett. Is there a second?

Seconded by Senator Massey, that the Young motion be amended, that this motion -- I believe this is an entirely different motion.

I will ask the Court to call the roll on the Baggett motion.

Let the record show that Senator Rogers is present at this time.

The Clerk will call the roll. If in favor

of the Baggett motion, you will answer aye; if you are opposed, you will answer nay. The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following members of the Court voted Aye: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Masad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Holden, how do you vote?

Senator Holden appears to be absent at the moment.

Any other Senators desiring to change your vote?

The Clerk will announce the vote.

THE CLERK: Forty-six ayes and no no's.

PRESIDING OFFICER SENATOR GRANTHAM: The motion having received forty-six ayes and no nays, I declare the motion passed, and it is the order of the Court that the Board of Managers act in accordance with the motion and receive the case made and a receipt by Judge Bohanon, and give him a receipt for the same.

REPRESENTATIVE CONNOR: If I understood the motion, it's not -- the Court -- that the Court will receive these items?

PRESIDING OFFICER SENATOR GRANTHAM: The Clerk will write you a receipt for it, but, the Court will be glad to receive them.

REPRESENTATIVE CONNOR: Thank you.

PRESIDING OFFICER SENATOR GRANTHAM: Now, at this point, on this question of these items, I will ask the counsel for the accused if it objects to having

these introduced in evidence, or do you want to wait until they are offered in evidence?

MR. BINGAMAN: If we understood your motion correctly, it's a certified copy, if it's certified, of course, we would have no objection to it, but, if it's just a bunch of papers, I don't know whether it would have any appropriate value or not.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we will permit you to have a look at it when it arrives.

Mr. Green.

MR. GREEN: I was ready to call the next witness.

PRESIDING OFFICER SENATOR GRANTHAM: Call the next witness.

MR. GREEN: Dennis Bushyhead.

PRESIDING OFFICER SENATOR GRANTHAM: Before you begin the examination of this witness, I would like to call to the attention of the counsel for the accused and to the Board of Managers, likewise, attention that there has been some question by members of the Court to the Presiding Officer concerning this matter of certification of the income tax returns. There is some interest on the part of the Court to know about the income tax returns that were testified to here previously, and as to the manner in which they were certified, and whether or not they were certified.

Now, I follow that up by calling attention to both counsel that you may know that, that there was some interest in this realm of this case.

Proceed.

DENNIS BUSHYHEAD,
called as a witness by the accused, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q State your name, please.

A My name is Dennis Bushyhead.

Q And where do you live?

A I live now in Delaware County, but I was born and raised in Rogers County.

Q Do you now hold any public office?

A Yes, I am County Judge of Delaware County.

Q Did you hold any public office in Rogers County?

A Yes, sir, I was County Attorney there for two terms. I have been in the Legislature, and I am a former member of this august body.

Q The State Senate?

A Yes.

Q What is your profession?

A I am an attorney.

Q Do you know N. B. Johnson?

A Yes, sir.

Q How long have you known him?

A Since my earliest remembrance.

Q Are you related to him in any way?

A I am not.

Q Are you a close acquaintance in any way?

A Well, I have certainly known him all of his life. I could say this, that politically we have been on opposite sides of the fence.

Q Now, are you acquainted with his reputation in your area as being an honest, truthful and law-abiding citizen?

A I am.

Q Is it good or bad?

A It is good.

MR. GREEN: That's all.

REPRESENTATIVE CONNOR: I have no questions.

MR. GREEN: May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down and the witness is excused.

MR. GREEN: Wynona Hogue.

WYNONA HOGUE, called as a witness by the accused having

been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. GREEN

Q Would you state your name, please.

A Wynona Hogue.

Q Mrs. Hogue, where do you live?

A I live in Chelsea.

Q Is that in Rogers County?

A Yes, it is.

Q Do you hold any official capacity there in Chelsea, or by whom are you employed?

A I am the Secretary of the Chamber of Commerce.

Q Do you know N. B. Johnson?

A I do.

Q How long have you known Judge Johnson?

A Oh, since 1938, about 27 or 28 years.

Q Are you acquainted with his reputation in your area up there for being an honest, truthful and law-abiding citizen?

A I am.

Q Is that reputation good or bad?

A Very good.

MR. GREEN: That's all.

REPRESENTATIVE CONNOR: We have no questions.

MR. GREEN: May this witness be excused?

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down; and may the witness be excused?

The witness may be excused.

MR. GREEN: N. B. Johnson.

N. B. JOHNSON, the accused, taking the witness stand in his own behalf, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Will you state your name to the Court, please.

A N. B. Johnson.

Q Judge Johnson, you're the accused in this proceeding?

A I am.

Q Would you tell the Court, please, how old you are?

A Seventy-four years old.

Q And would you tell us where you were born?

A Born in the Chickasaw Nation in what is now Garvin County, Oklahoma.

Q Were you born near any particular place or in any particular part of the county?

A I believe they call it Table Mountain.

Q Can you tell us your mother's maiden name?

A Sarah Mays.

Q Was the place that you were born somewhere near where the present town of Maysville is?

A Yes.

Q And for whom was the town of Maysville named?

A Named after my mother's people.

Q What was your father's given name, please?

A John.

Q And he was of the Chickasaw or Choctaw Indians?

A He was a Cherokee, a duly enrolled member of the Cherokee.

Q After your father and mother married, and when you were a small lad, did you move from the Maysville community of what is now Garvin County?

A At the age of about two or three, I believe two years of age, we moved from the Chickasaw Nation, what is now Maysville, Oklahoma, to Locust Grove.

Q And in what nation was that located, please?

A The Cherokee Nation.

Q That was your father's peoples' nation?

A Yes, sir.

Q And you continued to live there for a time?

A Yes, sir.

Q Later, did you return to Maysville or Garvin County to live?

A My father and mother separated, and my mother went back to Maysville, and I was a very small boy, I went back there.

Q At that time, did they have public schools in the Choctaw and Chickasaw Nations?

A No, sir.

Q Where did you obtain your elementary education?

A I went to the Mary Gregory Memorial School at Anadarko, Oklahoma.

Q And what type of school was that?

A It was a Presbyterian Mission for underprivileged children.

Q And did you stay there or complete the course of that institution?

A I finished the ninth grade, that was as high as they went.

Q Then, where did you continue your education, if you did?

A I went to Henry Kendall in Tulsa, which is now Tulsa University.

Q How long did you attend there?

A I believe two years, I am not sure about that.

Q Did you subsequently attend some other school in Oklahoma?

A I finished the Eastern University Preparatory School, which is now the Oklahoma Military Academy.

Q After concluding that, did you take any employment with an agency of the Federal Government?

A Yes.

Q And what was that agency?

A The United States Indian Service.

Q And in what capacity were you employed?

A I was employed as a teacher of English.

Q And where were you sent as a teacher at first?

A The Vermilion Lake Boarding School, one hundred miles north of Lake Superior.

Q And after you left there, where did you continue to teach with the Indian Service, if you did?

A At my request I was transferred to Oklahoma at the Redrock Indian Agency Boarding School.

Q And did you teach there for some time?

A Yes, sir.

Q After concluding your teaching there, what did you elect to do?

A I transferred to the Chilocco Indian School.

Q You taught there then for some time?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let the record show that Senator Holden is now present. Proceed.

A I changed from teaching to, I believe they called it property clerk, where I had charge of the school property and accounted for it.

Q (By MR. BINGAMAN) While there, did you make a decision that you wanted to study law?

A Yes, sir.

Q And where did you go to pursue your law studies?

A I went to Cumberland University at Lebanon, Tennessee.

Q Were you successful in completing the course of instruction there?

A Yes, sir.

Q Subsequent to that, did you return to Oklahoma and take the Bar examination?

A I did.

Q And in what year did you do that?

A I believe it was 1922.

Q Were you successful in completing the examination?

A Yes, sir.

Q You have been a member of the Bar of the State of Oklahoma since that time?

A Yes, sir.

Q Since that time, have you been called back to your old school for conferring of any honors?

A I have.

Q Would you tell us when that was and what the honors were, please?

A Well, it was a year ago April of this year, a year ago.

Q And where is the school at this time and what is it now called?

A The law school at Cumberland University was taken over by Howard College at Birmingham, Alabama.

Q And what honor, if any, was conferred on you there a year ago?

A Doctor of Laws.

Q Now, Judge Johnson, after you were admitted to the practice of law in the State of Oklahoma, where did you begin your practice?

A I practiced at Claremore and Skiatook, Oklahoma.

Q Claremore is in what county?

A Rogers County.

Q Did you ever serve as a public officer in Rogers County?

A I did.

Q What was the first that you served?

A Assistant County Attorney.

Q And about how long did you serve in that capacity?

A Two years.

Q And then what office, if any, did you hold in Rogers County?

A I was elected to County Attorney, served one four-year term, and one two-year term.

Q And at the conclusion of that, what did you do?

A I was City Attorney of Claremore,

Oklahoma, and also was identified with a law firm.

Q You were permitted as City Attorney to engage in private practice, I take it, then?

A That's right.

Q And you were associated with what firm in Claremore?

A Firm of Kight, Johnson & Kight.

Q Now, subsequent to that time, did you again seek public office?

A Yes, sir.

Q What office and when?

A In 1934 I ran for District Judge of the 12th Judicial District.

Q Were you successful at that time?

A Yes, sir.

Q How long did you continue to serve as District Judge of that district?

A Three full terms and I lacked two years serving a fourth term.

Q Did you have opposition to the office while you were occupying it?

A No opposition except the first time.

Q Now, in 1948, did you seek some other office?

A I did.

Q What office was that?

A Supreme Court.

Q And were you successful?

A Yes, after a pretty tough race, I was.

Q And I believe it has been stipulated here that you have occupied that office from January, 1949, down to the present time?

A Correct.

Q You also served as Chief Justice, I believe?

A Yes, sir.

Q And when did you go in office as Chief Justice?

A '55 and '56.

Q That is the regular two year term?

A That's right.

Q Now, Judge Johnson, may I inquire -- I believe you have testified that your father was a member of the Cherokee Nation?

A Yes, sir.

Q And you yourself have Indian blood?

A Yes, sir.

Q Are you on the tribal rolls?

A Yes, sir.

Q Of the Cherokee Nation? When, if ever, did you begin to manifest an interest in Indian tribal affairs or Indian governmental affairs?

A Along about 1939.

Q And what was the occasion of your interest at that time?

A Well, the then Commissioner of Indian Affairs was trying to make the Indian a better Indian, and I thought he should make him a better citizen by encouraging him to assimilate into the general citizenship.

Q You took an interest, then, I take it, in it?

A In other words, he was trying to organize tribal governments within the states.

Q You didn't believe in that?

A I did not believe there was room for a government within a government.

Q Have you since that time maintained an interest in Indian affairs?

A Yes, sir.

Q What at that time, if anything, was formed with reference to bringing the ideas which you and perhaps others entertained in opposition to the then Commissioner of Indian Affairs?

A The National Congress of American Indians was formed at Denver, Colorado, by delegates from practically every Indian tribe in the country.

Q And what connection with that organization did you have when it was formed?

A I was elected President.

Q And how long did you serve in that capacity?

A I served eight terms of one year each.

Q Does your tribe, the Cherokee tribe have an organization within itself?

A Yes, sir.

Q What is the nature -- What is the name of that organization?

A The Intertribal Council with the Five Civilized Tribes.

Q And have you had any official connection with that tribe?

A I have.

Q What has that been?

A I was chairman, I think -- I believe it was four times and, I'm a member.

Q And have been for a number of years?

A Yes, since along about 1950.

Q From time to time the United States Government has taken an interest in Indian affairs and I understand that at one time the Surgeon General appointed an Advisory Committee on Indian Health. Are you familiar with that organization?

A I am.

Q What connection, if any, have you had with it?

A I was appointed as a member of the organization.

Q And how long did you serve in that capacity?

A Three or four years.

Q Does it pay any salary?

A \$50.00 a day.

Q And your expenses?

A Expenses, yes, sir.

Q Now, have you had any connection with any other organizations for the betterment or improvement or perpetuation of the Indian history in Oklahoma?

A Yes, sir.

Q Could you tell us the name of one, please?

A Governor's Interstate Indian Council.

Q And where was this formed and where is the headquarters?

A That was formed -- finally organized in Salt Lake City.

Q Have you had any connection with that organization?

A I have.

Q And how long -- What was your connection with it?

A Just a member representing Oklahoma.

Q You have been appointed by several governors of the State of Oklahoma or just one?

A No, I have been appointed by, I think, it started with Roy Turner and each governor since then including the present governor.

Q And you have continued to serve in that capacity?

A Yes, sir.

Q Now there is an organization, I believe, at Anadarko; are you acquainted with that?

A I am.

Q What is the name of that, please?

A It's the Hall of Fame for Famous American Indians.

Q And when was it organized?

A I think about 1952.

Q Who was the first president of the organization?

A I was.

Q And who has been the president since that time?

A I have been.

Q And you still are?

A I am.

Q Did you ever hear of an organization known as the Indian Claims Commission?

A Yes, sir.

Q What is that, if you would tell us, please?

A Prior to the enactment of the Indian Claims Act, before any Indian and tribe could be recognized in Court it was necessary to get a jurisdictional bill through Congress, which meant sometimes many years before a tribe could even have an opportunity to present its claim. So this commission was organized to liberalize those proceedings and make it possible for Indian tribes to file a lawsuit like any other citizen or organization.

Q Did you have anything to do with bringing about the enactment legislation which resulted in the Indian Claims Commission?

A Our organization wrote a bill. We worked on it and prepared the bill which we thought would complete the needs and requirements of the Indian people; submitted it to Bill Stigler and some amendments were made thereto and he finally introduced it and finally got a bill passed.

Q Did you ever appear before any congressional committees in connection with it?

A Yes, sir; several times.

Q Did you ever hear of an organization called the Oklahoma Historical Society?

A I have.

Q And what was the purpose of that organization?

A Well, it's to maintain Oklahoma history.

Q Have you ever taken any interest in that organization?

A I've been a member of the organization and a member of the board of directors since 1952, I believe.

Q You have been continuously serving. Have you been elected to different terms?

A Yes, sir, re-elected recently.

Q Have you participated prior to your service on the Supreme Court in organization of the Oklahoma Bar Association?

A Yes, sir.

Q And in what capacity, please?

A Well, I have been a member, I have attended the conferences.

Q Well, specifically, I refer to the Judicial Council.

A Oh yes, I've been a member of the Judicial Council for --

Q Prior to your service on the Supreme Court?

A Yes, more than --

Q Continuously since then?

A That's right.

Q Now, have you had any honors conferred upon you by any of these organizations or any other organization for the activities you have carried on in this field, Judge Johnson?

A I have.

Q Could you tell us what you have had, specifically referring to the Chicago Indian Council Fires Indian Achievement Award as the Outstanding American Indian?

A In '55 I received that honor, 1955.

Q Have you, by reason of your service, been called upon to serve with an organization known as the Freedom Foundation National and Schools Award Jury of Valley Forge, Pennsylvania?

A Yes, sir.

Q What years did you serve there?

A I believe it was 1955.

Q Are you a member of any church, Judge Johnson?

A Presbyterian Church.

Q Are you a married man?

A Yes, sir.

Q What was your wife's maiden name?

A Webber.

Q And how many years have you been married to her?

A Thirty-eight years.

Q Do you have any children?

A One.

Q Boy or girl?

A Girl.

Q Is she living?

A I think she is, she's up there.

Q She is here in the gallery?

A Yes.

Q Do you have any grandchildren?

A Two.

Q Boys or girls?

A Boys.

Q Now, Judge Johnson, at the expiration of your -- Let me ask it this way. When were you last elected to the Supreme Court of the State of Oklahoma?

A 1960.

Q Your term commenced in 1961 then, January of '61?

A Right.

Q How long a term was that, please?

A Six years.

Q That term then would expire during January, 1967?

A That's right.

Q Do you have any familiarity with a statute of the State of Oklahoma known as the Supernumerary Judge Statute?

A Yes, sir.

Q Could you tell us very briefly what that is?

A Well, any Justice of the Supreme Court or Court of Criminal Appeals that wants to retire may elect to become a Supernumerary Judge and subject himself to the orders and directions of the court to do service.

Q He can?

A On the Court. He can go and hear District Court cases like John Brett is doing down here and you can serve on the Supreme Court upon proper order.

Q And the fact that you wish to avail yourself of that, if you do as a member of the Court, must be made known to some agency of the government at least a year before the expiration of your term on the Court?

A That is a provision of the bill as I understand it.

Q May I inquire of you as to what your intention was and is with reference to the Supernumerary Law at the expiration of your present term of office if you are allowed to serve the term out?

REPRESENTATIVE CONNOR: If Your Honor please, I think that question is objectionable on its face as to what he intends to do or what he does not intend to do.

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question.

(Whereupon, the last set out above question was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: The objection will be overruled, however you have been leading the witness, Mr. Counselor.

MR. BINGAMAN: I'm sorry, I thought it would expedite a great deal of this historical matter.

Q (By MR. BINGAMAN) You may answer the question.

A I intended to take the Supernumerary judgeship.

Q When did you form that intention?

A Well, after I was elected in 1960, I felt like thirty years on the Bench active was enough.

Q Yesterday there was identified and offered in evidence here--excuse me, Saturday--Exhibit No. 9 which purports to be copies of a statement from the First National Bank in Claremore, Oklahoma entitled N. B. Johnson Special Fund. You saw that exhibit when it was introduced?

A Yes, sir, I did.

Q You, of course--Do you know where the originals of that statement is?

A Well, that is-- you have it in your hand, I think.

Q Now, would you tell the Court, please, what that Special Fund was, the origin of that account and what became of it?

A My father owned twenty acres north of Claremore that was in the Oologah Dam area. There were five heirs entitled to share in that twenty acres. The government condemned that for Oologah Lake purposes and it brought in \$1,500, and I had the power of attorney to adjust these matters among the heirs.

Q Is that the source of that fund?

A That is the source of the fund.

Q Now, Exhibit No. 9 shows that there were several checks issued. One for \$25, are you familiar with the name of A. M. Hoffman?

A Yes, sir, I am.

Q What, if anything, did he have to do with that \$25 check?

A He was a witness and that's the witness fee.

Q There were shown on those...in that statement...that a check in the amount of \$10 was issued. I will ask you if you are familiar with the name of H. Tom Kight?

A I am.

Q Does that connect in any way in your mind with the \$10 check?

A That was a witness fee that I instructed Tom to deliver to the witness.

Q Now, that statement shows that several checks were issued in the amount of \$243.91. I will call off some names to you and ask if they are familiar to you. Mary Johnson Bowman.

A Sister.

Q Sam M. Johnson.

A A brother.

Q Richard W. Johnson.

A Another brother.

Q Frances Johnson House.

A A sister. That's House.

Q Jess Ward.

A He was the husband of my father's widow and he shared a child's part.

Q And there was one to N. B. Johnson. Does the reading of those names have any

connection with those checks in your own mind?

A Oh yes.

Q They were the persons to whom those checks were issued?

A That's right.

MR. BINGAMAN: I think it would only encumber the record. I have the original checks and I would be happy to exhibit them to the Board of Managers. I would prefer not to offer them because of encumbering the record.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, these are the originals of the copies which already have been introduced?

MR. BINGAMAN: No, these were not introduced. These are the checks. The originals of the bank statements that we received from the bank.

PRESIDING OFFICER SENATOR GRANTHAM: Do you offer them in evidence or not?

MR. BINGAMAN: No, I just want to exhibit them to them so they could satisfy themselves. If they have a desire I have no objection to so doing. I only thought it would save encumbering the record.

PRESIDING OFFICER SENATOR GRANTHAM: Did the Board of Managers hear they are not offering them in evidence so I believe we can proceed if there is nothing further.

Proceed, Mr. Bingaman.

Q (By MR. BINGAMAN) Judge Johnson, the Court has indicated that there was some curiosity on the part of the members of the Court as to whether the certified copies of income tax returns which you furnished to the Bar Association to Mr. Rheam's committee in 1959 were certified and by whom? Do you know by whom they were certified?

A I don't recall right now. Certified by the District Director Earl Wiseman.

Q The United States Director of Internal Revenue here?

A That's right.

Q Do you have that in your hand?

A I do.

Q There is a pencil notation in the corner. Is that your handwriting?

A No, it's not.

Q Someone you do not recognize?

A That's right; that's right.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't hear your last answer. What did you say last?

THE WITNESS: I said that is correct.

PRESIDING OFFICER SENATOR GRANTHAM: The report will label that as Accused's Exhibit D.

(Whereupon, Accused's Exhibit D was marked for identification by the reporter.)

Q (By MR. BINGAMAN) Is the instrument that you have in your hand that has been marked for identification as Accused's Exhibit No. D; is that the certified copy or copies of tax returns which Mr. Wiseman has certified with his ribbon and seal which you exhibited to Mr. Rheam's committee?

A It is.

MR. BINGAMAN: We offer it in evidence if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: May I see it when the Board of Managers finish looking at it, please.

May I inquire of the Board of Managers if there are any objections to Accused's Exhibit D being received in evidence?

REPRESENTATIVE CONNOR: If Your Honor please, we have no objection other than we would like to identify it as to the years covered by that. I don't believe Mr. Bingaman has done that.

MR. BINGAMAN: The instrument speaks for itself.

PRESIDING OFFICER SENATOR GRANTHAM: Under the best evidence rule the exhibit speaks for itself.

REPRESENTATIVE CONNOR: If I might for the benefit of the members of the Court that do not have these, they can just have the years these returns covered.

PRESIDING OFFICER SENATOR GRANTHAM: I might say that it's the desire of the Court that on the desk of every member of the Court will be every exhibit. I wonder if they could Xerox a photostatic copy.

MR. BINGAMAN: I don't know whether your machine will pick up that black stuff or not.

PRESIDING OFFICER SENATOR GRANTHAM: I am advised it will pick it up, therefore, I should like to get it Xeroxed and on the desk of every member of the Court. It covers, I believe -- The testimony will go into that, will it not, Mr. Bingaman, as to what years it covers?

MR. BINGAMAN: I hadn't intended to explore it any further at the moment, but I was only answering the Court's inquiry as to how it had been certified is the reason for offering it. We are not making an issue of it.

PRESIDING OFFICER SENATOR GRANTHAM: For the advice of the members of the Court, these are tax returns for the years of 1956, 1957 -- apparently 1956 and 1957, and this exhibit will be Xeroxed and placed on the desk of each member of the Court. Is there any objection by the Board of Managers to this being received in evidence?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: There being no objection, Accused's Exhibit No. 3 will be received in evidence.

Q (By MR. BINGAMAN) Judge Johnson, has there been any investigation of your income tax returns by the District Director's Office, referring specifically to the tax years 1959 and '60?

A There has.

Q And I hand you here an instrument

which has been marked for identification as Accused's Exhibit No. E and ask you to state what that is, if you know.

REPRESENTATIVE CONNOR: If Your Honor please, I would ask him first if he recognizes this without going into what it is. I would like to see it before we start testifying about it.

MR. BINGAMAN: Well, that is what I'm trying to get at.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By MR. BINGAMAN) Can I lead him?

What you have in your hand is an instrument that you received from Mr. Wiseman, from the Director of Internal Revenue, is that the original instrument you received?

A It is.

MR. BINGAMAN: We offer it in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Have you had it labeled?

MR. BINGAMAN: Yes, we have, E.

PRESIDING OFFICER SENATOR GRANTHAM: Accused's Exhibit E. Does the Board of Managers have any objection to Accused's Exhibit E being received in evidence?

REPRESENTATIVE CONNOR: Yes, sir, we would object for the purposes of the record. This is certainly not the evidence, it is an ex parte unsworn statement, and I see no basis by which it would be competent evidence, as I see it.

MR. BINGAMAN: If the Court please, it is an official document from the United States Government, the original instrument which we received.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, on what theory do you advance, do you contend that this is admissible?

MR. BINGAMAN: Well, it shows, if Your Honor please, that his income tax for that ..

REPRESENTATIVE MORDY: Now we object to that.

PRESIDING OFFICER SENATOR GRANTHAM: This theory, then, that it is an official document, is that your theory?

MR. BINGAMAN: Yes, sir, Your Honor, I submit that it is an official document from the United States Government. If you have ever received one, you would be glad to know that; a person is glad to get one of these.

PRESIDING OFFICER SENATOR GRANTHAM: The Court is going to rule that this is just an equal to a letter, received by Mr. Johnson, and I believe it's not admissible, and the objection will be sustained.

Q (By MR. BINGAMAN) Now, in connection, Judge Johnson, with your tax business with the United States Internal Revenue Service, have you found it necessary to employ an attorney to assist you in assembling a lot of this information?

A I have.

Q Was the attorney you employed also a Certified Public Accountant?

A Yes, sir.

Q Now, here on Saturday there were brought into this Court numerous cashier's checks issued by the Citizens National Bank. Did you inform this attorney that you had engaged with reference to all of these checks?

REPRESENTATIVE CONNOR: Now, if Your Honor please, we are going to object to this on the grounds it is self-serving, it does not prove or disprove any of the issues involved in this case, and as to what he told his attorney in any way, shape or form could not prove anything. I don't believe Judge Johnson is capable of testifying as to what the Internal Revenue Service did.

MR. BINGAMAN: I am simply taking one step at a time, and I want to take this step first, and the next step they did.

REPRESENTATIVE CONNOR: I object.

PRESIDING OFFICER SENATOR GRANTHAM: Let's hear the last question. Would the reporter please read the last question.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: I don't believe you had finished that question, had you?

MR. BINGAMAN: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: I don't believe I quite understood. Read that question again, will you, please.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A What do you mean by engaged?

Q (By MR. BINGAMAN) Well, you had employed an attorney who was also an accountant to assist you in the accounting matters; did you make these checks known to him?

A Oh, yes.

Q All of them?

A Yes, sir.

Q And did he make them known to the United States tax people?

REPRESENTATIVE CONNOR: If Your Honor please, I am going to object. If Your Honor please, I would ask that the question be read to the Court so that I might make an objection.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: You are objecting?

REPRESENTATIVE CONNOR: My objection is, Your Honor, what anyone told the United States tax people, what they are attempting to do is by indirect proof from the Internal Revenue --

PRESIDING OFFICER SENATOR GRANTHAM: If he knows of his own knowledge that he made these known to the tax people, he can answer. You may

inquire how he knows, if you wish. Do you desire to inquire how he knows?

REPRESENTATIVE CONNOR: Are you talking to me, sir?

PRESIDING OFFICER SENATOR GRANTHAM: Yes, I am talking to you.

REPRESENTATIVE CONNOR: Yes, I would be happy to.

PRESIDING OFFICER SENATOR GRANTHAM: Okay, you may inquire.

REPRESENTATIVE CONNOR: Judge Johnson, were you present at all hearings and one thing and another of the Internal Revenue Service concerning your tax returns?

A I think I was.

REPRESENTATIVE CONNOR: And did you discuss this matter with them, sir?

A I answered their questions.

REPRESENTATIVE CONNOR: As to all these cashier's checks, is what we are talking about, sir. Was this discussed with the Internal Revenue Department?

A I turned them over to my lawyer and authorized him to give them to the Internal Revenue inspector.

REPRESENTATIVE CONNOR: Then, to your knowledge, sir, you do not know whether he turned them over or not?

A Of course, I don't know; I instructed him to do that.

REPRESENTATIVE CONNOR: In that case, if Your Honor please, we renew our objection and again renew it on the further grounds that what the Internal Revenue Service did or did not do, they are the only ones that can testify to this.

PRESIDING OFFICER SENATOR GRANTHAM: I am ruling only on that one question before the Court, and that is whether this is admissible, and inasmuch as he testified that he doesn't know of his own personal knowledge whether they were turned over or not, the objection is sustained.

Q (By MR. BINGAMAN) Judge Johnson, did you do anything to conceal any of

that information from the United States tax people?

REPRESENTATIVE CONNOR: If Your Honor please, again this is repetitious, it is something that has been covered by the prior ruling, and it can be nothing but a self serving statement at the best, which isn't --

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

MR. BINGAMAN: This is rebuttal; they are the ones that raised this issue.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled. Proceed.

(Whereupon, the question last above set out was read by the reporter.)

A Not one thing.

Q (By MR. BINGAMAN) Now, Judge Johnson, you have been present here in court and have heard N. S. Corn testify that he paid to you a bribe of \$7,500 to influence your judgment in the so-called Selected Investments Company case. I will ask you: Was that testimony true or false?

A That testimony was absolutely false.

Q Did Judge Corn pay to you a bribe to influence your decision in the Selected Investment Company?

A He did not.

Q It has been testified in this court by N. S. Corn that he paid to you a bribe of \$2,500 in one hundred dollar bills to influence your decision in the case of Oklahoma Company versus O'Neil. Will you tell this Court whether that testimony was true or false?

A That testimony was false.

Q Did Judge Corn pay to you a bribe of \$2,500 to influence your decision in the Oklahoma Company vs. O'Neil case?

A He did not.

MR. BINGAMAN: You may cross examine.

PRESIDING OFFICER SENATOR GRANTHAM: We are nearing the time

here when I think it is a logical break, and for that reason, the Court will stand recessed until just before 1:30.

(Whereupon, the noon recess was taken.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature continues in session, the recess having expired.

Let the record show the Board of Managers is present and the accused with his attorneys is present.

The Clerk will call the roll.

(Whereupon the roll was called by the Court Clerk, the following members being present: Atkinson, Baldwin, Bartlett, Berry, Birdsong, Boecher, Bradley, Field, Garrett, Garrison, Gee, Grantham, Ham, Hamilton, Horn, Howard, Keels, Luton, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Porter, Rhoades, Rogers, Romang, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Graves is here. Senator Baggett is here. Any other members of the Court who have not answered the roll?

At this point I would like to explain that Senator Selman received word just prior to the recess that his niece, fourteen years of age, passed away and he has gone to Dallas, Texas and will be absent the remainder of the day for that reason.

Let the record show Senator Pope is here and Senator Findeiss is here.

COURT CLERK: Absent are Berrong, Cowden, Dacus, Holden, McClendon and Selman.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Berrong is present and --

Senator Holden is absent. I might say that Senator Holden has also had a death in his family.

We are in the process at this point the

testimony of Judge Johnson was -- direct examination had been closed and we will now resume the testimony of Judge Johnson, if you will take the stand, Judge Johnson, by the Board of Managers.

Let the record show that Senator Dacus is present.

Board of Managers will examine.

REPRESENTATIVE CONNOR: If Your Honor please, I am informed that we are now in receipt of the case made of the Selected Investments Case. I see no certification.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease while the Board of Managers and counsel for the accused examine the papers which were presented by Judge Bohanon.

Court will stand at ease while counsel examines the case made.

Members of the Court, will you give me your attention.

In reference to the papers which were received from Judge Bohanon, the transcript is not certified and therefore neither the Board of Managers nor counsel for accused can say whether or not this is the correct case made or not the correct case made. However, inasmuch as an interest has been shown in these papers, for whatever they are worth, both the parties say they do not care to have them introduced in evidence, but they have no objection to the Court looking at these documents, which may or may not be official. It is my understanding that the parties have so stipulated.

May I inquire of counsel for the accused, is that your stipulation?

MR. BINGAMAN: That's correct, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: And may I inquire of the Board of Managers, is that your stipulation?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Therefore, no copies will be made of this. We must return this to Judge Bohanon, and any member of the Court that wants to look at this may do so.

Senator Young is recognized.

SENATOR YOUNG: Your Honor, this case is the one at issue here. I would like to renew my motion at this time to direct the Board of Managers or the Court, one or the other, to make every effort to get the original case made, so that we could look at it, because I think it is very, very material, because that is the case that is at issue, and the Federal Court had this record for approximately six years and should be returned to the Court Clerk's Office, and they had better get Mr. Payne down here and find out something about it, because we want to ask him at length about it.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator McClendon is here.

Senator Young, the Federal Court doesn't have these records. Did I understand you correctly about that?

SENATOR YOUNG: Well, I don't know who has them, but we are, as a member of the Court, before -- I feel, anyway, before we can make a proper determination in this case, we ought to be able to look at the certified case made that was filed in the Supreme Court of Oklahoma.

PRESIDING OFFICER SENATOR GRANTHAM: The position that this Court is in is that the case made, according to the records and the testimony heretofore received, is that the case made was checked out from the Court Clerk of the Supreme Court, and according to their records, Judge Bohanon, who was then an attorney, Judge Bohanon says he doesn't have the records and that the only records that he got are these, and that is the position we are in. I don't know how we would go about further to get the original case

made in a .. the original case made is apparently not available.

Now, you say you want to renew your motion for what, Senator Young?

SENATOR YOUNG: Well, I would suggest maybe we get Mr. Payne down here and maybe he can tell us about it. I don't know, but, somewhere, someplace, the original case made in that case is available, it's bound to be, because it was decided in the Supreme Court, and before we can decide anything about this case, at least I feel personally we should have an original transcript or a certified copy of the transcript, because this case made is the one that is in issue.

PRESIDING OFFICER SENATOR GRANTHAM: All right. May I inquire of the Board of Managers, if you could have Andy Payne, the Court Clerk, recalled at some time during the trial to inquire of him about these particular records?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You will do that?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Well, that is fine.

Now, we will do that, Senator Young, and before we close this case we will again hear from Andy Payne, the Court Clerk of the Supreme Court.

At this time the Board of Managers will cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, you have, I believe, as you testified, been on the Supreme Court since 1949, is that correct, sir?

A That's right.

Q And during that time you have served one term as Chief Justice?

A Correct.

Q Now, Judge, I am directing your attention to your term in 1955 and '56; is that

the years that you served on the Court, Sir, as Chief Justice?

A Correct.

Q Was the Selected Investment case assigned during that period?

A Yes, sir.

Q And was it assigned to Judge Earl Welch, sir?

A Yes, sir.

Q I will ask you further, Judge Johnson, if you recall that the reply brief in the same case was filed around the 10th of the month, and it was assigned on the following day to Judge Welch?

A On January 10, I believe, and assigned on the 11th.

Q Yes, sir.

A The case had been long delayed.

Q Was that your reason for assigning it?

A Well..

Q So as to expedite the matter?

A It was there and I assigned it.

Q Are most cases normally assigned within one day?

A It depends on how long the case has been dragging in court.

Q Were you aware of the length of time which the Selected case had been going, sir?

A I probably was, I had the record before me.

Q Had you been checking on that case as it progressed?

A Not especially.

Q Had you been checking on other cases?

A All the cases that were ready for assignment I concerned myself with, see that they were placed with the Justices of the Court.

Q Do you know why you assigned the Selected Investments case to Judge Welch?

A Well, it was at issue.

Q Why would you not have assigned it to Judge Halley?

A I had no reason for assigning it to him.

Q Do you recall the date on which you assigned that case, sir; did you assign another case that day?

A Oh, January 11, I believe it was 1956.

Q Yes, sir. Did you assign another case that day?

A I don't recall, that has been eight years ago.

Q All right, sir. It is a fact, is it not, sir, that you and Judge Welch were friends before?

A I am friendly with most everyone on the Court, not all of them.

Q Did you know Judge Welch before you came on the Supreme Court of the State of Oklahoma?

A Yes, I did.

Q Did you attend school with Judge Welch at any time?

A Oh, no.

Q You just met him through the Bar as being an attorney?

A I think I met him for the first time in Washington with Floyd Maytubby.

Q I will ask you, sir, the Oklahoma case versus O'Neil, you wrote that opinion, is that correct?

A I wrote that opinion.

Q And it was at issue under a procurement?

A Procurement.

Q This is not unusual for the Court to do this?

A Not unusual.

Q The reply brief in that case was filed on the 22nd day of August, 1958, and it was not assigned until the 10th day of December, 1958; were you aware that that case was to be assigned to you by Judge Welch?

A No.

Q Judge Welch was Chief Justice at that time, was he not?

A Oh, yes, he followed me.

Q And you recommended oral arguments be granted, sir, in that case?

A I don't recall, I probably did, since I was the author of the opinion. There were legal questions that I thought ought to be considered by the Court.

Q Did you attend that oral argument of the Oklahoma case?

A Sure I did.

Q Do you remember the argument? Just that you were there?

A Oh, yes.

Q Had you worked on the opinion prior to the time of oral argument?

A Oh, yes, I looked it over.

Q Did you have a rough draft of the opinion prior to the time of oral argument?

A I don't recall that.

Q Do you recall, sir, how long it took you to prepare and submit or circulate an opinion in the Oklahoma case after the oral argument?

A No, I don't recall.

REPRESENTATIVE CONNOR: May I have Board of Managers' Exhibits 4 and 5, please?

Q (By Representative Connor) I read here, sir -- apparently we are going to have to operate from the same exhibit here -- that action, oral argument was granted and set for September 30, 1958. Now, sir, were there what you would consider thorny legal questions in this matter?

A The question again, please.

Q Would you consider that the Oklahoma case, Oklahoma Company versus Eugene J. O'Neil, did this contain what you would call complicated questions of law or of fact?

A Well, it involved decision of contracts and question of fraud, and accounting; those things sometimes do run into time, especially accounting cases.

Q All right, sir. In other words, you would say that this was not an easy decision to prepare and -- is this why you permitted the oral argument, to allow the attorneys to appear with their various contentions before the whole court?

A We usually discuss these applications for oral argument, in conference, and if a majority of the Judges want oral argument, why, we give it.

Q Back to the point. Would you say that the Oklahoma Company case was a difficult case to write a decision on, or do you look at it that way?

A It was a general run of cases.

Q It was?

A That involved those questions that I mentioned.

Q All right, sir. I note that the argument was held on September 30, 1958. It was first presented in conference on October 20, 1958, concurred, Corn, Johnson and Carlile. Now, sir, would you not have circulated this opinion ten days prior to October 20 under the Court rules?

A Not necessarily.

Q I believe Judge Halley or Judge Davison, one of the two, testified that the Court rules were that an opinion must be circulated ten days prior to the time -- it is circulated a Wednesday before the following Friday. Are you telling the Court that there are exceptions to that rule, that you could circulate the opinion, say, two or three days prior to the --

A I believe we made exceptions. I don't recall.

Q Do you recall when you did circulate the opinion in the Oklahoma Company case?

A I presented it on October the 20th, 1958.

Q Do you recall when you circulated it to the other eight Justices?

A I followed the rule, I think, in the case. I don't recall.

Q It would have been circulated a

Wednesday before the Friday on which it was presented, in other words, approximately ten days before October 20?

A I don't recall now.

Q All right, sir. If that would be true, then, from the time of oral argument until the time you had the opinion prepared in final form and circulated, only ten days elapsed?

A Well, it speaks for itself, the record does.

Q All right. And then, I believe, sir, the opinion was handed down, rehearing denied, all within a period of around three months, would you say, if this is what the record indicates?

A The record speaks for itself.

Q Would you say this was a rather speedy determination for a case in the Supreme Court of the State of Oklahoma?

A Well, it wasn't unduly delayed.

Q Did you notice Judge Corn attempting to move this case along hurriedly?

A I don't recall.

Q Did you notice anyone attempting to move this case along hurriedly, sir?

A Not especially, no.

Q I believe, sir, you testified in direct examination that you intended to apply for a supernumerary capacity; is that correct?

A Yes, sir, that is correct.

Q Which would mean, sir, that you would remain a judge for as long as you wanted to and under assignment from the Supreme Court?

A Subject to their request and assignment and serve.

Q Yes, sir.

REPRESENTATIVE CONNOR: Mr. Bingaman, could I have that?

Q (By REPRESENTATIVE CONNOR) I hand you this, sir, and I will ask you a question about it.

A Yes.

Q In your special account that you received from the condemnation, I have

just handed you the record that you testified from earlier?

A Yes.

Q I believe your testimony was, sir, that you received \$243 of your distributive share or something on that order?

A \$243.91.

Q And that was the distributive share each of the other four heirs got?

A They each got.

Q And you testified as to certain charges, costs, fees that had to be paid in that, winding this up; is that correct, sir?

A Witness fees.

Q Yes, sir. I would call your attention to the last check there, sir, in the sum of \$52.79. Would you tell us what that check represents, sir?

A That was the balance of that account.

Q And that check was made payable to you?

A Made payable to me.

Q And did you...

A I received it.

Q All right, sir. You used those proceeds?

A Sure.

Q That was in addition to the \$243?

A In addition to the \$243.

Q All right.

A I made two or three trips to Tulsa and conducted the necessary steps getting witnesses and so on, and with the consent of the heirs, why, I took the balance.

Q All right, sir. You testified and offered into evidence, I believe copies of your 1956 and 1957 tax returns; is that correct?

A Yes, sir.

Q I note on them, sir, that there is a penciled note that carbon copies of these were furnished to the Bar Association. How did you furnish to the Bar Associa-

tion the remaining years that they wanted?

A The investigator, I think, McCully, came to my office and I just told him he could have anything he wanted.

Q Then the returns for '58 '59 through '64 were uncertified by anyone, is that correct, sir?

A I never noticed.

Q You just gave them the copies you had in your office?

A I think that is correct.

Q All right, sir. I'll ask you, sir, when the Selected Investments brief, the brief of the plaintiff in error, was filed, did you at any time make a comment to Mr. R. O. Ingle, concerning that case?

A Nothing out of the ordinary run of conversation in respect to cases assigned to me when I turn them over to a legal assistant.

Q I am speaking now, sir, of the Selected Investments case when you were Chief Justice and I am talking specifically of the time when the plaintiff in error's brief was filed, prior to the time that any other action had been taken in it, either the answer brief or the reply brief being filed did you make a statement to R. O. Ingle, something to the effect, "here's a case that should be reversed"?

A No, I didn't say anything about that. You mean when they filed the first brief?

Q Yes, sir. In the morning hours.

A No, sir.

Q I will ask you, sir, if you remember the case of Magnolia Petroleum vs. Angelly?

A Yes, sir, I remember that case.

Q Do you recall discussing that case with your legal assistant R. O. Ingle?

A Just in an ordinary manner.

MR. BINGAMAN: Fix the time and place of the discussion, if the Court please.

PRESIDING OFFICER SENATOR

GRANTHAM: The objection is well taken. Fix the time and place.

Q (By REPRESENTATIVE CONNOR) Do you recall, sir, discussing this case with Mr. Ingle shortly after he had presented or prepared an opinion in this case? Did he prepare an opinion in this case?

A I don't recall him preparing any opinion in the case.

Q Let me ask you specifically, around this time, sir, do you recall telling Mr. R. O. Ingle that you thought this case should be reversed because Lee Welch was the attorney and he had had a heart attack or was suffering from some sickness.

A The case was not reversed.

Q Excuse me, affirmed.

A That was a jury case and the Court approved the jury verdict, and I examined the briefs and the case and I thought the case should be affirmed.

Q Do you remember, sir, in making a statement concerning the health of Lee Welch?

A No, I didn't say anything about his health. It didn't have anything to do with the case.

Q You never made such a statement to Mr. Ingle?

A No, I did not.

Q To your knowledge, sir, at that time --strike that if you would.

Did R. O. Ingle, to your knowledge, ever write an opinion reversing that case?

A No, I don't have any record of him doing that. He wouldn't have had authority to do that.

Q Was he not your legal assistant, sir?

A He was.

Q And did he not, from time to time, write opinions and submit them to you for your approval or rejection?

A After consultation with me and discussing the case. He never wrote a case in my office that he didn't discuss with me before he wrote it.

Q All right, sir.

A As to how I thought it ought to be decided.

Q Were you, sir, acquainted with Harold Westcott?

A No. I met him, I think, once, one time.

Q Did you know him prior to 1960?

A 1960? That's the one time I met him.

Q Did he ever make a present to you, sir, of a case of Jack Daniels Whiskey?

A Ha! I'll say not, positively not.

Q I will ask you, sir, in your years on the Court, has anyone ever approached you in what you would consider an importunate manner to influence your decision?

A No.

Q Have you ever, to your knowledge, been offered any consideration or any favor or something of this sort in consideration of your opinion?

A No, sir.

Q Would you say it would be highly improper to attempt to influence you as a Judge?

A I think it would be improper to approach any judge.

Q Judge Johnson --

A In regard to how they should decide a case.

Q Judge Johnson, do you consider the people in front of whom you are sitting as a Court today, do you consider them as Judges?

MR. BINGAMAN: We object to that as argumentative, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By REPRESENTATIVE CONNOR) Judge Johnson, have you made telephone calls to various friends of yours around the state of Oklahoma asking them to intercede in your behalf among members of this Court?

MR. BINGAMAN: Object; incompetent,

irrelevant and immaterial. Not proper testimony.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A No, I haven't contacted any member of this Court.

Q Have you contacted influential friends of theirs and asked those friends to contact certain members of the Court?

A I have talked to some friends and insisted that they see that I get a fair deal. All I asked for was a fair deal, open and complete hearing and that is as far as my statement ever went, or request.

Q Did you feel it necessary, sir, to contact the members and insure you received a fair deal?

A No, I didn't.

MR. BINGAMAN: Object to that as argumentative, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

MR. BINGAMAN: Argumentative as to whether he thought it was necessary.

PRESIDING OFFICER SENATOR GRANTHAM: This is cross-examination; overruled.

A I know I have faith and confidence in the members who have been elected and sitting on this Court.

Q (By REPRESENTATIVE CONNOR) How many calls did you make, sir?

A Oh, I don't know.

Q Would it be more than one?

A Yes, more than one.

Q More than five?

A I don't know about that.

Q Would it be somewhere between ten and fifteen?

A No, not that many.

Q And it is your statement that you asked these gentlemen to discuss it with the senator or senators and ask them to give you a fair trial? This is all you asked them to do?

A I never asked anybody to contact any member of this Court, except on the basis of getting a fair and impartial trial... hearing.

Q Your answer to my question would be, "Yes, sir", is that correct?

A Well, I have answered it.

Q All right, sir. Now, Justice Johnson, we have, I believe, earlier stipulated into the record what your income was since the time you have been on the Supreme Court of the State of Oklahoma.

A That's correct.

Q You have been present in the Court all of the time and drawing your checks except for the time since you had been suspended recently, is that correct, sir?

A Read the question.

(Whereupon, last set out above question was read by the reporter.)

THE WITNESS: I don't quite get your question.

Q (By REPRESENTATIVE CONNOR) All I am trying to get to, Judge, these figures that we stipulated to, you have drawn all of this money up until ..

A Yes, prior to my suspension.

Q Has your wife been employed, sir?

A No.

Q Then the only source of income that your family would have would be what you draw from the fruits of your labor, or is that correct, sir? Do you have any outside .. Does your wife have any outside source of income?

A She gets a little oil check, about \$2.00 a month.

Q Nothing other than that?

A Then I get my pro rata share of my interest in the Cherokee judgment.

Q When did you receive that? Within the last year?

A About two years ago, I believe.

Q How much is that, sir?

A \$300 and then \$243 we have talked about.

Q Earlier, Judge, we offered into evidence a cashier's check on February 5, 1962, apparently taken out by Mrs. Earl Welch and Mrs. N. B. Johnson, payable to Vandever's in Tulsa for \$47.93. Did you purchase this check?

A No.

Q You did not purchase this check?

A No, my wife and this lady -- I misunderstood you when I thought they said N. B. Johnson and Mrs. Welch. I was afraid I would get in trouble with my wife.

Q No, sir; that was Mrs. Johnson --

A Otherwise I would not have objected to it.

Q Your statement is now you did not purchase this check?

A No, I didn't.

Q Now, Judge, you opened a safety deposit box at the Citizen's National or Citizen's State Bank in Oklahoma City, is that correct?

A That is true.

Q And the date here shows June 10, 1957. I assume that is also correct.

A If the record shows that, that is true.

Q Judge, had you ever had a safety deposit box prior to that time?

A I had one at Claremore before I came down here.

Q Would that have been in 1948?

A Well, about that time.

Q (By REPRESENTATIVE CONNOR) So, you would have gone from 1948 to 1957 before you opened this one in the bank here in Oklahoma City?

A That would have to be that.

Q Do you have any other safety deposit boxes?

A No.

Q Those are the only two that you ever owned?

A I let that one go when I left Claremore.

Q All right, sir. I notice, sir, that the

box is taken out in the name of N. B. Johnson, it's not in joint tenancy, I assume that your wife would have no entry to this. Would you tell us, sir, why you did not afford her this privilege?

MR. BINGAMAN: Object as argumentative, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Would the Court Reporter read the question, please.

(Whereupon, the question last above set out was read by the reporter.)

PRESIDING OFFICER SENATOR GRANTHAM: Overruled. Proceed.

A I didn't know that she couldn't get in there.

Q Your checking account, sir, and the other savings account are all in joint tenancy; do you recall whether this was mentioned to you that -- Strike the whole thing.

It's true, sir, that you have taken savings accounts out in joint tenancy with your wife?

A Oh, yes.

Q Your checking account is that way?

A Yes, sir.

Q Do you ever recall any mention made of the fact that you would be the only one that could have access to this box?

A No, sir.

Q Did you ever tell your wife of the existence of that box?

A She knew all about it.

Q According to the Board of Managers' Exhibit No. 13, this box was opened June 10, 1957.

Would you explain to the Court, please, why you found it necessary on that day to open a safety deposit box?

A I wouldn't know at this time.

Q Do you recall, sir, what your reasons were for opening that box?

A No, not at this time.

Q Judge, I wonder if we might have

Board of Managers Exhibit 13 through 51 supplied to the Judge.

I will ask you, sir, on the top line, August 1, 1957, it shows that date an entry on your signature, I assume that you entered your box on that date, is that correct, sir?

A Is this the one, the exhibit you are talking about?

Q Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, would you tell him which one of these exhibits?

REPRESENTATIVE CONNOR: Thirteen, Exhibit No. 13.

A The question again?

Q And you entered your box, according to that, on August 1, 1957?

A It says August 10.

Q Well, I think it is a June 10, 1957, stamped down, and then August 1, 1957, stamped across.

A Well, the record speaks for itself.

Q All right, sir. You purchased a cashier's check, sir, to make, I assume, a house payment to Prudential Insurance Company in the sum of \$89.51, Board of Managers' Exhibit No. 17, dated the same date. Would you tell us, please, sir, where you secured that money?

MR. BINGAMAN: If the Court please, they don't appear identical, the date on one is the 10th of August and the other is the 1st of August. I think counsel should be fair with the witness and not try to confuse him on these confusing matters as these dates.

PRESIDING OFFICER SENATOR GRANTHAM: The question is proper, it is a question of whether or not the dates are correct. Of course, they should be. If it isn't, you would have a possibility to cross examine.

Proceed.

Q (By REPRESENTATIVE CONNOR) Could you tell us, sir, where you secured

the funds on August 1, 1957, to purchase the house payment check?

A I had the money.

Q Is that the amount of your house payment check there?

A That's correct.

Q Do you recall where you secured the money that you had to purchase this check?

A Yes, from earnings.

Q From your earnings?

A And my salary and my other source of income.

Q Had you written checks in your checking account, sir?

A For what?

Q To secure the cash for this \$89.51.

A No.

Q Are you in the habit, sir, of carrying around a large sum of money, or at least to me what would be a large sum of money to have in my pocket, some \$89.51?

A Sometimes.

Q Am I correct, sir --

PRESIDING OFFICER SENATOR GRANTHAM: Judge, would you speak closer to the microphone?

A No, sir.

Q Then, am I correct, sir, you do not recall the specific place you secured this money?

A Oh, yes, sir, I had the money at home.

Q Where did you keep it at home, sir?

A Well, I have got a place to keep it.

Q How much do you usually keep there, sir?

A I think I reported, I had about fifteen hundred or two thousand dollars.

Q That you kept there at your house?

A Yes.

Q And where did this money come from, sir?

A Accumulative withdrawals, I drew from forty-five to fifty dollars, maybe

twice a week here in the Treasurer's Office.

Q On your checking account?

A 1957, I think I drew out twenty-six or twenty-seven hundred dollars cash.

Q Out of your checking account?

A Out of my checking account. I wrote the check, pay to N. B. Johnson, signed N. B. Johnson, and endorsed it as N. B. Johnson.

Q And these checks --

A To the total sum of those checks for 1957 was twenty-six hundred and some odd dollars.

Q Do you have records of these, sir?

A Yeah, I have the checks.

Q Could you supply the records to the Court, please, sir?

A Well, they are not here, I am preparing an audit -- They are not here.

Q Did you have a large amount of records in court with you last Thursday, a folder of some kind?

A Oh, yes, I had a lot of papers.

Q What did these papers contain, sir; were these these records?

A These?

Q Yes, sir.

A No.

Q No, the records of what you are now speaking of, did you have these with you in court here Thursday?

A No, sir.

Q You said you were preparing an audit. For whom are you preparing an audit, sir?

A The Federal Government called for a report on my income tax after this Corn's statement.

Q All right, sir. I will direct your attention again to Board of Managers' Exhibit No. 13, the second line, it shows you entered your box on September 10, 1957; are you with me there, sir, do you see what I am now talking about?

A Yes, I see it.

Q All right, sir. I would now direct your attention to Board of Managers' Exhibit No. 18, 19 and 20, which are cashier's checks that you have in your hand, 18 being a check for \$89.51; 19 being a check for \$200.00; and 20 being a check for \$75.00, all issued on the 10th day of September, 1957.

Did you purchase those checks, sir?

A Sure, yes, sir.

Q Did you take the money to purchase those checks from your safety deposit box?

A No.

Q Where did you secure the money to purchase those checks, sir?

A From the funds I had in my home.

Q That is the total balance of \$89.51 -- pardon me, \$364.51. Why, may I ask you, sir, did you see fit to buy these cashier's checks for this sum of money and pay your house payment and other bills?

A Would you read the question, please.

(Whereupon, the question last above set out was read by the reporter.)

A Well, I wanted to pay my obligations.

Q You at that time, sir, according to Exhibit -- I believe No. 8, the ledger at First National Bank in Claremore, had a balance in your checking account of \$258.05? Why did you not pay some of these obligations from your checking account?

A I had this cash at home, accumulated withdrawals; I didn't want to get too much in it, so I got the money and go down and pay these bills, and continued to do that, and I could save money better that way; if I put it in my checking account at Claremore, why, I would be more inclined to spend it.

Q How long had you been keeping this money around your house, sir?

A Oh, I had done that for years.

Q For many years, sir?

A Yes, sir.

Q How much would you keep around the house from time to time?

A Well, run around \$2,000.

Q You have done this since 1949, '48, when you came on the Court, sir?

A Well, I wasn't able to do that when I first came down; I didn't draw the salary that I am drawing now, and I had some expenses.

Q Did you do this, sir, in 1950, '52, '53, '54 and '55?

A Well, I didn't have too much during those years.

Q Sir, isn't it a fact that, during the years 1952 to 1956, you had a savings account rise from a balance of \$119.59 to \$7,762.30?

A Whatever the record shows.

Q That would be your account at Claremore Federal Savings & Loan Association?

A Yes, sir.

Q That sounds about right, you were saving money in recognized institutions, were you not, sir?

A Oh, yes, I had money in the Claremore Building & Loan.

Q And you were making rather sizeable deposits to them in certain periods, were you not, sir?

A Within my income, yes, sir.

Q And on top of that, you were hoarding money in your home, is that your testimony?

A No, I wasn't hoarding any money anywhere.

Q Well, you were keeping amounts of cash in your home, I will rephrase my question.

A Yes, I had some.

Q All right, sir. I would direct your attention again to Board of Managers' Exhibit No. 13, the date appears September 21, 1957, the entry to your safe deposit box; Exhibit 21 shows that a check was written on the same date in the sum of \$150. Did you enter your box on that date, sir, and did you purchase that check?

A Whatever the record shows would be

correct. What date did you mention there?

Q September 21, sir.

A Well, I entered the box on that date.

Q That, sir, is a check, Board of Managers' Exhibit 21. I will call your attention to it, sir. That is a check made payable to the First National Bank in Claremore, Oklahoma, where you deposited \$150 into your checking account, is that correct, sir?

A Probably so.

Q Do you recall why you did that, sir?

A I was probably running a little short in Claremore. I don't recall.

Q All right, sir. Board of Managers' Exhibit No. 13, directing your attention, I note that you entered your box on November 13, 1957, and again purchased a cashier's check Exhibit 24, in the sum of \$100 to the Claremore Federal Savings & Loan Association. Do you recall those transactions, sir?

A No, I don't remember what it was for. Whatever it shows is correct.

Q Could you tell me, sir, why you were entering your safety deposit box on these dates?

A Well, I kept insurance policies in there, life insurance, four or five, and I had health insurance policies, and other items.

Q Did it require your attention approximately once a month for a four months' period to check these policies, sir?

A What?

Q Did it require that you check these policies approximately once each month for a four month period?

A I didn't have to do that once a month.

Q Well, sir, I note you went in on August 1st, September 10th, September 21st and November 13. Could you tell us what would have caused you to make such frequent trips to check these policies?

A I don't recall at this time.

Q Did you ever keep money in this box, sir?

A I had some money in there.

Q Could it be you were taking money out of this box that you had put there and used some of this money to buy cashier's checks, is this possible?

A Well, it could have been, yes, sir.

Q All right, sir.

A I had about \$800 in there, if I recall correctly.

Q During the latter part of 1957, you had about \$800 in your safe deposit box?

A I just don't remember when it was. I think I had about \$800 in there.

Q During this time, sir, were you keeping money both in your box and at your home?

A I had some at home and --

Q All right, sir. I would again direct your attention to March 15, 1958, when you again entered your box, and I note that you made a house payment with a cashier's check on the same date, Exhibit 27. Do you recall why you entered your box on March 15, 1958?

A I sure don't; I don't.

Q Do you recall why you made your home payment with a cashier's check on that date, sir?

A Well, not especially, no.

Q Directing your attention to Exhibit No. 12, this is the second sheet of your safety deposit box record.

A Exhibit 12?

Q Yes, sir, that is the little short sheet, looks something like this with the reporter's mark on it.

A I don't have it.

REPRESENTATIVE CONNOR: Would the reporter check and see if he can find Exhibit 12, please?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, we have had inquiry from a member of the Court, Senator Hamilton, as to whether or not you are stating the date on Exhibit 22 is November 13, is that correct?

REPRESENTATIVE CONNOR: On Exhibit 22, no, sir. If I am stating -- I might

have; if I did, I apologize. On Exhibit 22, I am stating the date is November 4, 1957.

PRESIDING OFFICER SENATOR GRANTHAM: November what?

REPRESENTATIVE CONNOR: Four, 1957. What was the date --

PRESIDING OFFICER SENATOR GRANTHAM: The question by Senator Hamilton was if the date on the Board of Managers' Exhibit 22 is November 13. Your answer is no, is that right?

REPRESENTATIVE CONNOR: No, sir, that should have been Exhibit No. 24; I might have misstated it, but Exhibit No. 24 is the one I was speaking of.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Hamilton?

SENATOR HAMILTON: Judge Grant-ham, I believe that Mr. Connor's statement was to the effect that checks were made to the Claremore Saving & Bank Loan Association, which is Exhibit No. 22, which does not bear the date of November 13 according to the exhibit.

PRESIDING OFFICER SENATOR GRANTHAM: But bears the date of what, November the 4th?

REPRESENTATIVE CONNOR: No. 22 does bear the date of November 4. If I have announced that, I am in error. There is no other explanation. I was referring, or trying to refer myself to Exhibit No. 24, which is to another saving and loan association, and apparently I have misquoted coming through, and I appreciate Senator Hamilton pointing that out.

Q (By REPRESENTATIVE CONNOR) To clear this up, sir, to go back, Exhibit No. 22 is a check in the sum of -- is that correct, sir, the date is November 4, 1957, on Exhibit No. 22, it's check made payable to the Claremore Federal Savings & Loan Association in the sum of \$100?

A It speaks for itself, yes sir.

Q All right, sir. And right below that you again make your house payment by cashier's check on the same date?

A That's right.

Q Judge, as I look through, as long as we are here, we might ask you about this: At that time, you had in your checking account a balance of \$836.36?

A Yes.

Q Why did you not use your checking account to make your house payment or this other payment?

A Well, for the reason I stated a while ago; you put the money in the bank, you are more inclined to spend it, so I just took the cash and paid these bills; I had the cash at home. I don't think I touched the \$800 for some time later.

Q Sir, as I look on your checking account it shows you deposited your salary check on November 5, '57, giving you a balance of \$836.36 in your checking account. Now, my question is, sir, if you were using cash to pay certain bills rather than going through your checking account to save money, why did you use the savings when you had ample money in your checking account to make these payments?

A I didn't quite understand you.

Q I will try to restate it, sir. I believe you have stated that you did not put money in your checking account because of the fact you wanted to try and save your money and if you put it in the checking account it would be spent quicker.

A That's right.

Q Now, sir, my question is why did you take these savings to buy \$189.50 worth of cashier's checks when at this time you had a balance in your checking account of \$836.36?

A You mean why did I take my accumulative savings?

Q Yes, sir.

A For the reason I stated awhile ago. I wanted to keep my bank account intact. I am not...and instead of putting the money I had at home in the bank at Claremore, I kept it there because I would be inclined or apt to cash more checks out of the bank checking account.

Q I don't believe you understand my question, sir. At the time you wrote these checks, sir, you had in your Claremore account the sum of \$836.36.

A That's right.

Q Now, why didn't you write a check on your Claremore account and keep this money at home, since you had ample money to pay this bill?

A I didn't want to keep too much at home.

Q Is there any possibility that you would recall how much you had at home at that time, sir?

A Well, it was around \$1500.

Q Did you keep a record of the amount of money you kept at home?

A Well, I knew about what it was.

Q Did you write it down anyplace? Or do you have any record of what you kept at home?

A Yeah, I gave it to the... we worked that out.

Q Do you have a copy of that with you now, sir?

A No.

Q Do you have a copy of that in the capitol building, sir, in your office?

MR. BINGAMAN: Copy of what, may I inquire, if the Court please?

REPRESENTATIVE CONNOR: I am speaking...

PRESIDING OFFICER SENATOR GRANTHAM: What you are questioning about is the copy of the record of how much money he had from date to date at his home?

MR. BINGAMAN: Ledger and account books, something of that sort?

REPRESENTATIVE CONNOR. Mr. Bingaman, I don't know. This is what I am trying to learn from Judge Johnson. He said he did have an accounting of it.

MR. BINGAMAN: I think he said he knew what it was from time to time.

PRESIDING OFFICER SENATOR GRANTHAM: One at a time here.

THE WITNESS: About \$1,500 I kept at home. If it got any bigger, much larger, why, I'd deposit it or pay some of these bills.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Johnson, I don't believe you have answered his question as to whether or not you kept a record of the amount of money you had at home? Have you answered that question?

THE WITNESS: No, No, I didn't keep any particular record.

Q (By REPRESENTATIVE CONNOR) Did you keep any record, sir; did you write it down any place?

A Yes, I made notes.

Q Do you have those papers in the capitol building today?

A No.

Q They are not in your office?

A No.

Q Where are these papers, these records?

A I think they are -- my auditor has them.

Q Do you not feel those papers would be valuable to us in attempting to arrive at some sort of an answer to this problem, sir?

A I think you have all of the data he has.

Q I don't believe you are understanding the thing that I am trying to get at, sir. You say, you testified a number of times that you have kept \$1,500 at your house. I believe, if I understood you correctly, you have testified that you kept notes of how much you had on certain dates at your house. Am I correct on that?

A No. I didn't keep any books, no.

Q Did you keep notes on scrap paper or newspaper?

A No, sir, just some envelopes.

Q Where are those envelopes now, sir?

A I don't have them. I don't think I do.

Q Where are they, sir, if you know?

A They may be in my bedroom over the window top. I don't like to tell the world about it, but that's where I kept them. Right over the top of the curtain on the window in my bedroom. They won't be there tomorrow though, I'll say that.

Q Judge, referring your attention now to the Board of Managers' Exhibit No. 12, it shows that you entered your safety deposit box on December 5, 1959.

A That's what the record shows.

Q All right, sir. And a cashier's check, Exhibit 31 -- pardon me, Exhibits 30, 31, 32 and 33. Those are all checks written on December 5, 1959. One for \$86.09; one for \$291.88; one for \$89.51; and one for \$101.00, or a total of \$568.48. My question, sir; did you take this money out of your safety deposit box to purchase these checks?

A I don't think so. I don't think I had that much money.

Q Then, in other words, sir, you took this money from your house to purchase these checks?

A Yes, sir.

Q What purpose did you enter your box on December, for what purpose did you enter your box on December 5, 1959?

A I wouldn't recall. I don't remember.

Q Do you remember how much money you had in your house on December 5, 1959?

A No, not exactly. I think -- I drew out checks in the manner I have heretofore testified.

Q And over the years --

A Around maybe \$2,700 in cash.

Q By this time you had built it up to \$2,700, is that correct, sir?

A Oh, no, no, I checked -- I'd go to the treasury here each week and I would draw out checks, write checks for \$45 or \$50 and I'd use some of that for spending money, give my wife some of it and we had always put a little of it away. So I

think in '59 we probably fed this fund to the extent of maybe half of that money, at least a third of it, and that was to each year.

Q All right, sir. And you kept that as a method of savings, is that correct, sir? You didn't spend it? You didn't put it in the checking account, because if it didn't get there you didn't spend it.

A I paid bills occasionally.

Q I notice the total checks written on that date were \$568.48. Also, sir, unless I am in error you had approximately \$648.77 in your checking account. Could you tell me, sir, why you were paying these bills with cashier's checks?

A Well, as I heretofore told you why I did that.

Q I notice on Board of Managers' Exhibit No. 32, it's to the County Treasurer of Oklahoma County, ad valorem taxes I would assume.

A That's the taxes on the homeplace.

Q Why did you not pay that one out of your checking account, sir, so you would probably have a better record than this cashier's check?

A The cashier's check would be a good record, satisfactory to me at least.

Q (By REPRESENTATIVE CONNOR) Do you have records of all the cashier's checks you have purchased, sir?

A Yes, we have them.

Q And where are they?

A I would have given them to you if you had asked for them the other day, and it would have saved a lot of trouble.

Q Yes, it would have.

Where are these checks, the other ones, now, sir?

A Oh, I believe we let the Federal Government have them.

Q How long ago, sir?

A Oh, a month or two ago.

Q Then --

PRESIDING OFFICER SENATOR GRANTHAM: I didn't understand your answer.

A A month or two ago.

Q (By REPRESENTATIVE CONNOR) Can you get them for us?

A Well, you have them here, I think; now, I haven't checked these against the records. There is nothing secret about any of this. We have furnished a record of all of these transactions.

Q On January 12, 1961, sir, half way down or three-quarters of the way down on Board of Managers' Exhibit No. 12, it again shows you entered your box on January 12, 1961. I notice, sir, by the checks, Exhibits 37, 38 and 39, that you wrote a total of \$948.34 in cashier's checks. Did you secure that money from your safety deposit box to write those checks, sir?

A I don't remember, because we finally depleted the money we had in there. I don't remember.

Q Do you recall why you went to the box on that date, sir?

A No, I don't.

Q Well, looking at the exhibit, sir, I notice that you entered the box on January 9, 12, February 1 and 4, four times in a little over one month. It would appear that you had some important reason for going in there. Do you recall what that reason was?

A No, I might have been after that \$800.00. I don't know. It's like paying Christmas bills or something.

Q All right, sir. Then, it is possible that you did, on the 12th day of January, take from that box \$948.48?

A I don't know, but, I never had any more than \$800.00, as I remember it.

Q Did you replenish money from in there from time to time?

A No, I didn't.

Q Then, you just put \$800.00 in at one time?

A At one time and left it there and finally spent it, and nothing has been there for a long time.

Q Then, am I correct, sir, that you placed in that box \$800.00 on one occasion and never put another dollar, other than that one occasion?

A I believe that is true.

Q Well, then, sir --

A I got War Bonds, I mean E bonds and insurance policies, some of these things. Interest that I paid was especially -- I went to get them and find the cash value of the policy and interest earned and so forth.

Q All right, sir.

A Some of these entries was for that purpose.

Q Well, then, sir, if I am correct -- Do you recall what date you put the \$800.00 in your box?

A No, I don't. It has been some time ago.

Q Could you give us any indication, sir, from looking at the records that are in front of you as to your entries?

A No, I couldn't.

Q Did you put it in shortly after you opened your box, sir?

A I don't think so, I just don't remember it.

Q Judge, I would like to call your attention again to Board of Managers' Exhibit No. 12 that you entered the box on February 1, 1961, and you, on that date, purchased a cashier's check in the sum of \$500.00, and as of Board of Managers' Exhibit No. 40, Judge, do you recall whether or not you took the money out of your safety deposit box on February of 1961 to purchase this \$500.00 check?

A I don't think so.

Q Well, this is a rather large check to purchase; do you recall this check, sir?

A What is the exhibit showing the check?

Q Exhibit No. 40, the First National Bank of Claremore, Oklahoma, to your checking account, Exhibit No. 40, there are checks of the First National Bank of Claremore, on the First National Bank of Claremore, on that same sheet, 38 is on top of the sheet.

PRESIDING OFFICER SENATOR GRANTHAM: You say you don't have Exhibit 40, Judge?

A Yes, I see it now.

Read the question again.

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question.

(Whereupon, the question last above set out was read by the reporter.)

A That would be a deposit in the First National Bank of Claremore for \$500.00.

Q Do you remember this check, sir?

A No, I don't recall it.

Q This is a little larger than you ordinarily write or purchase; you have no independent recollection of this check?

A I remember, as I see it, that it was mailed...I mean deposited in the bank.

Q Do you recall where you secured the money to purchase this check?

A From the money I had at home, I am sure.

Q All right, sir. I will direct you to the exhibit immediately above that, Board of Managers' Exhibit No. 39, a check in the sum of \$900.00; could you tell us, please, sir, what that was purchased for?

A It would appear that that went to the bank in Claremore, probably to pay a note of something.

Q If it did go to pay a note, sir, do you recall making this transaction, the purchasing of this check?

A No, not now I don't.

Q Do you recall -- Let me refresh your mind just a little bit. This check was sent along with a check from your personal account which cleared your account on the

13th day of January, 1961, in the sum of \$9.00, the total sum of \$909.00 was applied to your note, \$900.00 on the principal and \$9.00 on interest. Do you recall the transaction now, sir?

A No. I don't. Any time I want money, I would call the bank and just tell him to send a note or sign a note and credit my account.

Q Do you recall sir, sending, purchasing this check and writing one from your checking account to cover the interest?

A I don't remember that.

Q You do not recall where you secured this money? I would call your attention, sir, to the fact that on January 12 you entered your safety deposit box the same date that the check was written.

A February 12, what year?

Q 1961, sir, the same date as of the check.

A I don't recall it.

Q Did you also, sir, have a savings account in the local bank in Oklahoma City?

A Yes, sir.

Q Do you recall on the next day, January 13, 1961, making a cash deposit to the Federal Savings Account, the one you had there, in the sum of \$250.00?

A I don't remember those things. The record speaks for itself, whatever the record shows is correct.

Q Well, sir, then, in my just adding here hurriedly, with the three checks, plus the \$250.00 cash deposit, within 24 hours, give or take, you expended the sum of \$1,198.34 in cash. Do you recall where you received that or where you secured that money, sir:

A Well, it was .. I've already told you that I wrote checks to be accumulative withdrawals and added to the money I had at home. I would just take some of that money and go down and buy the checks.

Q Also, sir, I find here that on December 5 you deposited the sum of \$350.00 to the same account, or on the time that was

.. pardon me, on December 8, that you made this deposit in cash, 1959, excuse me, giving you a total of your entries to the box on December 5, 1959, four checks plus a deposit on the 8th, of \$918.00; your entry to the box of January 12, 1961, three checks plus a \$250.00 deposit, for \$911.96, for a grand total of about \$2,100.00 for cash money expended in a little over a month. Do you recall these transactions, sir?

MR. BINGAMAN: That statement is jumping from '59 to '61, a period of about 14 months.

REPRESENTATIVE CONNOR: I am in error, excuse me.

PRESIDING OFFICER SENATOR GRANTHAM: You withdraw the question?

REPRESENTATIVE CONNOR: Yes, sir, I certainly do. My figures were wrong, Judge, I apologize to you very seriously.

A I don't remember these.

Q (By REPRESENTATIVE CONNOR) But, you do not recall this approximately \$1,200.00 on January 12, 1961?

A What exhibit is that?

Q That is January 12, checks, plus a \$250.00 cash deposit on January 13, 1961.

PRESIDING OFFICER SENATOR GRANTHAM: Would you refer to what exhibit?

REPRESENTATIVE CONNOR: I am sorry, 37, 38 and 39.

A Well, the Exhibit 38 is paying a bill of \$29.01, First National Bank of Claremore; Exhibit 39 is \$900.00, I wouldn't know, probably a letter accompanied that and it's probably paying a note, I don't know; and the other exhibit, 40, \$500.00 was a deposit credited to me in the bank.

Q All right, sir. Now, you see Exhibit No. 41 at the bottom of the page here?

A Yes, sir.

Q That is a loan payment, is that correct, sir?

A I'm not sure about that; I guess it is, yes.

Q Do you recall where you secured that money?

A From my fund at home.

Q All right, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Are you at a stopping point here?

REPRESENTATIVE CONNOR: I am about probably five to ten minutes away from what I would consider a very logical stopping point, probably closer to five, if you would care..

PRESIDING OFFICER SENATOR GRANTHAM: It's a pretty even break here; if it doesn't interrupt you too much I think we will take a recess and resume. The Court will stand at recess until 3:25.

(Whereupon, a recess was then taken.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court of the 30th Legislature, continuing in session, the recess having expired, members of the Court please find your seats. Let the record show that the Board of Managers is present and that the accused with his attorneys is present. Judge Johnson, we have some preliminaries here, so just wait there for a moment. Please take your seats, gentlemen of the Court. The Clerk will call the roll.

(Whereupon, the Clerk called the roll. The following members of the Court were present: Atkinson, B a g g e t t, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Horn, Howard, Keels, Luton, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.

Absent: Cowden, Holden, McClendon, Selman, Stipe.

PRESIDING OFFICER SENATOR GRANTHAM: At this point let the record show Senator McClendon is present.

Senator Stipe is present.

Judge Johnson will take the witness stand. Board of Managers will continue the cross-examination.

CONTINUED CROSS-EXAMINATION
By REPRESENTATIVE CONNOR

Q Judge, if I might again refer you to Board of Managers Exhibit No. 12, the first date on the top of the right hand column, July 29, 1961. Did you enter your box on that date, sir?

A What column?

Q The right hand column, the first date, I believe it reads July 29, 1961, and a signature which I assume is yours; that's this little short thing again here. Yes, sir.

A The record shows that, yes, sir.

Q That is your signature and you did enter your box on that date?

A The record shows that I did.

Q Judge, I direct your attention to Exhibits 46, 47 and 48, which are cashier's checks in the sum of \$104.28, \$114.00, \$89.51, totaling \$307.79. Did you take money from your box to purchase those checks?

A I doubt whether I took that from the box; probably from my home. That was in '61?

Q Yes, sir. Do you recall, sir, why you went to your box on the 29th day of January, 1961?

A I don't know.

MR. BINGAMAN: January, now, or July?

REPRESENTATIVE CONNOR: I am sorry, July 29, 1961. Thank you, Mr. Bingaman.

PRESIDING OFFICER SENATOR GRANTHAM: The question is July?

REPRESENTATIVE CONNOR: Yes, sir, I was in error.

PRESIDING OFFICER SENATOR GRANTHAM: All right, July instead of January.

Q (By REPRESENTATIVE CONNOR)

Do you recall for what reason you entered your box on that date, sir?

A No, I don't at this time.

Q Do you recall making a cash deposit to Mutual Federal Savings & Loan Association on the 31st day of July of 1961 in the sum of \$600, in your savings account? You do not have those in front of you at this time, sir.

A I don't recall. If the record shows that, why, it would be correct.

Q All right, sir. If that would be correct, sir, then on the 29th you entered your box, and on the next three days you expended approximately a sum of \$907.79. Do you recall it from that aspect, sir?

A No. Incidentally, I was drawing a salary at that time, increase in salary.

Q But this salary was being deposited to your checking account, was it not, sir?

A That's true.

Q And at this time, sir, February 4, 1961 -- strike that. I would call your attention, sir, again to Exhibit 12. You entered your box as shown on the 21st day of February, 1961 -- 62, pardon me, and you purchased a cashier's check in the sum of \$500 on the same date. Do you remember those transactions, sir?

A No. I don't remember.

Q Now, Judge, I would like to refer you back to Board of Managers' Exhibit 43, and it is a check dated March 1st, 1961, to State Farm Mutual Auto Insurance in the sum of \$114.30. Am I correct, sir, that that was for your automobile liability policy?

A Sounds like it, yes, sir.

Q I believe you testified, sir, that you kept various insurance policies and such things as this in your safety deposit box. Did you keep your automobile liability insurance policy in your safe deposit box?

A I might have had them there at one time. I don't -- I made trips to get them, and I had one or two accidents, and I would go and get my policies, go and get

them and take them back; I don't recall just what dates they were.

Q Did you have an accident, sir, in the first six months of 1961?

A I never had any accident at all. My wife had a little accident.

Q Excuse me, did your wife have an accident?

A Didn't amount to anything, about \$125, I think.

Q Did your wife have an accident in the early part of 1961?

A I don't recall the date, but she did have one.

Q When she had that accident, did you have to go to the safe deposit box to secure your automobile liability policy?

A I don't know whether I did or not.

Q Do you recall, sir -- then I take it, it is your testimony, sir, that you do not know whether you kept this policy in your safety deposit box or not?

A I'm not sure about that. I think I did.

Q I note that Board of Managers' Exhibit No. 51 --

A 51?

Q Yes, sir; it is dated March 3, some ten days after your last entry into this safety deposit box or eleven to twelve days. It is in the sum of \$600 to the Claremore Federal Savings and Loan Association. Now, as I am further informed from the note here, this is in payment in full on your note, is that correct? A loan that was made to you. No. 51, it would be the last cashier's check.

A That is a payment of the note it says.

Q Yes, sir. Now, sir, I would ask you, are there any more cashier's checks from March 3, 1962?

A I don't -- I don't know whether there are, or not. I don't think so. Well, I don't know.

Q Do you have records of the cashier's checks, sir?

A I turned them over to my auditor and he in turn -- well, I turned them over to him.

Q You have not had these records for some time, sir? For a month or so, I believe you said.

A I thought I had a copy of each and every one of these checks because I wanted to make a record of it.

Q That is what my question is going to, sir. Are there more checks other than the last one of March 3, 1962? Are there later checks?

A I couldn't say whether there was or not.

Q Did you ever buy any checks at any other bank other than the Citizen's State Bank Cashier's Checks?

A I don't recall that I did, I may have.

Q Did you --

A It wouldn't be very many if I did. I don't recall.

Q Did you examine, sir, the record you turned to your auditor prior to the time you turned them over to him?

A Read the question.

(Whereupon, the last set out above question was read by the reporter.)

THE WITNESS: You mean these cashier's checks?

Q (By REPRESENTATIVE CONNOR) The ones that you turned to your auditor, yes, sir.

A Yes, I dug them up for him.

Q Did you look at them?

A Yes, sir.

Q Can you tell this Court whether or not there are more checks than what we have presented to the Court today?

A No, I can't tell you.

Q Are there any checks written on any other bank other than the Citizen's State Bank?

A I don't remember. I bought traveler's checks. I think \$120 worth.

Q Did you pay bills with any?

A About a year ago. I think I have a couple of them left.

Q Did you pay bills with any of your traveler's checks, sir?

A No, my wife got ahold of them and spent them.

Q You did not make your house payment or anything like that with the traveler's checks?

A No, sir.

Q Now, Judge, if the testimony that we have gone over here in the last while is correct, you have purchased a total of nineteen cashier's checks on the same day you entered your safety deposit box. The aggregate total of these nineteen is some \$3,400. Now, is it your testimony, as I understand it, sir, that you at no time had more than \$800 in your safety deposit box?

A I think that is correct.

Q And you only had that money in there on the one occasion, and only until it was depleted; is that correct, sir?

A Well, until I used it up, yes.

Q It took you two years to use up this \$800, sir?

A Well, I don't know if it was two years. That would be good.

Q I'm sorry, I thought I understood that is what you just said. Do you know how long the money was in the safety deposit box?

A No, I don't.

Q What denomination bills were placed in the deposit box?

A I don't know. I don't remember.

Q Were they \$100 bills, sir?

A No, you couldn't give me a \$100 bill now.

Q Could we have given you a \$100 bill

prior to the time this case came to light, Sir?

MR. BINGAMAN: The accused objects to that as being incompetent, irrelevant and immaterial, not within the issues of this case, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read the question back, please?

REPRESENTATIVE CONNOR: Would you read back Judge Johnson's last answer and then my question?

PRESIDING OFFICER SENATOR GRANTHAM: Read Judge Johnson's answer and then the question following that.

(Whereupon, the last set out question by Representative Connor was read and the last set out answer given by the witness was read.)

MR. BINGAMAN: It's immaterial, if the Court please, it's not an effort to elicit testimony, it's only an effort of sarcasm with the witness. I think it should be --

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (BY REPRESENTATIVE CONNOR) I will rephrase it. Did you have hundred dollar bills in your checking --- in your safety deposit box, sir?

A Oh, I don't think so, I don't recall.

Q Now, sir, if I understand you again correctly, that it is your testimony you deposited your state payroll check to your checking account. Then each week you would write checks on that account, then you would take out some of this money, accumulate the money, then in turn you would use this cash to buy cashier's checks in which to pay your house payment and other routine bills or send the money back on deposit to your checking account.

A I didn't get that last part.

Q Or to send the money back to Claremore for redeposit into your checking account or savings account. Now, is this

what you are telling the Court concerning this phase of your testimony?

A Read the question back.

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question.

(Whereupon, the last set out above question was read by the reporter.)

THE WITNESS: Well, I paid some bills with it sure. Then I deposited money in the bank at Claremore.

Q All right, sir, as a matter of information, what is the cost of a cashier's check:

A Fifteen cents, I believe it is now.

Q Is this a uniform cost, as far as you know, at most banks?

A Well, I don't know.

Q (By REPRESENTATIVE CONNOR) Now, Judge, you purchased a house here in Oklahoma City, I think in the year 1951, in September of '51, did you not, sir?

A I believe that is about the correct date.

Q And I will ask you, sir, did you have a loan on that house with the Prudential Insurance Company?

A Oh, yeah.

Q And your payments on that house were in the amount of, I believe, of \$89.51 each month?

A Correct.

Q And did you make these payments each month?

A Yes, sir.

Q Now, Judge, looking through your ledger sheets for your checking account, in the year 1957, I find that on or about the 14th day of February, 1957... Well, let's start in January. I find no checks in your checking account for January; I find a check for \$89.51 in February of 1957; I find a check for \$89.51 on or about March 15 of 1957; I find a check for \$89.51 on or about April 13, 1957; in May of 1957 I find, Board of Managers' Exhibit No. 16, in May of 1957 I find you did not make your

payment from your checking account, rather you made it by cashier's check.

Can you tell us the purpose, sir, of making the payment in this manner in that month, after you had three previous months you had paid from your checking account?

A I don't know. Occasionally I paid by cashier's check and usually by personal check on my Claremore bank.

Q Judge, I find the next month you did not make a payment from your checking account.

A I don't have the exhibit.

REPRESENTATIVE CONNOR: Would the reporter please furnish the Judge the exhibit we are talking about here, the ledger sheet of the Claremore checking account, Exhibit No. 8.

A Let me have the question again.

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question, please.

(Whereupon, the question and answer last above set out was read by the reporter.)

Q (By REPRESENTATIVE CONNOR) This would be in the month of May, 1957, after payments have been made in February, March and April of 1957, you purchased a cashier's check in that month; do you recall the reason for purchasing a cashier's check in May of 1957?

A I sure don't find this exhibit here.

REPRESENTATIVE CONNOR: Would the reporter help him find it, please?

PRESIDING OFFICER SENATOR GRANTHAM: What is the number of the exhibit again?

Would the reporter help him find the Exhibit No. 8?

A Is it the first page?

REPRESENTATIVE CONNOR: No, sir, it will be toward the middle.

A I guess I found it here.

Q (By REPRESENTATIVE CONNOR) I believe you testified, sir, that in the month of May you did purchase a cash-

ier's check in the sum of \$89.51. There is no such entry in your checking account for the month of May. Are we correct on this, sir?

A The record doesn't reflect it.

Q Calling your attention, sir, to the month of June, which should be the next page forward or on that same page, I find no record in your checking account of a check for \$89.51. We find no cashier's check for \$89.51. Would you please tell the Court, sir, in what manner did you make that payment?

A I don't remember.

Q Could you have purchased a cashier's check from--

A 1949?

Q No, sir, 1957, the month of June.

A Someone will have to explain this.

PRESIDING OFFICER SENATOR GRANTHAM: Would one of the Representatives on the Board of Managers and one of the accused's counsel assist the reporter so he can get the exhibit.

Are you now straight on it?

A I guess, they handed it to me.

PRESIDING OFFICER SENATOR GRANTHAM: You are straight on it now?

Q (By REPRESENTATIVE CONNOR) In the month of June, 1957, sir, do you have that ledger sheet in front of you?

A Yes, sir, I have it.

Q Do you find there, sir, a check for \$89.51?

A I don't see any right here.

Q Would you tell the Court, please, sir, if you know how you made that payment?

A I don't remember at this time.

Q Is it possible that you purchased a cashier's check at another bank?

A Well, it was paid some way, because I would have been in trouble.

Q Did you ever make your payments in cash?

A Well, oh, I probably did.

Q Do you recall going to the office of

Prudential Life Insurance Company and making your loan payments in cash at any time?

A Well, I don't know.

Q I will direct your attention, sir, to August and September, these have been covered, I believe, and also November, 1957, you purchased cashier's checks for those payments, and there is no entry in your account.

A What date?

Q August of 1957, September of 1957, and November of 1957.

A These records speak for themselves; they don't reflect...October, there is a check for \$89.51.

Q All right, sir. October 17-16. I realize that, but there is not one there in the month of November, is that correct?

A I don't see any.

Q All right, sir. In January of 1958, you also purchased a cashier's check, which was in evidence. On March 15, 1958, sir, as shown by Exhibit 13. You entered your safety deposit box on that same date, sir, you purchased a cashier's check at Citizens State Bank; according to my search of the records of your checking account, you have no entry for your house payment either in April, May, June or August of 1958 of \$89.51.

Could you tell us, please, sir, number one, where you secured the money to make these five payments; number two, and what manner you used to make that?

A I don't remember.

Q Do you recall at any time making four trips in five months to the offices of Prudential Life Insurance Company to pay your house payment in cash?

A No, I don't recall. What year?

Q 1958, sir, the months of April, May, June and August.

A I could have gone, I don't know.

Q Did you purchase another cashier's check for those four payments, sir?

A I don't remember that.

Q Would you have anything in your records or documents that you could refer to that would possibly refresh your memory?

A I probably have a record on it, somewhere.

PRESIDING OFFICER SENATOR GRANTHAM: I couldn't hear your answer.

A I probably have a record of that somewhere.

Q (By REPRESENTATIVE CONNOR) Would it be within the boundaries of the State Capitol; would it be in your office on the second floor?

A It will be down in the Federal Building.

Q Is it possible, sir, that you did purchase other cashier's checks from other banks?

MR. BINGAMAN: It's repetitious, if the Court please, he asked that same question three or four times, and he's answered that he might have. He didn't remember.

PRESIDING OFFICER SENATOR GRANTHAM: Objection overruled; I don't believe he has gotten an answer to that question.

A I answered that, I don't recall. Pardon me, Judge.

PRESIDING OFFICER SENATOR GRANTHAM: I will ask you that question. Have you answered that question? Judge?

A I think he asked me the question, I think I told him that I wasn't sure that I bought some traveler's checks.

Q (By REPRESENTATIVE CONNOR) This was my point, I'm not concerned with traveler's checks, Judge. I'm referring specifically to cashier's checks purchased at another bank.

Did you purchase cashier's checks from somewhere else?

A I could have done it, but I don't remember.

Q Do you have a record of any other cashier's checks for these months, sir?

A I am not sure that I have. I might have.

Q Is there any way that you could check on this so that you might be able to inform us definitely?

A I don't remember any of them except the ones that I turned over to the government.

Q In other words, sir, you remember no cashier's checks other than the ones that we have produced here in evidence in this case, is that a correct statement?

A I guess that would be a correct statement. I haven't checked all these exhibits, but I assume that they are correct.

Q All right, Judge, if I might go on through here. I find in looking at this no entry in the month of January of 1959 in your checking account, we find no entry in the month of December of '59 in your checking account; however, a cashier's check has been introduced in evidence. In the month of January of 1960, there is no entry in your account; however, a cashier's check has been introduced in evidence. Now, do you remember those three transactions?

A No, I don't. I assume they are correct.

Q In the month of April of 1960, we find no entry in your account nor a cashier's check. Do you recall making this payment, sir, April of 1960?

A I don't know. I don't remember it.

Q All right, sir.

A The record speaks for itself.

Q We already covered it, but we find you entered your safe deposit box on the 1st of February, 1961, and again on the 4th of February, 1961. In looking through your ledger sheets, sir, we find no record of a house payment made for the months of February, March, April or May of 1961. We have no cashier's checks to offer the Court. Can you tell us, sir, how you

paid your payments during that four solid month period?

A I don't recall.

Q Did you take money from your safety deposit box and use this money to pay your house payments in February, March, April and May of 1961?

A 1960, yes, I had money.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. He said '60. This question is '61, Judge.

A '61.

Q (By REPRESENTATIVE CONNOR) '61, sir. February, March, and April of 1961?

A I don't recall how I paid it, but I had the money with which to pay it in 1960 and '61.

Q Did you take the money from your safety deposit box to pay these in either of your visits to your box on February 1st or February 4, 1961?

A I don't think I had anything in the box, but I had money at home.

Q Judge, I will continue forward and call your attention to the months of August and September of 1961. No entry for your house check shows in your ledger or any introduced in evidence. There is a cashier's check for the month of August, 1961; however, no record has been found of how you made your payment in September of 1961. Can you tell us as to those dates where you secured the money to make the first payment by cashier's check and, secondly, how you made the second payment?

A I don't recall how it was paid.

Q Carrying forth, Judge, we find in March of 1962 there is no checking account entry nor a cashier's check purchased. Do you recall this more recent purchase or payment on your house, March of 1962?

A No.

Q Do you recall July and August of 1962, both months where no cashier's

check was purchased nor was there an entry in your checking account?

A No, I don't.

Q Do you recall, sir, October of 1963 or January of 1964 where no entry was made in your account nor any cashier's check that we have been able to find. Do you recall either one of those two payments, sir?

A No, I don't remember.

Q Did you make your payments -- I believe you testified, sir, you paid your payments each month as they became due?

A Each month, except my secretary took a vacation and locked the desk and forgot to tell me about it.

Q All right, sir. And you paid it off in a small lump sum here some three or four months ago, is this correct?

A Yes, sir.

Q Now, Judge, you purchased nine checks, cashier's checks, on your house payments for the sum of about \$805.59. We find 17 times that your house payment did not appear in your checking account for a sum of about \$1,521.67, or apparent cash payment on your house of \$2,327.16. Now, do you recall any specific instances of these payments where you secured the money, some \$2,300?

A I have not computed these figures and not familiar with them. I made the payment by cashier's check or cash; I don't remember any details.

Q I believe you said you made payments by cash, just a minute ago?

A Some.

Q Do you recall how many times you did pay by cash?

A I don't recall. Whatever the record shows is probably correct.

Q Would it be the 17 times that we find no entry or cashier's check, would you say that was cash payment?

A I wouldn't say it, because I don't remember.

Q Did you purchase, sir, the nine cashier's checks with cash to pay your house payment?

A Yes, yes, certainly.

Q Then from your savings, sir, you paid in cash approximately, if our figures are correct here, some \$2,300 plus in cash on your home?

A From my savings?

Q From the savings that you had amassed at your house.

A Yes.

Q Now, sir, did you, or does your wife, to your knowledge, have an account with the First National Bank & Trust Company here in Oklahoma City?

A My wife has one.

Q And, I believe, sir, that you have testified that any money she received she would receive from you other than the two or three dollars, something--

A Oh, no, she had an old uncle up in Kansas that died, and she inherited some money a number of years ago, and my wife also had a little money of her own, and I think this was some time during the war and, I don't know, she inherited maybe \$500 or \$600, maybe more, and then, of course, she had built her fund up from time to time, and I didn't know she had that account until I got to figuring the interest for income tax purposes.

Q When did you learn of this account, sir?

A Oh, I don't remember. It's been some time ago.

Q Have you ever made deposits to this account in her behalf?

A I probably have. I don't remember. I know she has. She'd take it out, withdraw some \$50, \$75 or a \$100 for the purpose of buying a dress or something and she couldn't find what she wanted and she'd come back and redeposit it. If you look at the books, there's withdrawals and then she'd turn around and put the money back. She did that on several occasions.

Q Have you, sir, ever deposited money to this account?

A No, I never have deposited it. I may have given her some money. What she did with it, I don't know. I would give her money.

Q Did she have access to your savings at home, your cash savings at home?

A Well, she had access to it, but she didn't exercise it.

Q As far as you know, she never took any money from that at all?

A Well, I don't know. I don't -- she might have taken some.

Q Judge, isn't it a fact that you handle most of the financial transactions for your family?

A Most of them.

Q If we looked at your checking account, say look at all of the canceled checks, we would find that 90 to 95 percent were written by you?

A That wouldn't be true.

Q The overwhelming majority?

A The majority would be by me. She had the right to cash a check any time she wanted to.

Q As a matter of fact, does she not use these savings accounts more or less as a checking account? Draw out cash and use it and --

A No. She writes quite a number of checks on my account. No question raised about it. The bank doesn't question it.

Q Now, Judge, you have a number of accounts, is this correct?

A Oh, I have, yes.

Q You have an account at Claremore with the Federal Loan?

A Claremore Federal Savings and Loan.

Q And then you have another account here in Oklahoma City at the Local Federal Savings and Loan, do you not?

A Local Federal Savings and Loan.

Q Then you have another account at

the Claremore Savings. There are two accounts there you have in Claremore?

A One about a thousand dollars and the other --

Q All right, sir, you have an account at Mutual Savings and Loan?

A I have one at Mutual.

Q Does your wife also have an account at Mutual?

A Small account, yes, sir.

Q There is an account at the First National in Oklahoma City; is that correct, sir?

A No. The First National Bank and Trust Company is the account about which we have already testified.

Q This account is no longer in existence, sir, or is it your wife's account?

A You mean the First National Bank at Claremore?

Q Yes, sir. No, sir, I mean the First National Bank in Oklahoma City.

A No, we don't have any account there.

Q Do you have a savings account at the First National Bank in Claremore?

A Yes, sir.

Q And you have a checking account at the First National Bank in Claremore?

A Yes, sir.

Q And you have another small account at the First National Bank in Claremore? You have two accounts at Claremore savings? Is that correct?

A No. Claremore Federal Savings and Loan.

Q You have one at the Savings and Loan?

A That's right.

Q And do you have another at the Savings and Loan, a smaller one?

A That's right.

Q You have a checking account at the First National in Claremore and a savings account at the First National in Claremore?

A That's right.

Q Do you hold certain certificates at the Claremore Bank?

A Claremore and First National Bank at Claremore.

Q Now, Judge, you appeared before the House Investigating Committee, did you not, sir?

A I did.

Q And I will ask you, sir, did you bring with you a letter from a Mr. Harlan Grimes?

A I certainly did.

Q I will ask you, sir, if you gave this answer: "Yes. Now, this fellow Grimes wrote me this letter. I think I'll give it to the committee. This was written April 12th, 1962. It says: 'Honorable Napoleon Bonaparte Johnson, State Supreme Court, State Capitol Building, Oklahoma City. Dear Judge: There was testimony in the case of the United States vs. Carroll to the effect that \$150,000 was delivered to a Frenchman to invest. My information from sources which I consider to be reliable and accurate is that such money was delivered in six packages or bundles to a Frenchman named Napoleon Bonaparte Johnson and was to be and was invested in the decision in Selected Investments Corporation vs. Oklahoma Tax Commission. If there should be any error or inaccuracy in my information, you are hereby tendered the opportunity to correct same'."

You answered further, "He sent that registered mail, return receipt. That was on April 16th, '62. So I sent him this answer and also sent it registered mail, return receipt, delivered to the addressee: April 18th, '62: 'Mr. Harlan Grimes, Dallas, 25, Texas. Dear Sir: I am in receipt of your letter of April 16, 1962, which contains the most libelous poppycock I have ever read. There is not one bit of truth in the entire letter, and I am at this time vigorously demanding a letter of apology from you.

"Untruths such as you have written are defamatory and are such as would subject one to civil prosecution. I hasten to advise you to refrain from writing such matters as these, and further advise you not to orally spread this trash.

"You state that your source of information is reliable and accurate. I would like to have the name of your informant, and further that person's source of information.

"Enclosed you will find postage so you may answer by return mail my questions. Yours truly, N. B. Johnson"

"So I never heard from him, never got any information, and if he has appeared before this Committee or is going to, I still would like to know about this \$150,000."

Do you recall giving that answer?

A I read that letter into the record. I never heard from him.

Q Now, sir, you received --

A Just a moment, I read that letter into the record, but I never heard from Harlan Grimes. He never gave me the source of his information.

Q At no time, sir, I take it, did Mr. Grimes -- I think also, did you not, sir, set up a conference before the whole Court that he could appear if he wanted to, is that correct; or is my information in error?

A Oh, yes. He had been given an opportunity to appear before the Supreme Court more than once.

Q He did not?

A Never did appear.

Q That was in April, 1962, I believe.

A April, '62.

Q These dates are fairly accurate on the letter, those are the dates you received the letter and the April 18th date is the day you answered that letter, is that correct, sir?

A The letters speaks for itself.

Q Yes, sir. I mean the dates as re-

flected there as you recall those, those were the dates you actually answered that letter?

A Oh, yes, the date of it.

Q Judge, possibly you can explain it to the Court. We find quite a bit of dealing in cash, we find a number of cashier's checks, we find a number of cash deposits to your various accounts up until -- the last one we are able to find is March 3, 1962. After April, 1962, you apparently quit using cashier's checks to pay your bills. Can you tell us, sir, why after this time we find no more cashier's checks?

A Well, I don't know, the record shows that.

Q Do you have other cashier's checks that you purchased after April 16, 1961?

A I don't recall.

Q Can you give us a reason why after Harlan Grimes confronted you with bribe taking in the Selected Investment case, sir, you stopped giving cashier's checks?

A It didn't have a thing in the world to do with my actions.

Q Can you tell, sir, why after this time you did not use cashier's checks any more in your monetary transactions?

A No, I don't have any reason to offer. In 1960, I decided if I didn't draw opposition that I would not run again, and I had accumulated quite a bit of money in anticipation of having opposition, and I had more money to spend and I had used quite a bit of it in cashier's checks.

Q And this is in the year 1960 that you're talking about?

A 1960 and '61, and following that period, I believe the filing period was April 27, I am not sure, but, April, 1960.

Q Yes, sir.

A I drew no opposition; I had six years ahead of me.

Q How did you accumulate this money, sir, by your savings?

A Contributions from friends in the district who urged me -- Well, they didn't

urge me, they knew I was going to make a campaign, and in anticipation of competition. I had a ten county district and I got contributions.

Q Did you receive any --

A Which I treated more or less as a trust fund prior to the filing.

Q Did you receive, sir, contributions during the months, or during the years '57, '58 and '59?

A No.

Q You have showed --

A I received some in '53 and '54.

Q Sir, you show a considerable amount of cash activity in the latter part of '57, '58 and '59. Are you saying now that your money there was from what you were able to save by this method in which you did, and the money you spent in 1930 was cash contributions in campaign?

A No, I continued to write checks. They totaled better than \$200.00 a month, \$2,600.00, I think, for '57, and \$2,700.00 for, I don't know whether it is '58 or '59, but, it ran just about that figure.

Q Well, back to my question, sir, after April 16, 1961, when Harlan Grimes made the accusation in the specific Selected Investment case, did you give this Court a reason for your apparent stop on cash transaction?

A No, I didn't have any reason, I thought Pierre Laval got that, according to Carroll, I thought he got the \$150,000.00.

Q Now, Judge, again --

May we have about one or two minutes, please, Judge?

PRESIDING OFFICER SENATOR GRANTHAM: Yes, you may.

The Court will stand at ease for a minute or two.

Gentlemen, the Board of Managers is now ready to proceed. Please take your seats.

Continue, Mr. Connor.

Q (By REPRESENTATIVE CONNOR)

Thank you for giving me a minute there, Judge.

I believe you said that you received a number of campaign contributions in the year 1960?

A Yes, sir.

Q Did you list these with the election board, sir?

A It wasn't necessary, I didn't have any opposition.

Q Did you spend them, sir, on any campaigning?

A Some of it.

Q Did you file a statement with the election board?

A No, because I don't think I was required to unless I had opposition.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let the record show that Senator Holden is present.

A And conducted the campaign.

Q (By REPRESENTATIVE CONNOR) Well, it has always been my understanding, Judge, that you had to file it whether you had opposition or not.

My question is, did you or did you not file?

A I did not file.

Q All right, sir. Can you give us an estimate, sir, as to how much you received?

A Oh, approximately \$3,000.00 or \$3,500.00.

Q I will ask you, sir, if you testified before the House Investigating Committee and these questions were asked you and you gave these answers: "Did you receive any campaign expense contributions these two years? Answer. In '50? Question. '54 or '60. Answer. Yes, I received some contributions. Question. Do you have any record of these? Answer. I don't know whether I have or not, I probably have. Question. To the best of your knowledge, do you know how much money you received for the 1960 raise from outside contributions? Answer. No, I don't

know offhand. Question. Would you say it was a hundred, thousand dollars? Answer. Well, I expect it would be that much. Question. A thousand or so? Answer. Uh-huh, yes."

Do you recall those answers and questions, sir?

A I may have testified along that line.

Q It is your testimony now that this is incorrect, that you actually received much more?

A I received more, because I checked on it.

Q Do you have a record of these contributions, sir?

A Well, not a complete record, no, sir.

Q Where would this contribution or the contributions be listed, sir?

A Well, I have the only record available, I suppose.

Q Where is this record?

A Mostly in my head.

Q You have nothing on paper of this record, sir?

A I didn't give them any receipts or anything like that.

Q Did you keep a record of it, is what I am asking you, on paper?

A Yes, I have a record somewhere.

Q Where is that record, sir?

A It's in my files.

Q Inside the capitol building walls, sir, in your office?

A It's in my pocket.

Q May I see it, sir?

A Well, I..

MR. BINGAMAN: We object, it's a memorandum for the purpose of refreshing his recollection. I think he is entitled to that. Let him ask him specific questions about it. If he needs to refer to a memorandum, he is prepared to do that.

A I don't have any regular record of dates, but, I know the contributing party.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, Judge.

You're objecting to this question, is that correct?

MR. BINGAMAN: Yes, sir, they're asking for a memorandum which he has to refresh his recollection. I think they should ask him first about the memorandum and specify, and if they want to see what is written down on the memorandum, we have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, he has already inquired about the contents of the memorandum.

MR. BINGAMAN: I mean the details.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is overruled.

Q (By REPRESENTATIVE CONNOR) Do you have such a memorandum on you, sir?

A All I have is just from memory, I don't have the exact dates.

Q Does what you have in your pocket show the amount of money contributions you received in the year 1960?

A Just about to the best of my recollection.

Q May I see that, sir?

MR. BINGAMAN: If you have the memorandum, of course, produce it, Judge.

A I just jotted it down on a piece of paper, two years here, there is 1953 and '54 and 1960, 1959 and '60.

MR. BINGAMAN: Did he inquire as to both those dates:

A No, they did not.

REPRESENTATIVE CONNOR: My inquiry is as to '60. I would take the whole thing, if I could.

A All right. That list is not complete, but it's the best as I can recall.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) You show, sir, here in the year 1959, three entries for approximately \$2,250.00; you show in the year 1960, three entries for ap-

proximately \$1,400.00, for a total in the two years of \$3,650.00. Is that correct?

MR. BINGAMAN: If the Court please, the witness has already established that this memorandum is for the purpose of refreshing his recollection. I think it should be referred to him and questions in detail about it.

PRESIDING OFFICER SENATOR GRANTHAM: Your point is well taken, the memorandum will be returned to the witness to refresh his recollection.

Q (By REPRESENTATIVE CONNOR) That which I read you, three and three, for the total I think of \$2,250.00 and the other one was about \$1,400.00, in 1959 and '60; '59, two-two-five-oh, and '60, about \$1,400.00; is that correct, sir?

A No, read that again.

Q I am quoting from memory, as I added real quickly, there were two at the time for a thousand dollars apiece, there is one at the bottom for \$250.00 in 1959, totaling \$2,250.00; am I accurate?

A \$3,600.00.

Q No, sir, I'm talking about 1959.

A Oh, '59; \$2,000.00.

Q And I think there is one at the bottom, sir, for '59, is that correct, that shows \$250.00, your last entry there?

A That's right.

Q And then the three in the middle are an eight and a three and a three, for a total of \$1,400 that you received in 1960, is that correct, sir?

A 600, isn't it?

Q Well, it's 600 plus 800.

A Yes, that's right, \$1,400.

Q All right. And I believe you have testified, sir, that these were parts of your campaign contributions, or is this a great majority of it?

A That's the major part of it.

Q When, sir, did you prepare these lists, or this list?

A I made a check of it, talked to these individuals to be sure about it.

Q Did you prepare it in light of your audit by the Internal Revenue Department or by your accountant, whatever it is, sir?

A Read the question, please.

(Whereupon, the question last above set out was read by the reporter.)

A I prepared it in the light of getting the facts in this case.

Q Well, then, sir, am I correct in assuming it was prepared within the last month or so?

A Well, yes.

Q All right, sir. I think you testified that you considered these contributions as a trust fund, is that correct?

A That's right.

Q I will ask you, sir, why you did not set up a separate account for these contributions as you did when you had the condemnation money which was a trust fund?

A Well, I didn't think it necessary to do that.

Q Did you not, sir, use this money in payment of bills and depositing this money to your account, savings and checking accounts?

A After the filing period passed, and I drew no opposition, I could either use the money or I could return it to the contributors.

Q How long, sir, did it take you to... did you deposit this money immediately in your savings account?

A I didn't deposit it...oh, you mean...

Q The money that you accumulated over this time?

A I used it... I mean I saved it, put it in this fund for...to be used in the event that anyone filed against me.

Q What fund did you put it in, sir?

A A fund up over the window.

Q What were these contributions, sir, all in cash or were some of them by check?

A Some by check and some by cash; most of them by cash.

Q And I take it, sir, that you had to cash the checks at some banking institution and then you took the money home?

A No. Joe Branham there of Tulsa, he gave me, I believe, travelers checks, \$500. He's not a lawyer, and so far as I know never had a lawsuit in the Supreme Court.

Q Did you have some personal checks, sir, as contributions to your campaign?

A I don't recall. I don't think any on this list.

Q Were personal checks?

A I think not.

Q Did you return any of this money when you found that you had no opposition or did you retain it all?

A I retained it all.

Q And you used it, sir, in your day to day activities, is that correct?

A I used it, yes.

Q Did you report this money on your income tax?

A No. I don't know whether it's taxable or not. The donors probably paid the tax; there's a question I will thrash out with the Internal Revenue folks.

Q Did you make any attempt to find this out, sir, prior to the time that you were audited?

A Read that.

(Whereupon, the question last above set out was read by the reporter.)

A Find what out?

Q Whether or not it would be includable as income to you after you had spent it on your own personal use?

A No, I never made any legal research in the matter.

Q All right, sir. I would again... Judge, I would like to call your attention again to Board of Managers' Exhibit No. 13, which is the entry into your safety deposit box. Now, I find there that on the 15th day of March, 1958, you entered your box. We have in evidence, sir, a check for

your house payment on that date -- strike that. Let's come back down here. I will just read you the dates. On November 19..

PRESIDING OFFICER SENATOR GRANTHAM: We can't hear you.

REPRESENTATIVE CONNOR: Excuse me, I was on the wrong date, Judge, I am about to goof on a date again, and I would like to back up and start over again.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE CONNOR) On November 19, 1959, sir, you entered your box, or November 19, '58, you entered your box, sir, and within two months after that we have cashier's checks in the sum of \$287.78 and a house payment. We find by looking at this that your next entry into your safety deposit box was on the 5th day of December, 1959, where you wrote four checks, cashier's checks, aggregating \$568.48, and a house payment. We have also found a cash deposit on the 8th day of December, 1959, for \$350. Now, Judge, we find no checks, cashier's checks, for that 11 month period after January 15, 1959, until December 5th, 1959, when you again entered your safety deposit box. Can you tell us, sir, why, during that period, you had no occasion to use cash?

MR. BINGAMAN: Object to the form of the question, if the Court please. It assumes a fact that is not proven, that he had no occasion to use cash. It assumes a fact that is not proven, it's a question of fact whether he did use cash or not or whether he bought cashier's checks. I believe the question is a bit unfair to the witness.

PRESIDING OFFICER SENATOR GRANTHAM: The exhibit is in evidence, and he is quoting from the exhibit. You are overruled.

Q (By REPRESENTATIVE CONNOR) Can you give the Court a reason, sir, why, during this 11 month period in 1959, you

did not apparently deal in cash transactions, when you were not visiting your safety deposit box?

A I don't recall.

Q Do you recall, sir, entering your safety deposit box on the 5th day of December, 1959?

A No, I don't remember the time.

Q Do you remember saving your money during December or during the year 1959 and taking money to buy cashier's checks on the date you entered your safety deposit box?

A No, I don't remember.

Q Judge, we find, referring to Board of Managers' Exhibit No. 12, from January 9, 1960, to January 9, 1961, you entered your box only on one time, that being September 10th 1960, and during that 12 months period we only find one cashier's check, that being to the Election Board, which is required by law, and no other cash transactions at all. Do you recall why, during this period, when you received no opposition, had this money, you did not enter into any cash transactions, purchase any cashier's checks that we can find up until January 9, 1961?

A I don't recall.

Q Could it be sir, that at this time you had placed money into your safety deposit box on September 10th? Did you put money into your box on that date?

A I don't think so, no.

REPRESENTATIVE CONNOR: May we consult for another half second?

PRESIDING OFFICER SENATOR GRANTHAM: You may consult. The Court will stand at ease. Mr. Connor will continue.

REPRESENTATIVE CONNOR: Judge, I would announce to the Court that we have a little more cross-examination. We would request of the Court that we -- as has been obvious here, we are dealing with a number of dates. I think possibly if we made use of a blackboard, it would help both the Court, Judge Johnson and myself

to try and answer these questions. I would state to the Court that it will take a little bit of time, and I wonder if the Court would want us to get into it now or -- we are perfectly willing to do whatever the Court will determine.

PRESIDING OFFICER SENATOR GRANTHAM: We have been getting out a little bit early, and I would like to continue till 5:15, if you could.

REPRESENTATIVE CONNOR: I will probably go past that.

PRESIDING OFFICER SENATOR GRANTHAM: We will see when we get to that point.

REPRESENTATIVE CONNOR: May I have permission to use the blackboard?

PRESIDING OFFICER SENATOR GRANTHAM: Does the counsel for the accused have any objection to the Board of Managers using a blackboard?

MR. BINGAMAN: If they have one sufficiently large that can be seen everywhere, otherwise it's going to create tremendous confusion, people trying to crowd into a position where they can see it. This is a large room, and unless it's going to be of some aid to us, it seems to me it would prove to be a nuisance because of the congestion of the members of the Court to try to get around it and see what is going on, and cause confusion here.

REPRESENTATIVE CONNOR: We have one in the hall that we can bring in, and I think you could determine pretty quick whether it will be big enough.

PRESIDING OFFICER SENATOR GRANTHAM: You bring it; we will take a look at it. I might say that the Court is not going to gather around the blackboard. No, we are not going to do that. All right. Is that your blackboard?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Okay, Now, can you write on it large enough so that it can be seen by the Court members in the back?

REPRESENTATIVE CONNOR: I would ask Mr. Mordy to write on it; he writes much better than I.

PRESIDING OFFICER SENATOR GRANTHAM: All right. If you can write so everybody can see. The counsel for the accused have any objection to this?

MR. BINGAMAN: I don't know whether they can see it or not, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: We will find out. All right, proceed. Proceed, Mr. Connor. Just a moment. I don't know whether anybody in -- Senator Bartlett, Senator Bradley and Senator Garrison, can you see this blackboard over here. You can? Okay, proceed.

SENATOR GARRISON: We can see about the upper two-thirds of it.

PRESIDING OFFICER SENATOR GRANTHAM: Move that thing down closer so they can see. I don't believe they can see. They can see the upper two-thirds and that's all. Can you write on the upper two-thirds of that board?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Okay. Proceed.

Q (By REPRESENTATIVE CONNOR) Now, Judge, I would like to, if I might, cover with you your absence from your safety deposit box up until July 12, 1961. We find, as I have told you earlier, that there were no cash transactions of any consequence except for your deposit or your deposits for your election. Now, on January 12, 1961, you entered your box. On February 1st, 1961, you entered your box. On February 4, 1961, you entered into your box. You did not enter it again until July 29, 1961. Now, if I might cover the months as evidenced by the cashier's checks from January 12, 1961, to May 1st, 1961. In checking with your safety -- or your checking account, I find that in February, sir, you deposited the sum of \$1,026.46. On February 1st, 1961, I take it that would be your

net salary check for that month, is that correct?

A Sounds like it.

REPRESENTATIVE CONNOR: Would you enter that on that side? Let's see if we can see this thing. That would be February, \$1,026.46. This is 1961.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire whether - Senator Terrill, can you see that?

SENATOR TERRILL: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE CONNOR) It was deposited February 1st; on March 1st there was a deposit of \$1,094.55, would that be your salary check, sir?

A It sounds like it.

Q I find an equal amount that went in on March 31. This is probably the April check for \$1,094.55. I assume that also would be your salary check?

A Might be.

Q On April 29, which I would assume would be your May check, I find \$1,112.96. That would be your May check, I assume?

A Yes.

Q During this time, sir, I also assume -- \$1,112.96. During this time, sir, I am correct in assuming, am I not, that you had no other outside source of income other than the compensation given you by the State of Oklahoma for your services on the Supreme Court?

A I received \$42 a quarter from the Inter-Tribal Council for mileage and per diem.

Q This is between January 12, 1961, and May 1st, 1961?

A Yes, sir. No, it would be \$42 a quarter.

Q You received it every quarter?

A A quarter, yes, sir.

Q All right. Would you list that figure?

A That is when I made the trips.

Q \$42.50, sir?

A \$42.50, about that, sometimes \$46; and then, I don't know, but I also received money from the -- for the trips.

Q Where would --

A Reimbursement attending Bar Association meeting.

Q Where would you have deposited this money, sir, if you received it?

A Well, I usually deposited the money in the building and loan or in the bank at Claremore. Once in a while I would cash some of them and then, also, the Indian Council, sometimes got as much as \$200 or \$300 on a trip down to Florida, or up in Wyoming, somewhere like that.

Q Did you make any of these trips in these months in 1961?

A I just don't recall whether I did or not, right now.

Q Would you have those records some place, sir, if you had made them in that year?

A My auditor -- I believe my auditor has it and the Federal have a copy of it.

Q All right, sir. Then, if we are incorrect in any manner here, these checks, they would be a simple matter I would assume, to check with the State Treasurer if these were issued or not? All right, sir.

PRESIDING OFFICER SENATOR GRANTHAM: What was your answer to that, Judge? What was your answer to that?

A He didn't ask the question, he made a statement. What did you say?

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read back the question?

(Whereupon, the question last above set out was read by the reporter.)

A Not very simple, but you can get it up there; I have a little trouble.

Q All right, sir. That would be a total income which we know about now of \$4,371.02, if the addition is correct here, would you agree to that, assuming that

the addition is correct and we will allow Mr. Bingaman to change it if it is incorrect.

A I won't agree to anything unless I check the records. It looks like it's all right there as far as you are going.

Q (By REPRESENTATIVE CONNOR) All right, sir. Now, on the right hand side, if we might, list the cash expenditures, Board of Managers' Exhibit No. 47, cashier's check, \$17.33; Board of Managers' Exhibit No. 38, a cashier's check for \$29.01; Board of Managers' Exhibit No. 39, a cashier's check for \$900.00; Board of Managers' Exhibit No. 40, a cashier's check for \$500.00; Board of Managers' Exhibit No. 41, a cashier's check for \$201.00; Board of Managers' Exhibit No. 42, a cashier's check for \$116.50; Board of Managers' Exhibit No. 43 --

MR. GREEN: If the Court please, we want to object to this as incompetent, irrelevant and immaterial. The only thing he is putting on the board is stuff that is already in evidence, and the only purpose by putting it on, as he is now, is for emphasis and making an argument from a blackboard to the Court, during the time he is trying to put on testimony, and we object to it for that purpose.

REPRESENTATIVE CONNOR: If Your Honor please --

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green, you opened this field when you inquired into this matter of his accounting in your direct examination. This is cross-examination and he has, as you know, broad latitude to explain this accounting, and your objection for the time being is overruled.

MR. GREEN: I want to say to the Court, I was not objecting to the evidence and them using this, I'm objecting to the method in which he is using it.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

Q (By REPRESENTATIVE CONNOR) Now, sir, we have Board of Managers' Exhibit 43, cashier's check in the sum of

\$114.30; Board of Managers' Exhibit No. 44, cashier's check in the sum of \$49.01; Board of Managers' Exhibit --

PRESIDING OFFICER SENATOR GRANTHAM: Keep in mind that they can only see about the top two-thirds of this.

REPRESENTATIVE CONNOR: I think probably we could list them on down and put the total at the top, how will that be?

PRESIDING OFFICER SENATOR GRANTHAM: Some of these Senators -- You can see all right?

All right. Proceed.

Q (By REPRESENTATIVE CONNOR) That is No. 45, that is a check for \$115.50; and, unless my addition is in error, that is a total of \$2,344.65.

Now, sir, in Board of Managers' Exhibit No. 8, as of January 12, 1961, you had a balance in your checking account of \$493.99.

As of the 1st of May, 1961, sir, you had a balance of \$3,755.08 in your checking account; and unless I am in error, that is an increase during this period of \$3,273.09.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, I think you had better question him, if you're going to. You're not testifying here.

REPRESENTATIVE CONNOR: I do not intend to. I might state to the Court, what I am attempting to do is lay the foundation so that the Judge can answer, if he can; would you agree, sir, if you would care to, I am attempting to do it in this way to save time. I could ask him these questions, but, we will be here until 7:00 o'clock.

PRESIDING OFFICER SENATOR GRANTHAM: I am not objecting to the line of questioning, but, you can't testify. He is doing the testifying.

REPRESENTATIVE CONNOR: All right, sir.

Well, would you agree, sir, that these records properly reflect these figures that I have recited?

A No, I am not familiar with them. I just don't know what you're driving at.

Q Would you care to check the records, sir, and verify the figures?

MR. BINGAMAN: We object as argumentative, if the Court please. The records speak for themselves.

PRESIDING OFFICER SENATOR GRANTHAM: Cross-examination, he may question him about these various items, whether it is -- It is true the record speaks for itself, but, this is an interpretation of the record by the witness, and he may answer.

A I haven't gone through the records and checked those particular months, and therefore, I couldn't intelligently answer the question as to the correctness of it.

REPRESENTATIVE CONNOR: I think probably we will have to ask him to look at it, Judge, under the ruling, and check to see whether or not they are.

PRESIDING OFFICER SENATOR GRANTHAM: It is your cross-examination here.

REPRESENTATIVE CONNOR: Well, I will be happy to take these figures.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed any way you want.

REPRESENTATIVE CONNOR: Thank you.

Judge, the dates that we have, we are talking about now, as you understand it, are from January 12, 1961, to May 1, 1961; is this your understanding of our questioning now, sir?

A I have 4/4/61.

Q No, I am talking about this whole thing, the preface we laid, we're talking about January 12, '61, to May 1, 1961; you do understand these are...this is the area in which we are trying to...

A Yes.

Q Would you put that on the board somewhere so we know what we're talking about.

Now, Judge, I hand you photostats of deposit slips, one dated April 4, 1961, a

cash deposit of \$400. Do you recall this deposit, sir?

A Well, this seems to be a deposit, yes, sir.

Q Do you recall making this deposit of \$400.00 there, sir?

A No, it's \$500.00 here.

Q Well, that is the one dated May 1, I believe, 1961.

A Oh, April 4, '61?

Q Yes, sir.

A That was a deposit, I think.

Q And that shows by that that you deposited \$400.00 in cash to your account, and I believe, sir, there is one cash deposit slip from the same account of \$400.00 on March 1.

A Well, I am not sure how that was paid.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Senator Baldwin is recognized.

SENATOR BALDWIN: I want to address Your Honor. I propounded some questions up there a while ago, and I would like for them to be asked, because I would like to have the same information that they have. I want to see, I want to be able to compare them the same as they do; these bank statements, that is the reason I sent those questions up there to the desk some time ago, and I don't see how the Court or the Judges can just guesswork so far as we are concerned, and I would like to have the record on my desk so I can see it.

PRESIDING OFFICER SENATOR GRANTHAM: We have been following the procedure of letting the counsel examine the witnesses, and then let the Court ask the questions, and then the counsel for each side examine.

Now, may I inquire of the Board of Managers, these figures are on Exhibits that should be on each Senators desk, is that correct?

REPRESENTATIVE CONNOR: Except for the three which we are discussing now,

and I have just, at this moment, handed those cash deposit slips to the witness, yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You want to introduce these in evidence?

REPRESENTATIVE CONNOR: As soon as they are properly identified, yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: I think you'd better identify them before you start asking about them and get them in evidence.

REPRESENTATIVE CONNOR: This is what I am attempting to do. He has identified the one.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Proceed.

Q (BY REPRESENTATIVE CONNOR) On March 1, sir, 1961, do you have a ticket there?

A Yes, sir.

Q That shows that a cash deposit was made on that date?

A \$400.00.

Q Now, do you recall making that to your --

MR. BINGAMAN: May I inquire as to what bank that is; that doesn't show us on the exhibits they furnished to us here.

PRESIDING OFFICER SENATOR GRANTHAM: Your objection is well taken, and the bank should be identified, and, Mr. Connor, I would suggest you get these identified and get them in evidence if you want to examine the witness.

REPRESENTATIVE CONNOR: All right, sir. I will do that now.

Do you have, would you please, sir, recite to us what institution those deposit slips were issued by?

A Federal Savings & Loan Association.

Q And to what account, sir?

A Account number 35288.

Q And the name of that account, sir, the person who owned that account?

A Well, they got Johnson in here.

Q Do you have an account there, sir?

A I am not so sure about this, there are no initials on here at all.

Q Do you have the records of your savings accounts with you in the courtroom?

A I do not, but, this 35288, if that is my account, I don't recall it. There are no initials here at all.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, at this point, I think that we had better get these identified and introduced in evidence, if they are admissible.

Now, Senator Baldwin, just a moment.

Let's have quiet.

Senator Baldwin's motion is well taken, it's difficult for the Court to refer to these if we do not have them, and there seems to be some question about it. I think that perhaps if you could get them mimeographed, I don't know whether we will admit them or not, but in any event, have them ready to give to the Court if they are introduced, and in the meantime, the counsel for the accused can check on this question of whether or not they are going to object to the introduction of these in evidence.

Gentlemen, it is 5:20, and I am wondering --

I am wondering if you have a point here, Mr. Connor. Are you at a point where we can go on from here in the morning?

REPRESENTATIVE CONNOR: Well, if Your Honor please, I will continue from this point in the morning.

PRESIDING OFFICER SENATOR GRANTHAM: That is what I mean, from this point, and you will get these introduced and mimeographed so that they will be on the desk of these members of the Court if they are admitted, is that correct?

REPRESENTATIVE CONNOR: Yes, sir,

we will have them on the desk of each member of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: After they are admitted, of course, you understand.

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Now, then, let me inquire of the counsel for the accused, do you have any objection to these, or do you; if you are going to object to this --

MR. BINGAMAN: Well, I don't know what they are.

MR. GREEN: If it please the Court, we will object to these as they are, I know.

PRESIDING OFFICER SENATOR GRANTHAM: Well, will you examine and see, examine them further during the recess overnight in order that we may proceed properly in the morning concerning this point.

All right, let's have order.

Senator Baldwin will be recognized.

Gentlemen, just bear with us.

SENATOR BALDWIN: I would like to inquire, if the Judge would put my question to the Board of Managers here so that we can ascertain whether or not we can have that additional information that I requested.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

This question is, you say, directed to the Board of Managers; right, Senator Baldwin?

SENATOR BALDWIN: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The question is directed to the Board of Managers for their consideration; this is by Senator Baldwin. Are the accounts in each financial institution, their name and location and balance in each, and can you get that information for the Court?

REPRESENTATIVE CONNOR: If Your

Honor please, we, of course, have all of this information, but, again, we are in this bind unless the defendant would like to reopen and introduce the records. We would be happy to, but, I don't know whether -- I will be happy to just spread them around if that is agreeable with everyone.

PRESIDING OFFICER SENATOR GRANTHAM: We won't spread anything around that is not in evidence, Mr. Connor.

REPRESENTATIVE CONNOR: Well, this is the problem we have, sir.

PRESIDING OFFICER SENATOR GRANTHAM: But, you get what you can, and we will see whether it is admissible or not.

REPRESENTATIVE CONNOR: As to the savings account and everything, as I say, we will be very happy to put them in. However, in this area, we would have to have many identified, each one of them.

PRESIDING OFFICER SENATOR GRANTHAM: Well, that is true.

Now, then, Senator Baldwin, I would like to recognize you. Did you have any more on this point?

SENATOR BALDWIN: I want to clarify the information that I wanted. I would like to have the same information as the sheets similar to what you have here from the accused's bank in Claremore, so that we can see the withdrawals, if any, together with additions, and the dates.

REPRESENTATIVE CONNOR: May I state to Senator Baldwin, this is the first piece of tangible evidence we have discussed here that is not on your desk. These three sheets we have placed in evidence, is that not correct? You have the withdrawals from the checking account; you are talking about the savings account, sir?

SENATOR BALDWIN: Yes.

REPRESENTATIVE CONNOR: We have not discussed this account at all in any of our questions.

SENATOR BALDWIN: I believe they have touched on it three or four times, and we looked around for the information and we don't have it.

REPRESENTATIVE CONNOR: Except to the existence of it, we have not used any figures.

PRESIDING OFFICER SENATOR GRANTHAM: The request from Senator Baldwin is, I am sure, something that is in the minds of several members of the Court, and that is to get the complete financial picture. I wonder if you would endeavor to see if you can get as near to that as you can, and I will say that to both counsel for the accused and leave it up to whether or not you want to -- At least the Court is interested in it.

REPRESENTATIVE CONNOR: If the accused has no objection, we will present them and have them run off tonight.

PRESIDING OFFICER SENATOR GRANTHAM: You run them off at your own risk, as far as that is concerned, because I am not going to say you can introduce something until such time as it's presented here. You all understand that.

Senator Murphy, I wanted to call on Senator Baldwin for another item. We have a question here of the matter of including the voluminous exhibits in the transcript, that is the official transcript, and whether or not they should be typed by the reporters, which is an item of considerable expense, that's not terrific, but considerable expense, and so I want to hear -- I want to yield here to Senator Baldwin to discuss that point with us.

SENATOR BALDWIN: The Committee on Rules and Procedures, rather informally during the noon hour, met, and it was our opinion that all of the written evidence such as -- well, many of these things that are on your desk, could well be placed in the Journal, which is the permanent record, and thereby doing away with the expense of just recopying them in the transcript, which would

make it voluminous, and also, as I said, expensive. Then, if there would be an appeal, the matter of public record, of course, would be the Journal, and it would contain all of the transcript. The transcript would contain the questions and the answers. This other material submitted from both the defense and prosecution could all be found in the Journal.

Now, if there are questions, I would be glad to answer them. If there are no questions, I would like to ask that this policy be followed.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baldwin, may I inquire of the counsel for the accused if they have any objection to that procedure?

MR. BINGAMAN: We have none, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: I will inquire of the Board of Managers, do you have any objection to that procedure?

REPRESENTATIVE CONNOR: We have none.

PRESIDING OFFICER SENATOR GRANTHAM: I will ask unanimous consent that the procedure outlined by Senator Baldwin be the procedure followed with reference to the copying of these exhibits, and they will be found in the printed transcript, but not recopied by the reporters.

Senator Berrong, I believe Senator Murphy was up first.

SENATOR MURPHY: Mr. President, I have a question on the desk which I think could be perhaps answered during the interim now until the next meeting of the Court, that is, in regard to the Prudential Life Insurance account showing when the house payments were made.

PRESIDING OFFICER SENATOR GRANTHAM: The question you want put is the one you wanted to be called to the Board of Managers, not the one to the witness, the one going to be put to the

witness is that Prudential Insurance Company office to whom you made payments located in Oklahoma City; then to the Board of Managers, if the office is in Oklahoma City, will you bring the payment records on home into court?

REPRESENTATIVE CONNOR: If Your Honor please, we have that presently in court with us. Again, if there is no objection from the accused, we'll have it reproduced. It's the one Prudential Insurance Company gave to us.

MR. BINGAMAN: We have it summarized by years, perhaps the total is what they would be more concerned with than the monthly pay record, I don't know how it was paid. We have it summarized by year.

REPRESENTATIVE CONNOR: We have the monthly payments with the amount of the interest.

PRESIDING OFFICER SENATOR GRANTHAM: If you bring that to court, we will consider its admissibility.

REPRESENTATIVE CONNOR: I take it we should not go to the trouble of having copies made of this until the Court rules on it?

PRESIDING OFFICER SENATOR GRANTHAM: I think you had better be in a position to distribute it on short order. The expense of mimeographing may be a small matter compared to the delay this might cause the Court. I would suggest you have it ready, and it may be admitted and it may not, depending upon whether or not in the opinion of the Court it is admissible.

Senator Berrong is recognized.

SENATOR BERRONG: Mr. Presiding Judge, the inquiry that I am making, if I understood Senator Baldwin's statement correctly, such items as the Supreme Court case of Oklahoma Company versus Eugene O'Neil, this would not be included in the transcript; the testimony would be.

PRESIDING OFFICER SENATOR

GRANTHAM: We had by stipulation agreed the Court could take judicial notice, and that would not be an exhibit, but would be placed on each Senator's desk; in the reporter system we just have it out for the convenience of the Court. Either way it would not be in the transcript or anywhere, except it's something you can look into and be familiar with.

SENATOR BERRONG: I understand it to mean that only the testimony itself will be placed in the transcript.

PRESIDING OFFICER SENATOR GRANTHAM: The testimony itself will be placed in the transcript and reference made to the exhibits, which will be -- the original exhibits will be retained; they will not be recopied into the record, but they will be printed in the Journal in the printed copy of the transcript of the proceedings of the Journal.

Does that answer your question?

SENATOR BERRONG: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen, I want to say again that I appreciate the high decorum that has been displayed by all concerned. I will not take more of your time. The Court will stand --

Senator Berrong is recognized.

Keep your seats.

SENATOR BERRONG: There has been reference made to certain checks and payment records that the Board of Managers are going to produce. We have heard reference made to perhaps other cashier's checks or other moneys on the part of the accused to make certain payments. Would it be possible for any or all of those records to be brought in?

PRESIDING OFFICER SENATOR GRANTHAM: As I recall that evidence, it was merely an inquiry of the witness as to whether there were others, and the answer was that if there were, he did not know. That he did not know the whereabouts of any of these cashier's checks or

whether there were any, so until such time as there is evidence of any checks -- In the event there is an exhibit, I feel it is only fair that every member of the Court have a copy of the exhibit on your desk.

Gentlemen, the Court will stand adjourned until 9:00 o'clock in the morning.

(Whereupon, Court was adjourned until 9:00 o'clock A.M., May 11, 1965.)

Tuesday, May 11, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the 30th Legislature is now in session.

The members of the Court will take your seats.

Let the record show that the Board of Managers is present and the accused and his attorneys are present.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll, the following members being present: Atkinson, Baldwin, Berry, Dacus, Findeiss, Garrett, Gee, Grantham, Graves, Ham, Holden, Horn, Keels, Luton, Martin, Massad, Massey, Miller, Muldrow, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Taliaferro, Terrill, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Birdsong is present. Senator Bartlett is present. Senator Field is present. Any other senators who have not answered the roll?

Senator Garrison is present.

The Clerk will announce the roll.

Senator McClendon is present.

COURT CLERK: Absent are Baggett, Berrong, Boecher, Bradley, Cowden, Hamilton, Howard, McSpadden, Murphy, Nichols, Payne, Pope, Stipe and Williams.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Hamilton is present. Senator Boecher is present. Senator Baggett is present. The Court will be advised when any member now absent enters the chambers.

Senator Pope is present. Senator Bradley is present.

At this time we will have the prayer by the Reverend Gaskin, Pastor of the First

Baptist Church in Durant. All members of the Court will stand.

(Whereupon, the invocation was given by the Reverend J. M. Gaskin.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Payne is present. Senator McSpadden is present. Senator Murphy is present. Senator Luton is present. Senator Berrong is present. Senator Berry is present. Senator Nichols is present. Members of the Court, please take your seats.

To the members of the Court I would like to call your attention that previously the Board of Managers and previously the accused have filed herein a brief setting forth certain legal problems in connection with this case, and the Board of Managers has now filed with the Court an answer brief which has been placed as was previously stated on the desk of every member of the Court. This brief, by the accused and by the Board of Managers is not, both of these briefs are not evidence in this case. However, I would like to commend the counsel for the accused and the Board of Managers for the preparation of very good briefs which I would suggest that each member of the Court peruse. In the event that any of you do not have a copy of either brief, I suggest that you notify the Marshal of the Court or the Head Page in order that you may have copies of these briefs.

Let the record show that Senator Williams is present.

I would like to call to the attention of the Court that I consider it unwise for us to discuss the merits of this case among ourselves until we have heard the last bit of

evidence and the last argument in this case. I should also like to call to the attention of the members of the Court that it is not only unwise but improper to discuss this case with anyone else or to hear it discussed with anyone else in order that we may reach a fair and impartial decision after this case is completed.

At the close of our last session Judge Johnson was on the stand and was being cross-examined by the Board of Managers. Judge Johnson will please take the stand again and the Board of Managers will continue with cross-examination.

N. B. JOHNSON,

the accused, taking the witness stand in his own behalf, having been previously duly sworn, testified further, as follows:

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Howard is present.

FURTHER CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, you have in your mind, I believe, Board of Managers' Exhibit No. 52. That, I believe, sir, is a deposit slip. Did you have an opportunity last night to check this against your records, sir?

A No, I didn't.

Q Would you agree, sir, that that is a deposit slip or a copy of one to your account?

A There is a notation on this slip that ..

Q Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The accused may consult with counsel.

THE WITNESS: I understand now.

Q (By REPRESENTATIVE CONNOR) Is that a deposit slip to your account, sir, in the amount of \$400 in cash on March 1st?

A I don't know. Now this is .. this is the name "Johnson". I don't have any independent recollection of it.

Q Did you, sir, bring with you this morning the records of your safety deposit

or your savings account with that institution?

A No.

Q Have you had them with you in the courtroom before today?

A I have not.

Q Have these records been present in the courtroom to your knowledge?

A Question please.

(Whereupon, the last set out above question was read by the reporter.)

THE WITNESS: No, not this record.

Q (By REPRESENTATIVE CONNOR) No, sir, I am talking about either the ledger sheet or your passbook with this account.

A I don't know whether it has or not.

MR. BINGAMAN: If the Court please, I think we can materially shorten this if counsel is .. if this is not just a matter of cross-examination of this witness. If he is interested in the financial information we have the lawyer-accountant who has assembled all of this who can be here with a projector to put this up where everybody can see it. He has traced out all of this account and assembled it in summarizing style so it can be comprehended if they are interested in the financial situation. If it's just a matter of cross-examination, I suppose we would be in no position to object. It would materially expedite the hearing.

PRESIDING OFFICER SENATOR GRANTHAM: Let's get the record straight. The Court is not going to direct how either side presents their case. I'm sure both counsel recognizes that. This is a proper field of cross-examination and we are at the question of whether or not this witness can identify this exhibit and whether or not the counsel for accused objects to the introduction of the exhibit for whatever weight it may be given. That is the state we are at at the present time.

MR. BINGAMAN: This particular exhibit doesn't show anything but the name "Johnson". It doesn't show what Johnson, and the date, of course, these are a long time ago and it's rather difficult for the witness to try, to identify these things.

PRESIDING OFFICER SENATOR GRANTHAM: Do you object, or not?

MR. BINGAMAN: We do object, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: For the present the objection is sustained. However, you may cross-examine with reference to the exhibit although it's not admitted in evidence.

A There is a Napoleon Johnson in Oklahoma City, it was in Oklahoma City, they sent me one of his automobile accounts.

Q Does that Napoleon Johnson, sir, have account number 35288 at Local Federal Savings & Loan Association, do you know?

A I couldn't say, it might be.

Q You do, sir, in fact, have an account number 35288 at Local Federal Savings & Loan, and you have these records some place, do you not, sir?

A I have an account with the Local Federal Savings & Loan here.

Q You do have records of this account, sir, do you not?

A Oh, yes.

Q And you have heard members of the Court show a great interest in these records, have you not, sir?

A I think they were interested in them.

Q And you have not brought a single one of these records to this Court this morning?

A No, I wasn't requested to bring anything.

MR. BINGAMAN: If the Court please, we will produce them, and we have got the man here that made the analysis of them all.

REPRESENTATIVE CONNOR: I am not interested in that man.

MR. BINGAMAN: I think it is an unfair impression he is seeking to leave with this witness.

PRESIDING OFFICER SENATOR GRANTHAM: This is cross-examination, and you may present your testimony when you care to.

Proceed.

REPRESENTATIVE CONNOR: If Your Honor please, at this time we are attempting to, as the Court is aware, save time for the Court in approaching it in this manner.

We would ask the Court leave to recall on further cross-examination Justice Corn after we establish these savings accounts. I see no way in the world to do it other than that.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, you may cross-examine the witness, and the Court is going to permit you to recall him, or the accused will be allowed in that regard. The mere fact that you don't have exhibits in with reference to the dates on it, because they are sustained until properly identified and connected. They will not be admitted, and the objection is sustained.

REPRESENTATIVE CONNOR: If the Court please, we have attempted not to refer to anything not in evidence prior to the time. If we might have leave to recall him for further cross-examination.

PRESIDING OFFICER SENATOR GRANTHAM: You may.

Have you completed your cross-examination?

REPRESENTATIVE CONNOR: Yes, sir, for now.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect examination?

MR. BINGAMAN: Perhaps it will be better to wait to see what they develop, if anything, in the way of the Court.

PRESIDING OFFICER SENATOR

GRANTHAM: You do not care to redirect right now?

MR. BINGAMAN: Not at this moment, no.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, Judge, we have some questions.

This is a question by Senator Murphy, which was referred to at our last meeting, at our last session of court yesterday. Is the Prudential Insurance Company office, to whom you paid payments, located in Oklahoma City, Oklahoma?

A It is.

PRESIDING OFFICER SENATOR GRANTHAM: The last part --

Let the record show that Senator Murphy is now present.

The last part of this question was directed to the Board of Managers, but, in order there will be no question, I will read the question again to the Board of Managers. If the office is in Oklahoma City, will you bring the payment records on the home in the Court and we will treat that later?

REPRESENTATIVE CONNOR: All right, sir. We have them.

PRESIDING OFFICER SENATOR GRANTHAM: Now, then, a question by Senator Atkinson. Judge Johnson, when were you first aware that Judge Corn would implicate you in accepting bribes?

A I believe it was noon, the day that some Representative got up on the floor of the House, under the privilege of the House, and referred to a statement made by Corn. He didn't produce the statement, but he quoted from parts of it, and that is the first time I knew anything about it. Some of the newspaper men came down to my office here in the capitol and asked me if I had heard the statement and if I had any statement to make. It was a complete surprise to me, came like a bolt out of the blue sky, so, that is the first time I heard anything about it.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Atkinson. Did you have advance warning he would do this?

A I don't remember. Now, I believe he did write a letter stating that -- called me "Dear Sir", and stated that he had told the facts in the Selected Investment case and in Westbrook case. There was no such case as the Westbrook case, and he said, "I have been instructed not to talk to you."

PRESIDING OFFICER SENATOR GRANTHAM: The second part of this second question by Senator Atkinson is: If so, did you discuss it with him?

A No, I didn't talk to him or see him until I saw him here on the witness stand, because in the letter he was instructed not to talk to me.

PRESIDING OFFICER SENATOR GRANTHAM: The third question by Senator Atkinson: Did you have any serious disagreement with Judge Corn or Mr. Carroll previously?

A I never saw Carroll until he testified from the witness stand. As to Corn, no serious trouble. When he was Supernumerary Judge they assigned some eleven of his cases to me and they came up in bad shape. He would quote from the briefs, just mark off certain places of the brief and instruct the secretary to incorporate those in what he called an opinion. I might add that the way we handled the supernumerary opinion, the Chief Justice would assign those supernumerary opinions to the different Justices, and the Justice would go over it, and if he could affirm the Supernumerary Judge, why, he would go ahead and draft the opinion up and go down under the name of the Supernumerary Judge. If he wrote it in a different conclusion, it went down in his name.

And I had eleven cases assigned to me, and my legal assistants complained about it, and there was some complaint in the conference room about it. I talked to him

one day, and he said he didn't give a damn or something like that, and he seemed to resent it, but I didn't pay too much attention to it. I think two or three of the cases I wrote a different conclusion on. Then, they had that fight in the conference room, I tried to separate them and hold them. We never had any real serious trouble, but, he was not cooperative.

When I was Chief Justice, we would have an important matter, sometimes he would just rake up his papers and walk out and wouldn't say anything to anybody, he would just say -- just had a kind of a go to hell attitude.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a series of questions from Senator Howard. One, have you or anyone on your behalf filed an amended tax return since 1956?

A No, I have got a refund from the State, I paid on something.

PRESIDING OFFICER SENATOR GRANTHAM: I believe you had better get a little closer to the speaker, Judge.

A No, I filed no amended tax returns. I got a refund from the State where I overpaid a little bit, but I don't think that -- it might have been amended to conform with that refund.

PRESIDING OFFICER SENATOR GRANTHAM: Then, your answer is, to Senator Howard's question, to his first question is that you have not filed an amended tax return since 1956?

A That's correct.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Howard: Has there been any tax assessment levied against you for income taxes since 1956?

A No, no.

PRESIDING OFFICER SENATOR GRANTHAM: The third question by Senator Howard: Have you paid any additional tax or penalty relating to your income tax since 1956?

A I have not, and have not been requested to do so.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 4 by Senator Howard: Have you ever had any personal difficulties with N. S. Corn?

A No, nothing other than what I have already said.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 5: Do you know of any reason why he (N. S. Corn), would bear you any animosity?

A That's a question that I have rolled over and over in my mind. I just couldn't figure it out. I knew he didn't especially love me, but I didn't think his feelings would go that far, because I have always tried to be friendly with him, unless it's just a case of misery loving company and trying to saddle something on somebody that he thought he could best get by with. I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 6, by Senator Howard: Did you know of any reason why Justice Luther Bohanon would check out the records in the Selected Investment case?

A No, I didn't know he had them until some time ago when the question came up.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Garrett: Board of Managers Exhibit 8 shows deposits \$3,000, February 10th, 1965, \$1,700, March 3rd, 1965, \$2,000 March 31st, 1965, \$5,000 April 1st, 1965; a total of \$11,700 above your salary in less than two months. Where did you get this money?

A Read that question.

(Whereupon, the question last above set out was read by the reporter.)

A That money came from the Local Federal Savings & Loan down here in Oklahoma City, part of it, and part of it from Mutual Savings & Loan Association up here on -- well, here in Oklahoma City, I don't recall the address, and two of those were from Mutual. In other words, I bor-

rowed it to pay my attorneys' fees, and the costs of this litigation that I am now facing. I had to pay auditors, I have had to pay for the transcripts, and I've had to pay other expenses in connection with this litigation.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator --

A I might add the balance is in the bank. I have suspended myself and I am not drawing my salary, and I am living off of those withdrawals which were deposited in the bank.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Graves: Why did you discontinue the use of cashier's checks after receiving the letter from Mr. Grimes?

A I don't recall the date of that letter. Was it '62, 1962, I believe, I think I was probably running short of cash about that time, as far as the reserve fund or campaign fund or trust fund or whatever you want to call it. '62; I just don't remember.

PRESIDING OFFICER SENATOR GRANTHAM: The next two questions are by Senator Berrong.

First question: Were the contributions as recited in your memorandum \$1,000, \$1,000, and \$800 for your campaign, made by an attorney or attorneys?

A Well, it gives you, the \$1,000 was made by a druggist friend of mine who I've known for many years. He lives at Claremore, Oklahoma; and the other contribution was from A. Archer Cleaning and Pressing, and he has other business ventures. I don't know just what they are. He lives at -- both of these men live at Claremore. Does that answer the question?

PRESIDING OFFICER SENATOR GRANTHAM: I think there were three items: \$1,000, \$1,000 and \$800, Judge Johnson.

THE WITNESS: Mrs. John Catlett, she was national committeewoman here for

many years. She lived in Tulsa, Oklahoma. A lifelong friend of mine. She gave me \$800. Probably more than that, but I was a little doubtful about the amount so I just put the minimum amount.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Berrong: If the answer is yes, did any of them have a case, or cases, pending before the Supreme Court?

A No.

PRESIDING OFFICER SENATOR GRANTHAM: We have another series of questions by Senator Berrong.

First question: Did you ever pay in cash a house payment to the Prudential Insurance Company?

A I just don't recall, I could have. My wife made some payments. Usually I wrote a check on my personal bank account.

PRESIDING OFFICER SENATOR GRANTHAM: The second question: If so, what was the address of the Prudential Company in 1957 and 1958 to which delivery or payment was made?

A They had an office in downtown Oklahoma City. I don't recall the address.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Berrong: By contacting some of your friends to intercede with members of the Senate sitting as a Court of Impeachment, was it your opinion that you could not secure a fair trial by the Senate membership?

A No; no, it wasn't.

PRESIDING OFFICER SENATOR GRANTHAM: The next question: Do you consider this action to be improper influence on the Court?

A It would be highly improper for one to be contacted in the trial of a lawsuit in the courts. It would be in proceedings of this nature. It's partly political as well as legal and in the nature of a court proceeding and I don't know, there might be two different schools of thought on that, I

would say you shouldn't contact the Senator and try to influence his vote, but it would be probably improper to go to a Senator and say I would like to have you vote for me, I mean, vote for me in this case. I don't think that would be proper. I don't think if I was sitting as a Senator in the Court of Impeachment if someone would say to me -- I wouldn't want him to talk to me about it. But, if he'd say, "I hope you will give this man a careful consideration," that -- it might not be proper, but it might not be too severely condemned.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Berrong: Why would Judge Corn single you as a member of the Supreme Court and state you had been paid \$7,500 on the Selected Investment Company Case and \$2,500 on the Oklahoma Company Case, rather than some other member of the Courts?

A I don't know why he would do that other than what I have said.

PRESIDING OFFICER SENATOR GRANTHAM: The next, and last, question by Senator Berrong: Why would Judge Corn name any member of the Court?

A I didn't get the last question.

PRESIDING OFFICER SENATOR GRANTHAM: Will the reporter read it back, please?

(Whereupon, last set out above question was read by the reporter.)

THE WITNESS: Well, he had to make some explanation, I guess, as to what he was going to do with the money. He had to have an excuse for flimflamming someone, I imagine -- he testified he kept the major part of it. I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Baggett: Yesterday at Page 223 of the transcript you testified that you served on the Federal Advisory Committee on Indian Health for three or four years. You further testified that you received and

accepted from the Federal Government a salary of \$50 per day for your services, plus expenses. In reference to that statement of facts, Senator Baggett raises the following questions: Is the foregoing a correct summary of your testimony yesterday?

A I didn't get the last.

PRESIDING OFFICER SENATOR GRANTHAM: Is the foregoing a correct summary of your testimony yesterday?

A I believe that is about what I testified to. I might state -- Is there another question?

PRESIDING OFFICER SENATOR GRANTHAM: There is another question that comes later, yes. Do you want me to ask you another question now?

A Well, go ahead.

PRESIDING OFFICER SENATOR GRANTHAM: I couldn't understand you.

A I say go ahead with the question.

PRESIDING OFFICER SENATOR GRANTHAM: The second question: Did you accept and receive from the Federal Government payment of such \$50 per diem for your services while serving as a Judge or Justice of the State of Oklahoma?

A Yes, sir. I might add that this was not a regular salary, but in order to be able to pay me, they had to put me on the payroll. I got \$50 a day for two or three days that I had to be in Washington or Arizona or somewhere and it's just like an allowance that the state allows you when you are off on a Bar convention or something like that. I think the most I ever drew was \$150. Just enough to cover my expenses really. That I reported, however, on my income tax return and social security deductions were made from it.

PRESIDING OFFICER SENATOR GRANTHAM: The third question: Did such federal employment and acceptance of salary therefor, while serving as a Judge or Justice of the State of Oklahoma, contravene to Article 8, Section 12 of the Oklahoma Constitution and thereby vacate your

office as Judge or Justice of the State of Oklahoma?

A That's a legal question that has never been raised. I suppose if I had continuous employment with the government, there would be some serious question.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Stipe is now present.

PRESIDING OFFICER SENATOR GRANTHAM: Continue, Judge Johnson.

A That's all.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Baggett: Did you request an opinion of the Attorney General on this point?

A No, the question was never raised. All the members of the Court knew I made these trips and made it once a year, twice a year.

PRESIDING OFFICER SENATOR GRANTHAM: The last question by Senator Baggett: Or did you rely upon any prior opinion of the Attorney General or the Supreme Court of Oklahoma on this point?

A The question was never discussed or brought up, never raised.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease. I have to sign some papers here. Just a moment.

Now, we will resume questioning by the Court.

Members of the Court, please find your seats.

The next question is by Senator Berong. Have you at any time during your tenure on the Oklahoma State Supreme Court paid to the State of Oklahoma a penalty under the fraud statutes?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, a series of questions by Senator Rogers. First question, will you secure certified copies of your federal income tax return for the years 1958 through 1964 and submit them

to this Court, including a statement of any and all assessments and penalties claimed against you for these years?

A I will.

PRESIDING OFFICER SENATOR GRANTHAM: I might add to that question, when will you do that, Judge Johnson?

A I think I have them, I am not sure.

PRESIDING OFFICER SENATOR GRANTHAM: I will ask another question in regard to that.

A I will get them as soon as I can. I don't know whether the auditor has those or not. I believe we had those yesterday, didn't we?

MR. BINGAMAN: I have copies in court, I do not have the certified copies. There may be some delay in procuring that in the collector's office. They sent some of these to Washington or some place, there might be some delay in getting those.

PRESIDING OFFICER SENATOR GRANTHAM: I will inquire of counsel, do you think you could get that information?

MR. BINGAMAN: I am unable to answer that. I will do my best. I learned from experience in trying to get them from the government departments, they have to order them out of Washington, but I do have copies here in court right now.

PRESIDING OFFICER SENATOR GRANTHAM: And you will endeavor to get that information?

MR. BINGAMAN: If the Court wishes, we will send someone there immediately.

PRESIDING OFFICER SENATOR GRANTHAM: In this regard, I want to say that I don't want to in any way interfere with the procedure of either side, but when the Court, at least one member of the Court is interested in this information, and therefore I submit it to the parties for their consideration.

Question number two. Will you give per-

mission to the Court to enter your safety deposit box and make a complete inventory thereof?

A I will. They can go out there now if they want to.

PRESIDING OFFICER SENATOR GRANTHAM: Question number three by Senator Rogers. Has former Justice Corn ever paid you any money for anything?

A Paid me money for nothing, hasn't paid me any money for anything what-ever.

PRESIDING OFFICER SENATOR GRANTHAM: I believe this answers the second part of the question. If so, how much and what? And your answer is there has been no money; is that correct, paid to you by Judge Corn; is that correct?

A Judge Corn has paid me no money for any purpose whatsoever.

PRESIDING OFFICER SENATOR GRANTHAM: Another question by Senator Rogers. How did you vote in the Meadors Will case?

A I don't remember how I voted in that case. I might have voted for it or against it. I don't remember. The specific report will show it, show my vote.

PRESIDING OFFICER SENATOR GRANTHAM: The fifth question by Senator Rogers. Do you have any cash or securities not now located either in your bank or safety deposit boxes?

A No, I don't have much, I think I've got a little at the house, maybe a hundred dollars.

PRESIDING OFFICER SENATOR GRANTHAM: The next question I think is answered by the preceding answer, but, I will give it. Give times and dates as to when the locations of these were changed and the reasons why. That was with reference to any cash or securities not now located either in your bank or safety deposit boxes.

A Well, I don't remember offhand; I can't answer that question.

PRESIDING OFFICER SENATOR

GRANTHAM: The last question by Senator Rogers. What was your net worth on January 1, 1956, and what was your net worth on January 1, 1965, and if there is a difference, please explain the difference.

A Well, I never made a financial statement. I think I furnished the Bar Association a statement. I don't recall what it is, but I just...I guess I would be worth around thirty thousand or forty thousand dollars, and...What is the last date?

PRESIDING OFFICER SENATOR GRANTHAM: The last date was January 1, 1965, and the first date was January 1, 1956.

A Well, '65, I spent quite a bit in the last month, this month, but until I paid these unusual expenditures, I would say I was worth about sixty thousand dollars. How I acquired it was simply saving money out of my salary and other income as reported by my tax returns, my savings and loan accounts drew interest, and then I received my pro rata share of the Cherokee judgment, which amounted to around \$300.00. I believe, and then I received money from, as I testified to the other day, from condemnation proceedings, twenty acres of land I testified about.

PRESIDING OFFICER SENATOR GRANTHAM: The following series of questions is by Senator Romang: The first question: Did N. S. Corn ever deliver any money to you as a campaign contribution?

A He never did.

PRESIDING OFFICER SENATOR GRANTHAM: The last part of that question is: If so, when and how much, and your answer is he never did, is that correct?

A That's correct.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 2 by Senator Romang: Did N. S. Corn ever deliver any money to you for anything other than campaign expenses?

A He did not.

PRESIDING OFFICER SENATOR GRANTHAM: And the last part of that question is: If so, how much and for what purposes, and your answer is he did not; correct?

A Correct.

PRESIDING OFFICER SENATOR GRANTHAM: Question No. 3 by Senator Romang: What explanation do you have for the testimony of N. S. Corn to the effect that he gave you \$7,500 in connection with the Selected Investment case and for his testimony that he gave you \$2,500 in connection with the Oklahoma Company case?

A My answer to that question would be the same as I have heretofore answered to a similar question.

PRESIDING OFFICER SENATOR GRANTHAM: And what was that answer?

A It was that I just couldn't understand why he would do that. We've had some little differences, but I didn't consider them too serious in connection with the way that he handled his cases. When we were assigned the supernumerary opinions, we would just discuss them with the author, supernumerary judge, in an effort to reconcile the differences but he would become impatient, so I don't know if that's the reason, but we just didn't get along too well.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, Judge Johnson, is a series of questions by Senator Findeiss and Senator Stansberry. From June, '49, through January of '54, you deposited in the Claremore bank some \$8,190 in funds apparently in addition to your salary check. From January, 1955, to February, 1962, there was deposited in the same bank some \$6,300 in funds apparently in addition to your salary. From June, '62, through September, '64, in the same manner, some \$7,000 was deposited apparently in addition to your salary check. Now, this totals some \$21,490. The questions concerning that statement are as follows: One,

from what source did you obtain these funds, either by periods or in total?

A Either by what?

PRESIDING OFFICER SENATOR GRANTHAM: What was your question, Judge Johnson?

A I said either by what?

PRESIDING OFFICER SENATOR GRANTHAM: Either by periods or in total.

A Well, I just don't remember, but what I usually did, if I ran short on my checking account I would borrow money from the Claremore Federal Savings & Loan and deposit that money in my First National Bank account, and I borrowed money from the Claremore Building & Loan on different occasions. Then I borrowed some from the Local Federal Savings & Loan, and I deposited that, but I don't recall. I have an auditor that's gone into all of that and for all of the years involved, that is, the years from '57 through '64, but I can't remember those details, but I am quite sure that the source from which those deposits came were from other accounts. When I would run short in my checking account at the First National Bank, I would borrow from other sources. And sometimes I would receive expense checks. For instance, I went to .. when I was on the Governor's Interstate Indian Council, I made trips, sometimes that would amount to \$100 or \$200 or more. I think I deposited some of that in the Claremore bank, but most of those checks were in the building and loan, but that's the best answer I could give to that question right now.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, Judge Johnson, is: In February, March and April of '65, you deposited some \$11,700 to the Claremore bank apparently in addition to your salary check. Where was the money obtained:

A I believe it's \$3,000 came from the Local Federal Savings & Loan in Oklahoma City. I withdrew that amount and mailed the check to Claremore, First National Bank at Claremore. Then I borrowed, I

believe, \$3,000 from the Mutual Savings & Loan when I was negotiating for attorneys and estimating the cost of this proceeding. I drew out, I believe it was \$3,000 and then I drew out \$5,000, and I deposited all that in the Claremore bank. I took that from my savings account and that is how I handled that; that's my answer. And the unexpended balance is in the Claremore bank, and I am living off of that and paying the expenses of this litigation, and I am going to have to withdraw some more before this is over.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Baldwin and was read yesterday, but it will be repeated again today inasmuch as it was just read for informational purposes only yesterday: What accounts are in each financial institution, their name, location, amount, and balance in each?

A Local Federal Savings & Loan Association, I don't know, but I think around \$7,000. The Mutual Savings & Loan in Oklahoma City, I think about 500 and some odd dollars; and then the other mutual savings and loan, about a hundred or two in it, and Claremore Federal Savings & Loan, I think there is about \$14,000 in that one. That's about it.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Garrison: Where and to whom did you make cash payments on your home loan?

A Well, I don't know whether I made any cash payments. I guess I did. It was made to Local Federal -- I mean, the Prudential Insurance Company here in Oklahoma City. Whatever payments I made was made to them, but I don't know whether it was cash or check; probably both.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Hamilton.

SENATOR HAMILTON: Those questions have been answered and I desire to withdraw them.

PRESIDING OFFICER SENATOR

GRANTHAM: The questions Senator Hamilton asked he now asks unanimous consent to withdraw. Is there any objection?

Hearing none, that will be the order.

The next question is by Senator Keels.

Can you account for the approximately \$20,000 of odd deposits other than your payroll checks to your account from February 2, 1961 to April 1, 1965?

A I don't -- I couldn't give an intelligent answer to that without consulting the record. I just don't know. I'm sure I could explain it, but I wouldn't want to attempt to right now because I don't have the data before me.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Johnson, do you want to refer to any exhibit to assist you?

A Read the question to me again.

PRESIDING OFFICER SENATOR GRANTHAM: The question is by Senator Keels. Can you account for the approximately \$20,000 of odd deposits other than your payroll checks to your account from February 2, 1961 to April 1, 1965?

A Oh, I think I have answered part of that. Some of the money deposited was withdrawn from the Federal Savings and Loan Association account and deposited in The First National Bank, some ten or eleven thousand dollars as I have already explained, to take care of my attorney fees and other costs in connection with this trial and a part of it in attorney fees in connection with other matters.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Miller. Have you rented or leased any safety deposit box other than the one at Citizens State Bank in Oklahoma City during or since 1957?

A No, sir, I have not.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is, as previously stated, by Senator Baldwin in which he says: Could we see the various

accounts, that is, the various accounts referred to in the preceding question?

A Yes, sir. I would be very glad to show them to any member of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Johnson, the next series of questions is by Senator Birdsong. Do you now own a home, if so, where located?

A My answer is yes; and it's located at 517 Northwest 43rd.

PRESIDING OFFICER SENATOR GRANTHAM: That was "A" of the question. "B" of the question: The amount of mortgage outstanding at this time?

A There is no mortgage now. I paid that off this last month; and, incidentally, that was part of the seventeen thousand -- seventeen hundred -- I'm not sure about the figure. Either sixteen or seventeen hundred dollars -- seventeen hundred dollars.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, Question No. 2 is divided into two parts. The question reads: Do you or your wife own real estate anywhere other than your home? That is the main part of the question. Answer that, please.

A We do not own any real estate other than our home. I might add in connection with the question heretofore answered that I sold my home in Claremore and I had a rented house next to my home before I came down here, so we had some money from that.

PRESIDING OFFICER SENATOR GRANTHAM: Subparagraph "A" of that question: If so, describe and tell where located. And your answer to that is that you have no other property, is that correct?

A No other property.

PRESIDING OFFICER SENATOR GRANTHAM: "B": The approximate amount of indebtedness on same. And, of course, your answer to that is you have no other property, is that correct?

A Correct.

PRESIDING OFFICER SENATOR GRANTHAM: "C": If mortgaged, who holds the mortgage? Your answer is there is no other property, is that correct?

A Correct.

PRESIDING OFFICER SENATOR GRANTHAM: And if any other real estate is owned and is not mortgaged, what is the approximate value of the same? Again, your answer is the same, there is no other property, is that correct?

A Correct.

PRESIDING OFFICER SENATOR GRANTHAM: Would Senator Pope take the floor and yield?

Senator Pope, is this your list of questions here? These are your questions?

SENATOR POPE: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The next series of questions will be by Senator Pope. Did you have any income other than salary between the period of January 14, 1957 and May 5, 1961?

A No, no salary. I did receive expense checks in connection with the different organizations.

Now, I would -- I belonged to the Intertribal Council which met quarterly and I made about \$160 a year from that. \$42 or \$46 a trip. That was really reimbursement for expenses which was deposited in my account. Then, if I made a trip on the Governor's Interstate Indian Council I was paid regular per diem and mileage and -- let's see, once in awhile I would go to someplace and make a speech and they paid a little on that. Maybe a hundred dollars or something like that. And then I am on the Cherokee Executive Council and they met occasionally, so that is about the only income other than my salary. Of course, the interest I earned on savings accounts.

PRESIDING OFFICER SENATOR GRANTHAM: Does that complete your answer, Judge?

A That is my answer.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Pope: Your checking account and the cashier's checks during January 14, 1957 to May 5, 1961 reflect activity totaling \$53,453.73. Could this be correct?

A It doesn't sound correct. I just don't know. I doubt it. I never had figured it on that basis.

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer is you do not know?

A I just don't know. I have an auditor that will be here that probably can explain that.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by Senator Pope: If so, what amount of that income did you have for this period of January 14, 1957 to May 5, 1961?

A I couldn't answer that question.

PRESIDING OFFICER SENATOR GRANTHAM: The next --

THE WITNESS: I would be glad to if I had the data before me. I just don't know.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Pope. Judge Johnson, would this amount be approximately \$48,000?

A Well, I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Findeiss. You testified that you own your home at 517 Northwest 43rd free and clear of any mortgages. When did you purchase the home and what was the purchase price?

A I purchased the home, I believe, in 1950 -- '51, I'm not sure whether it's '50 or '51. I believe it's '51, and the purchase price I think was \$20,500, and I got -- Well, I guess that answers the question, does it?

PRESIDING OFFICER SENATOR GRANTHAM: Does that complete your answer, Judge Johnson?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Does that complete your answer?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Selman. Have you given any money or anything of value to any person during the last ten years?

A Read the question again, please?

PRESIDING OFFICER SENATOR GRANTHAM: Have you given any money or anything of value to any person during the last ten years?

A Well, aside from anniversary gifts to my wife and daughter, I have not.

PRESIDING OFFICER SENATOR GRANTHAM: The last part of that question. If so, why? And your answer is, nothing other than anniversary gifts; is that correct?

A That's right.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Bartlett. Has your auditor prepared a yearly financial statement for any years for the period January 1, 1955, through December 31, 1964?

A I think my auditor would cover a period from 1957 on up to '60 or '61, maybe '63, I am not sure. I believe '63.

PRESIDING OFFICER SENATOR GRANTHAM: The next part of the question, the second question by Senator Bartlett is: If so, do you plan to introduce any or all of such yearly audit financial statements?

A I haven't consulted with my attorneys on that. They are here and they can answer that question. If my lawyers see fit to do so, I will agree to that.

MR. BINGAMAN: I will announce we will not only do that, we will also expect to call the attorney-accountant who has prepared it.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Now, the next question is by Senator Berry. Have you sold any real estate within the last five years, and if so, how much?

A I have sold no real estate within the last five years.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Berry is: What is the value of your home?

A Well, all I know is what I paid for it, and I have been living in it since '51. The depreciation on that would be probably two or three per cent, but, I imagine you take it for what the cost is, estimate on what the basis you pay for it.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Pope. If my computation is correct, how do you account for spending \$5,000.00 more than you earned for the period of January 14, 1957, through May 5, 1961?

A Well, again, we ran into accounting, but I think when you have examined my net worth statement for the period from '57 to 1961, I believe...Did you say, May, 1961?

PRESIDING OFFICER SENATOR GRANTHAM: That's correct, Judge.

A You will find, taking into consideration my income and my contributions that I testified to, you will find that I am well within my income for that period.

PRESIDING OFFICER SENATOR GRANTHAM: That completes the questions by the Court, and we will take a recess until 10:35.

(Whereupon, a recess was taken.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature continues in session, recess having expired, the members of the Court will take their seats. Let the record show that the Board of Managers is present and that the accused with his attorneys is present. The Clerk will call the roll.

(Whereupon, the roll was called by the Clerk, the following members being present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Holden, Horn, Howard, Keels, Luton, McClendon, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.

Absent: Cowden, Hamilton, McSpadden, Rogers.)

PRESIDING OFFICER SENATOR GRANTHAM: The Clerk will announce the roll.

COURT CLERK: Cowden is absent, Hamilton, McSpadden, Rogers.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will be advised when the members who are absent return to the chamber.

Judge Johnson, would you resume the stand, please?

Senator Hamilton is present. Any other members of the Court returned since the roll was called?

We have another question by the Court that came up after we recessed. This question is by Senator Muldrow: How much was your loan on the home at the date of purchase?

Just a moment, let the record show Senator McSpadden is present.

A I don't... I can get that information from my office. I just don't recall for sure. It was, I believe, \$11,500; I am not sure.

PRESIDING OFFICER SENATOR GRANTHAM: We have had another question by the Court from Senator Young: Do you feel that Corn holds any ill will against you because you are an Indian?

A Well, I am an Indian, and a fellow he had a fight with and his wife was an Indian, and Welch was an Indian. I just

don't know. I never tried to inject that into any campaign or anything, but there could have been a deep-seated prejudice there, but I have nothing on which to base it, except the circumstance I mentioned.

PRESIDING OFFICER SENATOR GRANTHAM: That completes the questions by the Court. The accused may have redirect examination.

Let the record show Senator Rogers is present.

REDIRECT EXAMINATION

By MR. BINGAMAN

Q Judge Johnson, the cross-examination has gone quite extensively into your banking business down to the present moment, particularly with reference to deposits in the bank. As I recall, the liability sheet of monies that you have borrowed from the bank at Claremore has been introduced in evidence. What would you do with the money from the bank when you would borrow it with reference to where you might deposit it?

A Money I borrowed?

Q Yes.

A I would deposit it in the bank, the money I borrowed from the --

Q From the bank. What about money you borrowed from the building and loan associations?

A I usually put it in the bank.

Q So that would be added into the deposits that are there?

A That's right.

Q Now, they also brought you right down to the present time with reference to income, and you have testified that you are 74 years of age. Since you have been 72 years of age, have you been drawing any other monies from any branch of the United States Government that is tax exempt?

A I have.

Q What, for instance?

A I neglected to mention that a while

ago. I draw \$127 social security, and the last two months my wife joined me in the old age bracket, and we are now drawing \$175, I believe it is. I don't think she's here yet.

Q Now, you have had that income, then, since you were 72?

A That's right.

Q Now, there have been questions here with reference to whether or not this man Grimes, Harlan Grimes, by his letter of accusation addressed to you in 1962 caused any change in your method of handling your personal business. I want to ask you if the 1962 letter was your first acquaintance with this man Grimes in his charges against the Oklahoma Supreme Court?

A Not the first time I heard of him, no.

Q During the time you were Chief Justice in 1955, did you hear anything about him then?

A Yes, sir.

Q And would you just tell us briefly what the nature of his charges were and where they were made?

A Oh, he sued the Supreme Court, the members of the Supreme Court, I believe all of them, most of them, and -- let's see, let me have that memorandum, Board of Education and others.

Q The Board of Education of where?

A Of Oklahoma City.

Q And members of the Supreme Court?

A Members of the Supreme Court.

Q Where did he sue you all?

A In the United States District Court.

Q I will ask you to look at those again and see if you don't find this in another United States court.

A In the Supreme Court of the United States.

Q In the Supreme Court of the United States. And when was that?

A That was -- got notice on the 18th day of February, 1955.

Q And he was making accusations then against members of the court?

A That's right, and I --

Q So you were thoroughly familiar with his charges prior to the receipt of the letter?

A That's right.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

REPRESENTATIVE SMALLEY: I think Mr. Bingham is leading this witness. We object.

MR. BINGAMAN: That's all the questions we had, anyway.

A I might add it was thrown out of the United States Supreme Court.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. The question was objected to and it was sustained. Do you want to rephrase the question or not? Sustained.

Q I ask you what happened to the case in the United State Supreme Court?

A We were advised it wasn't necessary to file any answer. This case was thrown out of the Supreme Court.

MR. BINGAMAN: You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers will cross-examine.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge, I would like to, if I might, go to the testimony that you covered on the payments you received from the United States Department of Health. That was the governmental agency that paid these \$50 a day checks; is that correct, sir?

A It was the Surgeon General's department. I believe it's Public Health Service.

Q All right, sir. If I am correct, and you might be able to correct me even further, did you not in the year 1956 receive \$225 in payment, in the year 1957 receive \$90 in payment and in the year 1958 re-

ceived \$150 in payment and no other payments other than that that I have just mentioned?

A From the Surgeon General's Department?

Q Yes, sir.

A If the record shows that, that would be correct.

Q Would this be in the area of your memory? Would you remember it would be about this sum?

A Well, I remember the \$150.

Q But you have not received any of those payments since the year 1958?

A It's been some time. That might be right. I served as the Indian representative on there and they kind of rotated those matters.

Q Yes, sir. But, again, your testimony is that that is probably correct?

A That is probably correct.

Q All right, sir.

A I wouldn't say it is or isn't.

Q You also testified, sir, that your income has increased as to social security payments.

A That's right.

Q That would have been in the year 1963, would it not, sir?

A Well, my birthday is January 17, I believe that is probably right.

Q On January 17th of this year you were seventy-four years of age?

A Seventy-four.

Q So on January 17, 1963, you would have been seventy-two?

A Well--

Q I think we can all agree to that.

A We'll agree to that.

Q And prior to that time, sir, you received no payment from social security; is that correct?

A No; no, I didn't.

Q I will ask you, sir, if, in the year 1959, did you cause an amendment to be made in your income tax return or did

you make an amendment in your income tax return?

A I sure don't recall that I did. I think I would have to say no.

Q You have not amended that tax return?

A I sure don't remember it.

Q Was it refigured on you, sir? Did you have it refigured and pay additional tax in the year 1959?

A No. The last time my income tax was examined, he told me there might be a discrepancy on my gasoline tax, a very small amount. He said, "You might, or might not, hear from me." And I never heard from him. I got a notice from him. This exhibit we tried to offer in evidence, since you brought it up. He wrote me the letter and said my income tax for '59 and '60 appear to be all right. There would be no further concern about it or something to that effect.

Q But it is your testimony you did not either pay additional tax or amend your return in any way?

A I sure don't recall it. I'm just sure that I did not.

Q All right, sir. I believe that you testified you believed you received a letter from N. S. Corn from Springfield?

A I did receive a letter from N. S. Corn.

Q When did you receive that letter?

A Oh, sometime in the early part of December.

Q And did this letter mention to you the fact that he had implicated you in the Selected Case and the Oklahoma Case?

A No. He said I have given the authorities, the County Attorney and the authorities, or something to that effect, the facts in the Selected Investment Case and the Westbrook Case.

Q Yes, sir.

A Now what the facts were if he would give them the real facts in the case, there would be no concern; but from the letter,

why, there is an implication there he was trying to involve somebody.

Q You were at that time, I take it, sir, concerned as to what he told them.

A I didn't pay much attention to it.

Q (By REPRESENTATIVE CONNOR) Did you at any time, sir, discuss this letter with anyone?

A Oh, I think I showed it to Judge Williams, and I didn't -- no, I didn't circulate it. I told different people about it.

Q Do you have this letter now; is it still in your files?

A Yeah, I have got it.

Q Where is it now, sir?

A Down in my office in my files. It's the same letter that was read into the record.

Q No; in what record, sir?

A I think you read the letter.

Q No, sir, that was the letter from Harlan Grimes. I'm talking about the letter from N. S. Corn.

A All right.

Q All right, sir. You have been asked, Judge Johnson, as to your reasons for not using cashier's checks after April, 1962. Have you -- We asked you this question yesterday. Have you, over the evening hours, considered this, and can you now tell us why, sir, you did not use cashier's checks for your transactions after the year 1962?

A No, I never -- I haven't done anything since yesterday at all.

Q Have you, sir, since the year 1962, been making cash deposits to your savings account?

A Oh, I probably made some, I don't recall.

Q Do you recall, sir, whether you have made as many since 1962 as you made prior to 1965 and after 1957?

A I didn't get that first date.

Q April, 1962, did you make, so far as

you can recall, more cash deposits before April of 1962 and after April of 1957 than you did from now back to April of 1962?

A Oh, I haven't checked the records on it. I might have.

Q Can you give us, sir, the reason if you might have, that you would have had the cash money with which to do this?

A The reason I would have the money to deposit in it?

Q Yes, sir, in the years 1957, '58, '59 and '60, can you tell this Court why, sir, you would have cash available to you during those years and apparently have not had cash available for the purpose ..

A I think I have answered that question heretofore.

Q I do not believe you have.

A Well, cash accumulations from personal checks I wrote in approximately the sum of \$2,600.00 a year, which I cashed my checks and put the money in my pocket and gave my wife some of it quite frequently. She wrote checks, cashed checks, and this money, together with the contributions which I mentioned, is the money which I could use.

Q Of this \$2,600.00 a year, you say you wrote it in fifty, thirty, forty-five dollar checks throughout the period?

A It run that way, if my figures are right, and I think my auditor can give you more information on that.

Q Well, is this how you got this money, sir?

A Well, that is part of the way.

Q What other way did you secure this money?

A Well, the contributions that I had and the savings I had.

Q Where did you make the savings from, sir?

A Well, since I was elected District Judge in 1957, I always made a point to put aside money and I also kept a little reserve on hand, started in '57, about

fifteen hundred dollars, together with the contributions that I had received.

Q This is what I am attempting to get to, Judge Johnson ..

A I thought we went all over this yesterday.

Q No, sir, I don't believe we have in this light.

Is that during the period of 1957 to 1962 apparently you were very successful in saving this money?

Now, did you only receive this from the checks which you cashed weekly and then saved certain portions of that?

MR. BINGAMAN: We object to the form of the question, if the Court please. Apparently it's an implication rather than a question to solicit information.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

REPRESENTATIVE CONNOR: I apologize to the Court. I am attempting to locate the area of my question.

Q (By REPRESENTATIVE CONNOR) Judge, I believe you said you saved this money from the checks you wrote week to week.

A I didn't say all of it; I didn't say that.

Q All right, sir. Could you also, out of these checks, purchase your lunch, haircuts, any incidental expenses you might have had, is that correct, sir?

A Well, might have.

Q And will you say, sir, over a period of years these checks would average \$40.00 a week that you were cashing?

A \$40.00 a week?

Q Would you .. Over the 52 weeks of the year, would you say that you probably averaged a \$40.00 check every week?

A More than that.

Q Would you say that it averaged as high as \$50.00 a week?

A That would be more nearly correct.

Q All right, sir. That would be \$2,510.00

over the year that you would write and cash checks.

A It was more than that; I believe it will be more than that.

Q How much of this did you spend on your -- out of your pocket as you went, would you say you would spend half of it?

A Oh, I wouldn't think so.

Q You would spend a fourth of it?

A I never did figure it out.

Q How much would you say on an average a week, then?

A I never figured it out.

Q Did you count this money from time to time, sir?

A No, I did not, didn't have time to count money, worry about little details.

Q Sir, why, may I ask you, did you find it necessary to borrow money from the Claremore -- First National Bank at Claremore in hundred, two, three hundred dollars during this time when you had this money?

A I don't want to argue with you on that.

Q I don't mean to argue, Judge, I mean to ask a question. Why was it necessary for you to borrow money, small amounts, hundred dollars, two hundred dollars, three hundred dollars, through '58, '59 and '60, when you were accumulating this cash in your house?

A I borrowed money frequently; any time my bank account run a little low I called the banker up and say, "Credit my account with so much money", and I didn't have to borrow it, I had money in the building and loan association. I made a practice, if I drew it out, I wouldn't put it back in.

Q Well, what interest did you pay on these notes, sir?

A I believe six per cent.

Q And at this particular time, I think you said in answer to someone's ques-

tion, you would then invest some of this money that you borrowed?

A No, I didn't borrow money to invest.

Q Then, I take it, sir, the money you borrowed at the First National Bank of Claremore, as shown by the liability ledger, this money was used strictly in your day to day living expenses?

A Yes, it's used like you use money for any purpose.

Q All right. And some of this money you would take out and save at your home, in cash?

A I think I answered that question.

Q I am talking of the borrowed money, sir, that you borrowed at six per cent interest. Would you write checks on this money and then save this cash at your home?

A Well, if I took the money in the bank, yes, because I went and cashed my personal checks after I deposited the money.

Q Did you have money --

A In other words, if I borrowed a thousand dollars from the building and loan and put it in the bank, I go and write a check payable to myself in the amount of \$45.00 or \$50.00, and I'd do that, I'd write it, but I didn't borrow money and take it home.

Q I see sir. You made a great number of small loans --

A I didn't loan money to anybody.

Q I mean, you received a great number of small loans from the Claremore Bank that were deposited to your checking account during the years '58, '59, '60 and '61?

A You mean I borrowed the money?

Q Yes.

A Yes, I just called up and said, "Credit my bank account."

Q And all of this money, am I correct sir, that on all of this money you were charged an interest rate of six per cent as well as you know?

A It wasn't any more than that.

Q All right sir. And is it also your testimony that during this time you had approximately fifteen hundred to twenty-six hundred or twenty-seven hundred or something at your home?

A Yes.

Q Now, sir, --

PRESIDING OFFICER SENATOR GRANTHAM: At this pause, Mr. Connor, there has been some comment by members of the Court that some of these questions are repetitious, and the Court is admonishing you to avoid repetition insofar as possible.

REPRESENTATIVE CONNOR: I was attempting, if Your Honor please, to avoid that. I did not think these things had been brought out.

I have no further questions at this time.

PRESIDING OFFICER SENATOR GRANTHAM: Any redirect?

MR. BINGAMAN: No further questions at this time.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down.

Call your next witness.

MR. BINGAMAN: The tax people were to be here from the Oklahoma Tax Commission with the certified copies or the originals which they could identify, and I understood they would be here within a few minutes, which may take the place of the federal returns, which I am informed would necessitate a delay of two or three weeks in getting those certified from the federal people. If the State will suffice, I think we have the tax men out there from the Oklahoma Tax Commission.

PRESIDING OFFICER SENATOR GRANTHAM: Is he here now?

MR. BINGAMAN: If you will give me a few minutes, I will ascertain that.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease for a few minutes.

There were some questions by the Court which we neglected to ask the witness, and I would ask him to take the stand again and we will ask these questions while we are checking on this.

Are you willing to proceed, Mr. Green?

MR. GREEN: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Members of the Court, will you find your seats, please. Take your seats, please.

When the witness was asked to step down, there were some questions by the Court that had not been propounded to this witness.

(Witness resumes witness stand.)

PRESIDING OFFICER SENATOR GRANTHAM: This is a question by Senator Berrong. Within the last two years, have you received about \$3,600.00 from social security?

A I started receiving that shortly after my 72nd birthday. I drew \$127.00 a month up until the last two months. Now, I haven't figured that out, but that is the -- I drew \$127.00 from the date of my 72nd birthday up until two months ago, and we have drawn two checks made jointly to myself and my wife, and without a computation ... I am not good at arithmetic at all.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a series of questions by Senator Massad: Do you owe any money at the present time, either to banks or loan companies?

A No, I do not. I paid my home loan off just last month and paid the bank and a small note. I believe that cleared it up. I didn't know of any other obligations.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Massad: How are you able to file income tax returns when you keep no written records of cash transactions?

A I keep a record of everything, that

is, everything that would aid in the preparation of my income tax return.

PRESIDING OFFICER SENATOR GRANTHAM: The third question by Senator Massad: When did you first hire an attorney or seek legal advice in connection with any difficulties you have encountered due to the Corn statement?

A Oh, about a week or ten days ago.

PRESIDING OFFICER SENATOR GRANTHAM: The fourth question:

A That is as a result of the Corn statement.

PRESIDING OFFICER SENATOR GRANTHAM: The fourth question: Do you think it would be proper for an attorney to have friends contact the Supreme Court members seeking fair treatment?

A Well, I couldn't answer that any better than I have heretofore tried to answer it. I don't think the litigants should contact the members of the Court in connection with any matter before the Court in which he is interested.

PRESIDING OFFICER SENATOR GRANTHAM: The second part of the question 4 by Senator Massad is: If no, then do you think your actions with this Court were proper?

A Well, I certainly hope I haven't done anything that was improper, and I don't think I have.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Baldwin: Would counsel for the accused make Federal income tax returns copies available for the Court for the years formerly mentioned? I believe that question has been answered by counsel for the accused. They are going to put on the stand the representative of the Oklahoma Tax Commission, which these returns will also show what was on the Federal returns.

MR. BINGAMAN: In addition to that, the tax man will have copies of the Federal returns, and they will not be certified, but he has copies of them, and

I am sure there will be no issue but that they are exact copies.

PRESIDING OFFICER SENATOR GRANTHAM: Now, do the members of the Court have any additional questions? The counsel for the accused has an opportunity for redirect examination with reference to these.

MR. BINGAMAN: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers also has this right.

REPRESENTATIVE CONNOR: We have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down. Call your next witness.

MR. BINGAMAN: The Tax Commission people had not arrived when Judge Johnson was recalled and the tax man has a machine which he sets up, but it hasn't arrived. He is being delayed by that. He is here, but the machine isn't, so if you can give us a few minutes' time, I think we can have him here and conclude with him before noon. These building and loan people are out here, if you want to take them out of turn to identify these accounts that the Board of Managers are interested in. They have been waiting since about 9:30, I understand.

PRESIDING OFFICER SENATOR GRANTHAM: You would have no objection to putting them on out of order?

MR. BINGAMAN: No. We have copies of the same stuff.

PRESIDING OFFICER SENATOR GRANTHAM: No objection. The Board of Managers may call these witnesses, if you care to.

REPRESENTATIVE CONNOR: Yes, sir, we are trying to operate under orders of the Court as having been directed by the Court to produce these witnesses. The first thing I have, and I think copies have been made of this -- is this right, these house payments, you had copies of these made? We have copies of the house pay-

ments made from Prudential. We ought to be able to stipulate to that.

MR. BINGAMAN: There will be no issue with us. They have been paid on a monthly basis, as I understand it, the amounts.

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Now, Judge Johnson, we also have another question by the Court. I wonder if you would take the stand for this next question.

(Witness resumes witness stand.)

PRESIDING OFFICER SENATOR GRANTHAM: This is a question by Senator Atkinson: You say you bought your home in 1959 at a price of \$20,500. Your house payment of \$89 per month, and paid it off recently with a \$1,700 payment. How much did you pay down on your home and if you have made any prepayments of your home during the past 13 or 14 years,

SENATOR ATKINSON: I believe that was 1951.

PRESIDING OFFICER SENATOR GRANTHAM: Pardon me, just a moment. In 1951. I will read that part of the question again. You say you bought your home in 1951 at a price of \$20,500. Your house payment of \$89 per month and paid it off recently with a \$1,700 payment. How much did you pay down on your home and have you made any prepayments of your home during the past 13 or 14 years?

A I don't recall.

REPRESENTATIVE CONNOR: May I make a statement in that regard, Judge, that might help the Judge?

PRESIDING OFFICER SENATOR GRANTHAM: I think we had better let the witness answer. Go ahead.

A I think I paid \$20,500 and the mortgage was \$11,700, I believe it was. It would be the difference. I don't remember just how I paid it. I sold my home in Claremore, and I got seven or eight thousand,

I don't know how much it was, I just don't remember.

PRESIDING OFFICER SENATOR GRANTHAM: Now, would the counsel for the accused care to have redirect examination with reference to the question by the Court?

MR. BINGAMAN: No, Your Honor. The Board of Managers has a statement from the building and loan or from the Prudential which they have in their hand which shows the dates of everything that was paid and the original amount of it, and it will answer all these questions, I think, as to the dates and everything was paid.

REPRESENTATIVE CONNOR: This was the statement I was attempting to make.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Do you have any desire for recross-examination?

REPRESENTATIVE CONNOR: No, sir. The answer to that question is contained in these records.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down.

REPRESENTATIVE CONNOR: May we at this time have permission to distribute among the members of the Court the Verifax copies that we had last?

PRESIDING OFFICER SENATOR GRANTHAM: This has not been introduced in evidence, has it?

REPRESENTATIVE CONNOR: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want to introduce it in evidence by stipulation?

REPRESENTATIVE CONNOR: I think we can, can't we?

MR. BINGAMAN: It is agreeable with us.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The reporter will mark it as an exhibit.

(Whereupon, Board of Managers' Ex-

hibit 55 was thereupon marked for the purpose of identification.)

PRESIDING OFFICER SENATOR GRANTHAM: All right, members of the Court, we have now, Board of Managers' Exhibit No. 55. It is stipulated by and between the parties that this exhibit may be received in evidence. Is it so stipulated by the accused?

MR. BINGAMAN: It is, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: By the Board of Managers?

REPRESENTATIVE CONNOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers' Exhibit No. 55 will be received in evidence and copies of this exhibit will be distributed by the Pages to each member of the Court.

Call your witness, Mr. Connor. You were going to put on some witnesses out of turn.

REPRESENTATIVE CONNOR: Mr. Bingaman requested me to hold these, because his tax man is here.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease.

Are you now ready to proceed, Mr. Bingaman?

MR. BINGAMAN: No, Your Honor, the machine which the witness was going to use has not yet arrived and that is the trouble.

PRESIDING OFFICER SENATOR GRANTHAM: We will stand at ease until the machine gets here. Is there any other witness that the Board of Managers have?

REPRESENTATIVE CONNOR: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: With no objection, the Board of Managers may call these witnesses out of turn.

REPRESENTATIVE CONNOR: We would like to call the man from the Local Federal Savings and Loan.

PRESIDING OFFICER SENATOR GRANTHAM: What is the name of the witness?

REPRESENTATIVE CONNOR: A representative of Local Federal Savings and Loan Association.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be sworn by the Clerk. Face the Clerk. Just a moment. Face the Clerk.

(Whereupon, the witness was sworn by the Court Clerk.)

J. B. FIDLER,

called as a witness on behalf of the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Would you state your name, please, sir.

A J. B. Fidler.

Q Mr. Fidler, what is your occupation?

A I'm vice president of the Local Federal Savings and Loan Association of Oklahoma City.

Q And how long have you been so employed by this institution?

A About eleven and a half years.

Q And is that your total employment, or your employment as vice president, sir?

A I didn't get it.

Q Is that the length of time you have been vice president or the length of time you have worked for the institution?

A That's the length of time I have been there. I have been vice president about eight years.

Q All right, sir. And in your duties with the institution, do you have any connection with the books and records of the institution?

A Yes, I do.

Q And do you have any supervision over the custody of these books and records, sir?

A Yes.

Q I will ask you, sir, have you made a search of your records in reference to an account of N. B. Johnson or Martha L. Johnson?

A Yes.

Q Was there such an account?

A Yes, there was.

Q Do you have a ledger sheet on that account with you today, sir?

A Yes, I do.

Q Can you give us the number of that account, sir?

A 35288.

(Whereupon, Board of Managers' Exhibit No. 56 was marked for identification by the reporter.)

Q I will ask you, sir, what you have in your hand marked for identification as Board of Managers' No. 56. Would you tell us, please, what that is?

A This is the original ledger card that was set up at the time this account was opened and it shows the amounts deposited in the account and withdrawals from the account.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would offer in evidence Board of Managers' Exhibit No. 56.

MR. BINGAMAN: We have no objection. We agree that a photostatic copy may be substituted so that the original may be returned to the company.

PRESIDING OFFICER SENATOR GRANTHAM: May I see this exhibit, please. Board of Managers' Exhibit No. 56 will be received in evidence and copies of the exhibit will be distributed to each member of the Court.

(Whereupon, Board of Managers' Ex-

hibits 57 through No. 63 were marked for identification by the reporter.)

Q Sir, you have in your hand what's marked for identification as Board of Managers' Exhibit No. 63. Would you explain, please, sir, what that is?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. How did we get to Exhibit 63?

REPRESENTATIVE CONNOR: Well, I have other exhibits marked for identification in the middle, but I find that -- Well, the witness will explain.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

A In 1962 we changed our system of bookkeeping to automation and this type of card was discontinued and was transferred to this card. This card only carries the account through December 31, 1962. Then the entries henceforth were made on this card which brings it up to the current time.

Q (By REPRESENTATIVE CONNOR) Would the testimony you have given as to the reference name of the account, how it operates; would that be the same for Exhibit 63 as it was for 56?

A Yes. It's a continuation of the account.

REPRESENTATIVE CONNOR: If Your Honor please, we would offer into evidence Exhibit No. 63.

MR. BINGAMAN: We have no objection and no objection of a photostatic copy be substituted for that either.

PRESIDING OFFICER SENATOR GRANTHAM: May I see the exhibit, please. Exhibit No. 63 will be received in evidence and copies of this exhibit will be distributed to each member of the Court. I would like to say that the Court grants permission to withdraw the originals of Exhibit No. 56 and Exhibit No. 63 and substitute copies therefore in the record.

Q (By REPRESENTATIVE CONNOR) I believe you have in your hand, sir, what has been marked for identification as Board of Managers' Exhibit 52 through 54. Do you see those numbers contained on them, sir?

A Yes.

Q And do you recognize what the instrument that is pictured there, what that instrument is?

A Yes, I do.

Q (By REPRESENTATIVE CONNOR) And what is that instrument, sir?

A It's a copy of the teller's ticket that is made up by the teller at the time the deposit is made.

Q And what is the institution, sir?

A Local Federal Savings & Loan.

Q And I will ask you, sir the number of the account that these tickets show.

A They bear the number of 35288.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, I would offer in evidence Board of Managers' Exhibits 52, 53 and 54.

MR. BINGAMAN: Is that this group that you have just handed to me here, a number of deposit slips?

REPRESENTATIVE CONNOR: Those were the three that we gave you just a moment ago.

MR. BINGAMAN: Do you want to put them all in evidence?

REPRESENTATIVE CONNOR: I would like to put all of these in evidence.

MR. BINGAMAN: Let me ask the witness a question.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

MR. BINGAMAN: Have you harmonized these with the other exhibits that have been offered to determine if these are the deposits that are reflected on their instruments?

A I haven't done so.

MR. BINGAMAN: Let me ask counsel if they have. Have you harmonized these?

REPRESENTATIVE CONNOR: If you will let him finish his answer --

MR. BINGAMAN: We have no objection if they coincide.

REPRESENTATIVE CONNOR: You were there when these photocopies were made, were you not, sir?

A Yes, I have not reconciled them this morning, but I had earlier, because these are all copies of our tickets.

Q All right.

MR. BINGAMAN: We have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: May I see these exhibits?

Board of Managers' Exhibits Nos. 52, 53, 54 will be received in evidence and copies will be distributed to each member of the Court, and permission is granted to withdraw their original and substitute copies of it.

REPRESENTATIVE CONNOR: Your Honor, I believe he has on your desk Exhibits 57 through 62. I believe Mr. Bingaman will also stipulate these into the record.

MR. BINGAMAN: That's right, we have no objection; that they are reflected on that, that is the only thing.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers Exhibits Nos. 57, 58, 59, 60, 61 and 62 will be received in evidence, copies made and distributed to each member of the Court, and permission is granted to withdraw the original and substitute copies for the record.

REPRESENTATIVE CONNOR: Thank you, Judge.

Q (By REPRESENTATIVE CONNOR) Now, sir, I would ask you to refer to the small exhibits you have there, 52,

53 and 54. Can you tell us sir, whether on these tickets, what was used to deposit the credit that appears on there?

A On Exhibit ..

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

MR. BINGAMAN: I think on that he should confine his question as to what lines they may designate this stuff, rather than drawing a conclusion to what it is. If they have a custom of putting one form in one place and another in another place, I think that should be the way to go about it.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By REPRESENTATIVE CONNOR) I would think he is correct in that.

Sir, do you have a policy at your institution that dictates how certain forms of deposit should be handled or records made of whether it is money, check, something of that sort?

A There is an indication on the ticket whether it is a check or cash deposit.

Q And I will ask you, sir, what is your policy toward your tellers in using these indications?

A Well, the ticket itself has noted on the ticket and printed out whether it is a cash or check item, and then the teller sets the amount of deposit outside or opposite the notation whether it is cash or by check.

Q And this is done, so far as your institution is concerned, on each and every deposit made?

A Yes.

Q I would ask you, sir, if I, by looking at that, could I tell whether or not it was cash or a check?

A Yes, you could.

Q How would I do that, sir?

A The amount of deposit is set oppo-

site the word cash or the word check, whichever it might be.

Q All right sir. And this would hold true in all the deposit slips which you have introduced this same testimony?

A Yes.

Q Or which we have introduced through your testimony.

I have no further questions -- Let me finish here, I do have one further question.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By REPRESENTATIVE CONNOR) Do you have any other accounts in your institution under the name of N. B. Johnson or Martha L. Johnson?

A No, we do not.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

MR. BINGAMAN: No questions.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want this witness to be excused?

REPRESENTATIVE CONNOR: So far as I am concerned.

MR. BINGAMAN: He can be so far as I am concerned.

PRESIDING OFFICER SENATOR GRANTHAM: Call your next witness.

REPRESENTATIVE CONNOR: The representative of Mutual Savings & Loan Association.

ROBERT GARRETT,

called as a witness by the Board of Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

Q Would you state your name, please, sir?

A Robert Garrett.

Q And your occupation, sir?

A I am the Assistant Treasurer at Mutual Federal Savings & Loan Association.

Q And how long have you worked for this institution, sir?

A A little over three years.

Q And by virtue of your office, do you have any contact with the records and books of your institution?

A Yes, I do.

Q And are you the custodian, or do you have charge of the records, sir?

A Yes.

Q I will ask you, sir, to refer to your institution, to Board of Managers' Exhibit No. 65. Would you tell us, sir, what that is?

A This is a savings account ledger for an account of N. B. Johnson or Martha L. Johnson, account number is 9170.

Q And I will ask you, sir, is this an original or a copy of the record maintained by your institution?

A This is an original.

Q And can you tell me what this document shows on it without going into detail?

PRESIDING OFFICER SENATOR GRANTHAM: Would you refer to what exhibit this is?

REPRESENTATIVE CONNOR: I am sorry, it is Board of Managers' Exhibit No. 65.

A This generally shows the deposits and the withdrawals made against the account concerned.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would ask that Board of Managers' Exhibit No. 65 be received in evidence.

MR. BINGAMAN: We have no objection. We have no objection to them substituting a copy and returning the original with him.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you.

May I see this exhibit, please?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: I don't see where this exhibit is marked -- Here it is.

Board of Managers' Exhibit No. 65 will be received in evidence and permission is granted to withdraw the original and substitute copies for the record. Copies will be made of this exhibit and distributed to each member of the Court.

Q (By REPRESENTATIVE CONNOR) I hand you, sir, what has been marked for identification as Board of Managers' Exhibit No. 66. Can you tell us, sir, what that is or purports to be?

A Yes, these are copies of tickets which have to do with this same account, and also -- no, that is also just a ticket.

Q What would these tickets show?

A They show the deposits that were made to the account at various times.

Q And were these particular tickets prepared under your supervision and your control?

A Yes, I prepared these copies.

Q And you have seen them before?

A Yes, sir.

REPRESENTATIVE CONNOR: At this time, we ask that Board of Managers' Exhibit No. 66 be received in evidence.

MR. BINGAMAN: The accused has no objection.

PRESIDING OFFICER SENATOR GRANTHAM: May I see the exhibit?

May I inquire whether Exhibit 66 consists of several sheets; is that correct?

REPRESENTATIVE CONNOR: That is the way the reporter marked them.

PRESIDING OFFICER SENATOR GRANTHAM: And Exhibit 66 consists of one, two, three, four, five, six pages; is that correct?

REPRESENTATIVE CONNOR: I believe so, whatever is there, sir.

PRESIDING OFFICER SENATOR GRANTHAM: These will be received as one exhibit and stamped together; the original may be withdrawn and copies substituted for the record, for the Court, and the copies of this Exhibit 66 will be distributed to each member of the Court.

Exhibit No. 66 is received in evidence.

Q (By REPRESENTATIVE CONNOR) Referring your attention to Exhibit 66, please, sir, does your institution have a policy as to the preparation of these slips?

A Yes, we do.

Q And are there various boxes on that slip there?

A Yes sir, there is a box on here to see whether the deposit was made in check or cash.

Q And I will ask you, sir, what is the policy of your institution as to the tellers in reference to filling out these sheets, the ticket of the deposit?

A Well, they are supposed to put in the appropriate box whether a check or money or more than one check, or cash, or combination was given, and if there is cash given back, they indicate that.

Q If I intended to look at that, sir, and determine whether or not a deposit was made in cash, could I do that from those sheets?

A Yes.

Q How would I do that, sir?

A Well, there is one here, for example, that shows a \$600.00 deposit and under the word cash is written \$600.00.

Q The figure \$600.00 is written on there, that exhibit, twice?

A Yes, sir.

Q And which would indicate the top or bottom figure?

A The bottom figure.

Q All right, sir. Now, I ask that Board of Managers' Exhibit No. 64, would you tell us, please, sir, what that is, if you know?

A This is also a savings account opened in the name of Martha Johnson.

PRESIDING OFFICER SENATOR GRANTHAM: Whose name?

A Martha Johnson.

Q (By REPRESENTATIVE CONNOR) And I will ask you, sir, what does the document you have in front of you, what does it show?

A It's the same thing generally, it's just the same thing as an account ledger with that name on it, and shows the deposits and withdrawals against the account.

Q And would you give me, please, the address that..

MR. BINGAMAN: What is the number of the account?

A Account number 8650.

Q (By REPRESENTATIVE CONNOR) And the address of Martha Johnson as shown by your records, sir?

A 517 Northwest 45th.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, I think we could expedite this if the exhibit shows it, to limit your questions to, you know, what the meaning is, rather than what the exhibit shows.

REPRESENTATIVE CONNOR: At this time, we would offer in evidence Board of Managers' Exhibit No. 64.

MR. BINGAMAN: The accused has no objection, and we agree you may substitute a copy for the original.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers' Exhibit No. 64 will be received in evidence, and permission is granted to withdraw the original and substitute copies therefor. Copies of this exhibit will be distributed to each member of the Court.

Now, let me inquire, we are getting our exhibits, are we going to have them all consecutive here, when you get through, Mr. Connor?

REPRESENTATIVE CONNOR: I don't understand your question.

PRESIDING OFFICER SENATOR GRANTHAM: We jumped from 56 up to 63 or something like that, and then we go into a different category. Have the exhibits been running consecutively from one to the last exhibit, is that right?

REPRESENTATIVE CONNOR: So far as I know, we have.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers' Exhibit No. 64 is admitted in evidence, as heretofore stated.

REPRESENTATIVE CONNOR: We have no further questions of this witness.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

MR. BINGAMAN: No questions.

PRESIDING OFFICER SENATOR GRANTHAM: May this witness be excused?

MR. BINGAMAN: So far as we are concerned he may.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection by the Board of Managers?

REPRESENTATIVE CONNOR: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

Call your next witness.

REPRESENTATIVE CONNOR: The representative of the First National Bank and Trust Company.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, while this witness is coming, I thought it only fair that we complete with them in order that -- They have been out there for several hours -- and before the lunch hour.

JIM LEONARD,

called as a witness by the Board of

Managers, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By REPRESENTATIVE CONNOR

PRESIDING OFFICER SENATOR GRANTHAM: You may examine.

Q Would you state your name, please?

A Jim Leonard.

Q Mr. Leonard, with whom are you employed, sir?

A First National Bank and Trust Company, Oklahoma City.

Q And what is your position with that organization or institution?

A Assistant Cashier in charge of the books and records division.

Q Have you brought certain books and records with you this morning, sir?

A Yes, sir.

Q May we have them, please?

REPRESENTATIVE CONNOR: Mr. Mordy has just..

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Members of the Court, please take your seats.

REPRESENTATIVE CONNOR: Mr. Mordy has just informed me that these exhibits on Mutual Savings and Loan Association, these deposit sheets we have, Exhibit No. 66, cannot be picked up by the Xerox machine. The gentleman said he will begin pulling out the tickets, but he is going to need some time to do this.

PRESIDING OFFICER SENATOR GRANTHAM: How long will that take?

REPRESENTATIVE CONNOR: I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: Could that be done this afternoon? Perhaps?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we will have to do that. In other words, the Xerox machine will not pick this up. Do you have to get the originals?

REPRESENTATIVE CONNOR: May we have permission to withdraw Board of Managers' Exhibit No. 66, so we can find them by number. It would greatly facilitate this.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection on the part of the accused?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Permission is granted.

Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) You have, sir, what has been marked for identification as Board of Managers' Exhibit No. 67. Could you identify that document for us, please, sir?

A Yes, sir. This is a ledger sheet of the savings account of Mrs. N. B. Johnson.

Q And does it have a number?

A Yes, sir.

Q What is that number, sir?

A No. 121778.

Q All right, sir. What generally does this document show?

A This shows the balance in the account, the deposits made, the interest paid, and the withdrawals.

REPRESENTATIVE CONNOR: If Your Honor please, at this time we would ask that Board of Managers' Exhibit No. 67 be received in evidence.

MR. BINGAMAN: Let me inquire if this is a continuation of an account under a different number, 107253 or No. 7451083? Do these also appear on there?

A Yes, sir.

MR. BINGAMAN: It's all the same?

THE WITNESS: It's one and the same.

MR. BINGAMAN: We have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: May I see the exhibit, please. Board of Managers' Exhibit No. 67 consisting of three separate sheets

marked 1, 2, 3, with one sheet marked 1, and one sheet marked 2 and 3, and the other sheet marked 4, Board of Managers' Exhibit 67, composed of these sheets as indicated is received in evidence and permission is granted to withdraw the original and substitute copies therefor and copies of this exhibit will be distributed to each member of the Court.

Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) I believe, sir, you have in your hand what has been marked for identification as Board of Managers' Exhibit No. 68. Can you tell us, please, sir, what those are?

A These are copies of deposit slips which we made from the records here of their ledger card.

Q Have you seen those before, sir?

A Yes, sir.

Q Were these made either by you or under your supervision?

A Yes, sir.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would offer in evidence Board of Managers' Exhibit No. 68, consisting of a number of sheets.

I don't know right now how many there are.

MR. BINGAMAN: May I inquire?

PRESIDING OFFICER SENATOR GRANTHAM: You may inquire.

MR. BINGAMAN: Were these made in the usual course of business or is it something you have reconstructed from the ledger sheets there?

THE WITNESS: This is something we constructed from the original deposits.

MR. BINGAMAN: We object, if the Court please, to anything that has been reconstructed as being a conclusion of the reconstructor or rather something that has not been made from the original in the normal course of business.

PRESIDING OFFICER SENATOR

GRANTHAM: May I inquire as to why you do not have the originals?

THE WITNESS: Well, we didn't, we didn't know we could bring our originals out here.

REPRESENTATIVE CONNOR: May I inquire further?

PRESIDING OFFICER SENATOR GRANTHAM: You may.

Q (By REPRESENTATIVE CONNOR) Sir, what were those copied from?

A These were copied from the original deposit slips themselves.

Q And they --

MR. BINGAMAN: I make no issue. I thought it was something reconstructed other than from the ledger sheet. If it's a copy of something that he made down there at the bank, I would make no issue about it.

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen, as far as that goes, the objection would be good if you care to urge it.

MR. BINGAMAN: I don't care to urge it on that ground if he says they are exact copies.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

REPRESENTATIVE CONNOR: We would renew our offer as to Board of Managers' Exhibit No. 68.

MR. BINGAMAN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: May I see the exhibit, please. Board of Managers' Exhibit No. 68, composed of eleven sheets is received in evidence and permission is granted to withdraw the originals and substitute copies therefor in the record. Copies of this Exhibit No. 68 will be distributed to each member of the Court.

Q (By REPRESENTATIVE CONNOR) Now, sir, referring your attention to Board of Managers' Exhibit No. 68, -- those are the deposit slips -- is that the deposit

slip that your institution uses in its ordinary course of business, sir?

A Yes it is, that type we use.

Q I will ask you, sir, does it show on there "currency, checks, other," word or words to this effect?

A Yes, sir.

Q And can you tell me, sir, does your institution have a policy for tellers upon receiving deposits to fill these deposit slips out in a certain manner?

A Yes, we like to have them fill it out, list whether it is checks or currency.

Q And could I tell, sir, by looking at one of those sheets whether or not a cash deposit was made or a check was put in there?

A Yes, sir.

Q How would I tell that, please, sir?

A There's a place for currency or silver to be listed and also for checks. If it is currency, the amount of currency is listed on that particular line.

Q In other words, sir, if I deposited the sum of \$200 in that account, where would it be listed on your deposit sheet?

A It would be listed on the line opposite currency and then on the bottom of the deposit slip.

REPRESENTATIVE CONNOR: I have no further questions.

MR. BINGAMAN: No questions, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down. May this witness be excused?

REPRESENTATIVE CONNOR: Yes, sir.

MR. BINGAMAN: So far as the accused is concerned, he may, yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

MR. BINGAMAN: It is past the hour of adjournment, and I have not received notice from the Page that the man is here with that machine.

PRESIDING OFFICER SENATOR

GRANTHAM: As soon as we finish with the Board of Managers' witnesses here, because they have been waiting, if the accused has no objection.

MR. BINGAMAN: I thought he had finished. I am sorry.

PRESIDING OFFICER SENATOR GRANTHAM: Are you finished now, Mr. Connor?

REPRESENTATIVE CONNOR: If Your Honor please, as I understood the order of the Court yesterday, it was to bring forth and introduce into evidence all savings accounts where there had been cash transactions. This accounts for all of them that we know of, and we have presented to the Court these accounts.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, let's get one thing clear. The Court is not ordering either party to produce anything. Certain members of the Court have requested certain information from time to time, and the party then has the right either to furnish this information or not, as he sees fit. There may be some legal reason why you may not care to present it, but under no circumstances will the Court order either party to produce any evidence in this Court. That is the responsibility of the counsel on each side.

REPRESENTATIVE CONNOR: I did not mean in any way to offend the Court, but I was trying to state to the Court that this is all we have as to cash deposits. Now, I would state to the Court there are two other savings accounts that we don't have anyone here to put them on. These are the ones in Claremore. We have them from Oklahoma City, but we do not have these to present at this time.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire, that in these Claremore accounts, that there was no activity in these accounts during the period in question; is that information that I was furnished by somebody, either one counsel or both?

REPRESENTATIVE CONNOR: I think that is correct. Again, to our knowledge, there is no cash transaction. I think in one of the accounts there are odd amount checks deposited, \$82.95, something on this order. We have these things here as a photostat, but I made notes all over them. We would --

PRESIDING OFFICER SENATOR GRANTHAM: The objection was made and the objection is sustained, and the objection is still sustained, but, on the other hand, it's up to you whether or not you want to produce the information, and personally speaking as one member of the Court, if there are no cash funds in that period, if there is no pertinent information on the period then I will leave it up to the judgment of the counsel as to whether or not you present it to the Court.

SENATOR BALDWIN: I might make this suggestion, that if there are withdrawals and even deposits, that they possibly would reflect something on this case, and it would seem that, inasmuch as we are looking at part of this picture, we ought to be in a position to look at all of the picture.

REPRESENTATIVE CONNOR: In an effort to save time --

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute. May I inquire here just a minute.

MR. BINGAMAN: I think it will all be cleared up by this tax man when we get him on. I assume we can have that paraphernalia --

PRESIDING OFFICER SENATOR GRANTHAM: Let me ask you if the two counsel can get together and see if you can stipulate whether or not you can enter this into evidence or not. Will you look at it?

MR. BINGAMAN: As quick as I get the tax man. I would rather he look at it, because he has been through it and I have not.

PRESIDING OFFICER SENATOR GRANTHAM: Then we will hold this matter up until after the recess period. Just

a moment. Gentlemen of the Court, just a moment. We are running a little late, so we will recess until 1:40. Court is now in recess.

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature continues in session the recess having expired.

I would like to inform the people in the galleries that under the rule nobody is permitted to stand in the gallery. The Sergeant at Arms will advise those who are standing they are not to stand in the galleries. When seats are vacant you can take them, but no one, under the rules, is permitted to stand in the gallery.

Let the record show that the Board of Managers is present and the accused with his attorneys is present. The Clerk will call the roll.

(Whereupon, the Clerk called the roll, the following members being present: Atkinson, Baldwin, Birdsong, Dacus, Field, Findeiss, Garrison, Gee, Grantham, Graves, Holden, Howard, Keels, Luton, McCleendon, Massad, Muldrow, Murphy, Nichols, Porter, Rhoades, Romang, Selman, Smith, Stansberry, Terrill, Williams, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Berry is here. Senator Miller is here. Senator Ham is here. Senator Horn, Senator Porter is here. Senator Bartlett is here. Any other members who have not answered the roll?

Members of the Court, please take your seats.

Senator Boecher is here. Senator Garrett is here. The Clerk will announce the roll.

Senator McSpadden is here.

COURT CLERK: Absent: Berrong, Bradley, Cowden, Hamilton, Martin, Massey, Payne, Rogers, Stipe, and Taliaferro.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Pope is present.

Some inquiry has been made concerning

the matter of introductions. There are not introductions in the Court of Impeachment and I make that explanation at the request of someone who advised that there had been a question about it.

Senator Berrong is present.

The accused will call the next witness.

MR. BINGAMAN: If the Court please, shortly before recess for lunch the tax commission, Oklahoma Tax Commission delivered to me and I passed on to you what purported to be certified copies of the income tax returns for Mr. and Mrs. Johnson for the years in question. They are available and we would like to make them available to any member of the Court who is interested in them, and if they wish copies made I would like to ask that be done. I don't want to offer them in evidence unless it's requested we do so. They are available.

PRESIDING OFFICER SENATOR GRANTHAM: You say you are not offering these in evidence?

MR. BINGAMAN: Perhaps I'd better offer them in evidence. I will ask they not be incorporated in the record because it would be quite costly to include them and they will be available.

PRESIDING OFFICER SENATOR GRANTHAM: Under the present rule we have eliminated a large percentage of that cost at the suggestion of Senator Baldwin.

So, let the record show Senator Taliaferro is present. Senator Hamilton is present. Senator Rogers is present.

Do you wish to have these, or is this just an extra copy?

MR. BINGAMAN: No, sir. Those are the only ones I have. I would like to offer them in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Would you come and get them?

Senator Payne is present.

Senator Gee is recognized.

SENATOR GEE: If the Court please, we have on our desk three deposit slips. I do not find the exhibit number on them. Could we have either the Presiding Officer or Board of Managers identify these. These are with the Federal Savings and Loan Association deposit slips. I would like to get them identified.

PRESIDING OFFICER SENATOR GRANTHAM: Would one of the members of Board of Managers consult with Senator Gee?

REPRESENTATIVE CONNOR: It's universal here. No one has an exhibit number.

PRESIDING OFFICER SENATOR GRANTHAM: Make your explanation.

REPRESENTATIVE CONNOR: If you will look gentlemen, what happened --

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Bradley is present.

REPRESENTATIVE CONNOR: These were Thermo-faxed prior to the time they were introduced in evidence, anticipating it, so we could get them to you hurriedly. If you will look in the upper righthand corner of the deposit slip where you have the name "Johnson", look to the left, you will see the date March 1st, 3-1-61 written in ink. It's a \$400 deposit. It's Board of Managers' Exhibit No. 52. 3-1-61 is No. 52. The one that is dated 4-4-61, if you will notice, it says April 4, '61 right opposite the name, \$400 cash deposit. That is Board of Managers' No. 53. And, the one with the \$500 deposit with the date above 5-1-61, that is Exhibit No. 54.

PRESIDING OFFICER SENATOR GRANTHAM: Does that answer your question, Senator Gee?

SENATOR GEE: Yes, it does.

PRESIDING OFFICER SENATOR GRANTHAM: All right, proceed, Mr. Bingaman.

Let the record show Senator Massey is present.

MR. BINGAMAN: I would call Orval Veirs, please.

PRESIDING OFFICER SENATOR GRANTHAM: Orval Veirs has been called as a witness.

REPRESENTATIVE CONNOR: I am informed that the exhibits that were introduced this morning are now ready for distribution. Would the Court like that at this time?

PRESIDING OFFICER SENATOR GRANTHAM: Have the Pages distribute those exhibits to the respective members of the Court.

Proceed, Mr. Bingaman.

ORVAL VEIRS,

a witness called to the stand on behalf of the accused, after having been duly sworn, testified as follows:

DIRECT EXAMINATION

By MR. BINGAMAN

Q Will you state your name to the Court, please.

A Orval Veirs.

Q If you will get a little closer and speak louder, please, Mr. Veirs, we can hear you better.

Mr. Veirs, where do you live?

A Oklahoma City.

Q What is your business or occupation?

A I'm an attorney.

Q Prior to...Are you a member of the Oklahoma Bar?

A That's right.

Q How long have you been a licensed lawyer in Oklahoma?

A Since June, 1941.

Q Do you also have any other license to practice a profession in Oklahoma?

A I do.

Q What is that, please?

A Certified Public Accountant.

Q How long have you been a Certified Public Accountant?

A Since 1955, I believe.

Q (By MR. BINGAMAN) Mr. Veirs, do you specialize in any particular type of practice?

A Yes, sir, I do.

Q And what field is it that you specialize in?

A Tax laws.

Q Particularly income tax laws?

A That's right.

Q And how long have you been engaged in that specialty?

A For approximately thirty-three or four years.

Q Have you, within the past few months, been employed by Justice N. B. Johnson with reference to any tax matters?

A I have.

Q With what type of tax have you been concerned?

A With income tax.

Q And for..

A His income tax.

Q And for what years, particularly?

A 1957 through 1963.

Q As a result of that, have you made any study of his books and records?

A I have.

Q Of what books and records have you made a study, please?

A Bank statements, copies of letters, all evidence I could find of any nature pertaining to his income tax problems.

Q For the years in question?

A Yes.

Q Have you had access to the records

of the account in the First National Bank in Claremore, Oklahoma?

A I have.

Q Both the checking and saving account?

A Yes.

Q And the safety deposit box in that institution?

A Yes.

Q Have you had any access to records of any account or accounts in the Claremore Savings & Loan Association?

A I have.

Q Have you had access to the records in the account of Mrs. Johnson, the wife of N. B. Johnson, in the First National Bank of Oklahoma City?

A I have.

Q Have you had access to the account in the Local Federal Savings & Loan Association in Oklahoma City?

A I have.

Q Have you had access to both the accounts of both the Mutual Savings & Loan in Oklahoma City?

A I have.

Q Have you had access to U. S. Bonds?

A I have.

Q How about life insurance policies?

A I did not examine insurance policies, life insurance policies.

Q Have you had access to the real estate?

A Yes.

Q Particularly with the tract in Claremore and one at Oologah and the one in Oklahoma City?

A Only the records pertaining to those.

Q How about furniture and fixtures?

A I have never been to his home, I have never seen his furniture.

Q The automobiles?

A I have never seen the titles to the automobiles, no.

Q You figured up the cars with the de-

scription you had. Have you had access to the notes, cancelled notes payable in the First National Bank of Claremore?

A I have.

Q I believe we just made available here today the liability ledger sheet in that bank. Have you had an opportunity to reconcile that with the notes that you have?

PRESIDING OFFICER SENATOR GRANTHAM: Pardon me, let the record show that Senator Martin is now present.

A Would you restate that question?

Q (By MR. BINGAMAN) Have you had an opportunity today to reconcile the cancelled notes, which I believe you said you had inspected at the First National Bank of Claremore, with the liability ledger sheets there?

A No, sir, that is the only thing I did not have was a copy of the liability ledger sheet of the First National Bank at Claremore. I never did that up to now.

Q Have you had access to the notes payable account to the Local Federal Savings & Loan here in Oklahoma City?

A I did.

Q And have you had access to Prudential Insurance Company account, the mortgage on the house?

A I did.

Q Now, have you had access to the checks and all bank statements concerning these transactions about which I have asked you?

A Yes.

Q And have you as a result of that made any summary of your findings?

A I have.

Q I hand you here an instrument consisting of some eight pages, which have been marked for identification as the Accused's Exhibit F and ask you to state what that is, if you know.

A This is a statement which I prepared, consisting of a comparative net worth of N. B. and Martha Lee Johnson, for the

years beginning January 1, 1957, and ending December 31, 1963, together with summaries of deposits, payments and withdrawals by N. B. and Martha Johnson for the years 1957 through 1963.

Q Those are the supporting schedules which sustain the first page of the exhibit?

A That's correct.

Q And what was the purpose of compiling that, to reflect what?

A To determine what Judge Johnson's income was for the particular years and how it compared with the income record on his income tax returns.

Q And what, if anything, was it designed to reflect with reference to cash?

A You are not specific enough, I didn't quite get the question.

Q I asked you what, if anything, was it designed to reflect with reference to the amount of cash which might have been handled by Mr. and Mrs. Johnson during any of these particular years in question?

A It shows the number of checks written to Judge Johnson for cash, to himself for cash, and the amount of that cash that was redeposited into the bank upon which the check was written, or into any other depository, and shows the excess of such cash, if any left over and above the redeposit.

Q The unidentifiable disbursements?

A That's right.

MR. BINGAMAN: We offer in evidence Exhibit F.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection on the part of the Board of Managers?

REPRESENTATIVE CONNOR: I would like to have a minute or two to look at it, if I may.

PRESIDING OFFICER SENATOR GRANTHAM: You may.

The Court will stand at ease.

Mr. Connor, are you going to object to this or not?

REPRESENTATIVE CONNOR: Just a

minute, this is the first chance we had to see this at all. We would like to ask the Court to --

PRESIDING OFFICER SENATOR GRANTHAM: Go ahead and look at it.

SENATOR GEE: Mr. Presiding Officer.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Gee is recognized.

SENATOR GEE: While we are standing at ease, I noticed that we have also been given an exhibit which is labeled "Savings Share Account for the Mutual", dated May 13, 1961, of Martha Johnson, which does not have a number.

PRESIDING OFFICER SENATOR GRANTHAM: I believe if you look on the back, it does have a label on it.

SENATOR GEE: No, our copies do not.

PRESIDING OFFICER SENATOR GRANTHAM: What is the number of that exhibit, Mr. Courtemanche; I believe it is 57, it's 67 or 57.

While we are on the question of exhibits, let me have your attention; members of the Court, while we are on this question of exhibits, Exhibit No. 8, I am advised by Senator Luton, has the information on the left side of the sheet, it's cut off in the Xeroxing process, and I am wondering if the Board of Managers could see if we could get the information on Exhibit No. 8.

REPRESENTATIVE CONNOR: I'm sorry, I didn't hear you, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Exhibit No. 8, Mr. Connor, the Xeroxing machine has cut off the left side of the figures that are on there; in other words, it shows the balance on one side and then the balance carried over on the other side, and some members of the Court have questioned about this, the lack of information on Exhibit No. 8.

REPRESENTATIVE CONNOR: If Your Honor please, I was not aware of this. This is a very integral part of the whole case, I would assume. These are checks

run through this account, which the copy that we have or that I have had for some time, ran it sideways, and it shows the checks coming down. Now, there has been testimony as to the absence of a number of checks on certain months, and there is no way from the way this exhibit was reproduced to..

PRESIDING OFFICER SENATOR GRANTHAM: Let me inquire, could it be done differently so you could show the information on it?

REPRESENTATIVE CONNOR: Let me inquire of the Marshal.

PRESIDING OFFICER SENATOR GRANTHAM: Let's leave it this way: Will you endeavor to get Exhibit No. 8 so that they can..

REPRESENTATIVE CONNOR: Do we have the original?

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator Baggett is present.

The Court will stand at ease until we get these exhibits straightened out.

Let the record show that Senator Stipe is present.

REPRESENTATIVE CONNOR: We have no copy other than my file copy. I would announce to the Court I have worked this a number of times and have certain notes through here. If I could show them to Mr. Bingaman maybe he would have no objection. They could start running them off of this.

PRESIDING OFFICER SENATOR GRANTHAM: Will counsel for the accused consult with the Board of Managers to see if there is any objection? The Court will continue to stand at ease until we get this worked out.

Senator Bartlett is recognized.

SENATOR BARTLETT: Mr. Presiding Officer, Board of Managers' Exhibit 56 is stapled to another sheet which has on it Board of Managers' Exhibit 63.

PRESIDING OFFICER SENATOR GRANTHAM: The two go together be-

cause they changed the policy of the institution and that is the reason they are stapled together, Senator Bartlett.

SENATOR BARTLETT: I see.

PRESIDING OFFICER SENATOR GRANTHAM: Shall we proceed. Gentlemen, can we proceed now?

MR. BINGAMAN: I think so, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor?

REPRESENTATIVE CONNOR: I think possibly Mr. Bingham will allow this copy to be reproduced as it is now.

MR. BINGAMAN: We make no issue of it.

PRESIDING OFFICER SENATOR GRANTHAM: Okay. No objection, so that the Board of Managers' Exhibit No. 8 will be clarified. Let me ask you this: With minor corrections on your exhibits, I wonder if you would write a note, send a Page to the Board of Managers asking the corrections or information about your particular exhibits so as to avoid interference with the continued progress of the trial, but, unless, of course, it is a matter that must be called to the Court's attention.

Mr. Bingham, proceed.

MR. BINGAMAN: We are waiting for them to inspect that exhibit, if the Court please, as to whether...

PRESIDING OFFICER SENATOR GRANTHAM: Has the Board of Managers completed its inspection of the exhibit?

REPRESENTATIVE CONNOR: Prior to the time that, if Your Honor please, we could make an intelligent objection other than it is not properly identified, there are a number of things here, "Reference page 27; actual, page 20." I think that these should be identified.

PRESIDING OFFICER SENATOR GRANTHAM: Do you want to inquire of the witness to see whether or not you want -- you may inquire.

MR. BINGAMAN: I will be glad to go into it if you wish. It may expedite it.

REPRESENTATIVE CONNOR: I will do it.

PRESIDING OFFICER SENATOR GRANTHAM: All right, either way. Let the Board of Managers inquire.

QUALIFYING EXAMINATION BY REPRESENTATIVE CONNOR:

Q Mr. Witness, there on the first line that, I believe, shows cash on hand. Where did you get those figures, sir?

A Those are figures that Judge Johnson advised the Internal Revenue Department that he had on hand, the amount of cash he had on hand, January 1, 1957. Those figures have been carried all the way through for each year.

Q You never increased or decreased that figure through your -- now, there is a reference there to page 21, sir. What is that?

A Page 27, reference --

Q Or 27?

A -- indicated the page of the interrogation record that was made when the Internal Revenue people interrogated Judge Johnson.

Q And this, sir, is where you got this information, is that correct?

A That's right.

Q All right. And your next figure there?

A Below that?

Q Yes, sir.

A First National Bank of Claremore, checking account.

Q Where did you get that --

A And reference with the statements of the First National Bank account in Claremore, the account shown here.

Q This is fine. What is your next one there?

A The next one is Savings Account No. 6263.

Q Do you have a number of savings accounts in line there, sir?

A Yes.

Q Did you take each of those yourself from the statement of the institution?

A I did.

Q And after your savings accounts then what is shown, sir?

A It shows Claremore Savings & Loan Association.

Q Is that from the statement?

A Yes. U. S. Bonds, life insurance.

Q All right. Let me stop you on the U. S. bonds, sir. Where did you get the bond figure from?

A The schedule of the United States bonds owned by Judge Johnson was submitted to the Internal Revenue people, and I, of course, obtained a copy of that schedule.

Q Have you ever seen the bonds yourself, sir?

A Yes, I have.

Q You say yes or no?

A Yes.

Q Do they coincide with the figure that you have there?

A That is correct.

Q All right, sir. And what is the next--

A Life insurance cash surrender value.

Q Have you seen those policies?

A No, I did not see life insurance policies themselves.

Q Where did you secure this information?

A At the moment I don't recall, but I believe...I don't show any reference. I believe that is the cash surrender value of the life insurance policy owned by Judge Johnson, on January 1st, 1957, which we arbitrarily increased by a one or two hundred dollars each year. It's purely an arbitrary figure.

Q And where did you get your original figure, sir?

A As I say, I don't remember at the moment where I got those. I believe those are the figures that Judge Johnson fur-

nished to the Internal Revenue Service. Life--the life insurance and cash surrender value.

Q What is your next entry there?

A Real estate, Claremore.

Q And where did you secure these figures, sir?

A I got that from his income tax return for the year 1957.

Q And have you received any independent information on that, sir?

A No. His income tax return showed that he had sold that real estate earlier in 1957.

Q The next item on that, sir?

A Real estate, Oologah.

Q And that has been sold, is that correct?

A That's right.

Q And where did you get this information?

A From his 1959 income tax return. No, page-- excuse me. That came from page 20 of his statement to the Internal Revenue people.

Q All right, sir, and the next item on that.

A Real Estate, Oklahoma City, 517 Northwest 43rd Street, acquired in 1951.

Q The source of your information there is what?

A The schedule from the Internal Revenue is where we got that. It cost \$20,500.

Q Okay, sir. And then what?

A Furniture and fixtures, that's an arbitrary value of \$5,000 for furniture and clothing and equipment of that nature.

Q Does that increase as you go through?

A Yes. We assumed his personal property was worth \$5,000 January 1st, '57, and then we added the expenditures made during the rest of the years for that type of stuff.

Q All right, sir, then what follows that, sir?

A The words "Law Library", no amount.

Q All right, sir.

A Next is automobile, 1955 Chrysler.

Q Where did you secure these figures?

A Page 21 of the Internal Revenue investigator's report.

Q Okay, sir, then what follows that?

A Another automobile, 1955 Chrysler Windsor.

Q Same place?

A Same place.

Q All right, sir.

A And below that automobile is a 1960 Chrysler New Yorker from the same source.

Q All right, sir.

A Below that is Notes payable to the First National Bank of Claremore.

Q Where did you secure that information?

A From his deposits into his various bank accounts.

Q Have you ever seen the loan liability ledger?

A That is the only instrument we have not seen or examined when we computed these figures.

Q Okay, sir.

A The next one is, notes payable Claremore Savings and Loan Association.

Q Have you seen that ledger?

A Yes, I have.

Q Your figures are from that ledger?

A Yes, sir.

Q All right, sir.

A Same thing. Notes payable Local Federal Savings and Loan, Oklahoma City.

Q You have seen that?

A Taken from their statements.

Q All right, sir.

A Below that is, Mortgage payable Prudential Life Insurance Company. It was taken from their loan schedule.

Q All right, sir.

A That is all.

Q All right. What does the second page of that -- what does that show?

A I said that's all there is. There's a total there.

Q Yes, I'm not interested in the figures. What I am interested in primarily is where you came to find these figures that you are preparing to testify about.

A The second statement is: Summary of Deposits, Payments and Withdrawals, N. B. and Martha L. Johnson, the year '57.

Q Do you show deposits there, sir?

A I show total.

Q Checking account?

A That's right, total deposits into the First National Bank of Claremore for the year 1957.

Q Where did you get that information?

A From the deposit slips, from letters accompanying deposits.

Q Have you ever had the occasion to look over the ledger sheets or the bank statements?

A Yes, I proved them by the bank statements themselves.

Q Then the checks, sir?

A The checks; there were \$10,562.99.

Q Where did you receive those?

A From the actual canceled checks themselves.

Q All right. Are there others shown there?

A Yes. That shows the source of all of these deposits if that's what you are driving at.

Q Where did you get the information for the source of deposits?

A From a copy of the deposit slips themselves.

Q All right, sir.

A Or in some cases where they were

not available from letters of transmittal written by Justice Johnson to the bank, or in some cases, from copies of State and Federal Travel Vouchers received by Judge Johnson -- from various sources.

Q Were you furnished some sort of a document for each and every deposit that you have?

A I was, except on very few -- on a very few cases where I have listed as being unidentified.

Q They are so shown?

A They are so shown.

Q All right, sir. What else?

A Below that, Claremore Federal Savings and Loan Association Account, the amount of increase in that account shown on this statement which ties in with the first statement showing a balance at the beginning of the year, plus this increase, making the balance of the second column.

Q Where did you get the amount of the increase?

A From the passbook and the statement itself.

Q All right, sir, what else is shown?

A First National Bank of Oklahoma City, Savings Account Deposits, total deposits, it's from the same source, from the bank statement and copies of the deposit slips themselves.

Q All right, sir.

A Withdrawals from the bank statement.

Q Withdrawals from the bank statements?

A Local Federal Savings and Loan is next.

Q Do you have a number of institutions, savings institutions listed?

A Yes.

Q Could you answer this question for me. In each and every case on the figures you show there, did you receive

them from either the ledger or the passbook?

A I did.

Q All right, sir; did you go to the deposit slips to characterize whether it was check or cash?

A I did.

Q All right, sir. In each and every account there?

A That's right.

Q Okay. What comes after the savings account?

A Which one was I on then? First National?

Q Well, I think you have testified as to all of the savings accounts. Your answer would be the same to each?

A It would be the same in each case. The next item would be U. S. Bonds acquired in 1957.

Q You took that from a schedule prepared by Judge Johnson, is that correct?

A Yes, sir; yes, sir.

Q All right, what is next?

A Next is Prudential mortgage payments for the year 1957, total of the payments in the amount identified as to whether they came from the bank account or from cash.

Q Let me go back to the U. S. Bonds. Have you ever seen these bonds, sir? Or have I asked you that?

A I think I said I did and I believe I have seen those bonds.

Q That is fine. All right. You have the house payment. Then what, sir?

A That is all. There is a summary at the bottom of his total State Travel Receipts.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, you are a little away from the speaker. If you would speak into it, it would help.

A We summarized all of his State and Federal Travel Vouchers by years and compared the total of those with the

amount of those vouchers deposited and assumed that he cashed the rest of them. We have a summary of that at the bottom of each of these years.

Q You make an assumption where you can't find them deposited that they were cashed?

A That is the only conclusion we could come to.

Q This is for the year '57?

A Yes.

Q Now, do you have other years there?

A '58, '59, '60 through '63 and they are all exactly the same way.

Q And the answer to the question that I have just asked, they would be the same; is that correct, sir?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer was "They would be the same." Is that right?

THE WITNESS: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Is there any objection by the Board of Managers to the introduction of this exhibit?

REPRESENTATIVE CONNOR: If your Honor please, No. 1, this information, I think, is based partially on facts, partially on hearsay. In a couple of areas he has had to make assumptions. He has had to go on across with an assumption from either Justice Johnson or some other member.

No. 2, they are attempting to introduce in evidence testimony which is, this man's written testimony. Now, I am not sure and I think it is good law in this state that where we are in a case like this an expert such as Mr. Veirs can come here and testify as to these things, but I think they must be in evidence, everything he testifies about, and No. 1, I don't think it is proper to leave a summary of his testimony with the Court. I don't think this is proper evidence to introduce.

Now, I have a case here somewhere that we have found and with leave of the Court

I would read it. It's a very short syllabus.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

REPRESENTATIVE CONNOR: "Where the results of voluminous facts contained in writings, or of the examination of many books and papers or records, are to be proved, and the necessary examination of this documentary evidence cannot be conveniently or satisfactorily made in court, it may be made by an expert accountant or other competent person and the results thereof may be proved by him, if the books, papers, or records, themselves are properly in evidence, or their absence satisfactorily explained, the admission of such testimony being a matter resting largely in the discretion of the trial court."

That is BELL VS. TACKETT, 134 OKLAHOMA 164.

Now, we do not argue with the rule of law. However, it becomes a different matter when you allow this man to testify as to these things and when you allow this man to put this corroboration of his testimony in the form of written summaries. To me, if Your Honor please, it would be the same as having a witness appear in a trial, take down his testimony and submit that to the jury to the exclusion of all the other witnesses. I think it is perfectly proper that this man can testify and we make no objection to his testimony with the qualification, of course, as to cross-examination on hearsay matters. I think he should be cautioned to stay in these bounds, but to introduce this evidence into the record and accept it as an exhibit, I do not think this would come under the rule of Bell vs. Tackett. I do not feel there is any basis for the introduction of the exhibit which has been offered.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see the exhibit.

MR. BINGAMAN: May I ask another qualifying question?

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

Q (By MR. BINGAMAN) Mr. Veirs, are you, as a lawyer practicing before the United States Tax Department and as an accountant, are you familiar with their system of accounting in assembling figures such as you have testified about for the purpose of determining net worth or fluctuations in cash of a person?

A Yes, I am.

Q (By MR. BINGAMAN) Is the statement which you have identified as Exhibit F, has it been prepared in accordance with the accepted rules of the United States Tax Service in that field?

A Yes, it's approved by the United States Supreme Court.

Q Is it also compiled within the accepted form of such work and to the accepted standards of the Certified Public Accountants in the State of Oklahoma?

A It is.

Q And do you have here in court the voluminous checks and documents which you have used in assembling this information?

A I do.

MR. BINGAMAN: Now, they are quite voluminous; if the Court please, we do not wish to introduce them, but if the Court wishes, they may look at them.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see your exhibit; let me see it.

REPRESENTATIVE CONNOR: May I inquire of the witness one or two questions?

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment.

REPRESENTATIVE CONNOR: All right.

PRESIDING OFFICER SENATOR GRANTHAM: Accused's Exhibit No. F is admitted in evidence. The Pages will ... Copies will be made of the exhibit, and Pages will distribute copies to each member of the Court.

SENATOR MASSEY: Presiding Officer.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

SENATOR MASSEY: I have a question I would like to ask of this witness prior to the distribution.

PRESIDING OFFICER SENATOR GRANTHAM: You have to send your question up here, Senator.

SENATOR MASSEY: I did.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, it's here, a question by Senator Massey. Is your report based wholly on your facts within your knowledge, or part on facts and part on statements by Judge Johnson or not?

A Almost entirely based upon the facts within my personal knowledge from examination of primary evidence.

PRESIDING OFFICER SENATOR GRANTHAM: The Accused's Exhibit F is admitted in evidence, and the Pages are directed to distribute copies to members of the Court.

Proceed.

Q (By MR. BINGAMAN) Mr. Veirs, have you engaged an operator with a machine where this thing can be thrown on the screen back here to explain to the members of the Court?

A I have.

Q May I ask permission of the Court to bring that operator into the courtroom to use this device?

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers have any objection to bringing the operator of this machine to throw this on the screen?

REPRESENTATIVE CONNOR: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: They have no objection.

Just a moment, I have a question here by Senator Garrison. What is your testimony relative to the cash Judge Johnson had on hand January 1, 1958?

Just a moment, I think that this is a little premature, because this will be

brought out; this was a question identifying this matter, and this witness will be subject to direct examination and cross-examination. We will hold your question.

SENATOR GARRISON: Mr. Presiding Officer, he answered that, and I didn't understand what he said.

PRESIDING OFFICER SENATOR GRANTHAM: I think that we were just identifying the exhibit, and that is the only purpose of that, and that will be brought out. This is... You have got a right to ask questions, and this question will be put.

The second question by Senator Garrison is: Is it your testimony that this amount was arbitrarily carried on through the years? That question we will ask later.

The machine operator will be called in, the screen is at the rear. You will have to turn your chairs around in order to see it.

Senator Hamilton is recognized.

SENATOR HAMILTON: Judge Grantham, are we expected to have a copy of Exhibit No. 66?

PRESIDING OFFICER SENATOR GRANTHAM: Exhibit No. 66; I will inquire of the Board of Managers.

REPRESENTATIVE CONNOR: I don't know what Exhibit No. 66 is.

PRESIDING OFFICER SENATOR GRANTHAM: Would you Board of Managers check on Exhibit No. 66 and inform Senator Hamilton what he is supposed to have, if he is supposed to have it.

Let's proceed.

MR. BINGAMAN: May I deliver Exhibit F to the machine operator?

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

Mr. Connor.

REPRESENTATIVE CONNOR: Exhibit No. 66, Senator Hamilton, contains the deposit slips to the Mutual Savings & Loan Association, the papers we had to reproduce would not reproduce. They are pres-

ently getting the original, and we will have them to you as soon as we can.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

Gentlemen, Mr. Bingaman will continue with the examination of the witness.

Just a moment, we have been very proud of the decorum, and this gallery is rather large. It's very important to be silent, because of the acoustics of this chamber, you have to be extremely quiet, and I hope that you will live up to the past record in this Court of those who have been here previously and during the procedure in this Court.

At this time, we will proceed, Mr. Bingaman.

You may examine, Mr. Connor.

REPRESENTATIVE CONNOR: Could we move the projector back just a little bit? My eyes aren't quite that good to pick up that small print.

PRESIDING OFFICER SENATOR GRANTHAM: The difficulty is trying to focus it. Let's move along, gentlemen.

REPRESENTATIVE CONNOR: Judge, I still cannot see that. I am as far away as some of the Senators, and I know they can't.

PRESIDING OFFICER SENATOR GRANTHAM: You will have a copy to refer to.

REPRESENTATIVE CONNOR: Well, my concern is, sir, is not so much for myself; if I can't see it, there are Senators who can't.

PRESIDING OFFICER SENATOR GRANTHAM: I mean the witness will read this, I hope, as inquiries of it, and this is the best we can do, just as we had the blackboard yesterday, it was hard to see.

REPRESENTATIVE CONNOR: All right, sir.

Q (By MR. BINGAMAN) Mr. Veirs, will you state to the Court, please, what

the top line of this exhibit is which is on the screen?

A The top line reads, "N. B. Johnson and Martha Lee Johnson, Comparative Net Worth Statements".

Q And what does that first page now purport to cover?

A It purports to cover the net worth of N. B. and Martha Johnson as of the end of January -- as of the end of December, 1956, and as of the end of each year thereafter up through December 31, 1963.

Q Now, at the left hand side of the screen, there at the top line, reads what?

A Cash on hand.

Q Now, follow that over toward the right and tell us what the next line, the P-29 refers to what?

A P-27.

Q Oh, P-27.

A Refers to page 27 of the copy of the interrogation by the Internal Revenue Service.

Q Now, just above that, what is the word written there?

A Reference.

Q That is the supporting reference that sustains your findings there, is that the point?

A That's right.

Q Now, in the next column to the right?

A That says \$1,500.00.

Q What is the date just above it?

A January 1, 1957.

Q Is that the figure you began the calculation with?

A That's right.

Q And what is that figure?

A \$1,500.00.

Q And that is, I believe you said you started with an arbitrary figure?

A That is the figure that Judge Johnson and the Internal Revenue people had on hand in cash on that date.

Q If it was any different figure, the only thing that would be influenced by this report, I take it, then, would just be the total as much as that might be varied?

A That's right.

Q You could calculate just as well in thousand dollars or five thousand dollars, the other figures would harmonize --

REPRESENTATIVE SMALLEY: I object to that as leading and suggestive.

THE COURT: It is leading; it will be sustained.

Q (By MR. BINGAMAN) Now, going back then to the extreme left hand column, what is the next thing there below cash on hand?

A First National Bank, Claremore.

Q And following that, then, over to the date column?

A That line is empty; below it is the word checking account. He had two checking accounts, you see.

Q And what about your supporting reference?

A The supporting reference is the bank statements.

Q All right. And what do you have under the date then?

A January 1, 1957, the bank statement showed he had a balance of \$20.72 in his account.

Q All right. Now, down to the next line.

A The line below that is his savings account, account number 2623, and the reference is the passbook for that savings account.

Q And what did you find the balance in that to be?

A I had \$100.00, January 1, 1957.

Q All right. What is the next line down from the left hand side?

A Deposit. However, he did not acquire that until 1962.

Q So, it will be back at the end in 1962 or the beginning of 1957?

A That's right.

Q What is the next account?

A Below that is Claremore Savings & Loan Association, account number 1839.

Q And that is supported by what?

A Supported by the statement of the bank statement.

Q All right. Now, what was the balance reflected by that?

A The balance in that on January 1, 1957, was \$9,720.14.

Q Now, what is the next account down?

A Below that is a credit to the account, the same account number, 3589, which was not opened until the year 1958, so, it had no balance on January 1, '57.

Q All right. What is the next item?

A The First National Bank, Oklahoma City, account number 127253, savings account.

Q All right.

A The reference is the statements themselves from the bank.

Q And the balance?

A The balance in that, January 1, '57, was \$209.09.

Q And what do you find now on the next line?

A Local Federal Savings & Loan Association, Oklahoma City, account 35288, and this information was also taken from the statements. It was opened in the year 1957, so there was no balance at the beginning of the year '57.

Q And the next line?

A Mutual Federal Savings & Loan Association, account number 8650, and it was sustained from the statements, and it was opened in the year 1961, so there was no balance in it on January 1, '57.

Q And the next item?

A Below is the other Mutual account, account number 9170, and also sustained by the statements. It was opened in the

year 1961, so it also did not have any balance on January 1, '57.

Q All right. The next item?

A Below that is the United States Bonds, and the reference is the schedule of those bonds I have in the file and which is furnished to the Internal Revenue people, and I am sure they looked at them; also, \$200.00 cost of bonds on January 1, '57, on hand.

Q All right. The next item?

A Life insurance, cash surrender value.

Q And what did you find that to be?

A The cash surrender value of his life insurance, January 1, 1957, was \$3,500.00.

Q All right. What is the next item?

A The next item is real estate, Claremore, and that information was taken from the income tax return for the year 1957. It showed a sale of this real estate which had cost him \$510.00, and that is the figure that is shown as an asset at the beginning of the year.

Q All right. The next item. Excuse me.

A You will notice that it no longer appears because it was sold during the year 1957.

Q Yes, sir.

A Below that, is real estate-Oologah. Reference on that is page 20 of the interrogation by the Internal Revenue people. The value of that real estate -- his portion of the value of that real estate was \$296.68 on January 1st, '57.

Q All right. The next item?

A Real estate Oklahoma City, at 517 Northwest 43rd. Cost of that property was \$20,500, which he owned on January 1, '57.

Q And the furniture and fixtures, I believe you said, was an arbitrary figure?

A That's right. We arbitrarily set a figure of \$5,000.

Q And the law library is a blank?

A That's right.

Q The next line?

A Automobiles, 1955, Chrysler St. Reg-

is, page 21; this is reference to page 21 of the statement. The cost of that is \$3,634.75 on January 1, '57.

Q All right.

A Below that was his 1955 Chrysler Windsor, and the same source of reference. The cost was \$3,500.

Q The next item was not acquired until later?

A That's right, until we get down to mortgage payable. Of course, he acquired his home and he had a mortgage against it, and the balance of the mortgage on January 1, '57, was \$3,463.79, which is shown as a minus figure, which means that it was subtracted from the total of the other assets or all the other items --

Q As a result of that, what did you determine the net worth to be on January 1, 1957, of those cost figures?

A \$40,227.59.

Q Now, go back up to the top of the next column there, and what do you have?

A We have cash on hand of \$1,800. That change was made by reason of the fact that he borrowed \$300 from the First National Bank at Claremore on December 31 of '57, but it wasn't deposited into his account until the next day, so I put it into the cash account to account for it.

Q That accounts for the reason in the variation of the arbitrary figure you previously used?

A That's right. That's the only time the \$1,500 was changed.

REPRESENTATIVE CONNOR: If Your Honor please, I would like to interpose an objection here. If we are going to go down and read all of these figures, -- this has been admitted into evidence. It speaks for itself. Now, he can explain those figures, but I don't know why we would have to go through with the reading of each and every figure all the way down.

PRESIDING OFFICER SENATOR

GRANTHAM: He is explaining the figures. Of course, the point is well taken, Mr. Bingaman. The document itself is the best evidence, but an explanation is certainly admissible.

MR. BINGAMAN: I thought I would like to take him through one full year, if I might, and then the others speak for themselves.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't hear you.

MR. BINGAMAN: I said I thought I would like to take him through one full year of explanation if I might and then the other will simply be a matter of the years.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By MR. BINGAMAN) We had finished, then, the top item of \$1,800?

A That's right.

Q And what is the next item?

A The second item is a checking account in which he had an overdraft of \$90.05.

Q How do you indicate the overdraft from a deposit?

A By a minus figure.

Q And that is the condition on December 31, 1957, if I understand you correctly?

A That's correct.

Q All right. The next item going down?

A Savings account still remains at \$100, there has been no change in it during the year.

Q What do you find on the next line?

A The next line with any figures on it is Claremore Savings & Loan Association. At the end of '57 he had a balance of \$11,066.01, in the account, which is an increase from the year before.

Q All right. Now, what do you find on the next line?

A It is an extra account with the balance with the First National Bank at Oklahoma City, Savings Account, which in-

creased from \$209.09 at the beginning of the year to \$1,156.89 during the year of '57, so the balance was this figure at the end of the year.

Q All right. What do you find on the next line?

A Local Federal Savings & Loan Association, which was a new account, opened in 1957, and which had a balance of \$2,608.41 in it at the end of the year.

Q What do you find on the next line?

A United States Bonds figure; he acquired \$375 worth of more bonds during the year, so the balance in the bond account at the end of the year was \$575.

Q And what do you have on the next line?

A Life insurance cash surrender value; as I said, we arbitrarily increased it by \$100 on the assumption that it probably increased that much at least during the year.

Q All right. What do you find on the next line?

A Real estate at Claremore. It was sold during the year 1957, so it is no longer on there; and the real estate at Oologah, of course, was the actual figure he received for his portion of that real estate, and it continues over until it was sold in 1959.

Q And what do you have on the next line?

A The house, of course, remained the same; there was \$20,500.

Q That remains constant, if I understand it, through the entire report?

A That's right. And then furniture and fixtures, during the year they bought \$103.33 worth of items which we thought might be classified as furniture and fixtures, and increased the account by that much during the year.

Q All right. What do you find then on the next line?

A Automobiles, of course, remained the same, because he didn't acquire any new cars. Both of them were the same.

Q You left that as a constant figure?

A As a constant figure.

Q What do you find, then, on the next line?

A Notes payable, First National Bank of Claremore; he borrowed \$300. I found a note on the First National Bank at Claremore, I think must have been dated December 31, because he owed it December 31 at midnight, and he had not deposited into his bank until the next day, so I threw it up into the cash on hand figure.

Q That is a note you mentioned earlier, the \$300 that you mentioned earlier as a cash --

A That's right.

Q What do you come up with on the last line down there at Prudential?

A Mortgage payable was reduced from \$8,463.79 to \$7,756.08.

Q Now, how do you handle this next line down there, then?

A I deduct the net worth at the beginning of the year from the net worth at the end of the year. At the end of the year, by the way, his net worth was \$45,794.94. His net worth at the beginning of the year was \$40,227.59, or an increase in net worth for the year 1957 of \$5,567.35. During the year of 1957 he spent \$3,275.04 for personal living expenses, groceries and so forth.

Q That is the next item down?

A That is the next item below the \$5,567.35. This is then the total amount of money he had available during the year, as near as can be determined, from a net worth statement. The total of those two items is \$8,842.39. That, subtracted -- the next figure below that is the net income he showed on his income tax return for the year 1957. He reported that he had paid tax on \$10,182.73. His net worth increased only \$8,842.39 so the rest of the money --

Q What conclusion does that lead to with reference to whether he made a full report for income tax purposes?

A In my opinion it proves that he has

made a full report of his income because he has reported and paid taxes on more money than he spent.

Q Now, let's turn to the letter, following those totals across. What do you find for the total of the year 1958?

A The year 1958, his net worth increased \$5,183.57. He spent \$3,196.10 for living expenses, so he increased his net worth by a total of \$8,379.67, and he reported for income tax purposes income of \$10,143.47 which also indicates that all -- all of his income must have been reported for income tax purposes.

Q Now, let's move over to the total column there for 1959. What do you find with reference to the summation there of the last two figures?

A Increase in net worth of the year '59 was \$4,392.50. He spent for living expenses \$4,101.94 for a total increase in net worth or a total increase in net worth of \$8,494.44 and he reported for income tax purposes income of \$10,408.93.

Q All right. Now, let's slide the machine over, if we may, so that the other years will show up.

A The year 1960, his net worth increased only \$1,892.54. He spent \$4,300.77 for living expenses for a total increase in net worth of \$6,193.31 and he reported for income purposes the sum of \$10,586.87.

Q All right. For the next year, 1961.

A The year 1961 his increase in net worth was \$13,776.88. He spent for personal living expenses \$4,290.29, I mean total increase of \$17,996.17 and on his income tax return he reported on \$14,060.29 as being his income for that year.

Q All right. Now for the year 1962.

A The increase in net worth was \$5,567.66. The living expenditures were \$5,263.22 for a total of \$10,830.88. And he reported for income tax purposes income of \$15,491.05.

Q And for the year 1963, which I believe is the last year that you have?

A That's right. His net worth increased by \$568.60. His living expenses were \$5,496.64 for a total of \$6,065.23. He reported for income tax purposes the sum of \$14,955.80.

Q Now, Mr. Operator, would you let us have the next sheet of that, please. Could you get it down where the top is legible so he can read over what appears at the top, Mr. Operator.

A I am reading this from my penciled work copy. I hope it says the same thing there or I'm going to fire the entire staff. It's supposed to.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By MR. BINGAMAN) Go ahead.

A The top line reads: N. B. and Martha L. Johnson, Summary of Deposits, Payments and Withdrawals.

Q For what year is that, Mr. Witness?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Witness, I wonder if you could adjust your speaker. It's not coming in too clearly over it.

A All right, sir. It's for the year 1957 and the heading across the top is to indicate the source of this income or these deposits or whatever.

Q Where the arrow is pointing now, what does that say?

A First National Bank, Claremore.

Q Over there under the next column, it says what?

A Well, below that it says deposits.. you mean the heading?

Q Yes. Above the arrow.

A It says amount.

Q All right. Just below the words "First National Bank of Claremore," it says what?

A Deposits.

Q And then under the number column what appears?

A \$10,452.22.

Q Now what does that mean?

A That means that during the year 1957, Judge Johnson or someone deposited \$10,452.22 into his checking account at Claremore.

Q Now, do you show on there any place what the source of those deposits were?

A That is what the heading over to the right is.

Q Moving clear over there to where the first figure appears, what have you inserted there?

A That column is the salary or salary column.

Q How much appears there?

A \$10,302.22.

Q What is in the next column?

A Incidentally I might state that is the net figure after withholding and so forth, you understand.

Q I understand.

A The next column is cash. No, wait a minute. That says cash. Cash, \$150.00.

Q Now, have you any way there to determine or designate whether that is cash or cashier's check?

A I didn't attempt to determine whether it was cash or cashier's check or actually cash money because as far as I was concerned it was cash.

Q You have treated cashiers checks, as I understand it, exactly as you would cash?

A Of course.

Q Okay. Now, do you find anything else as a source of deposits on this account during the year 1960?

A No, sir, that is all there was.

Q All right. Going back...

A 1957.

Q All right. Moving back over to the extreme left-hand side, what is immediately under the deposits?

A Checks.

Q And where do they appear?

A There is a minus figure there in the amount column of \$10,562.99.

Q What does that indicate, with reference to the amount of checks that was charged against his account in that year?

A That is exactly what it was. It was the total number of checks charged against Judge Johnson's account during the year 1957.

Q Swinging over to the next column on the right where the figures appear, what do you have there?

A I have a minus figure under the cash column of \$2,623.95.

Q Would you tell...excuse me.

A This figure represents the checks written by Judge Johnson to himself for cash during the year 1957.

Q All right. Now, swinging over to the next column, and Mr. Operator, if you will move your machine over so he can follow that column clear to the extreme right-hand side of the sheet.

A It's close enough. The next figure is a minus figure of \$7,939.04.

Q What does that indicate? What is the notation at the top of that?

A I have the notation "EDP" which is initials for Electronic Data Process. We process all of our checks on the data processing machine. We have the distribution of all of those checks. These are, I might say, checks for everything in the world except cash. They are for personal living expenses, for payments on the home, for expenses of one kind or another. We can give you all of the details of that if needed.

Q The total of those figures equal what?

A \$10,562.99 shown in the extreme left-hand column.

Q All right. Now beginning at the right-hand side of the sheet again...excuse me, Mr. Operator, the left-hand side. What is the next account that there is that has any figures in it?

A The next account will be the Clare-

more Federal Savings & Loan account, number 1839. That is it.

Q What is that that appears in the first column?

A Under the amount column is the figure \$1,345.87.

Q What does that mean?

A That means that there was a total of that amount deposited into that savings account during the year 1957.

Q Now, have you broken that down to indicate what was the source of those deposits?

A I have. In the next column you will notice has the figure \$200.00 in it, the heading above is that in the First National Bank in Claremore, is the heading above there, that means there was a check among these checks written during the year for \$200.00 to the Claremore Federal Savings & Loan Association.

Q That explains the \$200.00 in the deposit, then?

A That's right. It's the next column, it says travel, State and Federal Travel, there to the left is the State and to the right is the Federal and he received on deposit into the Claremore Federal Savings & Loan Association for that year the sum of \$238.30 in travel warrant from the State of Oklahoma, and deposited \$61.00 in the next column on travel warrant from the Federal.

Q All right. Go on to the right; what do you find in the next column with figures in it?

A It's cash deposits, \$300.00 in cash, the amount, it must have been cashier's check, I don't know.

Q Move on over further to the right; what do you find?

A Now, here we go, the next figures are \$411.57, which is interest.

Q Move a little further, please, Mr. Operator, I think he's got too many explanations written out there.

A That \$411.57 represents the interest,

whether or not on that account, during the year, credited to the account.

Q The next one?

A The next below that is \$60.00, which was payment on some property that Judge Johnson had sold in Chickasha .. Claremore.

Q All right. What is the next one on line?

A Below that is \$10.00, which turned out to be a check from the Continental Casualty Company, check number 5603527, which I assume was in payment of some claim, insurance claim.

Q And what appears on the next line?

A Below that is the amount of \$60.00, which we are not able to identify. We cannot find the source of that deposit.

Q What is the total of all of this detail with reference to the amount of the deposits in that association, which appear at the extreme left hand side?

A The total of all equals one-three-four-five-eight-seven.

Q All right. Let's go back now to the extreme left hand side again, and what is your next account?

A First National Bank of Oklahoma City, account number 127253.

Q All right. Under that you have what?

A I have deposits, total of \$1,347.80 during the year 1957.

Q And what do you have immediately below that?

A Withdrawals from that account in the amount of \$400.00.

Q All right. Now, going on over to the next column, on the right, where you have findings, what do you have?

A Deposits of \$1,347.80 consisted of a state travel warrant in the amount of \$19.54.

Q All right. Move on to the right.

A And \$1,315.00 in cash.

Q All right.

A For whatever, I don't know, and

\$13.26 interest which was credited to the account by the bank.

Q All right. You have a figure under the cash deposit; what does that represent?

A The \$400.00 withdrawn, I credited that account. In other words, that is a miscellaneous figure.

Q It was withdrawn, and did you find an identical disposition of it?

A No, I did not.

Q Now, moving back to the extreme left hand side of the board.

A Local Federal Savings & Loan Association of Oklahoma City, account number 35288.

Q No, he hasn't got over there yet.

A The total -- If it's all right, I will just go on.

Q Go ahead.

A The total deposit to that account during the year '57 was \$2,608.41, consisting of transfers or checks from the First National Bank at Claremore of \$1,813.30, travel warrants from the State of Oklahoma totaling \$132.80, and travel warrants from the federal government for \$42.20, and \$200.00 cash deposit.

Q Just a moment, while he catches up with his machine here.

AM right.

A \$200.00 cash deposit, \$240.00 received for payments on his property sold, shown up above there, and \$131.52 in 1956, federal income tax return, was deposited into Local Federal, and \$48.59 credited to the account.

Q Now, swing back to the left hand column again with the next one.

A The next line is a United States Bond account.

Q Just a moment until we get this machine straightened out.

PRESIDING OFFICER SENATOR GRANTHAM: While you get him straightened out, when you turn around from the

microphone, your voice fades, so try to stay on the microphone, if you can.

A That is United States Bonds he purchased, \$375.00 worth of bonds during the year which I took out of his cash account, over in the cash column.

Q All right. What is the next item down?

A Prudential mortgage payment. The mortgage payment, the mortgage number is 989461A, and he paid, during the year, a total of \$1,074.12 on the principal on that mortgage, of which \$537.08 came out of his personal bank account in the Claremore First National Bank, and \$537.06, the other payments came out of cash, either by cashier's checks or cash, whatever, I don't know.

Q All right. What is the next column down there, apparently totals?

A That is the totals for the year, and his total deposits for the year were \$6,000.00 net. See, I -- Those figures don't mean anything until we get over to the cash account, the \$6,240.43 is net figures, which would be the net deposits in all of his accounts, less the checks written on his personal account up above that, this minus figure, that second item.

Q Going on over to the cash item there, and let him explain that, if you will, please?

A The cash over -- that's it. You will notice in that column I have a minus figure of \$2,623.95, up at the top, the second item. That is the checks written to cash by Judge Johnson during the year 1957. Down below Item No. 5 you see a minus \$400 figure, right there, that is the \$400 withdrawal from the First National Bank at Oklahoma City. It means, then, that he had a total of \$2,600 plus \$400, or \$3,023.95 in cash available out of his withdrawals for that year, plus, we assume, a beginning total of \$1,500 in cash, and he expended out of cash, down in that cash column, the first item out there, he took out of cash \$150 and deposited it into First National Bank of Claremore. He took out of

his cash \$300 and deposited it into the Claremore Federal Saving & Loan Association. He took out of cash \$1,315 and deposited it into the First National Bank of Oklahoma City. He took out of cash \$200 and deposited it into Local Federal Savings & Loan at Oklahoma City. He took \$375 of cash off of U. S. Savings Bonds and he paid house payments out of cash totaling \$537.06, which left him still \$146.89 in cash, which he had withdrawn over and above what he had deposited or otherwise spent out of cash. In addition to that, at the extreme bottom part of the statement, you will notice over on the left the word "memo"; I don't believe it shows on that picture; over on the left. Right there. Below that it says "State travel receipts." The total of the State travel vouchers we found for the year '57 was \$390.64, all of which were deposited into one or another of the various accounts as shown in those columns above, over in the next column. Operator, you will see the same figure; \$390.64, and the total of the State travel warrants, just above that, deposited in the various accounts for that year is exactly that same figure, so we know that he deposited all of his State travel accounts into one or another account. But below that we find a figure -- we find Federal travel claims, that's the second item over to the left down at the bottom, right there, totaling \$281.80 during the year. Of that he only deposited into various accounts \$103.20 as shown in that Federal column where the thing has been extended, so we must assume, then, that he must have cashed the rest of those Federal travel warrants totaling \$178.60 over on the right hand column. There. That added to the cash of \$146.89 he had, he still had a surplus of cash withdrawn over cash deposited or spent of \$325.49 during the year, plus the \$1,500 we assume he had to begin with.

Q If I understand you correctly, that is the unidentifiable cash on the checks that were withdrawn without considering the house payments or special expendi-

tures which you itemized on the first sheet?

A That's right.

REPRESENTATIVE SMALLLEY: We object to that as leading and suggestive.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By MR. BINGAMAN) Explain for us, if you will, please, Mr. Viers, what that figure means there as money available to him?

A It is money that he would have available for pocket money.

Q What, if any, arrangements have been made or accounted for as to household expenditures and items of that sort?

A They appear mostly to have been paid by checks, because, as I said, back on the first exhibit, Exhibit A -- I mean the first page of that exhibit, he spent \$3,275.04 for personal living expenses, groceries, clothing, and so forth in addition; that's his ordinary living expenses.

MR. BINGAMAN: All right. Mr. Operator, if you will, turn to the next page of your report or exhibit.

Q (By MR. BINGAMAN) Now, what does this page represent, Mr. Veirs?

A This is a similar statement for the year 1958, charge and source and amount of all deposits and personal account and increases and/or decreases in his other accounts.

Q With reference to the one we have just examined before, which was the second page of the exhibit, what is that particular exhibit?

A I don't believe --

Q Is it for another year?

A Yes, it's for the year 1958.

Q Is it arranged in the same form?

A Exactly the same form and used the same techniques.

Q Let's go over to the cash account and follow that column down.

A During the year 1958, he wrote

checks to himself on the First National Bank in Claremore totaling \$2,728. He withdrew from the First National Savings Account at Oklahoma City the sum of \$450; that's on down about the fifth item, sixth item, so he had available cash of \$3,178. This is a total of those two withdrawals.

Q Now, how do you find that that cash was disbursed for that year?

A He redeposited \$200 of this cash back into the First National Bank at Claremore. He deposited \$100 of this amount into the Claremore Savings & Loan Association. Is he following me with the arrow there?

Q No, he's a little off.

A The top item there was the \$200 that was redeposited into the Claremore First National Bank. The third item is \$100 that was deposited into the Claremore Savings & Loan Association. The next item is \$417.93 redeposited back into the First National Savings of Oklahoma City. Incidentally, you see he withdrew \$450 during the year and turned around and redeposited \$417.93 of it back into that account during the year. The next item over there is \$600 re -- or deposited into the Local Federal Savings & Loan Association. The next item below that is \$543.75 spent for United States Savings Bonds during the year. Below that is \$537.06 worth of cash payments on the house mortgage during the year, and First National Bank note paid in Claremore, \$100 he paid during the year. As I said, we have never had an opportunity to tie in that liability to the ledger of the First National Bank at Claremore, so I don't know whether that is exactly right or not. As near as we could tell, we did find a check where he paid the note from his checking account.

Q All right. Your summary there as to the amount of money, please.

A The total amount of -- the net amount of money that he had available

in 1958 was \$679.26 for pocket money. It would be the excess of the withdrawals over what he redeposited or spent.

Q All right.

A Plus, below that, \$59.50 worth of State travel warrants apparently cashed, and \$72.05 worth of Federal travel warrants apparently cashed, or a total for pocket money during the year of \$810.81.

MR. BINGAMAN: Now, Mr. Operator, if you will let us have the next sheet, please.

Q (By MR. BINGAMAN) Now, from what year is this, Mr. Veirs?

A This is the year 1959.

Q Is it arranged in the same general form as the other years?

A Yes, sir.

Q Concerning ourselves, then, with the cash column, -- would you move over to that, please, Mr. Operator?

A The second item in that cash column, you will notice, is another minus figure of \$2,097, which is the number of checks he wrote to himself for cash during the year. And down below that, two items, is another minus figure of \$740, which he withdrew from the First National Savings Account in Oklahoma City. These two amounts -- would be \$2,873 he had available in cash, out of which he deposited the first item at the top, \$308.20, redeposited into the First National Bank at Claremore. \$550, which is the third item down, was deposited into the First National Savings Account in Oklahoma City, \$1,000 was deposited into the Local Federal Savings & Loan Association, Oklahoma City; \$179.02 was paid in cash or cashier's checks to the Prudential on his mortgage, and \$300 was paid on notes to the First National Bank at Claremore, leaving a credit balance of cash on hand of \$499.78 plus, apparently, \$214.82 State traveling warrants cashed and \$82.70 Federal travel warrants cashed, or a total of \$797.30.

Q Now, let's go to the next year. That is what year?

A This is the year 1960.

Q If you'll swing back over to the cash column, Mr. Operator, I believe if you will center it, you will get a better picture. Swing it clear over to the extreme left.

THE WITNESS: The other way.

Q (By MR. BINGAMAN) Farther, the other direction. Just right under the middle. It's much more legible.

A During the year 1960 he wrote checks to himself for cash totaling \$2,820.00 and the third item in that column is withdrawals from the First National Savings at Oklahoma City during 1960, totaling \$550.00. He used that money, he redeposited \$161.26 back into the First National Savings at Oklahoma City and he bought another \$487.50 worth of federal bonds during 1960, and he paid \$179.02 on his mortgage all out of cash or cashier's checks during 1960, which left him a credit or cash on hand, left after these expenditures, of \$2,542.22, plus \$86.80 worth of federal traveler's warrants, which were also cash, making a total of \$2,629.02 available during the year in pocket money.

Q All right now, turn to the next year, please. Now, if we have it right this will be 1961.

A I can't see it from here. It should be 1961.

Q Let's center it again. The cash item, please, Mr. Operator.

A If the first item is \$500.00, that's it. That's it. I believe I can see it. That's right. The second item on there is withdrawals to himself for cash for the year 1960 totaling \$1,885.00 and the next, third item below that is cash withdrawals from the First National Bank at Oklahoma City, totaling \$175.00. That's cash available during the year 1961. With this money he deposited \$500.00 -- top item there, top figure, was redeposited back into the First National Bank at Claremore. He deposited -- no, there was an unidentified deposit during the year into the First National savings account of Claremore of \$221.30. That's the next item there. That, we never

found, what that deposit consisted of, so we labeled it an unidentified deposit and took out of cash account. It could've been, most likely was something else. Well, the next item below that, he deposited -- no, it would have been a redeposit of \$825.00 into the First National Savings at Oklahoma City. See, just below that he withdrew \$175.00 during the year and deposited into that account \$825.00. Now, below that he deposited \$1,700.00 in the Local Federal Savings and Loan Account in Oklahoma City and \$71.00 into the Mutual Federal Savings and Loan Association, Oklahoma City, and \$600.00 into another Mutual Federal Savings and Loan account he opened. He opened a new account there during the year, as well as paying notes, below that, to the First National at Claremore of \$1,100.00, Claremore Savings and Loan Association \$1,500.00; Local Federal Savings and Loan Association at Oklahoma City, \$600.00; and payments totaling \$537.07 on his home during the year. These were all out of cash so we came up with a cash deficit in the year 1961 of \$5,594.37 less the state travel warrants cashed of \$70.40, federal travel warrants cashed \$57.60 and insurance proceeds in the sum of \$182.50 or a net deficit for that year of \$5,273.87 cash.

Q You didn't find any explanation of that other than the personal explanation which Judge Johnson may have furnished to you? I don't ask you to state what that is.

REPRESENTATIVE SMALLEY: We object to that as extremely leading.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

MR. BINGAMAN: If the Court please, I am sure the Court didn't understand the question.

PRESIDING OFFICER SENATOR GRANTHAM: Yes, I understood the question.

MR. BINGAMAN: I didn't ask him to state what the explanation was. I asked

him if had any other than what Judge Johnson may have said. I was trying to negative any evidenciary --

PRESIDING OFFICER SENATOR GRANTHAM: I understand your explanation. The explanation Judge Johnson gives you can put him on to give that.

MR. BINGAMAN: I didn't ask that. I asked if he had any other than that.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

Q (By MR. BINGAMAN) Would you go to the next year, please. What year is that, please?

A That is the year 1962.

Q All right, if you will swing us to the cash column.

A During the year 1962, the second item is checks written to Judge Johnson for cash totaling \$3,239.80, and down to the third item below that, it is the withdrawals from the First National Savings account at Oklahoma City totaling \$1,260.00. Of this available cash, he redeposited \$500.00, -- that is the top item, -- into the First National Bank at Claremore. He deposited \$250.00 into the Claremore Federal Savings and Loan Association. He redeposited \$325.00 back into the First National Savings Account at Oklahoma City, and deposited \$35.00 into Mutual Federal Savings Account No. 8650 and deposited \$600.00 in the Mutual Federal Savings and Loan Account No. 9170. He paid notes to the First National Bank of Claremore totaling \$600.00 during the year; he paid notes to Claremore Savings and Loan Association totaling \$600.00. That is that item -- that is correct. And paid payments on his mortgage totaling \$268.53 during the year leaving excess cash still left on hand of \$1,321.27, plus cashed state travel warrants totaling \$112.56, federal travel warrants totaling \$153.25 and his Cherokee per capita payment he received during the year of \$280.00 which he apparently cashed. I never found where it was deposited, which made a credit

to his cash account during the year of \$1,867.08. That is excess of cash left over.

Q All right. Let's go to the next year, please, sir. What year is that?

A Yes, sir. The year 1963.

Q Swing over to the cash column, please.

A The first item on that is a minus figure of \$3,728.00 which represents the number of checks written to cash by Judge Johnson during the year.

Q Just go down if you will.

A The next minus figure is \$52.00 -- \$58.00 which was withdrawn from the savings account and transferred into a certificate of deposit, so it's offset by the next figure below it. During the year he deposited \$9.87 in the First National Savings account at Oklahoma City, after having withdrawn \$410.00. He withdrew \$470.00 from the Mutual Federal Savings and Loan during the year. He withdrew a \$100.00 from Mutual Federal Savings and Loan during the year and he deposited or paid \$300.00 on notes to the First National Bank at Claremore during the year, leaving cash unexpended of \$4,398.13, plus cashed state travel warrants of \$158.84, federal travel warrants of \$157.80, and the balance of the Cherokee per capita item, \$46.63, or a net credit to cash of \$4,761.43.

Q That completes the years which you examined?

A It did.

MR. BINGAMAN: You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: At this time, members of the Court, we have gone by our hour of ordinary recess and we are going to recess until five minutes until -- 3:55. We are recessed.

(Whereupon, a recess was had.)

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the Thirtieth Legislature continues in session.

Members of the Court, please take your seats.

Let the record show that the Board of Managers is present and that the accused with his attorneys is present.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following members of the Court were present: Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Keels, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrell, Williams and Young.)

The Court members will find their seats, please.

Mr. Connor, Mr. Bingaman has another question he wants to ask the witness before you cross-examine.

Mr. Bingaman, would you proceed?

Senator Howard is present.

(Witness resumes witness stand.)

Q (By MR. BINGAMAN) Mr. Veirs, the Exhibit F, about which you have been testifying, was compiled by you, the information which was..

PRESIDING OFFICER SENATOR GRANTHAM: Senator Luton is present.

Proceed.

Q (By MR. BINGAMAN) Compiled, when was it, please?

A During the months of January and February, and I believe part of March of this year.

MR. BINGAMAN: Thank you.

PRESIDING OFFICER SENATOR GRANTHAM: Before you cross-examine, I would like to advise the Court that as soon as this exhibit is run off, it will be

distributed to each member of the Court. Some of you have been inquiring about it. And also with reference to Board of Managers' Exhibit No. 8, that may take a little longer, but it will be here as soon as it can be corrected to show the left column of that exhibit.

The Board of Managers will cross-examine, Mr. Connor.

CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Mr. Veirs, is that correct?

A Veirs.

Q Pardon me, sir.

Do you, sir, have the invoice worksheet with you that you used in making up this statement?

A Yes, I have.

Q Do you have them available to you, are they in the courtroom?

A Yes, they are.

Q Fine. Now, Mr. Veirs, as to sheet number one, which is entitled comparative net worth statements, and then the other one is the summary of deposits, payments and withdrawals; do these sheets have any correlation to each other?

A Yes, they do.

Q Would you explain to me how they correlate one to the other?

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, you are not coming through too well.

A Well, probably the first easiest example will be the checking account of the First National Bank of Claremore. You will notice there, January 1, '57, I show a balance of \$20.72 in that account. During the year, I mean at the beginning of the year, on the Exhibit A on first page, the first column, January 1, '57 ---

Q Well, yes, sir.

A Do you find that?

Q Yes, sir.

A All right. Now, you take that figure and add the deposits for the year 1957, as shown by the second page, \$10,452.22.

Q All right, sir.

A And subtract the \$10,562.99, subtract by the checks that were cleared through that account during the year.

Q Yes, sir.

A And you will find that you have a balance of, minus balance of \$90.05, which is the overdraft shown on the page, statement at the end of the year. That is the figure usually in the second column, as of December 31, 1957.

Q All right, sir.

A That goes all the way through.

Q Now, are there others? Now, I take it the deposits that are shown here --

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Atkinson is present.

Q (By REPRESENTATIVE CONNOR) I take it, sir, that the deposits that are shown here in the left hand column in the state of the deposits and payments and withdrawals in 1957 are also shown in the same way, they are carried forward?

A That's right, in each case.

Q Now, sir, does your -- is there any other -- Well, I assume that it would also hold true for the U. S. Bonds and the Prudential mortgage?

A That's right, the balance at the beginning of each year, plus the purchase or deposits during the year, gives the balance at the end of the year as shown on the first page.

Q All right, sir. But now, come over to the cash column that you testified at length about on each one. That is not that column -- That column is not correlated in any manner to your first one?

A That's right, we did not attempt to correlate it into this other, into the cash figure that we began with, \$1,500.00.

Q So, the expenditures and things such as this, they are in no way correlated to this cash column or the money expended during this year, the nondeductible expenditures on the first page and supposed cash expenditures on the second page, they don't relate to each other at all, is that correct?

A I don't believe I understand what you mean.

You mean to this cash figure of \$1,500.00, showing the net worth statement?

Q On your net worth statement -- Well, let's get to the net worth statement, if we might, sir.

You show a --

PRESIDING OFFICER SENATOR GRANTHAM: Before you go to a net worth statement, if you care to have the operator, I am sure you could, I want to give the same benefit to both sides on this machine. Should you desire, I am sure that it can be arranged.

REPRESENTATIVE CONNOR: I think it will probably be a good idea.

PRESIDING OFFICER SENATOR GRANTHAM: Is he here?

MR. BINGAMAN: Oh, yes, sir.

REPRESENTATIVE CONNOR: All right, sir. I am discussing the third column from the right on the bottom.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Operator, will you use the arrow?

REPRESENTATIVE CONNOR: No, you're all right if you will stop. I will locate it as I stand right now; over a column, now, now, down, go back on me one column in '57, I would like the figure \$5,567.75.

A Yes.

Q Now, sir, would you explain what that column means, what it is?

A That column means that his net worth increased by \$5,567.35 during the

year 1957, assuming that he spent all of the cash that he had, surplus cash that he had shown on the second exhibit, if his cash stayed at \$1,500.

Q Now, if I might back you up. I don't understand what you mean. Assuming, on the second exhibit, we have a cash figure that he had available to him, I assume, of \$2,623.95, that is the cash-checks to the First National Bank in Claremore, I understand?

A That's right.

Q Now, is this what you are referring to, assuming he spent all of this?

A That's right.

Q Then his net worth increase is this \$5,567.35?

A That's right.

Q Now, you show, the column under \$3,275.04.

A Yes.

Q These are non-deductible expenditures. Would you tell me, please, sir, what they involve?

A Those are checks to grocery stores, to drygoods stores, and different -- they are not for cash. They are personal living expenses, checks for personal living expenses that were not made out to N. B. Johnson for cash.

Q Now, these would be utility payments and such as this?

A That's right.

Q Now, sir, you said you ran those through an EDP?

A EDP, electronic data processing machine, a computer.

Q Can you give us those figures?

A Yes, we can.

Q I would like to have them, please.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease while the witness is getting his memorandum. You may proceed, Mr. Connor.

REPRESENTATIVE CONNOR: I am waiting for a breakdown of this \$3,275.

A Three thousand --

Q (By REPRESENTATIVE CONNOR) \$275.04. That is the figure, I believe, that you show as the -- I take it these are ordinary living expenses?

A Yes, sir. Those were taken directly from the cancelled checks which we also have here, if you want to look at those. But I had them listed on this data processing report. There are --

PRESIDING OFFICER SENATOR GRANTHAM: Would you speak a little louder.

A I have all of those checks listed on this data processing report for the year 1957, and there must be --

Q (By REPRESENTATIVE CONNOR) I was under the impression you had them categorized.

A -- at least 200 checks.

Q Do you have them categorized? I thought you said you did.

A I have the account, yes. This is the amount of each check and they all went to that particular account. Yes, we can --

Q How much was spent for groceries, is what I am trying to get at?

A Oh, I don't know. Any personal expense that is non-deductible for income tax purposes is thrown into this account.

Q You mean, sir, that your testimony is that this shows that groceries, gasoline, utility bills, house payments, the non-interest part of the house payment, that this is this \$3,275.04?

A No.

Q I am sorry.

A Groceries, clothing, utilities, that's about all that is in here, because house payment interest is a deductible item and it was set up in a separate account. Medical expenses are a deductible item and we have those set up in a separate account.

Q Well, house payment principal, would that be a separate account, sir?

A Yes. That's where we got the figure on the reduction of the loans.

Q I see. You have already included in his increase in net worth the amount he paid to principal on the loan?

A That's against the loan, you see.

Q So that figure shows in the increase in his net worth?

A That's right.

Q But he did spend that money, did he not, sir?

A He spent the money to reduce the liability; he owed at the beginning of 1956 \$8,463.79 on his mortgage.

Q I see.

A At the end of the year he only owed \$7,756.80 on his mortgage, so he actually acquired an asset. He increased his net worth by the amount of those payments during the year.

Q Well, maybe we can go a little bit further here, and I can get this in my mind a little bit better. Then you say this includes groceries, clothing, utilities. What about gasoline, oil and gas?

A Gasoline and oil and automobile expense I kept in a separate account because he had expense -- travel checks for travel, as you recall from the income item.

Q Yes, sir.

A I kept the automobile expenses separately and charged all checks for gasoline and oil into that account and credited that account to the amounts received back that the State reimbursed him for traveling expense.

Q What about amusements?

A Amusements would be included in his personal account.

Q This would be the non-deductible expenditures?

A That's right.

Q How about items such as television repair, home repair?

A That likewise would be in the personal account.

Q Laundry and dry cleaning?

A That's right; beauty shop, checks, things of that nature.

Q Now, I take it, sir, you cannot give us any idea as to this figure how much was spent, say, for food?

A No, sir, I cannot.

Q Can you tell from your cancelled checks?

A Oh, yes, I could, by going back through them. May I explain how this was done?

Q Yes, sir.

A We first went through all the cancelled checks, and coded -- we devised a chart of accounts which I have in this book, assigned the number to each of these separate accounts. We then went through all of the cancelled checks and classified them according to these account numbers. A data processing machine doesn't understand words. They have to have numbers, so they had to have these numbers.

PRESIDING OFFICER SENATOR GRANTHAM: I might say at this point that neither of you are coming in too clear. Stay closer to the microphone.

REPRESENTATIVE CONNOR: Excuse me. Am I coming through all right now?

Q (By REPRESENTATIVE CONNOR) But in your data processing, did you set up groceries as one account?

A No.

Q Utilities as one expense?

A Personal expenses.

Q You would have to go back through these cancelled checks, I would take it, and reassign numbers to these various items?

A To find the amount of groceries, the amount of the cleaning bills, the amount of the utilities and things of that nature, we would have to reclassify them again. They are all thrown together in the one account.

Q Okay, sir, now in that total for the year 1957 was \$3,275.04.

A That's correct. Yes. \$3,275.04. That's correct.

Q Calling your attention to the last figure in that column of \$10,182.73. How did you arrive at that figure, sir?

A Do you have a copy of his 1957 Federal Income Tax Return in evidence? I think if you will look at that.

Q I think we have.

A If you will look at the adjusted gross income you will find it's \$10,182.73.

Q All right, sir, and how did you arrive at the figure of \$8,842.39?

A That is the total of the increase in net worth, plus those expenditures. We know he had to have the cash to spend that money, so we have to add that to his increased net worth to determine how much money he might have had available during the year. That is the method used in so-called net worth cases by Internal Revenue Service in building up a tax case.

Q Now, in this figure, what does the difference in there represent?

A It represents that he reported and paid income tax on more money than he increased his assets or spent, as far as we can tell.

Q As far as you can tell then he spent a total of \$8,842.39 during that year?

A That is right.

Q And all this is taking gross income of some \$12,499.92 or \$12,642.42, I believe, is that correct? \$12,642.42 is his gross income for 1957.

A \$10,182.73.

Q I'm talking of his gross, now, sir. Not adjusted gross. His gross.

A Where did you get that figure?

Q I'm reading -- Do you have those figures available? I am reading from a worksheet of my own.

A Of his income tax return?

Q Yes, sir.

A We have one here someplace. I think it's here. Here it is.

PRESIDING OFFICER SENATOR GRANTHAM: For the record, Mr. Connor, you are referring to what exhibit?

REPRESENTATIVE CONNOR: I am not referring to any exhibit. I am merely asking a question.

PRESIDING OFFICER SENATOR GRANTHAM: Will the witness advise me what number that exhibit is or counsel for the accused?

REPRESENTATIVE CONNOR: I have no idea.

THE WITNESS: Accused Exhibit D.

PRESIDING OFFICER SENATOR GRANTHAM: Accused Exhibit D.

THE WITNESS: The certified copy of his 1957 Federal Income Tax does show a gross income of \$12,499.92; is that the figure you just gave me?

Q Well, \$12,642.42 is --

A Excuse me that's right.

Q \$12,642.42.

A \$12,642.42.

Q All right, sir, now, from that figure is deducted \$2,459.69 for contributions, interest, taxes, medical, casualty loss and other expenses which I do not have identified.

A That's correct.

Q To give a total of \$1,182.73.

A Ten Thousand.

Q Ten thousand, one hundred and eighty-two seventy-three, I'm sorry.

A That's the figure I used here.

Q Yes, sir. Now, you state, if I understand you, sir, that it means he reported to the government \$1,300.00 less than he actually spent for that year?

A No, it means that he reported to the government more than he --

Q More than he spent for that year? I'm sorry.

A Yes.

Q He had \$1,300.00 more than he spent during that year according to your figures here?

A Yes.

Q I'll ask you, sir, do you take into account the taxes withheld during 1957?

A I did.

Q And where does that appear on this net worth statement?

A On page 2.

Q No, sir, I'm talking about page 1 on the net.

A It appears in the bank balance. In the First National Bank of Claremore checking account balance. You see his entire salary was deposited into the Claremore First National Bank during the year, less \$10,000 .. of which \$10,302.22 was his salary on page 2.

Q So then ..

A It's reflected in the balances in the Claremore checking account at the beginning and end of the year. He deposited that money into the Claremore account.

Q Yes, sir.

A And spent \$10,000 plus dollars and he ended up with an overdraft of \$90.05 after depositing the \$10,000 plus dollars.

Q Here is the problem. You show, sir, the net income being deposited, is that correct?

A That's right. This is the net money. We are talking about cash. We are trying to determine what happened to some cash he was allegedly to have received. We are trying to determine whether or not he deposited any of it or spent it. I say these records show he did not. It wasn't deposited and it wasn't spent.

Q I hate to belabor this point, but very frankly, sir, I do not understand it. Now, I take it, you say that by the figure \$8,842.39, this is the amount of money he spent that you can find during the year 1957?

A That is what we can account for.

Q And you say that he had available to him \$10,182.73 in items other than deductible items?

A That's right.

Q Now, here's my problem. Looking at the tax returns -- go ahead.

A Would you give me his statement over again. He just made a statement. I'm not sure I understood it.

(Whereupon, last set out above question was read by the reporter.)

THE WITNESS: He had that much cash available in the year 1957 after his income tax deductions. That is, credited \$10,182.73, is available after his income tax deductions.

Q Right, sir.

A Thereby he increased his net worth by \$5,500. He spent \$3,275 we know of. He must have spent the rest for something else. The point is he paid income tax on more money than his net worth increased during the year.

Q Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Baggett is present.

Q All right, now, then, sir, the withholding tax of some \$2,000 it comes off on the tax return from this \$10,182.73. Now your testimony is if this had not been withheld it would have been reflected in the checking account, is this correct?

A Yes, it would have been deposited, but if you will refer again to the 1957 income tax return, it shows his gross salary \$12,499.92.

Q Yes, sir.

A He actually only received of that amount \$10,302.22, the balance being withheld for taxes. That amount turns out to have been \$2,026.22 according to his income tax returns so take \$10,000 received in cash, plus the \$2,026.22 he received credit for, plus his F.I.C.A. Tax, Social Security Tax, possibly some insurance premiums were withheld and so forth, you will arrive at this figure of \$12,499.92, shown as his gross salary for the year.

Q All right, sir.

A I think he must have been cheated out of 8 cents. It should have been \$12,500.

Q Okay. Then this explanation, take it, sir, would follow through as to each and every column through '58, '59 and '60, '61, 62, and '63?

A That's right.

Q And he was, from what I can tell here, sir, increasing his net worth by-- well in 1957 about 50 percent of the money he made was to increase his net worth?

A Yes. Each year that figure increased in net worth, across the bottom of that statement is the increase during the year. His assets, cash and property increased by those amounts each year, during those years.

Q All right, sir.

A Over and above his living expenses.

Q All right, sir. The net worth increased from 1957 to the end of your paper he has some \$37,000 total net worth increase by your figures; is that correct?

A His net worth during that period increased from \$40,227.59 to \$77,176.69 at the end of 1963.

Q All right, sir.

A Excuse me.

Q Go ahead, I'm sorry.

A This is strictly on a cash basis. That does not take into any consideration -- does not take into consideration depreciation or wear and tear in any manner. Of course, the income tax laws allow depreciation. We do not show it on this report in order to arrive at a cash basis statement.

Q (By REPRESENTATIVE CONNOR) All right, sir. I take it you did not fill out these income taxes?

A I did not.

Q Who did those, do you know, sir?

A I believe Judge Johnson prepared his own income tax during most of the period, not all.

Q Now, if I could refer you to page 1 of Exhibit F, this is the year 1957, I be-

lieve, now, you show that under the cash column, if we could go to that.

PRESIDING OFFICER SENATOR GRANTHAM: He is getting it in the machine now.

Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) All right, sir. Now, you have found that he wrote cash checks of some \$2,063.95 --

A \$2,623.95.

Q \$2,623.95. I see. And you show a withdrawal from the First National Bank savings account of some \$400.00?

A That's right.

Q That was Mrs. Johnson's account, was it not, sir?

A Yes, I think so.

Q All right. Now, these cash items here that you show, on down here, you show that, I take it, this last figure here, this \$325.49, this would be money he had to live on during the entire year, is that right?

A No, sir, I wouldn't call it that. I would call it pocket change, because his living expenses were all paid by check, practically. This would be, possibly, money he might use for pocket change.

Q In other words, it's your opinion that it only cost \$3,275.04. Now, these are non-deductible expenditures?

A Yes, sir.

Q \$3,275.04, plus, I would assume, the deductible expenditures?

A That's right, on the income tax return, you remember, there is a bunch of interest and donations and so forth in addition to that.

Q Now, you went through that and found a deposit to the First National Bank in Oklahoma City, or a deposit to Oklahoma National Bank of Oklahoma City, as shown on the statement here, for \$1,156.89?

A That's right.

Q Now, I assume this was deposited from the cash he had?

A I had to.

Q Did you, sir, in this, correlate purchase of cashier's checks that were used to pay gasoline bills or some bills of this nature?

A No, sir, I credited all of these purchases to the cash account, whether they be made by cashier's checks or money orders or whatever, it might be just cash, but, it was all worked out through the cash account. He could take cash and buy a cashier's check or whatever, but as long as it's carried through this cash account as cash, you can't subtract it.

Q In other words, sir, he would have had cash of \$325.49 available to him?

A Yes.

Q Now, did you have any open accounts; did you have a list of the statements of the bills for this year?

A That he paid, you mean?

Q Yes, sir.

A Of this \$3,200.00 worth of cancelled checks?

Q Yes, sir. Well, did you have anything to correlate this \$3,200.00 with except for the bank statements?

A No, I wasn't interested in that, I was interested in income tax items.

Q Well, then, say he had a particular bill which he says was groceries or business, \$35.00 worth of groceries, this would not show up anyplace if he pays cash for it, this would not show up anyplace in there except in the \$325.49?

A I believe you might say that is correct.

Q Or haircuts?

A Haircuts.

Q Lunches?

A Lunches.

Q Those are paid for by cash?

A That's right. That is what I mean by pocket change.

Q Any savings --

A Yes, sir, anything he might pay cash

for out of his pocket, that is what we call pocket change. That is the amount he had left over, but, bear this in mind, Mr. Connor, he was supposed to have had \$1,500.00 in cash someplace before; this is just an increase in it.

Q Yes, sir.

A We have to assume, then, that he spends this other amount here to keep the \$1,500.00 figure level across the whole spread.

Q Well, now, let's go back to this -- He told you, if I am correct, sir, that he had in cash, on the 1st of January, 1957, \$1,500.00 in cash?

A He really didn't tell me; he told me and the Internal Revenue people. That is why I had this reference.

Q Okay, sir. Now, did he tell you at any time during this period that this \$1,500.00 was increased or did he put in another \$1,500.00?

A No, sir.

Q Do you have to assume throughout this that he was never furnished any other cash other than -- he never had any other addition to the cash other than by his income?

A That is correct. Now, to try to explain it this way.

Q Yes, sir.

A Assume he had not even \$7,500.00 in cash in 1957, as has been alleged, he would either have spent that money or he would have deposited it into some savings account or something.

Q Well, now, if it --

A Or he would still have it, would he not?

Q Or, he could have saved it outside of a bank, in his pocket, and brought it out directly?

A Right.

Q All right. Now continue please.

A All right. I have been in this business for thirty years --

Q Well, now, just a moment, are you

attempting, sir, to explain this \$1,500.00 -- this is it, would have this \$1,500.00 cash --

A It would have shown up in this net worth statement.

Q All right, sir. My question is that he told you he had \$1,500.00; you have not anyplace here added to that figure or taken away from that figure?

A That's right.

Q So, if we assume, in the month or in the year 1957, then, he had about \$1,825.49 in cash, that he could have spent for these various items?

A That is correct, if he hadn't spent the \$325.49 out of his pocket for incidentals.

Q I am assuming that he used some of the \$1,500.00, or maybe he used none, we don't know, but, what you are saying, for lunches, for all cash purchases that he might have made in the year 1957, he had available to him \$1,825.49?

A That's right.

Q All right, sir. I would call your attention to the next page, which is the year 1958.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we have a pause here, I think it will be well to adjust that speaker.

Q (By REPRESENTATIVE CONNOR) All right, sir, in '58 you showed the deposits and checks, you show that \$2,728.00 were written to cash?

A That's right.

Q And I believe, sir, you show that another \$450.00 was withdrawn from the First National Bank in Oklahoma City?

A That's right.

Q Now, that again is Mrs. Johnson's account, is it not?

A I believe it is.

Q All right, sir. Now, carrying on down, you find deposits other than from his checking account that depleted this cash money down to \$679.00, you had two travel warrants and so that leaves him

\$810.81, what you call pocket money during that year?

A That's right.

Q You show his living expenses for that year of \$3,196.10. This would again include utilities, groceries, any repairs of TV or anything like that; this figure would include all cash purchases, restaurants and such as that?

A No, it wouldn't include cash purchases, because this is made only for cash.

Q I mean, the \$810.81 cents, I am sorry.

A Oh, yes.

Q You said, sir, you set up, set accounts for his gasoline and oil?

A Yes, that is gasoline and oil, auto expenses I call them.

Q Gasoline and oil expenses? Do you have that figure? What was it, sir?

A Yes, sir, \$795.46 for the year 1958.

Q Now, this would show up in the net worth statement; you understand that?

A Under the right hand column of that exhibit.

Q No, in the net worth statement, sir, this would show up in it?

A It wouldn't show up in the net worth statement at all, because this is the money he spent for automobile expenses, it did not include his net worth, not one nickel.

Q All right, sir. Then, sir --

PRESIDING OFFICER SENATOR GRANTHAM: Let the witness finish answering the question.

Q I am sorry. Well, then, any money he spent for gasoline or oil on his net worth statement, I would have to deduct from the difference from the \$8,300.00 and the \$10,143.00; am I correct in that?

A Well, I --

Q I mean, this would have to be paid out of this difference that you show there?

A It wouldn't increase his net worth,

any expenditures -- Let me see, is it included in the \$3,200.00?

PRESIDING OFFICER SENATOR GRANTHAM: Would you speak a little louder?

A I am more or less talking to myself thinking out loud here.

Yes, I would assume that is right. I hadn't thought of it that way, but it sounds reasonable.

Q All right, sir. Then, are there any other expenditures that would be included in that area such as medical --

A Yes, possibly medical expenses, and because he didn't have any deductibles on the income tax return, we -- I had classifications for his bar dues and so forth, one for the contributions, automobile expenses, promotional expenses.

Q Now, these figures would all, then, have to be paid from the difference between the \$10,143.00 and the \$8,379.00 to get the money to make these expenditures, is that a correct statement, sir?

A I tell you the truth, I don't know. You have got me there; that is not the difference between the increase and net worth on the \$10,000.00 income he reported on his income tax return.

Q Yes, sir. That is what -- Well, may I approach it in a different manner; maybe we can get it.

Could we have the net worth statement?

PRESIDING OFFICER SENATOR GRANTHAM: I see no --

Would the operator put the net worth statement back on, please?

I think some of these questions are bordering on argumentative, Mr. Connor.

REPRESENTATIVE CONNOR: I don't mean to, Judge, I don't mean to argue at all.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

REPRESENTATIVE CONNOR: I apologize to the Court.

PRESIDING OFFICER SENATOR GRANTHAM. Proceed.

Q (By REPRESENTATIVE CONNOR) Let's work with '57.

PRESIDING OFFICER SENATOR GRANTHAM: It's back on the board.

Q (By REPRESENTATIVE CONNOR) If you will come down to '57, that column, please, right in there.

Now, you show, sir, inventory of the net worth of \$5,567.35. You show, sir, non-deductible items of \$3,275.04, for a total of \$8,842.39. Now, I believe, correct me if I am wrong, sir, I do not mean to mislead you, I believe your testimony was that this \$10,182.73 was the income that Judge Johnson had available to him for expenditures?

A That was his taxable federal income.

Q All right, sir. That is what, then, he spent, and you go at this by the increase in net worth, plus the non-deductible expenditures, plus this \$8,000.00 plus figure?

A Yes.

Q I believe you said that left him \$1,300.00 with which to operate, or play with, whatever the term you used?

A Yes.

Q Now, sir, expenses that are deductible, such as medical, gasoline, oil, interest payments, such as this, would not they of necessity have to be figured in this \$1,300.00 figure?

A It makes sense, I believe, that's right. \$10,182.73 as a gross income less his Federal -- is his Federal taxable income after his deductions for contributions, interest, taxes and so forth.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Witness, when you turn away from that microphone, it doesn't pick up, and the Court can't hear it, and the reporter can't hear it, so if you try to stay close to it, it would help.

Q (By REPRESENTATIVE CONNOR) Then in the year 1957, out of this \$1,300 difference, he would have had to pay all his

expenses for his automobile, all his contributions, his medical expenses, any State taxes that he might have owed or everything in this general area. Now, is this a correct statement, sir?

A Yes, I believe it is.

Q Then, sir, if I told you that his deductions for that year that covered these items were in excess of \$2,400, then in reality he would have spent approximately \$900 more than he made in income, is this a correct statement?

A It's possible.

Q Well, is it a correct statement? I am trying to find out the effect of your statement here, sir.

A I don't know whether really -- actually I don't know whether we are really talking about the same thing or not.

Q I didn't, sir.

A We might approach it from this.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. In order to expedite this thing, let's put the questions and give the answers here rather than arguing back and forth. There has been no objection, but in order to conduct the trial properly, let's proceed in that manner.

A I can tell you, Mr. Connor, what money he spent during the year -- each year, and what he spent it for, if that is of any help.

Q All right. Let me just try to approach it in this manner in one other attempt at it. We show the increase in net worth, we can see the non-deductible expenses for a total.

A That's right.

Q Then we show the income he had. Now, the difference was \$1,300 or plus, it's probably not exactly, but I think it's close, 88 --

A Ten one, yes, ten two.

Q Is this close enough to operate?

A Yes.

Q Now, sir, if I understand your testi-

mony correctly, he would have had to pay from that all his deductible expenses plus the non-deductible part of his automobile expense, plus the non-deductible part of his medical expense. Now, is that a correct statement, sir?

A That is correct except it does not include the deductible portion of his expenses, because the \$10,182.73 does include the deductible portion of his expense. In other words, the \$1,300 would have to pay all the non-deductible out of. I think I see what you are driving at now. \$3,275.04 was his personal living expenses. In addition to that he had other expenses for automobile expenses, possibly some contributions, possibly some other items, which I can give you.

Q And they--

A They had to come out of the difference.

Q All right, sir. Now, if we can, sir, go to the year 1959.

A Would the operator put the year-- were you going to discuss 1959?

Q Yes.

A Have the operator put 1959 on the machine.

PRESIDING OFFICER SENATOR GRANTHAM: You wanted what on the machine?

A 1959.

PRESIDING OFFICER SENATOR GRANTHAM: Would the operator put the 1959 sheet on the machine, please.

Q (By REPRESENTATIVE CONNOR) Now, sir, you show a cash deposit, sir, of -- cash-checks, pardon me, of \$2,097?

A That is correct.

Q You show various deposits to his savings accounts, and you show that he had \$797.30 to purchase various items with for cash. Again, this would include all haircuts, shaves, the whole ball of wax in this area?

A Yes.

Q In this area, sir, did you calculate

the amount of cashier's checks purchased in that year?

A No, I do not. Excuse me, if they were purchased, they would have to come out of cash, so we treat them as cash.

Q All right, sir. The cashier's checks, then, whatever were purchased in 1959, would have to be subtracted from this \$797.30?

A No, they would have been included in these cash deposits. You see --

Q Well, if the cashier's checks were not deposited to an account?

A That's right, if they were for an expense, they would have to come out of the \$797.30.

Q I see, sir.

A But if they were in payment of the home mortgage or in payment of notes or anything of that nature, they would not. They would show up here above --

PRESIDING OFFICER SENATOR GRANTHAM: Senator Field is recognized.

SENATOR FIELD: I wonder if the sheets have been printed on this.

PRESIDING OFFICER SENATOR GRANTHAM: They are being printed.

SENATOR FIELD: They haven't yet arrived?

PRESIDING OFFICER SENATOR GRANTHAM: They haven't arrived. As soon as they are, they will be distributed. The arrow is moving to every figure that is on that at the rear of the chambers, if you will watch those. I know they are difficult to read, but he quotes them all and so you can refer to those pictures for the most part, but as soon as they arrive, they will be distributed to each member of the Court. Proceed.

REPRESENTATIVE CONNOR: Could I make a request of the Court?

PRESIDING OFFICER SENATOR GRANTHAM: What is your request, Mr. Connor?

REPRESENTATIVE CONNOR: We are in the area which I think would be ex-

remely valuable to the Court, and I know to the Board of Managers, to have a breakdown of this non-deductible expense to see whether it includes, for instance, groceries, how many groceries, the normal living. We are approaching the hour. What I would ask the witness is: Could he have this available for us in the morning, and I would anticipate we could finish this probably in 15 or 20 minutes.

PRESIDING OFFICER SENATOR GRANTHAM: You may inquire of him.

Q (By REPRESENTATIVE CONNOR) Could you supply us with these figures, sir --

A I think so.

Q -- by morning? Would it be an impossible job?

A No, no, they are already quoted as personal expenses. We will just have to go through them and pick out -- what do you want, the grocery checks?

Q Everything. I would like them categorized as to what these personal expenses were, sir.

A I think we can probably go through -- how many years? One year? They will all be typical, whatever they are, you see.

Q How about, say, the years 1957 and 1961?

A '57 and '61 will be easy to do.

PRESIDING OFFICER SENATOR GRANTHAM: May I inquire that you want this for the years 1957 through --

REPRESENTATIVE CONNOR: No, just the two years.

PRESIDING OFFICER SENATOR GRANTHAM: Two years, '57 and '61?

REPRESENTATIVE CONNOR: I understood, to put them all together would be a lot of work. Two years, I think, would be sufficient.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer was that you thought you could get that, is that right?

THE WITNESS: Yes, sir.

REPRESENTATIVE CONNOR: With

that, sir, I would ask that we be allowed leave to rest for this time and, at that time, I am sure the rest of the Court will have these exhibits on their desks.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, here. I think maybe we might get some of the redirect examination covering this. Does the accused have any redirect?

MR. BINGAMAN: No, Your Honor, not at this time. I would suggest this, if we may, with the Court's permission: This man with this machine back here, if there are any questions from the Court itself that he can explain with this chart, I would like to excuse that man, if we may, at the conclusion of today. We will have those other things in the morning anyway.

PRESIDING OFFICER SENATOR GRANTHAM: Let me see what questions we have from the Court. Senator Smith sent up a question, but that was withdrawn because counsel brought it out. Senator Garrison has this: What is your testimony relative to the cash Judge Johnson said he had on hand January 1st, 1958?

A I don't believe that Judge Johnson mentioned how much cash he had on hand at any time except January 1st, 1957, and that was in response to a direct question by the Internal Revenue agent handling the case.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Garrison: Is it your testimony that this amount was arbitrarily carried on through the ensuing years?

A It was.

PRESIDING OFFICER SENATOR GRANTHAM: The next question by the Court is by Senator Rhoades, a series of three questions; Assuming cash was held by the accused in a lock box in varying amounts, where would such cash be reflected in your statement?

A It would not be reflected unless it was spent or deposited in some depository.

PRESIDING OFFICER SENATOR

GRANTHAM: The second question by Senator Rhoades: If the accused in any year held more than \$1,500 in cash, where is that cash reflected in your statement?

A As far as I know, he never had any more than maybe \$1,500 at any one time. That's what we have...that's the assumption we have used all the way through.

PRESIDING OFFICER SENATOR GRANTHAM: All right. The third question is: How can you say the accused did not spend any money he might have received?

A If he spent it by check, we would have a record of it, it would show up in these spreads of his expenditures that we have. If he spent it by cash, there is no record that we can determine or anyone else that I know of.

PRESIDING OFFICER SENATOR GRANTHAM: That completes the questions by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: That completes the questions by the Court. Here is one coming up. This is a question by Senator Baggett. From what Federal agency or agencies did Justice Johnson receive the sum that you have described as Federal travel receipts for the years 1957 through 1963?

A I have copies of those travel claims in my briefcase over there. I will have to get them out and look at them, because I can't remember...there are some odd names, something to do with the Surgeon General's Office.

PRESIDING OFFICER SENATOR GRANTHAM: Would you want to get those at this moment and refer to them to answer this question?

THE WITNESS: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: While the witness is getting this, I am wondering if the Board of Managers wants this machine back here tomorrow or would be willing for this gentleman to be excused that operates the machine and take the machine with them.

REPRESENTATIVE CONNOR: I understand all of these exhibits will be on the desk in the morning?

PRESIDING OFFICER SENATOR GRANTHAM: That's correct. What is your answer, Mr. Connor?

REPRESENTATIVE CONNOR: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: That will be fine. We will have no further use for the machine and we appreciate the operator operating the machine. All right. You may refer to your notes to refresh your recollection and answer Senator Baggett's question.

A Well, here is one dated apparently September 5, 1957 -- There's a bunch of dates on it, I guess that's the date it was paid. It's in the amount of \$45.50 paid by the United States Interior, Indian, Muskogee Area Office, apparently for a trip -- I don't know, I don't know how to read this thing.

PRESIDING OFFICER SENATOR GRANTHAM: I couldn't understand you.

THE WITNESS: I say I don't know that I know how to read these, Your Honor. It's supposed to be traveling expenses in the discharge of official duties July 9, '57, to July 10, '57, under Authority No. 122-58 dated July 9, '57, a copy of which is attached. I guess it's attached.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Hamilton is recognized.

SENATOR HAMILTON: Judge Grantham, if the Board of Managers plan to use the blackboard any more, why would it not be more feasible for them to be placed upon a sheet of paper whereby everyone might be able to see?

PRESIDING OFFICER SENATOR GRANTHAM: I think the projection machine is borrowed and the gentleman wants to take it back to where he borrowed it. Do you plan to use the blackboard any more?

REPRESENTATIVE CONNOR: Yes,

sir. We were going to continue where we left off.

PRESIDING OFFICER SENATOR GRANTHAM: We have a suggestion of the Court by Senator Hamilton that it might be more easily interpreted by the Court if you used a machine like this. That suggestion is for your consideration. Now then, proceed. Go ahead.

THE WITNESS: Here is another travel voucher from the Division of Indian Health, U. S. Government. It is for travel and other expenses in the discharge of official duties from September 21, '58, to September 26, '58, under Authority No. PHS 3.50363 dated August 21, '58, in the amount of \$72.05, and then, of course, there are several of these first ones, this Interior Indian, Muskogee Area Office. This is another one. Then I ran across another one a minute ago. It's from the Travel Representative of the National Congress of American Indians to Sheridan, Wyoming, in the amount of \$72, which was paid September 9, 1964. The rest are -- they should be the same, Interior Indian, Muskogee Area Office. Does that answer your question?

PRESIDING OFFICER SENATOR GRANTHAM: That completes your answer, does it?

THE WITNESS: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Now, the next question is: Was F.I.C.A. social security deducted from the gross sums in order to arrive at the net sums which were received?

A I'm reasonably sure they were, because even though the Judge is over 72, I think perhaps he still has to pay F.I.C.A. tax. I know withholding taxes were withheld. I believe somewhere on the papers I have a breakdown of his withholding, insurance, withholding taxes, F.I.C.A and so forth.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baggett is recognized.

SENATOR BAGGETT: Mr. Presiding Officer, that particular question was addressed particularly to these items as Federal travel receipts. I would like to know if any F.I.C.A. was deducted from them.

A Oh, no, no, those are just per diem checks for mileage.

PRESIDING OFFICER SENATOR GRANTHAM: From what source or sources did you determine these Federal travel receipts for the following years: 1957, \$281.80; 1958, \$374.60; 1959, \$257.10; 1960, \$214.80; 1961, \$291.19; 1962, \$380.91; and 1963, \$296.15?

A I hope this is where I got them, off of these vouchers. I think it's the same figures. I don't know. You read off an awful lot of figures.

PRESIDING OFFICER SENATOR GRANTHAM: What are those sources?

A Sir, these are photostatic copies of travel vouchers that have been filed by Judge Johnson with these various Federal bureaus. Would you like to look at them?

PRESIDING OFFICER SENATOR GRANTHAM: No, sir, that is all right. The next question is by Senator Ham: What was Judge Johnson's gross income for the years 1957, 1958, 1959, 1960 and 1961 and what were his gross expenditures for these same years?

A Was that question what was his gross income and what were his gross expenditures?

PRESIDING OFFICER SENATOR GRANTHAM: What was his gross income for those years and what were his gross expenditures for these same years?

A I think perhaps the best place to get it would be from the income tax return. Gross expenditures wouldn't show on his income tax return. They would show in the net worth increase or decrease, so

we can give you the gross income from the income tax returns and the gross expenditures would have to be that amount less the increase in his net worth for each year. It would have to be computed figure; as near as I can see at the moment is that his 1956 gross income from the Federal tax return was \$13,766.58 consisting of \$13,541.58 salary from the State of Oklahoma, \$225 from the United States Department of Health, Washington, D. C., and that's it. His gross expenditures?

PRESIDING OFFICER SENATOR GRANTHAM: That's right, gross expenditures.

A They would have to be that sum less the sum -- that wouldn't be right. I wonder if you would -- I want to think about that. I don't know how to arrive at it at the moment. I started to say less the sum of the increase in the net worth. That isn't true, because the money that increased his net worth was also an expenditure where he deposited money into a savings account. Is that what you mean?

PRESIDING OFFICER SENATOR GRANTHAM: I am not positive here, but we are approaching the hour of adjournment and we will begin with that question tomorrow when we resume the Court. Gentlemen of the Court, I would like to call to your attention the reporters are going with us the second mile. They got to bed last night at 2:30. They are really, really going the second mile to get this out, and I don't know what time the printer got to bed, if at all. When we do an hour's work it takes about five hours of other people working to get this thing in order. The Court will be adjourned until 9:00 o'clock in the morning.

(Whereupon, Court was adjourned until 9:00 o'clock A.M., May 12, 1965.)

Dear Mr. [Name],

I have just received your letter of the 10th inst. regarding the matter of the [Name] and I am glad to hear that you are interested in the same. I have been thinking about this matter for some time and I am sure that you will find the following information of interest to you.

The [Name] is a very [Name] and I am sure that you will find it of great value to you. I have been thinking about this matter for some time and I am sure that you will find the following information of interest to you.

I have been thinking about this matter for some time and I am sure that you will find the following information of interest to you. The [Name] is a very [Name] and I am sure that you will find it of great value to you. I have been thinking about this matter for some time and I am sure that you will find the following information of interest to you.

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The [Name] is a very [Name] and I am sure that you will find it of great value to you. I have been thinking about this matter for some time and I am sure that you will find the following information of interest to you.

Wednesday, May 12, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the 30th Legislature is now in session. The hour of 9:00 o'clock having arrived, the members of the Court will please take your seats.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll, the following members being present: Baldwin, Berry, Birdsong, Boecher, Dacus, Field, Garrett, Garrison, Gee, Grantham, Graves, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Rhoades, Romang, Smith, Stansberry, Stipe, Terrill, Williams, Young.

Absent: Atkinson, Baggett, Bradley, Cowden, Findeiss, McSpadden, Martin, Selman, Taliaferro.)

PRESIDING OFFICER SENATOR GRANTHAM: Any other Senators who have not answered the roll. Senator Ham is here. Senator Bartlett is here. Any other Senators who have not answered the roll?

Senator Porter is here.

Gentlemen, let's take your seats. Members of the Court, please take your seats.

Senator Rogers is here. Senator Smith is here. Senator Berrong is here.

Any other members of the Court who have not answered the roll. The Clerk will announce the roll.

COURT CLERK: Absent are Atkinson, Baggett, Bradley, Cowden, Findeiss, McSpadden, Selman and Taliaferro.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, in connection with Board of Managers Exhib-

it No. 8, the Xeroxing of the corrections to this exhibit have now been completed and I am advised the best way to correct Exhibit No. 8 so that it shows all of the data that is on the originals is to have the Pages pick up your Exhibit No. 8 and then they will reassemble Exhibit No. 8 with the corrected pages, inasmuch as part of the pages are correct, so the Pages will come by your desk and you have ready for them Exhibit No. 8. They will pick it up, reassemble it and then it will be redelivered to you. In order that there will be no question, I will ask counsel for the accused if you have any objection to this manner of handling the corrections of Exhibit 8?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection?

REPRESENTATIVE CONNOR: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: That will be the way it will be handled.

At this time, Members of the Court, with those preliminary remarks in order that the matter might be facilitated, we will have the prayer by the Reverend J. M. Gaskin of the First Baptist Church of Durant, Oklahoma. Everybody please stand.

(Whereupon, the invocation was given by the Reverend J. M. Gaskin.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the Board of Managers is present and that the accused is present with his attorneys.

At the close of yesterday we were in the process of examining a witness concerning certain records and we will continue at this time. I believe the Board of Managers were in the process of cross-examining the witness. The witness will resume the witness chair.

Is the witness here, Mr. Connor?

REPRESENTATIVE CONNOR: Yes. I was wondering whether they have reproduced accused's Exhibit F.

PRESIDING OFFICER SENATOR GRANTHAM: I was advised that they are in the process of being reproduced and will be distributed as soon as it is reproduced. They have not yet been reproduced.

Let the record show Senator McSpadden is present.

Gentlemen of the Court, let's take our seats, please. The Board of Managers will continue with the examination of Mr. Veirs.

Let the record show Senator Bradley is present.

ORVAL L. VEIRS,

a witness called to the stand on behalf of the accused, after having been previously duly sworn, testified further, as follows:

PRESIDING OFFICER SENATOR GRANTHAM: Senator Ham is recognized.

SENATOR HAM: If the Court please, we were discussing a question that was submitted by me yesterday when we adjourned, and I think the witness had not completed the answer. Page 359 of today's transcript.

PRESIDING OFFICER SENATOR GRANTHAM: All right. I will ask the reporter to read back the question of Senator Ham, please. Senator Ham, what page of the Journal is this on?

SENATOR HAM: Tuesday, May 11, page 359, beginning in the left hand column.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

SENATOR HAM: Towards the center of the column.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. All right. I will repeat

the question. What was the gross income for those years and what were his gross expenditures for those same years?

SENATOR HAM: Specifically what was Judge Johnson's gross income for the years 1957, '58, '59, '60 and '61, and what were his gross expenditures for those same years?

PRESIDING OFFICER SENATOR GRANTHAM: Yes. That is the question.

Senator Findeiss is present and Senator Baggett is present.

You may answer.

A I believe, Your Honor, I will have to have a copy of that exhibit. I think I have given all of them away. Are there any more copies available: Exhibit F, I believe it is.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have a copy of Exhibit F the witness could refer to?

THE WITNESS: I have my work copy, I think I can find.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have a copy of Exhibit F?

REPRESENTATIVE CONNOR: I think I could probably get it. I understand it's finished. They are just assembling it; if the Court will excuse me, I will get it.

PRESIDING OFFICER SENATOR GRANTHAM: Does the reporter have a copy?

COURT REPORTER: No, sir, they have my copy from which they are running the Xerox copies.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease.

MR. BINGAMAN: If the Court please, --

THE WITNESS: I found another copy.

PRESIDING OFFICER SENATOR GRANTHAM: He found his copy. Now we will wait here until Mr. Connor gets back. Mr. Allard, they have a copy now. Would you advise Mr. Connor?

THE WITNESS: Someone will have --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment until Mr. Connor returns.

MR. GREEN: If the Court please, the Pages did not pick up accused's copy of Exhibit No. 8 to be corrected.

PRESIDING OFFICER SENATOR GRANTHAM: I don't believe the Pages have picked up anybody's copy yet. Will the Pages pick up the copy of Exhibit, Board of Managers' No. 8, from the accused and correct them also? Did they get the Board of Managers' copy, do you know?

REPRESENTATIVE ALLARD: I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: All right, Mr. Connor, proceed.

MR. BINGAMAN: If I could interrupt one moment --

PRESIDING OFFICER SENATOR GRANTHAM: Gentlemen of the Court, please take your seats. Please proceed, Mr. Connor.

MR. BINGAMAN: Could I interrupt one moment?

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

MR. BINGAMAN: If the Court please, some of these questions now may delve into the gross income for these years in question, and in order that the instruments that reflect that may be in evidence -- there was an interest manifested in the income returns -- I now have had the reporter mark for identification as accused's Exhibit No. G the certified copy of the income tax return for the year 1958. That is Exhibit G. Exhibit No. H, the return for 1959; as Exhibit I the return for 1960; as Exhibit J the return for 1961; and Exhibit K the return for 1962; and as Exhibit L the return of 1963; and Exhibit M the return for 1964. I would like to have these, certified from the Oklahoma Tax Commission, introduced in evidence at this time.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection?

REPRESENTATIVE CONNOR: I don't think so. May I check a moment, please. No objection.

PRESIDING OFFICER SENATOR GRANTHAM: What was your response?

REPRESENTATIVE CONNOR: We have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers has no objection. Let me see the exhibits, please. May I see the exhibits here. Mr. Bingham, are you just offering G and H at this time?

MR. BINGAMAN: No, I offer them all. As I understand it, the Court was interested in those. Some inquiry was made from some member of the Court, so I want to offer them all so they will all be here. I think '56 was already in from the Federal, as I recall, and '57.

PRESIDING OFFICER SENATOR GRANTHAM: As I see these exhibits, I only have Exhibit G and Exhibit H. Where are the others?

MR. BINGAMAN: They were all in my hand when I gave them to the Board of Managers.

PRESIDING OFFICER SENATOR GRANTHAM: Where are the other exhibits? This is G and H.

Let the record show Senator Atkinson is present.

Accused's Exhibits G, H, I, J, K, L, and M will be received into evidence and these exhibits will be reproduced and placed on the desk of each member of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

A I might answer the question I believe Senator Ham propounded.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

A I will have to have someone add these figures for the years 1957.

PRESIDING OFFICER SENATOR GRANTHAM: The witness has requested an adding machine. Could you get an adding machine, Senator Berrong?

Senator Ham is recognized.

SENATOR HAM: If he doesn't have the figures available, possibly later today he might have an opportunity to add them up. If it is going to delay it any --

PRESIDING OFFICER SENATOR GRANTHAM: May we inquire of the witness how long it would take you to add these figures?

A It shouldn't take very long, sir, it's just a few items, they haven't been set up in this statement in that manner.

PRESIDING OFFICER SENATOR GRANTHAM: Could you estimate how long it would take you to add these up?

A Three or four minutes.

PRESIDING OFFICER SENATOR GRANTHAM: All right, bring the adding machine. And you have no objection to someone coming in and operating the machine, do you?

MR. BINGAMAN: No, sir, he can operate it.

PRESIDING OFFICER SENATOR GRANTHAM: Can you operate it yourself?

A Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Operate it yourself, then.

A In the gross income --

PRESIDING OFFICER SENATOR GRANTHAM: Let's have your attention, members of the Court.

A The gross income for the year 1957 --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let's every member of the Court take your seat, please.

A His gross income for the year 1957 consisted of his salary, his net salary, that is after withholding. You understand I am talking about cash that he received, in the amount of \$10,302.22, which is shown in the

schedule for the year 1957. The payments and withdrawals. That item, plus interest which was credited to the Federal Savings & Loan account, which is over in the other column, the column labeled "other" in the schedule for 1957, and that is \$411.57. He received \$60.00 payments on this piece of property that was sold in Claremore. That is the item right below the other one. He received a check for \$15.00 from Continental Casualty for some claim, I presume, and he had received \$60.00 as unidentified, we never were able to determine what that was, but it apparently must be from income.

He received interest of \$13.26 from the First National Bank of Oklahoma City.

He received \$240.00 note payments on his property which was deposited in the Local Federal Savings & Loan Association. I'm going down this column of other items on this exhibit.

He received a federal income tax return for the year 1956 of \$131.52, and he received interest for \$48.59 from Local Federal.

He received State travel checks totaling \$390.64, that is shown at the bottom of the schedule under memorandum.

He received Federal travel receipts of \$281.80.

So, his gross receipts for the year 1957 were \$11,954.60.

He expended, during the year 1957, checks totaling \$10,562.99, as shown over on the first column of that exhibit under the First National Bank of Claremore, and in addition to that he had to have expended any cashier's checks that he may have written for expenses during that year.

I do not have a schedule of those at this time. I believe they are in the record someplace as an exhibit.

Let me clarify that any checks made, any cashier's checks paid for home payments were taken into account in reduction of the liability on his mortgage in this net worth schedule on item one. So, they would have all been taken into account ex-

cept possibly, and likewise cashier's checks deposited into one of the building and loan associations, or anything of that nature, that went in to increase the net worth statement.

So, the only other expenditures we can not account for, then, would be any cashier's checks, we'll say, for automobile insurance payments, or possibly something of that nature which we do not have included in this summary. That will be true each year.

I can tell you what this \$10,000.00 was expended for, if you are interested, the \$10,562.99, I think it might be a good idea to put at least one year in the record so you can see how it was expended.

The \$10,562.99, spent through checks in 1957, went to the following accounts: He spent \$103.33 for furniture. He deposited \$200.00 of this money into the Claremore Savings & Loan Association account. He deposited \$1,113.30 of this amount into the Local Federal Savings & Loan Association account in Oklahoma City. He made six payments on his home mortgage, totaling \$537.06, by check; the others I understand were paid by cashier's checks or some other method. He withdrew in cash \$2,623.95.

I keep saying he; I mean they, the family, they spent for personal living expenses a total of \$3,275.04 on groceries, clothing, utilities and things of that nature.

They spent a total of \$27.28 for medical expenses. At the time we made this processing, we were unable to locate some of these cancelled checks. We finally located, I think, every one of them. It turned out that he had attached them to his copies of his income tax returns, and they weren't with the bank statement when we received the cancelled checks.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Taliaferro is present.

A That at the time these were processed, we were unable to locate ... we had unclassified checks, we called them,

totaling \$27.04. We later located those and spread them to the proper account. He spent a total of \$63.50 on what we call promotional expenditures. Any of you who are lawyers will understand what I mean, entertaining people or something of that nature. He spent \$448.19 on automobile expenses. They spent \$34.75 for his Bar dues and subscription, we call them, dues and subscription account. They spent \$213.28 for automobile insurance during the year. They spent \$188.20 for health and accident insurance premiums during the year. They spent \$160.71 for life insurance premiums during the year, and \$56.49 for other insurance premiums during the year. He paid interest in the amount of \$10.15 during the year. He paid State income taxes totaling \$206.52 during the year. He paid traveling expenses totaling \$145.92 during the year, and we had utilities separated here, so we had .. his utility bills ran \$428.28 during the year. Now, the total of all of those expenditures should equal, and I am sure does equal, \$10,562.99. Now, those we can account for. Cash that he may have spent out of his pocket we have no way of finding out what that was, and, of course, had to come out of what was left over; and as the record shows, there was sufficient money left over for pocket money. If you would like, I will go through the other years, but that's an example; all years are the same.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Ham has indicated that he doesn't care for you to go through the other years unless some other members of the Court desire.

SENATOR HAM: Mr. President, give us just the totals of the other years in question.

PRESIDING OFFICER SENATOR GRANTHAM: Would you give Senator Ham the totals on the other years in question, just the totals.

A Yes. 1958 .. during the year 1958, he received in cash from his salary \$9,419.26; that was the net amount he received from

salaries. I don't know why it was less than the year before, but that's what it was in cash. He received \$154.92 from the Hartford Insurance Company, I assume for some claim of some kind, insurance claim. He received \$9.97 interest from First National Savings Account in Oklahoma City: \$447.06 from the Claremore Federal Savings & Loan Account No. 1839; \$6.99 from the Claremore Federal Savings & Loan, Account No. 3589; \$29.39 from the First National Savings Account at Oklahoma City; \$10 from the Continental Casualty Company. I don't know what that was, probably another insurance claim of some kind. And \$6.00 which we were unable to identify.

PRESIDING OFFICER SENATOR GRANTHAM: May I interrupt here. As I understand Senator Ham's question, he wants the total gross income for these respective years, not broken down, necessarily, but the total gross income and the total gross expenditures for those particular years. Now, that would eliminate all this detail. Proceed.

A 1958, his total gross income was \$11,848.59. His total expenditures were \$10,402.59, as far as we know, except for cash expenditures.

PRESIDING OFFICER SENATOR GRANTHAM: Now, go to the next years.

A 1959, unless I made a mistake, his 1959 gross receipts were \$12,971.96, and his expenditures for that year were \$11,391.48. His gross receipts for 1960 were \$12,029.26. His expenditures for 1960 were \$12,338.87. His receipts for 1961 were \$15,726.08.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Senator Baldwin is recognized.

SENATOR BALDWIN: There seems to be some doubt about what the gross salary is, and would that -- could you have that clarified, Your Honor, by stating whether or not the gross salary as he reads it is that salary which is the gross after withholding and the social security is removed, is taken out of it.

PRESIDING OFFICER SENATOR GRANTHAM: I think that point is well taken, and the witness, will you explain what you mean by the gross income?

A When I say gross, I mean gross cash he received.

PRESIDING OFFICER SENATOR GRANTHAM: You mean gross cash he received, is that right?

A That's right, that's after withholding taxes, social security taxes, insurance withheld, and so forth. In other words, he actually only got, out of his salary for the year '61 \$13,340.34 in cash, you see; the rest of it was withheld, so I am using the net figure, really, as his gross because that's all he received.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

A Did I give you the expenditures for 1961?

PRESIDING OFFICER SENATOR GRANTHAM: Okay.

REPRESENTATIVE CONNOR: Mr. Presiding Officer.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

REPRESENTATIVE CONNOR: Might I ask him to repeat the gross receipts figure for '61? I did not hear it.

PRESIDING OFFICER SENATOR GRANTHAM: Would you repeat the gross receipts figure for 1961?

A \$15,726.08. The expenditures were \$14,011.18.

A His gross receipts for the year 1962 were \$15,729.92 and his expenditures were \$14,752.39.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Ham is recognized.

SENATOR HAM: Mr. Presiding Officer, I believe he gave the figures in 1962 which were not in the question. I did not get the answer on the expenditures for the year 1961.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't get the expenditures

for '61 either. What were the expenditures of 1961?

THE WITNESS: They were \$14,011.18.

PRESIDING OFFICER SENATOR GRANTHAM: I believe that is all of Senator Ham's question.

We have some other questions by the Court.

Senator Massey is recognized.

SENATOR MASSEY: Could he get us the 1963 incomes?

PRESIDING OFFICER SENATOR GRANTHAM: That was not asked, that was not asked for in Senator Ham's request as I recall. Do you want to ask for it, Senator Massey.

SENATOR MASSEY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Here's is a question by Senator Luton.

What was the gross salary from the day he went on the Supreme Court until he was suspended?

A Sir, I have no way of knowing what his salary was prior to 1957. We made no examination prior to that time, but I do... I have the schedule in my work file of his gross salary less his withholding and so forth in order to get these net figures. If we use this gross income for this purpose...if you like I will dig through the files and find them.

PRESIDING OFFICER SENATOR GRANTHAM: In answer to that question of Senator Luton, give the totals for the years you have, that is the gross totals for all of the years and what years they are.

SENATOR LUTON: I didn't understand your question, Mr. Presiding Officer.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Luton, your question was: What was the gross salary from the day he went into the Supreme Court until he was suspended? His answer was that he does not have the early years. Then I asked him that he give you the years he does have.

SENATOR LUTON: Mr. Presiding Officer my question was not necessarily posed

to him, but to anyone, the Board of Managers or the defense. If we can have one lump sum figure so we can have some idea as to what his salary was for this total.

PRESIDING OFFICER SENATOR GRANTHAM: We can propound that question to this witness and repropound it to other witnesses if you desire.

MR. BINGAMAN: It's covered by stipulation, if the Court please. In the stipulation in one of the earlier days it was agreed to, I don't know, but that might be totaled.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Luton wants the total salary for all total years. I'm sure that could be obtained from computing it from the stipulation which now is in the record, Senator Luton, if you desire. Inasmuch as we are asking now what the gross salary was and you don't have that, we will proceed to the next question, Mr. Witness.

THE WITNESS: I have, sir, I will get it during the recess and give it to you later. I have it among the papers someplace.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Now, the next question is a question by Senator Findeiss that reads as follows: By your recap you show that in 1960 Judge Johnson had reconstructed income of \$6,193 whereas in 1961 he had an income of \$17,996, or approximately \$11,800 greater than in 1960. His income per tax return only increased \$3,500; thus, his reconstructed increase approximated \$8,300 more than his net income for 1960 to 1961. Question: Can you show how this could have occurred, or otherwise shed any light on the particular increase?

A No, sir, I can not. I know that his net worth did increase by \$17,996.17 during the year 1961. I have an explanation from Judge Johnson, but it would be hearsay. I don't know whether he has testified to it or not.

PRESIDING OFFICER SENATOR

GRANTHAM: We will eliminate what he said Judge Johnson told him, but of your own knowledge, do you have anything else to add in answer to Senator Findeiss' question?

A No, sir, I do not.

PRESIDING OFFICER SENATOR GRANTHAM: The second question by Senator Findeiss.

In the summary of the deposits and so forth you show that in 1960 Judge Johnson withdrew \$2,629 in cash more than he spent in taxable cash in 1961. Taxable cash in 1961. He spent in taxable cash the amount of \$5,273 more than he drew. The arithmetical difference in these two years are thus: \$5,273 and \$2,629, totaling \$7,902. Question: Can you show how this occurred, or otherwise shed any light on this differential?

A Sir, that was a pretty long question, would you mind reading that again. I couldn't find the paper you were referring to there.

PRESIDING OFFICER SENATOR GRANTHAM: I shall read it again for you. The second question by Senator Findeiss.

Senator Findeiss is recognized.

SENATOR FINDEISS: Mr. Presiding Officer, I believe that is traceable cash fund.

PRESIDING OFFICER SENATOR GRANTHAM: "Traceable" instead of "taxable". Second question: In summary of the deposits and so forth you show in 1960 Judge Johnson withdrew \$2,629 in cash more than he spent in traceable cash in 1961. He spent in traceable cash the amount of \$5,273 more than he withdrew. Your arithmetical difference in these two figures, thus: \$5,273, \$2,629 or \$7,902. Question: Can you show how this occurred, or otherwise shed any light on this differential?

A Yes, sir. I think perhaps I can. The 1960 statement shows that he had surplus cash left over of \$2,629.02

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Mr. Green.

MR. GREEN: No.

PRESIDING OFFICER SENATOR GRANTHAM: Okay. Proceed.

THE WITNESS: I am proceeding, sir. He had \$797 in excess cash left over in '59. He had \$810.81 excess cash left over in '58, and he had \$325.49 excess cash left over in 1957, plus \$1,500 cash on hand to begin with which would, in my way of thinking, at least, account for the fact that he would have \$5,273.87 more cash to spend in the year '61 than was accounted for. I think it accounts for the cash deficit. I haven't added those figures. I can read quickly. I think perhaps it might show there was at least that much excess cash left over.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator TerriH. How did you arrive at the figure of \$7,519.60 for the Chrysler New Yorker?

A As I recall, gentlemen, he paid a difference of \$4,000.00 between the Chrysler Windsor traded in on the New Yorker, and I stand corrected if I am wrong on it, Judge, and since this is a cash basis statement, no attempt has been made to set up a reserve for the depreciation. So, I simply added \$4,000.00 to his investment in the Chrysler Windsor and dropped off the 1955 Chrysler Windsor and added \$4,000.00 to that figure to show the so-called cost of the 1960 Chrysler New Yorker. Actually, it didn't cost that much, but for a cash basis statement, which this purports to be, it's the only way we could handle it. He actually has a total of that much cash involved. The car isn't worth that or cost anywhere near that.

Does that explain it?

PRESIDING OFFICER SENATOR GRANTHAM: All right. The next question is by Senator Berrong. Did you find any evidence of cashier's checks purchased through the Citizens State Bank?

A Yes, sir, I did.

PRESIDING OFFICER SENATOR

GRANTHAM: Would you elaborate on that?

A I found, oh, several more; let's see, I found some from the First State Bank, a few, which I believe that is all we had, the Citizens State cashier's checks and a few from the First State Bank, and there was either one or two money order stubs.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't quite hear your answer, your last answer.

A I said money order stubs, stubs for money orders purchased.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. The next question is by Senator Baldwin. How many persons are in Judge Johnson's household?

A I don't know, honestly, I understand it is just the two of them. I have never been to his home.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Garrison. When did you first learn of the existence of the cashier's checks from Citizens State Bank which have been introduced in evidence?

A When I first began my examination of Judge Johnson's accounts, he furnished me with copies of cashier's checks that he had on hand, and from time to time during the period we were assembling this set of books, he would find others some place and bring it in. So, we finally got copies, I assume, of all cashier's checks that were written. They, of course, included these that have been introduced in evidence.

PRESIDING OFFICER SENATOR GRANTHAM: I believe this completes the questions by the Court, and before we have redirect examination and recross, I would like to say that one member of the Court has mentioned that in your responses that you elaborate more than the question, so, confine your answer to the question alone, if you will.

A Yes, sir.

PRESIDING OFFICER SENATOR

GRANTHAM: Redirect examination by the accused.

REDIRECT EXAMINATION

MR. BINGAMAN: I would just like to ask one question.

Q The year 1961 income tax, I believe in response -- or increase in net worth, I believe in response to a question from one of the members of the Court, was, if I understood you correctly, misstated.

I wonder if you would look again at the increase in net worth for the year 1961, please, and tell us what your schedule there says.

A It shows \$13,776.88.

Q That is the point I wanted to ask, and I believe you stated seventeen.

A That is the amount he apparently expended during the year, including his living expenses.

MR. BINGAMAN: That's all. You may cross-examine.

PRESIDING OFFICER SENATOR GRANTHAM: The Board of Managers may cross-examine.

RE-CROSS-EXAMINATION

REPRESENTATIVE CONNOR: As to the matter of procedure here, Mr. Presiding Officer, we had not, as of yesterday, relinquished this witness for cross-examination purposes and had not rested our cross-examination, and I would like to inquire in matters other than as to questions which have been brought out by the Court.

PRESIDING OFFICER SENATOR GRANTHAM: It's my understanding that you did, but you can continue to examine him.

REPRESENTATIVE CONNOR: Thank you, sir.

Q (By REPRESENTATIVE CONNOR) This net worth statement that you have been testifying about, sir, you say, I believe, in answer to Mr. Bingaman's question, that this was prepared for the Department of Internal Revenue?

A That's right.

Q And this is the accepted manner in which to go about proving net worth?

A I should change that, it was not prepared for the Internal Revenue Service, it was prepared for our own information, because they prepare their own.

Q Well, you are, I take it, using this before the Internal Revenue Service?

A Yes.

Q Have they been furnished a copy of this statement?

A Yes .. I'm sorry, they have not, but they will be.

Q When was this statement prepared, sir?

A I believe it was prepared about the middle of March of this year.

Q And this statement has been in existence unchanged since the middle of March?

A Yes.

Q All right, sir. Now, as to these sheets behind, summaries of deposits and payments and withdrawals, are those also prepared for the Internal Revenue Service?

A No, not for the Internal Revenue Service; they are prepared for our own information.

Q All right, sir. Might I ask you how long these have been in existence; when did you prepare these?

A They were prepared the same time; they were all prepared simultaneously.

Q Around the middle of the month of March, is that correct?

A Completed around the middle of March.

Q All right. And you're employed, I take it, sir, by Judge Johnson?

A That's right.

Q And I believe you stated you worked on this through January, February and then --

A That's right.

Q -- finished it up in March?

Now, sir, are you employed as a tax ex-

pert; do you go further and represent him in these matters?

A Yes.

Q And you're representing him before the Internal Revenue Service?

A Yes.

Q I will ask you, sir, if these figures, in your preparation of them, you have prepared them in his most favorable light that you could, assuming correctness and everything?

A Yes, of course.

Q You have resolved any questions in Judge Johnson's favor that you might have had going through them?

A Yes.

Q All right, sir. You stated that you were furnished with a list of cashier's checks?

A Yes.

Q When did you receive that list, sir?

A I said during the course of this examination, when he accumulated these cashier's checks.

Q Did you have a list of them in January or February?

A I had a partial list in January and added to it from time to time, when he found others.

Q You had all the checks -- Have you checked the ones that have been introduced in evidence here today, or here in this case?

A Yes.

Q And you had each and every one of those?

A Yes.

Q Do you have that list with you, sir?

A I think so.

Q May I see it, please?

A I have two or three here that we have changed from time to time as we added to it.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) Now, sir, you handed me a list of cashier's checks that -- and you kept certain pa-

pers. What were those papers that you clipped together?

A These others that I kept were the first list of them that we made when we first got some of them, and then we got some more and added them into the new list and added the other ones to it.

Q I take it, sir, it would be your testimony, that everything I retained is contained on that list?

A That's right.

Q Now, you made a statement, sir, here of cash disbursements, summary of deposits, payments and withdrawals. You stated, I believe, in testimony, sir, that in the year 1957 he had \$325.49, and on through there you have not included any cashier's checks in this statement. Can you tell this Court why, sir, you did not include the checks in this statement?

A These checks were all included in that statement, every one of them. The '57 checks were made to the Prudential Insurance Company to pay on the mortgage; the Claremore Savings & Loan Association checks went into the Claremore Savings & Loan Association, and so they are included in the statement. The same thing with the First National Bank at Claremore. The same thing with the Claremore Federal Savings & Loan Association and the Local Federal Savings & Loan Association, every one of these are included.

Q Do you have a cashier's check there to State Farm Mutual?

A Have what?

Q A cashier's check. There is one contained in there somewhere to State Farm Insurance, is there not, sir?

A In '57?

Q No sir. I used '57 as an example; in all of the years.

A Oh, yes. I think I stated yesterday or maybe this morning that all of the cashier's checks were included in the statement except those that were made for expenses. That would be the state-

ment .. I think I mentioned the insurance check to the automobile insurance company; yes, there was.

Q And then the cashier's checks that were to expenses?

A Were not included in these statements, no.

Q And they would have to be deducted from your \$810 in 1958, or whatever you call pocket money, this would have to be deducted from it?

A That's right; that's right.

Q Now, sir, I note there, there were some nine checks, cashier's checks on the First State Bank. That is the First State Bank of what city?

A Oklahoma City, I believe.

Q And as I counted, there were some 29 checks on the Citizens National that you had copies of, sir?

A Could be.

Q Would you please verify that particular point?

A I count 26.

Q 26?

A Yes, sir.

Q All right, sir.

A There are two more at the top I didn't count; that's 28. How many did you say, 29?

Q 29, yes, sir.

A That's right, 29.

Q All right, sir. You have, as I count, nine checks from the First State Bank. Would you please, sir, tell me the dates of those checks and the amount of money involved?

A The first one is dated April 2, 1958; it was for \$65 to Arthur H. Davis, M.D., so that would not be included in our schedule.

Q All right, sir. The next one, please?

A The next one is dated April 2, 1958.

PRESIDING OFFICER SENATOR GRANTHAM: Would you speak a little closer to the microphone, please.

A The second one is dated April 2, 1958, and it is to the Prudential Insurance Company in the amount of \$89.51 and is, as I said, included in the statement. The next one is dated February 1, 1961, and it likewise is to the Prudential Insurance Company in the amount of \$89.51 and is included in the statement. The next one is dated August 21, 1961, is to State Farm Mutual Insurance Company in the amount of \$114.30 and is not included in the statement, since it is an expense. The next one is dated August 21, 1961, to Claremore Federal Savings & Loan Association in the amount of \$108.50 and is included in the statement.

Q Now, I will ask you, sir, it is \$108.50 and is included in the statement, is that your testimony?

A Yes, sir.

Q Are you sure that was a deposit or was that paying off a note at Claremore Savings?

A It was in payment of a note, that was, I believe, on interest. I am not sure at the moment, but I think so.

Q Do I understand your prior testimony correctly that you did not include the liability ledger in your --

A No, no, I didn't say that. I said I did not include -- I did not have access to the liability ledger of the First National Bank in Claremore. The Claremore Federal Savings & Loan Association handles their accounts a little differently; they just simply take the money borrowed from them off the statement. They don't have a separate statement.

Q All right, sir.

A Which one was the last one I had?

Q 21 August 1961, \$108.50, Claremore.

A Next one is dated August 21, '61, to the Prudential Insurance Company in the amount of \$89.51, and is also included in the statement.

Q What is the date, 29th?

A August 21, '61, the same day as the

other. The next one is dated January 8, 1962, to the First National Bank of Claremore in the amount of \$302, and it is included by calculation. I say I never did see their note and ledger, so I don't know whether it is correct or not; I know it is in payment of a note.

Q Then it would not appear on the records that you submitted?

A Yes, I show the liability to the First National Bank of Claremore, which was a calculated figure. However, I say I haven't proved it against their liability ledger. All the rest of these accounts have been proved. The next one is dated April 4, 1962, to Claremore Federal Savings & Loan Association in the amount of \$250 and is included in this statement. The next one is dated December 8, 1962, to Betty Jean Alexander in the amount of \$80 and is not included in the statement; and that is all.

Q All right, sir. There are money orders purchased?

A Yes, sir.

Q Would you tell us the date of those and the amounts of them, please, and the page?

A On January 5, 1957, he bought one money order to the Prudential Insurance Company for \$89.51, which is, of course, included in the statement. On May 12, 1958, he bought another money order to Prudential in the amount of \$89.51; and likewise on June 16, '58, he bought another money order for the amount of \$89.51, both of which are included in the statement. On May 4, 1959, he bought a money order to one H. A. Alford, in the amount of \$30, which is not included in the statement. On April 4, 1961, he bought a money order to Claremore Federal Savings & Loan Association in the amount of \$100, and another on that same date to the same payee in the amount of \$16. Those are in payment of a note and are included in the statement. On April 25, he bought a money -- no, wait a minute, that is one at the

Citizens State Bank. That doesn't count. That is all the money orders.

Q All right, sir. I believe, sir, you testified that you examined the cashier's checks that we have in evidence before us today?

A No, I did not examine; a list of them -- somebody furnished -- I believe Judge Bingaman gave me a list of them.

Q As I recall, sir, we have 37 cashier's checks and you only have 29 there, so actually you are missing eight checks on your list?

A That's right. Yes, I remember now, at the time we did not have those that were paid for doctor bills or insurance bills or something of that nature. That is the reason I didn't have those, that's right.

Q All right, sir, now referring you back to Exhibit F, which is your sheet, am I correct, sir, that the net worth statement shows the amount of money spent by the taxpayer during that year? Is this accurate? Or the amount of money expended by the taxpayer during that year; is this correct?

A No.

Q All right. Would you tell me, sir?

A You mean the amounts of nondeductible expenditures at the bottom of Exhibit F?

Q Well, I mean, this is a whole -- If I understood your testimony you said that he had an increase of net worth of some \$5,000 in '57. I'm speaking of -- he had nondeductible expenditures of some \$3,000. Then you have this net income which is less standard deductions, itemized deductions, and you said this \$1,300 plus or minus represents the excess of the money he spent.

A If I said that -- If I said that, I sure didn't mean it.

Q Would you tell us, sir, just what it does represent, then?

A It represents the rest of the money that he evidently spent. You see, the so-called nondeductible expenditure item

there, \$3,275.04, this is personal living expenses. In addition to that he had medical expenses and all of these other items that I read awhile ago.

Q Well, maybe this is what I am getting to. I am reading your answer from yesterday and maybe this will help us get to the point. This question was asked of you, and it was in context with 1957.

Question: "What conclusion does that lead to with reference to whether he made a full report for income tax purposes?"

Your answer: "In my opinion it proves that he has made a full report of his income because he has reported and paid taxes on more money than he spent."

This is on Page 337 of the Transcript. Now, is that a correct answer, sir?

A No.

Q All right, sir, would you tell us why it isn't correct?

A Because -- because it does not include his expenses, for medical expenses and dues and contributions and things of that nature. When I'm talking about nondeductible expenditures, I was referring to -- I think we called it personal living expenses.

Q Yes, sir.

A And in addition to that there are other expenses that he spent money for. Of course, there was, for other items. This is mislabeled, really. There are all kinds of nondeductible expenditures besides his personal living expenses that should be included. He spent more money than that, I'm sure.

Q What I am trying to get to is, is the answer you made yesterday, "In my opinion it proves he has made a full report of his income because he has reported and paid taxes on more money than he spent." Now, you are saying today that is not a correct answer.

A That's right. It is not a correct answer.

Q All right, sir. Then can you tell from these figures whether or not he has re-

ported all of the money he spent or can you tell whether he reported more than he spent or less than he spent from the figures on the net worth statement?

A No, it's impossible, because I have no way of telling what he spent in cash.

Q If you would, sir, you are talking cash other than the checks written by him?

A That's right.

Q All right, sir.

A If you will ignore that for the time being --

Q This does not take into account any money that he might have had in the safety deposit box, or boxes, or over a window? Assume he had no other income other than that by the State of Oklahoma and the various travel claims and the withdrawals from the savings accounts you have set out; is it still your answer, sir, that this answer you gave yesterday is incorrect?

A I will have to say it is incorrect because it does not include the other expenditures.

Q What other expenditures, sir?

A Well, as I said, dues and medical expenses. I can give you that.

Q (By REPRESENTATIVE CONNOR) Well, would you just, if you would, sir, tell us what expenses were not included here?

A All right.

Q In '57, and if you would, while you're talking about it, if you would total them up, I would like to know the figure.

A All right.

PRESIDING OFFICER SENATOR GRANTHAM. Mr. Connor, I believe that we will let you continue after the recess, and since we have sort of a pause here, before you move, gentlemen of the Court, I would like to call to your attention that it has been called to my attention that all members of the Court did not give the Pages Board of Managers' Exhibit No. 8, and they would like to get the

rest of these. So, will you see that your copies of Board of Managers' Exhibit No. 8 is delivered to the Pages in order that they may take them with the rest of them and have them corrected, and then they will be redistributed.

I would like to inquire whether or not the Accused's Exhibit F has been distributed yet or not.

It has? Yes, fine.

Well, we will recess for fifteen minutes and resume at 10:40.

(Whereupon, a recess was taken, after which the following proceedings occurred:)

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the Thirtieth Legislature continues in session.

Members of the Court, please take your seats.

Let the record show that the Board of Managers is present and that the accused with his attorneys is present.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll, and the following members of the Court were present: Atkinson, Baldwin, Bartlett, Berrong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Howard, Keels, Luton, McSpadden, Martin, Massad, M a s s e y, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Romang, Stansberry, Stipe, Taliaferro, Terrill, Williams and Young.

Absent were: Baggett, Berry, Birdsong, Cowden, Holden, Horn, McClendon, Miller, Rogers, Selman and Smith.)

PRESIDING OFFICER SENATOR GRANTHAM: Senator Rogers is present, Senator Miller is present.

Gentlemen of the Court, please take your seats in order that we may proceed.

Senator Selman announced to the Court that it was necessary for him to attend

a funeral this morning, and that is the reason for his absence.

Now, let the record show that the Board of Managers is present and that the accused is present with his attorneys.

Let the record also show that Senator McClendon is present, Senator Horn is present.

Now, there has been some difficulty in connection with Board of Managers' Exhibit No. 8, in that all Senators did not return Board of Managers' Exhibit No. 8 to the Pages. Now, we have the Board of Managers' Exhibit No. 8 which has been corrected. Will those Senators who delivered --

Let me have your attention, gentlemen.

Would those Senators who did deliver your Board of Managers' Exhibit No. 8 to the Pages raise your hands, and the Pages, at this time, will deliver a copy. You may not get the same copy back, but you will get a corrected copy of Board of Managers' Exhibit No. 8. If you delivered one to the Pages ---

Let the record show that Senator Berry is present.

Those Senators who came in late, we're distributing Board of Managers' Exhibit No. 8 to the Senators who delivered their copy to the Pages.

Now then, those who did not deliver your Exhibit No. 8 to the Pages, please deliver a copy, and you will then receive a corrected copy.

We will now continue with the examination of the witness, Mr. Connor.

REPRESENTATIVE CONNOR: Mr. Presiding Officer, I asked a question immediately before the recess. I wonder if I could have the reporter read that question, and then I believe he --

PRESIDING OFFICER SENATOR GRANTHAM: The reporter will read the question.

A I believe the question was about the expenditures.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, so the record will be straight, rephrase your question, inasmuch as we changed reporters during the interim.

REPRESENTATIVE CONNOR: I would just assume, Judge, I did -- Very frankly, I can't remember the contents. I think he has been figuring on it, though.

PRESIDING OFFICER SENATOR GRANTHAM: Would you explain the question, Mr. Witness.

A Sir, as I remember the question, you asked me what the actual nondeductible expenditures for the year 1957 were.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let the record show Senator Holden is present, Senator Birdsong is now present.

Proceed.

A Exhibit F shows the nondeductible for 1957 to have been \$3,275.04, which I think I stated yesterday were all of those expenditures. But, I may have misunderstood his question yesterday. The total actual nondeductible expenditures for the year '57 were \$5,041.64.

Q (By REPRESENTATIVE CONNOR) What was that figure, now, sir?

A \$5,041.64. This statement, I might say, was made for federal income tax purposes and is made in conformity with the statement used in those cases, and what you are inquiring from me is for a cash flow statement, which we have not made at this time, so, we have to compute it.

Q Then, sir, in an effort to assist this Court, then, this figure, you are saying for the purposes of this Court, should be \$5,041.64 instead of \$3,275.04?

A That's right.

Q Then, sir, if I might, this is the second column, under 12-1-57 the nondeductible expenditures, where it now reads \$3,275.04, this should be corrected to read \$5,041.64?

A Yes, for this purpose.

Q Well, then, I take it, sir, that all of your figures through there are also incorrect for the purposes of this Court?

A That's right. These so-called non-deductible expenditures are only personal living expenses which we were only interested in for federal income tax purposes. As I said, this statement was not designed -- this is not a cash flow statement, we can prepare, concerning the -- it shows the source of all cash and where it went, if necessary, but it will take some time to do so.

Q All right, sir. Now, let's go back, if we might, to this \$3,275.04 figure. I believe you stated, or last night you told me you could break this down into items?

A Yes.

Q Do you have that information with you, sir?

A I do.

Q Would you do that?

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator Smith is present.

Gentlemen, while we have a lull, there have been some Senators that have come in and not let their presence be known, and the record does not pick it up. The minute you come in, please let the Court know through the Journal Clerk, Miss Bill Shipley, and that way your presence will be shown in the record at all times.

Q (By REPRESENTATIVE CONNOR) All right, sir. Would you please tell us what this \$3,275.00 is, what makes it up?

A Well, now, I have made several groups, can I classify these?

Q Yes. Would you tell us which class?

A I have these -- These are just miscellaneous checks here. I'd better read them, I suppose, and the rest of them I can give you a total by groups, that is groups as to classification.

Q All right.

A The first is Craig County Democratic check for \$1.53.

Q To expedite this, just read us the total of these miscellaneous checks, and then we will look at them, and I am sure counsel for the defense can also look at it to see if we need to bring out anything on there.

A Those miscellaneous checks total \$49.65.

Q All right, sir.

A And then a group of checks for flowers totaling \$91.91.

Q All right, sir.

A And have a group here of checks for laundry and cleaning, \$218.24.

Q All right.

A A group of checks for groceries, \$341.10. A group of checks for music, Jenkins Music Company, Plaza Court Music Company, and Kalmus and so forth.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Witness, --

A \$184.82.

Q \$108 ---

A \$184.82.

PRESIDING OFFICER SENATOR GRANTHAM: What I started to say: The speaker doesn't pick it up, and the Court members cannot hear when you get away from the microphone. Please stay close to the microphone.

A Here are a group of checks for clothing, \$1,651.24.

Q All right, sir.

A Here is a group of checks for beauty shops and so forth, \$283.65.

Q All right, sir.

A Here is a group of checks for nursery -- yard work, nursery and so forth, totaling \$286.06.

Q All right, sir.

A And the last group is for repairs, painting and so forth, \$208.22. Those, I believe -- those checks total \$3,269.89.

Q \$3,269.89?

A That's right, instead of the \$3,275.04.

There is evidently another check that we missed. We did this last night.

Q All right, sir. Well, it would be only \$6 and some odd cents, but prior you used this figure and added checks to substantiate the figure of \$3,275.04?

A Yes.

Q Now, sir, I note that there is but \$341.10 expended for all groceries and food. Did you find other checks in the year 1957 that would be chargeable to food or groceries?

A No, we did not, except some of the checks that we had charged to his personal withdrawal account as cash, some of those are made to grocery stores in round sums, such as \$25 or something of that nature, so we threw them into this cash personal withdrawal account instead of into the grocery account on the theory that they would not have bought a flat \$25 worth of groceries or whatever the check happened to be for.

Q So then, sir, it would be your conclusion that part of the money that you show as cash available to spend here in your second sheet of 1957, some of this money most certainly went for groceries?

A I would think so, yes.

Q Do you have those cash checks? I believe we asked you to bring them?

A Yes.

Q All right, sir. Now, you testified earlier, and I will try to stay with the year 1957 since you spelled this one out for us. Now, you stated, sir, that there were six house payments for the sum of \$573.06 in answer to Senator Ham's question, listing out --

A Yes.

Q ..the breakdown of the expended figure which you said was \$10,562.99?

A That's right.

Q Why do you not include, sir, 12 house payments? Were there not 12 made during that year?

A There were only checks for six

months. You will notice in that 1957 statement -- do you have that?

Q Yes, sir.

A In the second column, it shows from the First National Bank of Claremore \$573.06. That is the checks that are a part of the \$10,562.99, checks written during the year.

Q On your net worth statement, sir, you have increased the net worth of the house by 12 principal payments, have you not?

A I have not increased the net worth of the house by that amount. I have reduced the mortgage.

Q Well, pardon me.

A Against the house.

Q But it has the effect of increasing the net worth figure that you show here by 12 principal payments?

A Yes. Of course, you understand not all of these payments are principal, only a part of them.

Q This is why I am specifying the principal payments as compared to the interest payments?

A That's right.

Q Now, sir, then on your sheet for 1957 we would have to show there of expenditures out of this cash money an additional \$537.06, would we not, sir?

A I have taken out on the last column of the 1957 statement, it is taken out of the cash for the checks that we had written to himself. The other \$547.06, you notice there are two of those, one of them represents cash, the other one represents cash payments.

Q Now, I am sorry, sir, I don't follow you. You are on the 1957 summary of deposits, payments and withdrawals sheet?

A That's right.

Q You say you show \$537.06 taken out of cash?

A That's right. That's the next to the last column in this statement, under cash.

Q So --

A Second column under the First National Bank of Claremore represents checks written on that account, you see.

Q Okay, fine. So then this is included out of the cash expenditures?

A That's right.

Q All right, sir. During the month of June of 1957, did Justice Johnson purchase any savings bonds?

A He bought some, some time during 1957.

Q All right. Is that shown in your --

A Yes.

Q And it is taken out of the cash?

A Yes.

Q All right, sir.

A \$375.

Q What about city, county, state taxes, ad valorem, personal property and intangible; where are they shown?

A Those are deducted from the federal income tax return and are therefore already deducted out of the \$10,000 --

Q No, sir. If you will please, sir, stay with me on this 1957 sheet, Summary of Deposits, Payments and Withdrawals. Where on this sheet where you show all his payments for the year 1957 would I find, sir, the ad valorem taxes, city, county, state, whatever taxes that he might have paid?

A I gave you those figures earlier this morning when I gave you the summary of what the money was spent for. I will give it to you now again if you would like.

Q All right.

A Remember earlier I told you the \$10,562.99 --

Q I'm sorry, I didn't..

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, let him answer the question.

REPRESENTATIVE CONNOR: That's fine. I would like to.

A There is no -- there was no ad va-

lorem taxes paid by check during the year 1957.

Q Personal property or intangible?

A No sir.

Q State income tax?

A There is \$206.52 paid.

Q And where does that show, sir?

A That is out of the checks. On the statement all of those expenditures are lumped together over in the last column of the second item in the statement you see under the word "Deposits". On the statement it shows checks written and cleared through the bank account during the year of \$10,562.99 of which \$2,623.95 were written to cash, and the balance of \$7,939.04 are the checks we are now talking about.

Q All right, sir, but nowhere in these checks do you show ad valorem, personal property or intangible taxes paid, do you, sir?

A No, sir.

Q This would have to be also added to this sheet?

A No. I don't know whether his federal income tax return claimed deductions for ad valorem taxes or not. If so, it's taken into account in the check figures shown on Exhibit A.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Baggett is present.

Proceed.

Q (By REPRESENTATIVE CONNOR) I don't believe, sir -- let's approach it in this manner. You show on this 1957 sheet all expenditures made by Justice Johnson during the year 1957, other than cash expenditures?

A I show all expenditures by check.

Q All right, sir. Now, you show and can produce no checks for the property taxes he paid in 1957, is this correct, sir?

A Correct.

Q So then, it must have been paid from cash if he paid it?

A It must have.

Q And then, that figure also would have to be deducted from the \$325.49 pocket change you show at the bottom.

A That is true.

Q All right, sir. You show, sir, no payments or repayments of any loans during this time, I take it, sir, on your sheet?

A 1957?

Q Yes, sir.

A No, sir, I do not.

Q If he in fact repaid some, this would also -- would have to come out of this pocket change?

A Wait just a minute. Repayments of loans, no, there is none.

Q All right, sir. In this 1957 figure you have shown on the statement you presented here some pocket change which was available to him?

A Yes.

Q And you have in the Net Worth Statement for all practical purposes attempted to show where this money actually went?

A That's right.

Q Now, sir, I refer you to this \$1,500. Am I correct in assuming that for the purposes of figuring his expenditures or disbursements of cash that the \$1,500 is a negative figure that we neither consider nor attempt to add this in any way because you carry it across in each and every year?

A You are speaking of the \$1,500 cash on hand?

Q Yes, sir.

A That's right, we assumed he kept that on hand at all times.

Q You assume -- excuse me.

A I didn't adjust it except in one year, I believe it was 1958.

Q For the purposes of your statement here, then, we must assume that this

money was never spent and was retained by him through each and every year?

A That's right.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, I would request I be allowed to use the blackboard to put figures on and possibly we can speed this up considerably.

PRESIDING OFFICER SENATOR GRANTHAM: Your request is granted. No objection by the accused?

MR. BINGAMAN: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: No objection. You may proceed. Proceed, Mr. Connor.

Q (By REPRESENTATIVE CONNOR) Now, sir, I would like to, if I might, with you approach the year 1957 in what would be, I think, a little clearer manner. Could you tell us, what was the gross income for federal tax purposes in the year 1957?

A Yes. From his income tax return.

Q All right, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Will you, for the benefit of the Court, announce what exhibit you are referring to?

A This is from Exhibit, Accused's Exhibit D.

PRESIDING OFFICER SENATOR GRANTHAM: Accused's Exhibit D.

THE WITNESS: Yes, sir. His adjusted gross income for the year 1957 was \$12,642.42.

Q (By REPRESENTATIVE CONNOR) All right. Would you give me the amount of withholding taxes in that year?

A His withholding tax for that year was \$2,026.22.

Q Would you put these in the machine?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: You are referring to the adding machine?

REPRESENTATIVE CONNOR: Yes, sir.

Q (By REPRESENTATIVE CONNOR)

And subtract the withholding if you will and give us the total of that?

A \$10,616.20.

Q I will ask you, sir what were his itemized deductions, money spent for itemized deductions?

A They total \$2,459.69.

Q Would you subtract that and give us the total, please, sir?

A \$8,156.51.

Q Now, sir, would you give me the increase in net worth that you show for that year?

A \$5,567.35.

Q And give us an answer on that, please.

A You want that subtracted, I assume?

Q Yes, please.

A The balance would be \$2,589.16.

Q Now, sir, I believe you have corrected your nondeductible expenditures to a figure of \$5,041.16?

A Yes.

Q Would you please, sir, put that in your machine and give us a total? I assume it will be a negative total.

A \$5,041.64.

Q \$5,041.61 cents I believe is the figure I have.

A It should be 64 cents.

Q All right, sir.

A That leaves a negative or minus balance of \$2,452.48.

Q Now, sir, is it not a valid statement to make that approaching it from this manner that in reality the Judge spent, in the year 1957, \$2,452.48 more than he had available to him?

A Yes. I would say that is a valid assumption.

Q (By REPRESENTATIVE CONNOR) And also during this period, sir, and in the figures you have given me it would only include some \$300.00 for groceries, it would include no money for day to day living expenses such as haircuts,

lunches, any cash purchases at all would not be in this figure, is that correct, sir?

A That's right.

Q So, in reality, sir, this figure showing that he had \$328.45, to myself, as not an accountant, he did not have this money under this method of approaching it, did he, sir?

A Well, that's right, under that method of approaching it, that would be correct.

Q From your, and I take it, sir, this would hold true through all of the other sheets that you have presented to this Court?

A Well, I wouldn't know until we attempted to do it.

Q Well, with your permission, let's try another year. 1961.

REPRESENTATIVE ALLARD: This is what year?

PRESIDING OFFICER SENATOR GRANTHAM: What is the year you have just --

A That is 1957.

REPRESENTATIVE CONNOR: '61, if we might, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Would the witness please advise the Court what exhibit he is referring to?

A I am now referring to Accused's Exhibit J, a certified copy of the Oklahoma income tax return.

Q (By REPRESENTATIVE CONNOR) I will ask you, sir, if you can tell us how much money he has available to him or -- pardon me, what his gross income in 1961 was?

A His gross income for the year 1961 was \$17,488.46.

Q All right, sir. And the amount of taxes withheld from his salary?

A \$2,714.48. The balance would be \$14,773.98.

Q And his itemized deductions, please, sir?

A Incidentally, he received a refund during the year '61 of \$125.41, which should be added on it.

Q Would you add this refund, please, sir?

A \$125.41, that making a new total of \$14,899.39.

Q Now, sir, his itemized deductions, \$3,428.17 --

REPRESENTATIVE ALLARD: Three thousand four hundred --

A Twenty-eight period seventeen.

Q (By REPRESENTATIVE CONNOR) And the total of those figures, please, sir?

A Subtracted from the other figure leaves a balance of \$11,471.22.

Q Now, sir, his increase in net worth, as shown by Accused's Exhibit No. F, --

A \$13,776.88.

REPRESENTATIVE ALLARD: What?

A \$13,776.88.

Q (By REPRESENTATIVE CONNOR) And would you give us the total of that, sir?

A Is this to be subtracted or added?

Q Subtracted, I believe, is it not, sir? That is money spent by him during the year. By your testimony, I believe, sir, that is the increase in net worth, which I believe you earlier recited more money spent.

A That leaves a minus balance of \$2,305.66.

REPRESENTATIVE ALLARD: What?

A \$2,305.66, minus.

REPRESENTATIVE ALLARD: Sixty-six cents?

A Sixty-six cents, that's right.

Q (By REPRESENTATIVE CONNOR) That is a minus balance?

A That's right.

Q All right, sir. You corrected the non-deductible expenses for the year 1957. Would you correct them for the year 1961 and give us that corrected figure?

PRESIDING OFFICER SENATOR GRANTHAM: Would the witness advise the Court again what exhibit you are referring to?

A I am not referring to any exhibit, I am referring to the dates of processing record which has not been introduced in evidence so far as I know.

PRESIDING OFFICER SENATOR GRANTHAM: Thank you.

Proceed, Mr. Connor.

REPRESENTATIVE CONNOR: I am waiting for him to get those figures.

PRESIDING OFFICER SENATOR GRANTHAM: Oh.

A That figure would be \$6,695.58.

REPRESENTATIVE ALLARD: Six nine five?

A \$6,695.58.

REPRESENTATIVE ALLARD: What is that?

REPRESENTATIVE CONNOR: That is the nondeductible expenses, I take it, sir?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: I didn't get your last answer.

A Do you want that added or subtracted there?

Q (By REPRESENTATIVE CONNOR) Well, sir, would it not be proper accounting procedure to add these figures?

A I don't know, you're doing it.

Q Well, sir, we are attempting to arrive at the amount of money that Mr. Johnson expended during the year 1961; proceeding in that manner, sir, would you not have to add these figures together, since you have a negative balance, and this shows an outflow of cash, would it of necessity have to be added?

A Yes, I assume so, that is, if your theory is correct, that would be an addi-

tion there that would make a total of \$9,001.24.

Q Well, sir, you make the statement if my theory is correct. Is there any way, anything up here that is not correct?

A Well, I will have to look at it a little bit and see what you're doing.

REPRESENTATIVE CONNOR: May we stand at ease?

PRESIDING OFFICER SENATOR GRANTHAM: Before you stand at ease, I would ask, are you adding algebraically?

REPRESENTATIVE CONNOR: No, sir, so far as I know, we're taking his gross income and merely subtracting what he spent by Mr. Veirs' record.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease.

Gentlemen of the Court, Senator Berrong is recognized.

SENATOR BERRONG: Mr. Presiding Judge, I am inquiring of the figure under the \$14,899.39; is that nondeductible, is that item deductible?

PRESIDING OFFICER SENATOR GRANTHAM: Senator Berrong, I'm wondering if you would send that question up under the rule, in writing. We will pro- pound it to the witness.

REPRESENTATIVE CONNOR: Mr. Presiding Officer, maybe I can clear this.

PRESIDING OFFICER SENATOR GRANTHAM: You may answer the ques- tion.

REPRESENTATIVE CONNOR: This figure of \$3,428.17, you gave this figure from the itemized deductions as shown by the tax return, is that correct, sir?

A That is correct.

Q (By REPRESENTATIVE CONNOR) All right, sir. These are the expenses such as medical, taxes paid, and things of that nature?

A That's correct. I'm checking to see if there is any non-cash item in here.

PRESIDING OFFICER SENATOR GRANTHAM: Would you speak a little louder?

A I'm checking on this return to see if there are any non-cash items in there.

PRESIDING OFFICER SENATOR GRANTHAM: The Court will stand at ease until the witness is ready to pro- ceed.

The Court will continue to stand at ease.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, give me your attention. You may continue, Mr. Connor.

A I didn't know I was going to have to do an income tax audit when I started answering this question, but the figure that I gave you a while ago as the non-deductible expenditures does include a number of deductible expenditures that were taken off of the income tax returns, so...

Q (By REPRESENTATIVE CONNOR) Now, let me ask you this, sir: Do you mean to say that this \$6,000 figure, some of those are included in the \$3,428.17 figure?

A That's right.

Q Would you tell us what those are, sir?

A Well, I say I hate to make an audit right here in front of the whole Senate, but as near as I could compute it at the mo- ment, it would be \$5,284.11 rather than the \$6,695.58.

Q And what did you subtract to reach that figure, sir?

A I subtracted auto tax on two cars. I had a travel expense account.

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute. The court reporter can't hear you.

A I had a travel expense account in- cluded in there of \$441.72, but included in that account were two car tags that are included in the deductions totaling \$194.02, drivers' licenses totaling \$8.00, and gaso- line tax totaling \$225.00.

Q Now, it is your testimony then, sir, these figures that you have just read to us are included in this \$3,428.17?

A Yes.

Q All right. Would you give us the new figure for non-deductible expenses?

A Then I also had some contributions in there which are taken on the income tax returns.

Q And they are also included in the figure \$3,428.17?

A That's right.

Q All right, sir.

A Now, subject to correction, and I need to study the returns and these figures more before I say, but as near as I can arrive at it at the moment, that figure should be \$5,284.11.

Q \$5,284.11?

A Yes.

Q Now, would you give us the deficit figure total on that, sir?

A That would make the figure \$7,589.77.

Q Now, sir, can you tell the Court whether or not we have approached this in a valid method to determine the amount of money spent by Judge Johnson as reflected by your records for the year 1961?

A I will tell you frankly, I have never seen such an approach made, and I would have to do some thinking about it and do a little research to see .. it seems to me there is something wrong with our theory that the increase in the net worth figure should be used in there. I can't put my finger on it at the moment.

Q May I approach it in this manner, sir?

PRESIDING OFFICER SENATOR GRANTHAM: Just a minute. I am wondering if it wouldn't be advantageous to take our noon recess at this time, in order that the witness may consider these matters that he is uncertain about during the noon hour. The Court is recessed until 1:30.

(Whereupon the noon recess was taken.)

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the 30th Legislature continues in session. The recess for the lunch hour having expired, the members of the Court will please take your seats. Let the record show that the Board of Managers is present and that the accused with his attorneys is present. The Clerk will call the roll.

(Whereupon, the Clerk called the roll, the following members being present: Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Ham, Hamilton, Holden, Horn, Keels, McClen-don, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Payne, Pope, Rhoades, Rogers, Romang, Smith, Stansberry, Taliaferro, Terrill, Young.

(Absent: Atkinson, Baggett, Bradley, Cowden, Graves, Howard, Luton, Nichols, Porter, Selman, Stipe, Williams.)

COURT CLERK: Absent are Atkinson, Baggett, Bradley, Cowden, Graves, Howard, Luton, Nichols, Porter, Selman, Stipe and Williams.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator Atkinson is present; that Senator Graves is present.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Porter is present; Senator Bradley is present; and Senator Howard is present. Any other Senators who did not answer the roll? Members of the Court, it has been called to my attention that it might aid the members of the Court to have a list of the exhibits as referring to what they are of both the Board of Managers and of the accused, and the reporters have timely prepared a list of exhibits of each party and I feel it would be to the advantage of the Court to have this list, each member of the Court, and I am going to ask unanimous consent that these be reproduced and placed on the desk of each member of the Court. Is there any

objection? Hearing none, that will be the order.

Senator Williams is present.

Let the record show Senator Nichols is present.

We have under consideration of the Committee on Arrangements and Policies a question regarding exhibits, and I recognize Senator Baldwin, Chairman of the Committee, at this time.

SENATOR BALDWIN: Presiding Judge, members of the Court, the expense of printing the exhibits would amount to somewhere around \$2,500.00.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let the record show Senator Baggett is present. Proceed, Senator Baldwin.

SENATOR BALDWIN: And some of the more frugal have hit upon the suggestion, and I might say that some of us think it a good one, that we can for about \$330 get these exhibits photographed. I believe they agreed to make about 20,000 sheets for that reduced sum, and, Presiding Judge, I would like to ask unanimous consent of the Court that we embark upon that program after, of course, the defense and the Board of Managers have acquiesced.

PRESIDING OFFICER SENATOR GRANTHAM: You have heard the unanimous consent request by Senator Baldwin that we take this manner of reproducing the exhibits as he stated. I will ask counsel for the accused: Is there any objection?

MR. BINGAMAN: None, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection from the Board of Managers?

REPRESENTATIVE CONNOR: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: There being no objection, I would like to say that this would probably ... might be a saving of approximately \$2,000 to the State of Oklahoma

to do this. You have heard the unanimous consent request. Any objection?

Hearing none, that will be the order.

Let the record show Senator Luton is present.

We were in the process of examination of the witness, who has now resumed the stand and Mr. Connor of the Board of Managers of the House of Representatives will proceed to examine the witness.

(Witness resumes witness stand.)

RE-CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Have you, sir, during the lunch hour examined these figures?

A Yes, I have.

Q Do you agree, sir, that this is a valid way of arriving at the amount of money he spent out of the income he received?

A No, sir, I do not.

Q Would you tell me, sir, where lies the error?

A The basic error is in trying to arrive at a cash flow statement with a net worth statement. The adjustments that would have to be made would be other cash items that also are included in the increase in net worth that we have used up there on the blackboard. For example, there was a \$500 cash item borrowed from the First National Bank. We are trying to arrive at an amount of cash available, is that correct?

Q Yes, sir. We are attempting to do this.

A All right. You have to add \$500 which he borrowed during 1961 from the First National Bank at Claremore. We will have to add interest, which was put into his savings account and which, therefore, increased the net worth account, but they represent cash flow. They are cash items and should be added back to the cash available.

Q All right, sir.

A We should add back -- we already have the Federal income tax refund up there.

Q Yes, sir.

A We should add that to these other unidentified deposits, which we have never been able to identify, but they were cash, they must have been.

Q Which deposits are those, sir?

A All listed in the other column, they are in the righthand column of the statement for 1961.

Q Well, now, would this money not be spent?

A That is cash available to be spent, yes, it probably was spent.

Q All right, sir, would it not be an item of expenditure?

A What I am trying to say is that this cash deficit of \$7,589.77 shown should be reduced by the amount of additional cash that was available. That has not been taken into consideration in this type of calculation.

Q Well, now, let's go back to what we have borrowed, \$500.

A That's right.

Q You say we must reduce it by the interest paid but not withdrawn?

A No, we must increase the cash available to be spent by the amount of interest that was not withdrawn because it did increase the net worth for that year.

Q All right. Would it not be a more simple manner -- you understand I am not an accountant -- would it not be more easily arrived at by reducing this net worth figure by the amount of money of interest paid that was not withdrawn?

A That would give you the same effect, yes.

Q We would also have to increase by \$500 the gross income, would that be right, sir?

A No, it was not income, it was cash available.

Q Well --

A What we are trying to find out is how much cash he had available to spend, isn't that right?

Q Yes, sir.

A If he borrowed the money, he had that cash.

Q So we must --

A We are trying to determine --

Q What is the total amount of --

PRESIDING OFFICER SENATOR GRANTHAM: Now it's very difficult for the reporter to get you when you are both talking.

Let's let counsel ask the question and the witness will give the answer.

Q (By REPRESENTATIVE CONNOR) What is the amount of interest paid that was not withdrawn in the year 1961?

A Hold it just a moment, I'll check it. \$1,067.28.

Q Now, sir -- \$1,067 and --

A 28 cents.

Q 28?

A Yes.

Q Now is that not a chargeable item for federal income tax purposes, sir?

A It is a taxable item for federal tax purposes.

Q And did we not secure the figure \$17,488.46 from the tax return?

A That is right.

Q Well then, that figure would be included therein would it not, sir?

A It is supposed to have been. I assume it has. Let's see it.

Q All right, sir. Would you like to check the record?

PRESIDING OFFICER SENATOR GRANTHAM: Would you say what exhibit you are referring to?

THE WITNESS: I am referring to Accused's Exhibit J. It reports building and loan dividends of \$1,001.54, and interest of \$73.44, included in the gross income.

Q (By REPRESENTATIVE CONNOR)

Then, sir, we would not have to reduce the net worth because we have included this as income, have we not, sir?

A Yes, we're doing it twice.

Q Well, we are including it and subtracting it. It's sort of a washout, I believe is what it's known as in the accounting profession, is it not?

A If it was a washout, you would deduct it because ..

Q Might I put it in this manner. If we include it in \$17,488.46 as a plus, and if we subtract it in \$11,471.22 as a minus, what would we have gained or lost in the overall picture?

A We have overlooked entirely the cash itself.

Q All right, sir. Let's go ahead in this manner. You say the figure is \$1,067.28. Is that what the figure is shown on the tax return?

A No, it's a little more than that. It's \$1,074.98.

Q Your figure, I take it, from checking the records is a correct figure, is that right?

A Yes.

Q All right, sir. Would you subtract for me \$1,067.28 from \$17,488.46?

A That would leave \$16,421.18.

REPRESENTATIVE CONNOR: Would you put that new figure on there, Mr. Allard?

REPRESENTATIVE ALLARD: Yes, sir.

Q (By REPRESENTATIVE CONNOR) What was that figure?

A \$16,421.18.

Q All right, sir. Now, would you subtract \$11,471.22? That is the net worth figure you gave us, sir.

A No, that isn't the net worth figure.

Q I'm sorry.

A You are talking about the increase. Are you talking about the increase in the net worth?

Q Yes. I see that I was in error. It's \$13,776.88.

A What is it you want me to do with it?

Q Well, as I understood you, you must subtract it from the net worth, the amount of interest paid and not withdrawn; is that what you said a few minutes ago? Isn't that correct, to get this as a true picture of the cash available?

A I don't recall saying it just that way.

Q Well, sir, you are saying that the net worth should be reduced by the amount of interest paid and not withdrawn, is that correct?

A No, I am not saying that. I am saying you should add the cash available to the figure we have at the bottom. It would be \$1,067.28. In other words, that would reduce this cash deficit by \$1,067.28. It was cash available.

Q Was the \$1,067.28 ever withdrawn, this interest?

A I do not believe it was, no.

Q Well, then, it would not be, sir, cash available.

A Yes, the effect of it is. You are taking it into account plus, because it goes into the assets account and net worth statement, and is not shown as a cash item available to be used. It's included in the increase in the net worth figure on this net worth statement. What we are doing though is a cash flow statement with cash flow statement which shows the source of all of the money borrowed, earned or received in other manner, and the expenditures of that money. That's what we are trying to arrive at. We are using the wrong kind of financial statement to get those figures.

Q (By REPRESENTATIVE CONNOR) Sir, we are using the statement that you presented to us?

A That's right, but they were not presented for this purpose .. I mean they

were not prepared for this purpose, that is an entirely different type of statement.

Q Well, for my purposes here, sir, would you agree that Justice Johnson did not, in the year 1961, have available to him the sum of \$1,067.28, which represents interest, he did not have this available to him in cash money to spend, is this a correct statement?

MR. GREEN: If the Court please, we object to that as incompetent, irrelevant and immaterial and argumentative.

PRESIDING OFFICER SENATOR GRANTHAM: Overruled.

A He had it available, he may not have used it, but he had it available.

Q (By REPRESENTATIVE CONNOR) You can say, sir, that it was not used; you can't say this from consulting the records of the safety deposit box -- Strike that.

Of the savings account by looking at these, you can't determine it was not withdrawn, can you not?

A I can say that it was put into his savings account, yes. In other words --

Q Did you check the ledger of the savings account, sir?

A I did.

Q Was there money withdrawn in the amount of \$1,067.28, which would represent interest payments?

PRESIDING OFFICER SENATOR GRANTHAM: Pardon me, let the record show that Senator Stipe is present.

A No, the only withdrawal shown is a \$175.00.

Q All right. Then, sir, this money was not spent by Justice Johnson in his cash, as you call it, his cash flow, is that correct?

A Yes, it is.

Q All right, sir. Then, we cannot include it in his gross income?

A We have included it in his gross income for the income tax purposes.

Q But, for the purposes of finding out how much he spent, it's not proper to include this money in his gross income?

A In the gross cash available, that's right.

Q We have included, sir, the sum under the taxes -- we'll get to this loan in a minute, but, we have subtracted from his income tax returns the sum of \$1,067.28, to arrive at \$16,421.18?

A Right.

Q Now, this must be done, must it not, sir, to arrive at an accurate picture of how much he had available to him in cash money to spend?

A Yes.

Q All right, sir. Now, down to the net worth statement, we show, or you show, these are your figures, sir, not mine, where you show \$13,776.88. Now, you have previously testified, sir, that this amount represents money spent in fixed assets, which would increase his net worth?

A It was not spent, part of the \$13,000.00 and some odd dollars we are talking about was not spent, it was put into his savings account.

Q Well, then, to be accurate, sir, in arriving at a cash spent, we should subtract this amount of money from the increase in his net worth?

A Correct.

Q All right, sir. Would you do that for me, please, the increase in the net worth?

A I believe -- I think we probably will still come out with the same figure. Let me check.

Q You have subtracted --

A What is that -- Oh, that is out of my deducts.

It would leave the same amount, minus figure of \$2,354.66.

Q All right, sir. Would you give me the reflected or corrected balance, subtracting the interest there, \$13,776.88, what is the correct figure that belongs there?

A \$12,709.60.

PRESIDING OFFICER SENATOR GRANTHAM: For the record, what does that figure represent?

REPRESENTATIVE CONNOR: May I ask you, sir, for the purposes of the record, this figure represents the increase in net worth minus the interest on the savings account, which was not withdrawn and spent as cash?

A Right.

Q All right, sir. Now, sir, we have taken care of the interest as to the loan. You state, sir, that this loan was made available in cash, is that correct, sir?

A Yes.

Q Would this not reflect, sir, in the net worth, either by increasing or decreasing the net worth?

A As I said this morning, I have never seen the First National Bank's liability ledger sheets. I don't know whether it reflects or not. We have got the date that there was a balance of \$300.00 due First National Bank of Claremore on December 31, '61.

Would you tell me whether or not that is a correct figure, the figure you have there?

REPRESENTATIVE CONNOR: We have the liability ledger introduced in evidence.

A It certainly doesn't show the \$500.00.

PRESIDING OFFICER SENATOR GRANTHAM: What is the liability ledger exhibit?

MR. GREEN: No. 11.

PRESIDING OFFICER SENATOR GRANTHAM: Are you referring to Board of Managers' Exhibit No. 11?

A This is Board of Managers' Exhibit No. 11.

PRESIDING OFFICER SENATOR GRANTHAM: While the witness is looking this up, would the reporter read back the question?

A Do you remember what your question was, Mr. Connor?

Q Yes, sir.

A It does, because apparently our computed figure is correct. This shows a liability of \$200.00 at the end of December, 1961, which I am sure included interest on that loan. We show a balance of \$300.00. If the \$500.00 was reflected, it would have been reflected as a liability of \$500.00 and would have decreased -- increased in net worth.

Q I will ask you, sir, if in 1960, I am referring to the first page of your exhibit, or your net worth statement, in 1960 you show \$900.00 in notes payable; in 1961 you show that has been reduced to \$300.00?

A That's right.

Q Now, sir, if we reduce by the amount of money borrowed, must we not also increase by the amount of money paid back, to remain consistent?

A Which I believe you will find was made by cash.

Q All right, sir. I will go along with you on that.

Would you show on the figures we have on the board where this payment is reflected?

With the permission of the Court, you can refer to your worksheet, if you need to.

A It's shown as a payment to the First National Bank of Claremore of \$1,100.00 during the year, notes totaling \$1,100.00 during the year with cash.

Q Well, sir, we are -- So far as I know, these figures under cash are nowhere reflected on this board, are they, sir?

A Yes, they were, because they either are a reduction of liability or an increase in assets and are included in that increase and net worth figure.

Q Sir, would you check your records as to itemized deductions and to nondeductible expenditures and tell this Court whether or not this figure paid, being the loan

included either in the \$5,284.11 or the \$3,428.17?

A It's not.

Q Well, then, sir, these are the only expenditures we have on the blackboard at the time, are they not?

A Yes.

Q Well, then, if this money was spent, it must be then reflected in net worth and it would balance out the money borrowed, as opposed to the money paid back, would balance out and it would show the net increase or decrease in liability for the year, is that correct, sir?

A Yes, it would.

Q All right. Then, sir, would we not have to make an adjustment for the \$500.00 note or the amount of money paid back?

A All right.

Q All right, sir. Where else is this in error? We have covered the interest and note. Where else did you find errors in this calculation?

A He had cash available, which he deposited into the First National Savings Bank of Claremore. He had three unidentified checks that were deposited into the Mutual Federal Savings & Loan Association in Oklahoma City.

Q Where were these checks, did they run through these checking accounts, sir?

A They were deposited into the Federal Savings & Loan Association in Oklahoma City. They did not run through these checking accounts. It was an unidentified deposit.

Q If he received an unidentified deposit, this would give him an additional cash to spend?

A That's right.

Q So, if we included it, though, we would also have to include an increase in his net worth to that amount, would we not, sir?

A It's already included in that figure.

Q Then what you are telling me is that he had --

A These unidentified checks, in addition to these other items.

Q How much --

A They don't amount to a whole lot.

Q How much are they, sir?

A They amount to \$229.45.

Q How do you know these are checks, sir?

A The deposit slips of Mutual Federal Savings & Loan Association said they were checks; they didn't say who they were from or what. They merely said they were checks.

Q And you saw the deposit slip yourself, sir?

A I did.

Q All right. Let's change the figure, and we would decrease the net worth, I would take it?

A That way, or you could add the plus figure on this end there, that would be the simplest way.

Q Would you do this, Mr. Allard?

A \$249.45.

PRESIDING OFFICER SENATOR GRANTHAM: While we have a lull here, Mr. Connor, objection was lodged a while ago that some of your questions are argumentative and perhaps a little outside the scope of cross-examination. That motion was overruled.

However, I would say some of the Members of the Court, and including the Presiding Officer, that perhaps you are a bit repetitious and perhaps you could move this along at a little more rapid speed, if possible.

REPRESENTATIVE CONNOR: Judge, I will do my utmost. He has said this is not correct, I am merely endeavoring to find where it is not correct, and I will move as fast as I can.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

A The total, the new total will be \$7,360.32.

Q All right, sir.

A In addition to those unidentified checks, he received a U. S. Treasury check for \$35.60, which was deposited in Mutual Federal Savings & Loan Association, which, of course, is included in the increase in net worth.

Q Was that, sir, included in income?

A I assume it was.

Q We won't have to consider that one way or the other?

A It would not be taxable income, it was a reimbursement of travel expenses and would not have been reflected in his income tax return, but it was cash available.

Q Well, would we not have to increase his income if it was cash available?

A You're starting from the wrong premise in the first place, we are going at this thing backwards. I'm trying to adjust this statement to a statement --

REPRESENTATIVE CONNOR: Judge, we --

A -- a source and application of front.

REPRESENTATIVE CONNOR: I would apologize to the Court, I am endeavoring to secure an answer, and I cannot move any faster when the witness will not answer my questions.

PRESIDING OFFICER SENATOR GRANTHAM: Well, it seems, though, some of your questions are the same questions which you asked way back down the line, and we don't want to, in any way, interfere with your representation of the case, but on the other hand, if the question has been answered --

Q (By REPRESENTATIVE CONNOR) Would you tell us, sir, in an effort to speed this up, what is the total amount of corrections that you think should be added to this in the area that we are now discussing?

A The total amount would be \$524.51.

Q And where did you secure that figure from?

A That is the U. S. Treasury check, \$35.60, I suppose I spoke of a minute ago, the State warrant for \$156.41, a State Farm Mutual insurance check for \$12.00, and State travel warrant and cashed in the amount of \$70.40, and Federal travel warrant cashed in the amount of \$57.60, and insurance proceeds from some insurance claim of \$192.50.

Q All right sir. Would this \$521.24 be includable in the gross amount available for expenditures?

A It should be.

Q All right, sir. Would you include it, please, sir?

PRESIDING OFFICER SENATOR GRANTHAM: If he will put down the figure \$524.51 under that.

A The corrected figure should be \$6,835.81.

Q (By REPRESENTATIVE CONNOR) All right, sir. And now, directing your attention to the \$16,421.18 figure, is it your testimony that this \$521.00 figure is included in that figure?

A You mean this \$524.00 --

Q And fifty-one cents, yes, sir.

A Yes, sir, it -- No pardon me, it's included in the \$1,709.62 increase in net worth.

Q All right, sir. Then, we are, in effect, subtracting it twice from the cash available for disbursement, is that your statement?

A No.

Q Are we not subtracting \$12,709.62 away from --

A No.

Q Are we not subtracting \$12,709.00 away from --

PRESIDING OFFICER SENATOR GRANTHAM: Repeat your question.

Q (By REPRESENTATIVE CONNOR)

Are we not, sir, subtracting \$12,709.60 from the figure immediately above it?

A Yes, from the figure immediately above it; yes.

Q And you say that the \$524.51 is included in the \$12,000.00 figure as an addition?

A Right.

Q And are we not subtracting \$524.51 from the figure immediately above that?

A Yes.

Q Have we not subtracted \$524.51 twice?

A No.

Q All right. Now, sir, I take it that we are finished with errors you found in this over the lunch hour?

A Yes.

Q I take it it would be your testimony that it apparently -- that Judge Johnson, in the year 1961, expended \$6,835.61 more than you can account for in available cash:

A Yes.

Q All right, sir. I would like to, if I might, refer back to the year 19 -- Well, let's stay right here for a second.

In this, sir, are there any cashier's checks figured into this? I refer specifically to Board of Managers' Exhibit No. 37, to Woolf Brothers, of \$19.33, Board of Managers' Exhibit No. 38 to Seidenback's for \$29.01, Board of Managers' Exhibit No. 43 to State Farm Mutual for \$114.30, Board of Managers' Exhibit No. 44 to Mobil Oil Company for \$49.01, and Board of Managers' Exhibit No. 46 to Mobil Oil Company for \$104.28, all cashier's checks paid on outstanding bills.

Now, they, I assume, would not be included anywhere on this?

A Could I see them, are they the ones which I did not --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, would you just answer the question and not question counsel?

A I will have to look at the exhibit, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

A It might save some time.

PRESIDING OFFICER SENATOR GRANTHAM: Look at the exhibit. Which exhibit is it you are speaking of, Mr. Connor?

REPRESENTATIVE CONNOR: 37, 38, 43, 44 and 46.

PRESIDING OFFICER SENATOR GRANTHAM: 37, 38, 43, 44 and 46, right.

REPRESENTATIVE CONNOR: Yes, sir.

A Mr. Connor, do you still have that cashier's check list I gave you this morning?

Q (By REPRESENTATIVE CONNOR) Maybe I can save some time, sir, if I understand you properly, you have testified that if a cashier's check was purchased for cash, it would not be included in any of these deductions, or if it was not either deposited in either savings account, it would not be reflected in the net worth; is that correct?

A I said this morning that the cashier's check was purchased in payment of an expense, it was not included in this exhibit.

Q I think that will answer the whole question.

I have handed you, sir, what has been marked for identification, three separate files, Board of Managers' Exhibits 69, 70 and 71. I will ask you, sir, so far as you can tell, are these the checks you handed me this morning as the personal expenditures for the year -- Strike that.

As the cashier's checks for the year 1957?

A Yes, I believe there are, part of them.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment, What was the last part of your answer?

A Part of them.

PRESIDING OFFICER SENATOR GRANTHAM: Part of them.

Q (By REPRESENTATIVE CONNOR) You have three exhibits there, sir.

A Is this supposed to be all of them?

Q Yes, if you would. We are trying to move this along if we can. Sir, if you have all of the checks, they should total to the sum of \$2,623.95, is that correct, on the 1957 sheet?

A I think there was a slight discrepancy, wasn't there, this morning?

Q I don't recall, sir. I will abide by whatever your figures show.

REPRESENTATIVE SHERMAN: This was your tape.

Q (By REPRESENTATIVE CONNOR) I have just been told we might be off \$5.84.

A \$2,629.79.

Q And these are the checks that you brought from your files this morning?

A That's right.

REPRESENTATIVE CONNOR: At this time, if Your Honor please, we would offer in evidence Board of Managers' Exhibits 69, 70 and 61.

MR. BINGAMAN: We have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: No objection. Let me see the exhibits.

A This should be a part of it, we took it into consideration in our --

REPRESENTATIVE CONNOR: Attach it to one of the exhibits.

PRESIDING OFFICER SENATOR GRANTHAM: Would you come to the Bench? Which one of these is attached? Board of Managers' Exhibit No. 69, including a list of checks with an adding machine tape and a note, pencilled note, attached to the checks, together with Board of Managers' Exhibit No. 70, consisting of a list of checks, group of checks, and an adding machine tape attached thereto, and likewise Board of Managers' Exhibit No. 71 consisting of a group of checks with an adding machine tape attached thereto, will be received in evidence. I would ask that these exhibits

be reproduced for each member of the Court and placed on each Court member's desk.

Q (By REPRESENTATIVE CONNOR) Now, sir, I refer you to Board of Managers' Exhibit 69.

A May I add these -- I mean, add these three totals, see if they agree?

REPRESENTATIVE CONNOR: With the Court's permission, maybe we could put this off until later. I would have no objection to the totals being changed if they are incorrect and it would save time of having to sit here while the totals are run.

PRESIDING OFFICER SENATOR GRANTHAM: The totals were not run by this witness, is that correct?

REPRESENTATIVE CONNOR: No, sir, but we would have no objection to him substituting his total for what we have. I am trying to move on without waiting --

PRESIDING OFFICER SENATOR GRANTHAM: Counsel for the accused, would it be agreeable to you to receive these in evidence with the totals shown? In the event that these adding machine tape totals are later to be shown to be in error, would the accused have any objection to substituting the correct totals in the event they are incorrect?

MR. BINGAMAN: I didn't know if he was offering the total. He was, I thought, just asking to see them, but I have no objection.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Bingaman, he offered the exhibits, the checks; each group of checks has an adding machine total, and he now says that he didn't add the total.

MR. BINGAMAN: We agree that it can be this way and then changed later if it is necessary.

PRESIDING OFFICER SENATOR GRANTHAM: It is agreeable, and they are so received, and permission to re-add these totals and substitute the correct total for this one in case it is in error.

REPRESENTATIVE CONNOR: Thank you, Mr. Presiding Officer.

Q (By REPRESENTATIVE CONNOR) Now, sir, Board of Managers' Exhibit No. 69 that you have in your hand --

A Yes, sir.

Q --I would ask you, sir, if you would look very briefly at the back of those checks as to the endorsements. Take the top two or three, if you would, sir. I would ask you, sir, are these not showing endorsements at various grocery stores?

A The ones that I have looked at apparently have all been endorsed by N. B. Johnson and re-endorsed by Johnson's Market at 23rd and Harvey.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Connor, there has been no objection to this question, but there have been in similar questions, where you asked what the exhibit is. The best evidence is the exhibit, and, therefore, inquire of the witness the meaning of certain things, but the exhibit itself is the best evidence, and I think this will expedite the trial.

REPRESENTATIVE CONNOR: All right, sir.

Q (By REPRESENTATIVE CONNOR) Then in your figuring you have assumed that the cash checks were written and cash was secured for them irrespective of the place where they were cashed? Did you do this in your calculation here?

A We did.

Q And if, sir, that pile of checks that you have in your hand there were all cashed in grocery stores, might you assume that some of it was used to buy food and was not all received in cash?

MR. BINGAMAN: Object as repetition, if the Court please. We have been over that this morning. He asked him that two or three times, if some may not have been spent for groceries.

PRESIDING OFFICER SENATOR GRANTHAM: I am not sure that this spe-

cific question was asked. I am going to overrule it for the time being. Overruled.

A Yes, of course.

Q All right, sir, I have returned to you, sir, the checks you gave me, or gave to us, this morning, covering payments for clothing and one thing and another. I would ask you, sir, to consult either those checks or your work statements and tell me whether or not in the year, in November, 1957, you can find a payment of \$500 to Rosenthal's and, if so, did you take it into account in your figures here?

A Is that supposed to be one of these checks?

PRESIDING OFFICER SENATOR GRANTHAM: Let's just answer the question, Mr. Witness.

THE WITNESS: Sir, I can save time if you will answer it. This is my adding machine tape. I can say, no, it's not on here.

Q (By REPRESENTATIVE CONNOR) It is my understanding that check is not in those checks, sir. Do you have any record in any of your statements or the matters in which you prepared which indicate a payment of \$500 in November, 1957 to Rosenthal's?

A I have no recollection of any such payment, no.

Q Can you verify that for us, sir? Do you have the record with which to verify it here in the courtroom?

A Will you state that question again, please?

PRESIDING OFFICER SENATOR GRANTHAM: Repeat your question. Let the reporter read back the question.

REPRESENTATIVE CONNOR: I can probably do it quicker.

PRESIDING OFFICER SENATOR GRANTHAM: Restate your question. Proceed.

Q (By REPRESENTATIVE CONNOR) Sir, if you will assume with me there is not a \$500 check to Rosenthal's in that group. Now do you have any record or

have you taken into account, in the preparation of your summary of the deposits, payments and withdrawals on your financial summary a payment of \$500 to Rosenthal's in November, 1957?

A I'll say if there was such a check written and it was cashed by the bank and cleared through the bank, we surely did make a record of it.

Q You have them categorized by clothing, do you not, sir, through your electronic data processing?

A Yes, and I have that, I think, by months.

Q November, '57.

A There was no check for \$500 cleared through the bank account in the month of November, 1957.

Q Then in that case, sir, you have not taken this into account in the preparation of these papers?

A Taken what into account?

Q A \$500 payment to Rosenthal's.

A No, we have not.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Redirect examination?

MR. BINGAMAN: Would you turn that blackboard over, please?

REDIRECT EXAMINATION

By MR. BINGAMAN

Q Now, Mr. Veirs, if you will look on this Exhibit F, at page 6.

A Which year is that?

Q 1961.

A All right.

MR. BINGAMAN: I believe the exhibit is 6 that they furnished the Court members.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. You believe it is Exhibit what?

MR. BINGAMAN: It's been numbered 6, page 6, that I have on this. I think it's the same number on this. Page 6 of Exhibit F, I'm sorry.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By MR. BINGAMAN) I bring your attention to the item at the bottom of Travel -- State, \$205.50, do you find that on there?

A Yes.

Q Was that included in the items which have gone into these various accounts for increase of net worth?

A They were.

Q That would properly be deducted from this figure?

REPRESENTATIVE SMALLEY: Object to that as leading and suggestive.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

MR. BINGAMAN: It's rebuttal, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: I know it's rebuttal. You are leading the witness.

Q (By MR. BINGAMAN) Let me ask this: Has it been struck -- Has it been deducted from the figure on the blackboard of \$6,835.81?

A It has not been deducted from it. It has been included in it.

Q All right. Would you deduct that there on your machine?

MR. BINGAMAN: I will ask Mr. Allard if he will enter it on the blackboard since he has been doing the writing.

REPRESENTATIVE ALLARD: What, sir?

MR. BINGAMAN: \$205.50 under that \$6,835.81.

Q (By MR. BINGAMAN) What is your new total, Mr. Veirs?

A \$6,630.31.

Q Now, I will direct your attention, Mr. Veirs, to the item next to that on this page 6 of Exhibit F of \$233.59. I will ask you if that has been included in the net worth assets?

A It has been included in the increase.

Q Has it been deducted?

A No, sir.

MR. BINGAMAN: I will ask Mr. Allard to put that in and I will ask if you will deduct it.

THE WITNESS: The new balance would be \$6,396.72.

Q (By MR. BINGAMAN) Now, I direct your attention to the Prudential Mortgage Company item of \$1,074.12 and ask you how that was included? Is that reflected in the net worth statement?

A It is, in that it reduced the mortgage to Prudential during the year.

Q Has it been deducted?

A Part of it has.

Q From the figures that's in front of Mr. Allard, has it been deducted on the board?

A A part of it has. I can tell you in just a moment. \$847.02 of it is included in the increase in net worth statement.

Q How much is it?

A \$847.02.

Q It has to be deducted; it has not, as I understood you?

A No.

MR. BINGAMAN: Will you take it down there, Mr. Allard?

Q (By MR. BINGAMAN) Will you make the calculation for us, Mr. Veirs?

A \$5,549.07.

Q I wish you would look up at the top of the page --

PRESIDING OFFICER SENATOR GRANTHAM: Five thousand what? Repeat that.

THE WITNESS: \$5,549.07.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

Q (By MR. BINGAMAN) I will ask you then to look at the beginning cash at the beginning of the year of that and the preceding year.

A Are you speaking of page 1?

Q Of the same page we are on, yes.

PRESIDING OFFICER SENATOR

GRANTHAM: Mr. Bingaman, what is the exhibit for the preceding year?

MR. BINGAMAN: I will withdraw that question.

PRESIDING OFFICER SENATOR GRANTHAM: Okay.

Q (By MR. BINGAMAN) Look at the bottom then of page 6, and how much you show the cash deficit to be on page 6 of Exhibit F.

A Yes.

Q How much do you find that to be?

A \$5,273.87.

Q How much variation is there from that and the figure on the board?

A \$275.38.

MR. BINGAMAN: That's all.

PRESIDING OFFICER SENATOR GRANTHAM: Board of Managers may examine.

RE-CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Your 1961 statement, sir, you show totals --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. What exhibit are you speaking of?

REPRESENTATIVE CONNOR: Exhibit F, 1961.

Q (By REPRESENTATIVE CONNOR) You show on the left-hand column, sir, totals 1961, the figure \$14,265.30.

A Yes.

Q And what does that figure represent, sir?

A That represents the net deposits paid into all of Judge Johnson's accounts. That is the gross deposits less the checks withdrawn and the withdrawals from the First National Savings. Those two minus figures.

Q In other words, sir, for the year, by your figures, of 1961, he showed a net of \$14,265.30 after you subtracted all of the checks he wrote and the withdrawals from his savings accounts?

A Right.

Q What do you show as his gross or his net salary for that year, sir?

A \$13,340.34.

Q Then his net increase is more than his salary by your figures, is that correct?

A Are you comparing the \$13,340.34 figure to the \$14 --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Let counsel ask the questions and you answer them.

THE WITNESS: Ask the question again, please.

Q (By MR. BINGAMAN) We determined, sir, that the net increase for the year 1961 was \$14,265.30, did we not, sir?

A No, we did not determine that. That was the net increase. That is the net amount of increase in assets with no regard to liability or any other items.

Q All right, sir.

A The net increase is the figure shown over on page 1.

Q But that does include, does it not, sir, all deposits to savings accounts, all notes paid off?

A That's right.

Q And a small difference between the amount of money deposited in Claremore and the amount of money withdrawn?

A That's right.

Q And this figure is more than the salary drawn?

A Yes.

REPRESENTATIVE CONNOR: I have no further questions.

PRESIDING OFFICER SENATOR GRANTHAM: Any further redirect examination?

MR. BINGAMAN: That's all, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Any further recross-examination?

REPRESENTATIVE CONNOR: No.

PRESIDING OFFICER SENATOR GRANTHAM: We now have some questions by the Court. This is a question by Senator Murphy: Is there an accounting method that could determine the flow of cash other than the method approached by the Board of Managers in cross-examination?

A There certainly is.

PRESIDING OFFICER SENATOR GRANTHAM: The next question or part of that is: If so, what is it?

A It's called a cash flow statement, or a statement of source and application of funds or in laymen's language, where from and where to.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is: Can this method be completed tonight?

A I doubt it very seriously, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Court will stand at ease while I sign some papers.

All right, we will now resume the questioning by the Court.

The next question is by Senator Baldwin: Could the Board of Managers obtain a Certified Public Accountant tax expert to join their counsel table?

That is a matter of policy that the Board of Managers will consider, since there is at least one member of the Court interested in it.

The next question is by Senator Berrong: Would not the \$6,695.58 be reduced by the item deducted \$3,428.17, making the total on the board read \$5,733.83?

A Your Honor, would you give me that first figure again?

PRESIDING OFFICER SENATOR GRANTHAM: I think Senator Berrong wants to be recognized.

SENATOR BERRONG: I think perhaps they have made some minor adjustments

that get to approximately the point I was making and I think we might as well withdraw that question.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Berrong asks unanimous consent to withdraw the question.

Any objection?

Hearing none, that is the order.

The next question is by Senator Findeiss: If Judge Johnson used cash funds from sources other than withdrawals in cash from various accounts to purchase life insurance annuities or prepay insurance policies in cash, would it show up in the records you have prepared?

A No, sir, it would not because I do not have any records of his life insurance policies other than those that were furnished to me as of January 1st, 1957.

PRESIDING OFFICER SENATOR GRANTHAM: If so, where is it shown and your answer is it does not show, is that right?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Keels. Where did Mr. Johnson get the money to buy the cashier's checks?

A Your guess is as good as mine, Senator.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Porter. As an expert public accountant, have you ever witnessed the method used by the Board of Managers in arriving at whatever they were looking for?

A No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: The next question: Would your profession recognize the method attempted to be used by the Board of Managers in your opinion?

A I have never seen it used before. I don't know whether it would be recognized or not. I couldn't.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Bartlett. On page 337 of the Transcript you answer on line 3: "In my opinion it proves that he has made a full report of his income because he has reported and paid taxes on more money than he spent."

Question: Why or how does the report of and payment of taxes on more money than was spent prove he made a full report in his income?

A The answer to that question is perhaps a little complicated. The government has for years used a net worth method of accounting in determining whether or not anyone has under-reported their income. That is a method I used in preparing this statement. The method has been approved by the United States Supreme Court. It is conceded that it will reflect any undisclosed income if there has been any, and that's the reason we prepared such a report for income tax purposes. You understand these were prepared for income tax purposes.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is by Senator Berrong: How can you account for an increase in net worth in 1963 of only \$568 -- pardon me, I will read the question over. How can you account for an increase in net worth in 1963 of only \$568.60 with a salary of \$16,500 plus other interest income and no shown losses on investments and non-deductible expenditures of \$5,496.64?

A The net worth statement, comparative net worth statement, is merely a list of what he owned less what he owed at the dates given. If you will notice, what he owned on December 31, '62, less what he owed December 31, '62, made his net worth \$76,680.09. Now, what he owned on December 31, 1963, less what he owed on that date made his net worth the difference only \$77,176.69. The net worth at the beginning of the year, subtracted from the net worth at the end of the year gives us \$568.60. In this method of accounting, there

is no attempt made to show where or when or how the money came from or what happened. The whole thing is based on what the man owed and what he owned at the beginning and end of the period. That's the reason I said it couldn't be used in this other type statement.

PRESIDING OFFICER SENATOR GRANTHAM: The next question, I will read it. I don't see the author. This is merely a note to the Court. This is about our distribution of Exhibit No. 8, which has been taken care of.

The next question is by Senator Young: How do you explain the following: The cash available for withdrawing for 1957 was \$325.49, and as follows for the following years: 1958, \$810.81; 1959, \$797.30; 1960, \$2,629.02. Why the wide variance?

A Sir, I don't know.

PRESIDING OFFICER SENATOR GRANTHAM: What was your answer?

A He just didn't spend as much of his cash in those subsequent years as he did in 1957. I mean he did not deposit it in other accounts.

PRESIDING OFFICER SENATOR GRANTHAM: That concludes the questions by the Court. Any redirect examination? Just a minute, Senator Berrong is preparing a question. The Court will stand at ease while Senator Berrong is preparing his question.

We have a question by Senator Massad: Inasmuch as you testified that your report is for income tax purposes, does it necessarily show how much money, cash, he received from whatever source and how and where it was disbursed?

A It shows the amount of cash he received from all sources so far as we have been able to discover. It does not show where he spent all that money. It only shows a part of it as has come out in the testimony. His cash expenditures, out of pocket expenditures, are not included in this type statement at all.

PRESIDING OFFICER SENATOR GRANTHAM: The next question is a series of questions by Senator Berrong. The first question: Are not all of your calculations based on checks and known cashier's checks submitted to you?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: The second question: Would a net gain of \$17,996.17 in 1961 be possible if matched in with salary, interest accrued and no investment loss?

A I didn't get the last part of that.

PRESIDING OFFICER SENATOR GRANTHAM: I will read the question again. Would a net gain of \$17,996.17 in 1961 be possible if matched in with salary, interest accrued and no investment loss?

A I don't believe I understand the question, Your Honor, but the figure is not \$17,996.17 gain, it was only \$13,776.88 in '61.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Berrong?

SENATOR BERRONG: That is correct. Amend \$17,996.17 to \$13,776.88. I picked up the wrong figure there. Have him answer the question on that.

A Try it one more time.

PRESIDING OFFICER SENATOR GRANTHAM: We will read the question as now stated. Would a net gain of \$13,776.88 in 1961 be possible if matched in with salary, interest accrued and no investment loss?

A If it matched in?

PRESIDING OFFICER SENATOR GRANTHAM: Yes, matched, m-a-t-c-h-e-d, matched.

A With salary accrued?

PRESIDING OFFICER SENATOR GRANTHAM: With salary, interest accrued and no investment loss?

A That's what happened. His salary was included, his interest was included, and there was no investment loss there, so he did have such an increase in net worth that year.

PRESIDING OFFICER SENATOR GRANTHAM: Then your answer to the question, would this be possible?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Your answer is what?

A Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Is there another question from the Court? This question is by Senator Birdsong: Can you tell the Court the total number of cashier's checks you have record of and the total sum reflected?

A Yes, sir. During the year 1957, I include in this as one money order, cashier's checks and money order; there was a total of \$997.55. During the year '58, there was a total of \$712.55. During the year '59, there was a total of -- it says \$601.90, which someone has drawn a line through. I don't know whether that's right there now or not. There was none in 1960. In 1961, there was a total of \$1,268.63. In 1962, a total of \$1,974.16, and in '63 a total of \$240.43 for a grand total of \$6,377.22.

PRESIDING OFFICER SENATOR GRANTHAM: That concludes the questions by the Court.

Any redirect examination by the accused?

MR. BINGAMAN: None by the accused, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Any recross-examination by the Board of Managers?

REPRESENTATIVE CONNOR: We have none, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: The witness may step down. Do you want to excuse this witness?

MR. BINGAMAN: I was just going to inquire if he should remain in attendance or if he should be excused.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection?

The witness may be excused.

MR. BINGAMAN: Do you wish to recall --

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment. Senator Baldwin is recognized.

SENATOR BALDWIN: I would like to ask the Presiding Judge if he thinks that this case might be concluded this afternoon except for the final deliberations?

PRESIDING OFFICER SENATOR GRANTHAM: Senator Baldwin, it is impossible at this point to say. I had conference with counsel for the accused and with the Board of Managers.

SENATOR BALDWIN: Would the witness just wait a moment.

PRESIDING OFFICER SENATOR GRANTHAM: Would the Board of Managers advise the witness to remain for a few moments?

SENATOR BALDWIN: I would like to suggest, then, that the witness be instructed to be available in the event that in our deliberations we might want to question him.

PRESIDING OFFICER SENATOR GRANTHAM: In our deliberations, we will not question any witnesses, Senator Baldwin. When the case is closed, that will be the end of the evidence.

SENATOR BALDWIN: Thank you. I have never been through one of these before.

PRESIDING OFFICER SENATOR GRANTHAM: All right.

In answer to Senator Baldwin's question about the time, we had a conference yesterday evening with counsel .. I did with the counsel for the accused and the Board of Managers .. and we estimated that we would be in the argument by this time. However, we are not, and the time for argument has now been agreed upon as an hour and a half to each side, so there will be three hours of argument.

Now, we will proceed. Call your next witness.

MR. BINGAMAN: We have no further witnesses. If the Board of Managers wish to recall any of our witnesses, we are available.

REPRESENTATIVE CONNOR: We have two very short questions to conclude our cross-examination of Judge Johnson.

PRESIDING OFFICER SENATOR GRANTHAM: Judge Johnson will return to the stand.

N. B. JOHNSON,

the accused, having been sworn and having testified previously, testified further as follows:

PRESIDING OFFICER SENATOR GRANTHAM: You may examine.

FURTHER RE-CROSS-EXAMINATION

By REPRESENTATIVE CONNOR

Q Judge Johnson, I will ask you, sir, did you furnish to your accountant all records of expenditures, as well as you know, for the year 1957?

A Yes, sir.

Q Did you furnish to him, sir, a payment of \$500.00 to Rosenthal's in November of 1957?

A I don't recall any such account. I think that is the first time I ever heard of it.

Q All right, sir.

A I am not sure about it.

Q Did you, sir, go to your safety deposit box with a representative of the Bar Association?

A I did.

Q And that was done rather recently, was it not, sir, in January, I believe, of this year?

A Might have been December, the latter part of December. I am not sure, but I did go with him.

Q (By REPRESENTATIVE CONNOR) And it was somewhere either in the last part of December ..

A It was in December or January.

Q All right, sir. Is it not a fact that when you arrived there with him there was not a single thing in your safety deposit box?

A I am not sure. I went out with the federal authorities, and I believe there were some bonds in there, I am not sure, I don't know. Could have been, but I didn't have anything in there.

Q Can you give me a direct answer, sir, as to whether or not your box was empty when you went out there ..

A I sure cannot, because I was under the impression that I had some E Bonds in there.

Q To refresh your recollection, sir, is it not a fact that you took the bonds with you and placed them in at the time you and the Bar Committee went out there?

A I might have, I looked for them this morning and I couldn't find them. I did put them in the box, but I don't remember whether it was the day I went with the Bar Committee or not.

Q Was there anything else in the box?

A No.

REPRESENTATIVE CONNOR: I have no further questions.

MR. BINGAMAN: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will step down.

MR. BINGAMAN: The accused will rest, if the Court please.

PRESIDING OFFICER SENATOR GRANTHAM: The accused rests.

Any rebuttal by the Board of Managers?

REPRESENTATIVE CONNOR: We have at least one witness, which will be extremely brief. We are approaching the recess hour, could we check our evidence and assure ourselves as to just how much we want to try to put on?

PRESIDING OFFICER SENATOR GRANTHAM; the Court will stand recessed until around 3:20.

(Whereupon, a recess was taken).

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the 30th Legislature continues in session the recess having expired.

Let the record show that the Board of Managers is present and that the accused and his attorneys are present.

The Clerk will call the roll.

(Whereupon, the roll was called by the Clerk, the following members being present: Atkinson, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClen-don, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Smith, Stansberry, Stipe, Taliaferro, Ter-rill, Williams, Young.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show Senator Berrong is present. Senator Martin is present. Senator Rhoades is present. Senator Howard is present.

Let the record show Senator Holden is present. Any other Senators -- Senator Lu-ton is present. Any other Senators who have not answered the roll? Senator Rogers is present. Senator Atkinson is present.

COURT CLERK: Absent is Baggett -- Bartlett is present.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Bartlett is present.

COURT CLERK: It's now Baggett, Cow-den, Graves, Massad, Pope.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Pope is present. Senator Porter is present. Senator Massad is present. Senator Terrill is present.

COURT CLERK: It is now Baggett, Cowden, Graves and Selman.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Graves is present.

The Board of Managers will call your witness.

REPRESENTATIVE MORDY: Mr. D. V. Miller.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Miller is called.

(Whereupon, the witness was sworn by the Clerk.)

D. V. MILLER,

called as a witness on behalf of the Board of Managers, after being first duly sworn, testified as follows:

PRESIDING OFFICER SENATOR GRANTHAM: You may examine.

DIRECT EXAMINATION

By REPRESENTATIVE MORDY

Q What is your name, please?

A David Miller.

Q Speak up, please.

A David Miller.

Q Where do you live, Mr. Miller?

A 4805 North Steanson.

Q Where?

A Oklahoma City.

Q And where are you employed?

A Al Rosenthal's.

Q And what position do you hold at Al Rosenthal's?

A Assistant manager.

Q In that connection, Mr. Miller, I will ask if you brought certain records with you today which are the property of Al Rosenthal's, record of accounts?

A I did.

Q Those are records of account pertain-ing to what account, please?

A Mrs. N. B. Johnson.

Q What is the address shown on that account for Mrs. N. B. Johnson?

A 517 Northwest 43rd.

Q And I ask you if the account you brought indicates the month of November, 1957?

A It does.

REPRESENTATIVE MORDY: I would ask this be marked as an exhibit for the Board of Managers.

(Whereupon, Board of Managers' Exhibit No. 72 was marked for identification by the reporter.)

Q I hand you that which is Board of Managers' Exhibit, for identification No. 72, and ask if that is made in the usual course of business by Al Rosenthal's?

A It is.

REPRESENTATIVE MORDY: Subject to objection by the accused, Your Honor, I would introduce that Board of Managers exhibit into evidence.

PRESIDING OFFICER SENATOR GRANTHAM: Yes. May I ask what this exhibit is, Mr. Witness? What is this exhibit?

THE WITNESS: It is an accounts receivable ledger.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection by the accused?

MR. GREEN: If the Court please, we think if it is not completely admitted as Johnson's account we would have no objections.

PRESIDING OFFICER SENATOR GRANTHAM: You offer no objection?

Let me see the exhibit. May I see the exhibit?

MR. GREEN: If the Court please, I may inquire if they are offering all of it or just that part pertaining to November, 1957. If they are offering it for all purposes or just for November, 1957, it might require us to go into a lot more evidence in this matter.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Mordy.

REPRESENTATIVE MORDY: In consideration of the statement of Mr. Green, we would introduce it only as to that particular transaction. The rest could be masked for that matter.

MR. GREEN: All right.

PRESIDING OFFICER SENATOR GRANTHAM: It will be, Board of Managers' Exhibit No. 72 will be received in evidence as to those transactions for 1957 only. It is received in evidence.

MR. GREEN: Did you say 1957, or November, 1957?

PRESIDING OFFICER SENATOR GRANTHAM: Let me see it again. May I inquire of the Board of Managers, do you want to introduce it only for November, '57?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: It will be received then in evidence as to the first item which is for November 16, 1957.

Q (By REPRESENTATIVE MORDY) I direct your attention specifically to that item marked November 16, 1957 and I ask you what your ledger card indicates?

A It indicates that between the period of November 10 and November 16, 1957, there was charges of \$833.89 and a credit to the account of \$500.

Q Do your records indicate how that payment of \$500 was made?

A It would not indicate that.

Q Let me ask you this. Is there a possibility it could be returned merchandise?

A No.

Q Consequently your record would show it would be what?

A It would be either cash or check.

Q (By REPRESENTATIVE MORDY) And that is an account with whom, please?

A Mrs. N. B. Johnson.

REPRESENTATIVE MORDY: No further questions, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: You may cross-examine.

CROSS-EXAMINATION

By MR. GREEN

Q Your records do not reflect how this was paid, does it?

A No, sir.

Q Do you know what the purchase was?

A No, I do not.

Q Do you keep those records yourself?

A I personally?

Q Yes.

A No, sir, I do not.

Q Are they made under your direct supervision?

A No, sir.

Q Do you remember anything at all about the transaction personally?

A I do not.

Q You don't know that that \$500.00 was paid by check drawn on Mrs. N. B. Johnson's savings account at the First National Bank and Trust Company of Oklahoma City, out of a savings account she had had since before 1955 and in the sum of \$400.00 and cash in the sum of \$100.00?

A I do not know this.

Q Would you say that would not be true?

A I couldn't say.

Q If her records so show that that could be true, then you would say that would be true, would you not?

REPRESENTATIVE MORDY: We object, he is not testifying.

PRESIDING OFFICER SENATOR GRANTHAM: Sustained.

MR. GREEN: That's all.

REPRESENTATIVE MORDY: No further questions.

PRESIDING OFFICER SENATOR GRANTHAM: No further questions of this witness. The witness will step down.

May this witness be excused?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any objection?

MR. GREEN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: The witness will be excused.

Call your next witness.

REPRESENTATIVE MORDY: Your Honor, the Board of Managers rests.

PRESIDING OFFICER SENATOR GRANTHAM: Just a moment here, there is something I would like to clear up before we -- I wonder if the parties here will stipulate that the accused has been present in person and by his attorney throughout this trial. Will you so stipulate?

MR. GREEN: The accused will so stipulate.

PRESIDING OFFICER SENATOR GRANTHAM: Will the Board of Managers?

REPRESENTATIVE MORDY: Yes.

PRESIDING OFFICER SENATOR GRANTHAM: Will you further stipulate that N. B. Johnson and Napoleon Bonaparte Johnson are one and the same person; will you so stipulate?

MR. GREEN: We will so stipulate, yes.

PRESIDING OFFICER SENATOR GRANTHAM: Yes.

There has been some question as to Exhibits 57 through 65, these original exhibits were taken and the copies have not been substituted for these exhibits. I believe -- I wonder if we do have these exhibits, the copies of these exhibits now. I think the Court Reporter has them.

COURT REPORTER STEVE MEADOR: No, Your Honor, the exhibits are being Xeroxed at this time.

PRESIDING OFFICER SENATOR GRANTHAM: These copies of the exhibits which we have previously ordered may be substituted for the original, I am quite sure are in the hands of each member of the Court, but they are not in the hands

of the reporters. The copies aren't, so I am wondering if you have copies available which you may agree upon may be made a part of this record. The counsel, I will ask to confer if you have copies available.

MR. GREEN: If the Court please, we do not have copies of those exhibits either.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Garrison I believe has copies of these exhibits, and I was wondering if you would mind surrendering them with the understanding they were to be returned to you?

SENATOR GARRISON: Mr. Presiding Officer, I have already done that.

PRESIDING OFFICER SENATOR GRANTHAM? You have?

SENATOR GARRISON: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Is counsel for the accused going to examine these exhibits to see whether or not you have any objection to these being substituted?

MR. GREEN: If the Court please, not having the original or any other copy to check with, we won't know, but we do not have any objection to them being substituted.

PRESIDING OFFICER SENATOR GRANTHAM: You do not have any objection?

MR. GREEN: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers have any objection to these copies being substituted?

REPRESENTATIVE MORDY: No.

PRESIDING OFFICER SENATOR GRANTHAM: It will be ordered that these exhibits, 57 through 65, is that correct?

COURT REPORTER STEVE MEADOR: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: May be substituted for the originals and made a part of the record of the Court?

Now, then, let me ask you another question. When we reach the standpoint of argument, is it the desire of counsel on both sides that the argument be reported or not?

MR. GREEN: If the Court please, the accused waives the reporting of the arguments.

PRESIDING OFFICER SENATOR GRANTHAM: Does the Board of Managers desire that the arguments be reported?

REPRESENTATIVE MORDY: That is fine, sir, we waive it.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that counsel for the accused and the Board of Managers waive the reporting of the arguments.

Is there anything further, other than the argument, to come before the Court at this time?

REPRESENTATIVE MORDY: No, sir, not actually before you, sir. We have these exhibits, of course, to be distributed to the Court.

PRESIDING OFFICER SENATOR GRANTHAM: Do you have any requests to make to the Court. Let me inquire, are you ready to proceed in argument at this time?

REPRESENTATIVE MORDY: No, sir, we would like to make one or two comments in that regard, please.

PRESIDING OFFICER SENATOR GRANTHAM: You may make them.

REPRESENTATIVE MORDY: Your Honor, we --

MR. GREEN: Just a minute, if the Court please, for the benefit of the record, we close our case.

PRESIDING OFFICER SENATOR GRANTHAM: You have closed your case.-- Just a moment, I want to clear up the matter of this argument, and then we will cover that.

MR. GREEN: All right.

REPRESENTATIVE MORDY: Your

Honor, first, there are a number of exhibits that have not been distributed to all the Members of the Court at this time; secondly, of course, the transcript of today's testimony has not been prepared; third, this case has gone on for six days now, and we would like to have the opportunity to sit down and review some of the testimony ourselves before we give the closing arguments.

Now, we understand that the Court has been most patient. We don't wish to drag it out any more than is necessary, but we would like a delay and start the argument in the morning so we could have a chance to get all of these exhibits distributed and have a chance to examine them ourselves more thoroughly, and also have a transcript to look into before we argue.

PRESIDING OFFICER SENATOR GRANTHAM: Does the accused have any comments. Counsel for the accused have any comments on this matter regarding the arguments as to this afternoon or tomorrow?

MR. GREEN: If the Court please, we are at the convenience of the Court. We are ready to start arguing immediately, but if the Court desires to start tomorrow, that is fine with us.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the Board of Managers has rested.

Does the accused have any further evidence?

MR. GREEN: The accused closes.

PRESIDING OFFICER SENATOR GRANTHAM: The accused rests?

MR. GREEN: We rest.

PRESIDING OFFICER SENATOR GRANTHAM: The doors of the Court will be closed.

Just a moment, Senator Garrison is recognized.

SENATOR GARRISON: Mr. Presiding Officer, I would like to point out we have a matter that will have to be taken care of, the corrections of the transcript for to-

day's testimony. There will be certain corrections that must be made, and I would ask unanimous consent that the Presiding Officer authorize these transcript corrections to be made, if such things need to come to the attention of the Court.

PRESIDING OFFICER SENATOR GRANTHAM: You have heard Senator Garrison's unanimous consent request that the Presiding Officer be authorized to make the corrections in today's transcript. You have heard the unanimous consent request, is there any objection?

Do you have objection, Senator Nichols?

SENATOR NICHOLS: Your Honor, I want to make a motion.

PRESIDING OFFICER SENATOR GRANTHAM: Well, we have a matter of unanimous consent request before the floor right now. Do you object?

SENATOR NICHOLS: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You object?

SENATOR NICHOLS: I object to the postponement of argument and I ask that I be allowed to make a motion now that we proceed with the argument.

PRESIDING OFFICER SENATOR GRANTHAM: Your motion is out of order, because there is a unanimous consent request before the floor about the corrections of the Journal. Do you object to that?

SENATOR NICHOLS: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You don't object to that?

SENATOR NICHOLS: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Hearing no objection, that will be the order.

Now, let the record show that Senator Selman is present.

Before you place your motion, and your motion will certainly be in order, I want at this time to announce that the doors of the Court are now closed and the gallery will be vacated.

PRESIDING OFFICER SENATOR

GRANTHAM: Let the record show the doors of the Court having been opened and the Court of Impeachment of the 30th Legislature continues in session. Let the record further show the Board of Managers is present and the accused is present with his attorneys.

In regard to the question of the matter of final argument, it is the decision of the Court that the final argument in this case will begin in the morning at 8:30 o'clock. We will begin thirty minutes early in the morning.

Now, as to the mechanics of the final arguments we have -- I have had conferences with the Board of Managers and with the counsel for the accused and on this question of final argument, it is agreed by the Board of Managers and by the counsel for the accused that the argument be limited to -- total final argument should be three hours. And this will be divided equally between the Board of Managers and counsel for the accused. Now, that was agreed to by the counsel as stated, and that will be the limitation on final argument.

May I inquire of counsel for the accused, do you have any objection to that now?

MR. GREEN: There is no objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection on the part of the Board of Managers?

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: That will be the order.

Now, the next item of this matter of final argument deals with the proceedings. The order of procedure in the final argument under the law the Board of Managers will open argument, the Board of Managers will close the argument and it is my understanding in conferring with them that three Representatives from the Board of Managers desire to argue this case. And that two counsel for the accused desire to argue the case. Now the order in which you argue, you will be

required that only one of the Board of Managers close the argument, two open and one close, and of course, in between the opening and the closing the counsel for the accused will give their argument, and they will announce to the Court how they want the time divided. Likewise the Board of Managers will announce to the Court time for starting your argument and how you want to divide the time, first, between the opening and closing, and second, between the respective members of the Board of Managers who argue the case. Is there any objection to this procedure?

MR. GREEN: No objection, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection by the Board of Managers?

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: No objection? No objection from either of the parties?

Then that will be the order.

Are there any further details concerning the matter of argument or any other details that counsel for either side have? If so, I would like to hear them.

MR. GREEN: If the Court please, the accused has no suggestions.

PRESIDING OFFICER SENATOR GRANTHAM: The accused has no further suggestions.

Does the Board of Managers have any further questions or suggestions?

REPRESENTATIVE MORDY: No, sir. The only suggestion we would have is that we would ask the Marshal to be sure that the exhibits are passed out. Rather than checking with us, to just go ahead and pass them out, so they will be on the members desk in the morning.

PRESIDING OFFICER SENATOR GRANTHAM: Any objection from the accused?

MR. GREEN: No objection, Your Honor.

PRESIDING OFFICER SENATOR

GRANTHAM: No objection, that will be the order.

There is one of these exhibits, counsel for the accused, I would like for you to pay particular attention to this. There's one of these exhibits that is in green ink. In order for this to be taken off on the duplicating machine, they will have to trace over it with pencil. Is there any objection to the Board of Managers tracing over this exhibit. Just tracing over the ink so that it will be picked up.

MR. GREEN: No objection.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Garrison is recognized.

SENATOR GARRISON: Mr. Presiding Officer, it occurs to me that we will need a reporter at the end of the argument for the sole purpose of making --

PRESIDING OFFICER SENATOR GRANTHAM: We will need a reporter at the close of the argument and also at the close --

We will close the doors to the Court for deliberation, and when we open the doors again, we will also need a reporter.

So, the reporter will be available on these two occasions.

Gentlemen of the Court, Board of Managers, counsel for the accused, and visitors, I would like to say that I appreciate the high decorum that we have maintained in this trial up to this point, and that this is the Court of first resort and last resort in this matter, and for that reason it is of tremendous importance. I want to remind all Members of the Court that it is unwise to discuss this case among ourselves until we have heard the last of the arguments, and it is improper and I think highly so for us to discuss this case with anyone else or hear it discussed by anyone else.

If there is nothing further to come before the Court, the Court will stand adjourned until 8:30 in the morning.

(Whereupon, Court adjourned until 8:30, Thursday, May 13, 1965.)

Thursday, May 13, 1965

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the Thirtieth Legislature is now in session.

Members of the Court, please take your seats.

Let the record show that the Board of Managers is present and that the Accused with his attorneys are present.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.)

THE CLERK: Absent is Senator Cowden.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, at this time we will have the prayer by Reverend J. M. Gaskin, Pastor of the First Baptist Church in Durant, Oklahoma. Everyone will please stand.

(Whereupon, the invocation was given by Reverend J. M. Gaskin.)

PRESIDING OFFICER SENATOR GRANTHAM: Yesterday during the last session of the Court, the reporting of the final argument was waived by the Board of Managers and by the counsel for the accused, and some Senators have asked

that a recording be made of the final argument, even though it is not reported.

I would like at this time to ask if the Board of Managers have any objection to this.

REPRESENTATIVE MORDY: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: You have no objection.

Does the accused have any objection?

MR. BINGAMAN: No, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Hamilton is recognized.

SENATOR HAMILTON: Judge Grantham, in view of the fact that the recording is going to be made, would it be amiss if we were to request that the prayer, the opening invocation, be placed in the recording?

PRESIDING OFFICER SENATOR GRANTHAM: I don't know, it was not in operation at that time, but the Pastor could put it in the recording. I think it is a very timely request, and Senator Hamilton asks unanimous consent that the prayer be placed in the recording. Any objection?

Hearing none, that will be the order.

Now, may I inquire whether or not the recorder has been set up, Senator Rogers?

The Court will stand at ease while the recorder is being set up. We will really have two recordings of this, and in that manner, any Member of the Senate that wants to obtain a copy of the recording may do so by paying for the transcription

of it. The final argument will not appear in the transcript of the proceedings.

The Court will stand at ease while the recorder is being set up.

While they are setting up the recorder we can take care of some more preliminaries.

We have outlined the procedure for the argument in this case, and we have decided that the argument will be opened, of course, under the law, by the Board of Managers and closed by the Board of Managers, and the argument will be given by counsel for the accused between the opening argument and closing argument of the Board of Managers.

Now, the two members of the Board of Managers who will open -- Let me inquire, how much time does the Board of Managers desire for opening and how much time they desire for closing argument.

REPRESENTATIVE MORDY: Sir, I am going to close, and all that we request is that Mr. Connor needs the time, and that I have at least fifteen minutes, and he be notified when there is fifteen minutes left.

PRESIDING OFFICER SENATOR GRANTHAM: You are the last speaker in the opening argument?

REPRESENTATIVE MORDY: No, sir, the last speaker.

PRESIDING OFFICER SENATOR GRANTHAM: You are the last speaker?

REPRESENTATIVE MORDY: Yes, sir, we don't know exactly how much time we will need, of course, but all we do request is that Mr. Connor be notified so that I have at least fifteen minutes left.

PRESIDING OFFICER SENATOR GRANTHAM: Well, now, are you trying to tell the Court that you want two of you to close?

REPRESENTATIVE MORDY: No, sir, an hour and fifteen minutes will be the approximate time in opening statement.

PRESIDING OFFICER SENATOR GRANTHAM: The Senate will stand at

ease, we are having trouble with the sound. Members of the Court, sound equipment has gone out here, and we have a man on the way out. I don't think it's necessary that the Court stand at ease long, so we will be here about ten minutes, so we will recess, --

Just a moment, we came on, so we will carry on. Our sound equipment is now on.

I will now inquire of the Board of Managers, the Court is not clear what you desire. You have a desire to divide your opening and closing arguments one hour fifteen minutes on opening and fifteen minutes for closing, is that correct?

REPRESENTATIVE MORDY: No, sir, I didn't make it very clear. All that I ask is that the Clerk inform Mr. Connor when there is fifteen minutes left. I think there will be more time, but in the event he goes on, that is all we ask, that he be notified at the end so we will have at least fifteen minutes left.

PRESIDING OFFICER SENATOR GRANTHAM: Now then, what is the order of speaking of the Board of Managers?

REPRESENTATIVE MORDY: Mr. Allard and Mr. Connor, then myself, Your Honor.

PRESIDING OFFICER SENATOR GRANTHAM: And Mr. Connor is to be notified when an hour and fifteen minutes has elapsed?

REPRESENTATIVE MORDY: Yes, sir. Let's make that an hour and ten minutes, that will give him five minutes to close up if he needs that. At the end of an hour and ten minutes, please, sir.

PRESIDING OFFICER SENATOR GRANTHAM: All right. Now then, Mr. Mordy, let's inquire how much time between Mr. Allard and Mr. Connor.

REPRESENTATIVE MORDY: No notification.

PRESIDING OFFICER SENATOR GRANTHAM: No notification. The only

notification is when an hour and ten minutes has elapsed of Mr. Connor and Mr. Allard's speaking, right?

REPRESENTATIVE MORDY: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: How does counsel for the accused want their time divided?

MR. BINGAMAN: I will speak first, and if I use forty-five minutes -- I hope to not use that much time, I will ask you to notify me, then I will close up within two or three minutes after that.

PRESIDING OFFICER SENATOR GRANTHAM: You ask to be notified at the end of forty-five minutes.

Clerk, do you have it clear what you are to do, warn counsel as to their time in their speaking?

THE CLERK: Yes, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Prior to entering this phase of the case, the oral arguments of counsel, I should like to take this means of commending the counsel on both sides, the Board of Managers and the counsel for the accused, for the excellent preparation and presentation of this case and the high plane on which the trial of this case has been had up to this point.

At this time the Board of Managers will have their opening argument.

(Whereupon, Representative Allard argued to the Court, after which Representative Connor argued to the Court.)

(Upon completion of argument by Representative Connor, Mr. Bingaman argued on behalf of the accused.)

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, we have had a note that some of the Members of the Court do not have Accused's Exhibits G through M, and if those are available, I suggest that the Pages make sure they are distributed to the respective Members of the Court before we proceed further.

We will take a recess.

The Court is recessed until approximately 11:10.

(Whereupon, a recess was had, after which the following proceedings occurred:)

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the Thirtieth Legislature continues in session, the recess having expired.

Let the record show that the Board of Managers is present and that the Accused and his attorneys are present.

Members of the Court please find your seats; please take your seats.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.)

THE CLERK: Absent is Senator Cowden.

PRESIDING OFFICER SENATOR GRANTHAM: Mr. Green will finish the argument for the accused, closing argument for the accused.

Mr. Green, how much time warning before you close do you want by the Clerk?

MR. GREEN: I am sure I will not use all of the time.

PRESIDING OFFICER SENATOR GRANTHAM: So you want no warning?

MR. GREEN: No.

PRESIDING OFFICER SENATOR GRANTHAM: Proceed.

(Whereupon, closing argument for the accused was concluded by Mr. Green.)

PRESIDING OFFICER SENATOR GRANTHAM: The closing argument for

the Board of Managers will be completed by Mr. Mordy.

(Whereupon, closing argument for the Board of Managers was concluded by Representative Mordy.)

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, this closes the argument on behalf of the Board of Managers and on behalf of the accused.

As we approach the recess time, I would like to call the attention of the Court to a statement that was made at the outset of the trial concerning the question of objections. It was pointed out at that time, and I want to emphasize it again, that any objection made on behalf of the Board of Managers or on behalf of the accused by his counsel is not to be considered as evidence either for the party making the objections or the other party.

We will recess for the lunch hour and we will come back in at 1:15, and we shall come into open session.

The Court will stand recessed until 1:15.

(Whereupon, Court was recessed until 1:15 p.m.)

AFTERNOON SESSION

PRESIDING OFFICER SENATOR GRANTHAM: The Court of Impeachment of the Thirtieth Legislature is now in session, the recess having expired.

Let the record show that the Board of Managers is present and that the Accused is present with his attorneys.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.)

THE CLERK: Absent is Senator Cowden.

PRESIDING OFFICER SENATOR GRANTHAM: Members of the Court, please take your seats.

An inquiry has been made by Mr. Earl Foster as to whether or not there are any other matters which need to be reproduced, any of the exhibits that need to be reproduced and if so, he wants to know.

Senator Findeiss is recognized.

SENATOR FINDEISS: Mr. Presiding Officer, I do not have Accused's Exhibits G through M, income tax returns. Are they to be furnished us?

PRESIDING OFFICER SENATOR GRANTHAM: Senator Gee also says he does not have them. How many do not have them?

I am wondering then, Mr. Foster, if you will reproduce such copies of this exhibit so they might be -- that is G through M.

Senator Garrison is recognized.

SENATOR GARRISON: Mr. Presiding Officer, there has been a check made of every roll call during the trial. We believe most of the discrepancies have been included in the list I have here. I might ask any Members of the Court who detect discrepancies of the various roll calls to please see the Journal Clerk either now or later on in the trial to get these discrepancies taken care of.

I would further ask unanimous consent that the Presiding Officer and the Clerk of this Court and the Journal Clerk be authorized by unanimous consent of the Members of this Court to make corrections in the transcript prior to the final printing of same, when mistakes are found.

PRESIDING OFFICER SENATOR GRANTHAM: Senator Garrison asks unanimous consent that the Presiding Officer and Journal Clerk and Court Clerk be authorized to make additional corrections in the Journal if and when they are found.

Is there any objection to that unanimous consent request?

Hearing none, that will be the order.

Senator Holden is recognized.

SENATOR HOLDEN: Mr. Presiding Officer, I would like to request that the record reveal I missed some three and a half or three hours Monday afternoon for the purpose of a funeral.

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that Senator Holden was absent on Monday, May 10, in the afternoon, for the purpose of attending a funeral.

Are there any other corrections?

REPRESENTATIVE CONNOR: Mr. Presiding Officer, I have consulted with Mr. Foster, and to the best of his recollection, the Accused's Exhibits, I believe G through M have not been run by the Xerox machine. If I am correct, those are the income tax returns for the years '58, '59, '60, '61 and '62, I believe.

PRESIDING OFFICER SENATOR GRANTHAM: Can he run them now?

REPRESENTATIVE CONNOR: What I was wondering is whether the Court wishes him to run these off at this time.

PRESIDING OFFICER SENATOR GRANTHAM: There has been a request, and I think we had better run them.

At this time the doors of the Court will be closed, and all except Members of the Court will be excused.

(Whereupon, the doors of the Court were closed.)

PRESIDING OFFICER SENATOR GRANTHAM: Let the record show that the Court is now in open session, the doors of the Court having opened after the doors of the Court were closed.

They have to send for the Accused, and inasmuch as some have asked, I am going to have a five minute recess.

The Court will stand recessed for five minutes.

(Whereupon, the Court was recessed for

five minutes, after which the following proceedings were had, to-wit:)

PRESIDING OFFICER SENATOR GRANTHAM: The Impeachment Court of the Thirtieth Legislature is now in session, having been closed, the doors of the Court having been closed, and the Court having been in closed session, and the doors of the Court having been opened, and the Court having been recessed in open session with all Members of the Court present as recorded on the last roll call, during the time when the doors of the Court were closed, then also during the time after the opening of the doors to the time of recess, and the recess time having expired, let the record show that the Board of Managers is present and that the Accused and his attorneys are present.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court were present: Atkinson, Baggett, Baldwin, Bartlett, Berrong, Berry, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Ham, Hamilton, Holden, Horn, Howard, Keels, Luton, McClendon, McSpadden, Martin, Massad, Massey, Miller, Muldrow, Murphy, Nichols, Payne, Pope, Porter, Rhoades, Rogers, Romang, Selman, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, and Young.)

THE CLERK: Absent is Senator Cowden.

PRESIDING OFFICER SENATOR GRANTHAM: The case of the matter of the impeachment of N. B. Johnson having been brought to a close, the final argument having been given, and the Court having deliberated in closed session with the doors of the Court closed for a period of about three hours, we are now ready to vote on whether or not the Court will sustain the Articles of Impeachment.

At this time I would like to inquire of either the Board of Managers or the Counsel for the Accused, or any Member of the Court as to whether or not you desire

to have Article I of the impeachment charges read.

REPRESENTATIVE CONNOR: No, sir.

MR. BINGAMAN: No, sir.

PRESIDING OFFICER SENATOR GRANTHAM: Does any Member of the Court desire to have Article I of the Impeachment charges read, or any question about what is contained in Article I?

The vote will now occur on Article I of the charges of impeachment as drawn by the House of Representatives.

All in favor of sustaining Article I will answer "AYE" as your name is called, and those opposed will answer "NO" as your name is called.

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court voted "AYE": Atkinson, Baggett, Bartlett, Berrong, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Holden, Horn, Howard, Keels, Luton, Martin, Massad, Miller, Murphy, Rhoades, Rogers, Selman, Smith, Stansberry, Terrill, Williams, and Young.

The following Members of the Court voted "NO": Baldwin, Berry, Ham, Hamilton, McClendon, McSpadden, Massey, Muldrow, Nichols, Payne, Pope, Porter, Romang, Stipe, and Taliaferro.)

PRESIDING OFFICER SENATOR GRANTHAM: Any Member of the Court desire to vote or change your vote?

The Clerk will announce the roll.

THE CLERK: Thirty two AYES and fifteen NAYS.

PRESIDING OFFICER SENATOR GRANTHAM: The vote being thirty-two YEAS and fifteen NAYS, the vote to sustain Article I of the impeachment charges prevails. Two-thirds of the Senators present as Members of the Court of Impeachment having voted "YEA" as to your guilt under Article I of the Articles of Impeachment, you are thereby under the Constitution and the Statutes of the State of Oklahoma

found guilty under Article I, and it is thus the judgment of said Court that you be removed from office as Justice of the Supreme Court of the State of Oklahoma.

The vote will now occur on Article II.

Does the Board of Managers or Counsel for the Accused, or any Member of the Court desire that Article II be read?

REPRESENTATIVE CONNOR: The Board of Managers does not.

PRESIDING OFFICER SENATOR GRANTHAM: Does the counsel for the accused?

MR. BINGAMAN: No.

PRESIDING OFFICER SENATOR GRANTHAM: Does any Member of the Court? Apparently not.

The vote will now occur on Article II of the Articles of Impeachment as made by the House of Representatives. All in favor of sustaining Article II will answer "AYE" as your name is called, and those opposed will answer "NO".

The Clerk will call the roll.

(Whereupon, the Clerk called the roll and the following Members of the Court voted "AYE": Atkinson, Baggett, Bartlett, Berrong, Birdsong, Boecher, Bradley, Dacus, Field, Findeiss, Garrett, Garrison, Gee, Grantham, Graves, Holden, Horn, Howard, Keels, Luton, Martin, Massad, Miller, Murphy, Rhoades, Rogers, Selman, Smith, Stansberry, Terrill, Williams, and Young.

The following Members of the Court voted "NO": Baldwin, Berry, Ham, Hamilton, McClendon, McSpadden, Massey, Muldrow, Nichols, Payne, Pope, Porter, Romang, Stipe, and Taliaferro.)

PRESIDING OFFICER SENATOR GRANTHAM: Does any Member of the Court desire to vote or change your vote?

The Clerk will announce the roll.

THE CLERK: Thirty-two AYES and fifteen NAYS, with one absent.

PRESIDING OFFICER SENATOR GRANTHAM: The vote being thirty-two YEAS and fifteen NAYS, I declare the vote

to Article II to be sustained. Two-thirds of the Senators present as Members of the Court of Impeachment having voted "YEA" as to the Articles of Impeachment, you are thereby under the Constitution and Statutes of the State of Oklahoma found guilty under said Article II, and it is thus the judgment of said Court that you be removed from office as Justice of the Supreme Court of the State of Oklahoma.

Is there any further business to come before the Court of Impeachment of the Thirtieth Legislature?

There being none, the Court of Impeachment is adjourned and the body is resolved into the Oklahoma State Senate, sitting as a legislative body, effective Monday, the 17th day of May, 1965.

The Court is adjourned.

(Whereupon, the Court was adjourned.)

COURT REPORTER NOTE: Pursuant to the motion of Senator Baldwin and the granting of said motion, Page 372 of the official transcript of the proceedings, the following exhibits are excluded from the official transcript and may be found in the printed Journal:

BOARD OF MANAGERS' EXHIBITS

Exhibits 1 through 48. (Admitted in evidence)

Exhibit 49 was marked for identification, but not admitted in evidence.

Exhibits 50 through 72. (Admitted in evidence)

ACCUSED'S EXHIBITS

Exhibits A through D. (Admitted in evidence)

Exhibit E was marked for identification, but not admitted in evidence.

Exhibits F through M. (Admitted in evidence)

C E R T I F I C A T E

STATE OF OKLAHOMA)
 COUNTY OF OKLAHOMA)

We, Ray Courtemanche, Steve Meador, and Frank Peterson, Certified Shorthand Reporters within and for the State of Oklahoma, do individually hereby certify that the foregoing transcript of proceedings of the Impeachment Trial of the Thirtieth Legislature is a true, correct and complete transcript of said proceedings.

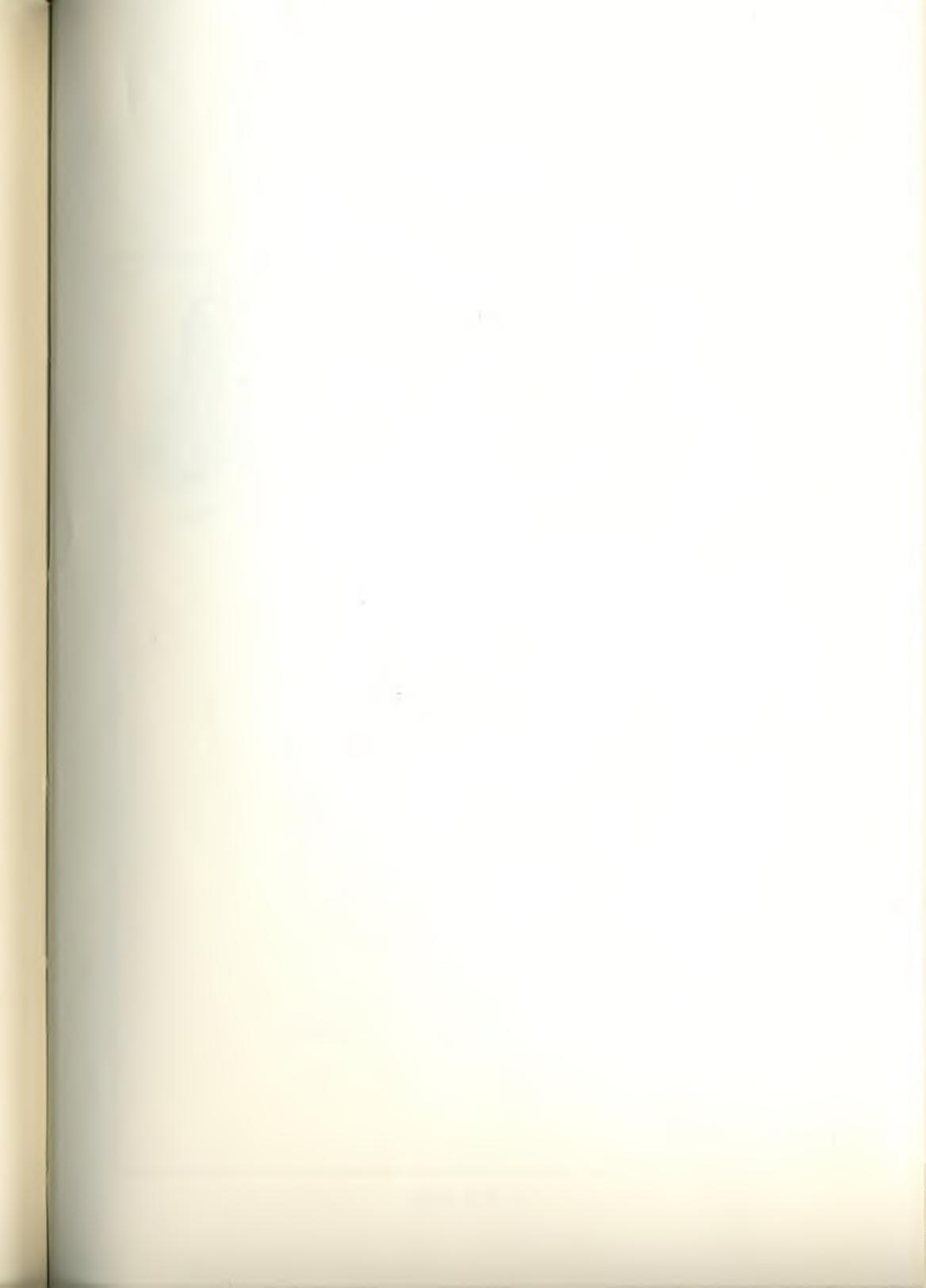
We, Ray Courtemanche, Steve Meador, and Frank Peterson, Certified Shorthand Reporters within and for the State of Oklahoma, do further individually certify that the foregoing transcript of proceedings of

the Impeachment Trial of the Thirtieth Legislature was taken in Stenograph and later reduced to typewritten form under the supervision of the said Ray Courtemanche, Steve Meador, and Frank Peterson.

We, Ray Courtemanche, Steve Meador, and Frank Peterson, Certified Shorthand Reporters within and for the State of Oklahoma, do hereby further individually certify that we are not attorney for or relative of any party to this trial, or otherwise interested in the event of this action.

WITNESS our hands this 13th day of May, 1965.

S/ Ray Courtemanche, C.S.R.
 S/ Steve Meador, C.S.R.
 S/ Frank Peterson, C.S.R.



Main body of the page containing very faint, illegible text, possibly a list or a series of entries.

EXHIBITS OF THE BOARD OF MANAGERS

THE FIRST NATIONAL BANK AND TRUST COMPANY

CAPITAL AND SURPLUS TWENTY MILLION DOLLARS
ESTABLISHED 1889

OKLAHOMA CITY, OKLA.

April 24, 1957

Brinks, Inc.
Oklahoma City, Oklahoma

Gentlemen:

This will be your authority to deliver \$125,000.00 in One Hundred Dollar bills which you are receiving from The Federal Reserve Bank to Mr. Hugh A. Carroll in person at his office with the Belmont Investments Corporation at 312 N.W. First Street. We attach a specimen of Mr. Carroll's signature which will identify him upon getting his receipt. We also attach a receipt which we ask that you have signed by Mr. Carroll and return to us for our files.

Very truly yours, c

J. M. Dando
Vice President

TMB:ppb
Atts. (2)

EXHIBIT 1

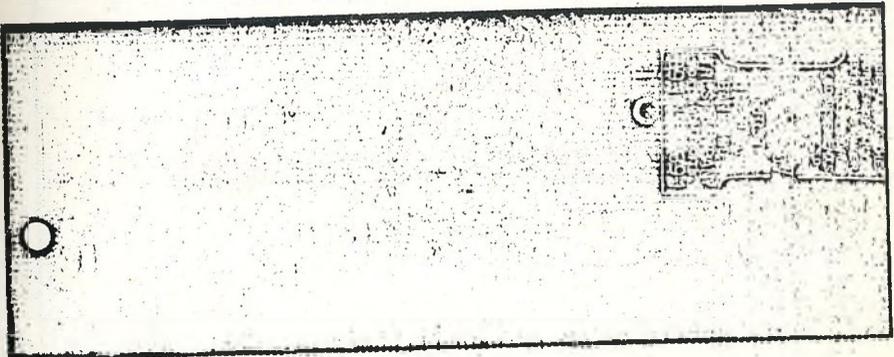


EXHIBIT 3

Transcript of Proceedings, Court of Impeachment Exhibits of the Board of Managers

Charles Johnson
(See Other Side)

No. 38,178 Date Filed Feb. 26, 1958 Co. Washington

The Oklahoma Company, a corp. Plaintiff in Error vs. Eugene J. C. Neil, et al. Defendant in Error
Charles Hill Johnson, O. C. Spillers & Spillers, Tulsa

Final req. pr 3/28/58 *3-4-30/1958* Filed
Submitted *Johnson 9/10/58* First Pst. Report. Crd Sub
Justice *Johnson 9/10/58* Referred to Disposition
Transferred to
Opinion Concurring

Application Presented
Disposition
Sec. Pst. Report. Filed
Submitted Mandate stayed
Referred to Mandate issued *1-6-59*
Disposition Mandate recalled

REMARKS: of 5-5 *Re June 4 OBJ. 7/20/58 Re July 16/1958*
Re July 15 7/25/58 Re July 20 7/15/58 Re Sept 4 Re July 9/1958 SEP 1 1 1958

No. 38,178 Date Filed Dec. 2, 1958 Co. Washington

The Oklahoma Company Plaintiff in Error vs. Eugene J. O'Neil, et al. Defendant in Error

Crld. *12/17/58*
Submitted *Johnson 89 B.J. 1729* First Pst. Report. Crd Sub *12/19/58*
Justice *Johnson 89 B.J. 1729* Referred to *12/23/58*
Transferred to Disposition *12/23/58*

Opinion Reversed and Remanded with Dir. Concurring: Welch, C. J., Cora, V. C. J. & Davison, Johnson & Carlisle, JJ
Dissent: Halley, Williams, Blackbird & Jackson, JJ

Application Presented
Disposition
Sec. Pst. Report. Filed
Submitted *12/27/58* Mandate stayed
Referred to *12/27/58* Mandate issued *1-6-59* *Rel. 1-3*
Disposition *12/27/58* Mandate recalled

REMARKS: *appl. for extension of time to file petition for removal and*
permission granted to file petition for removal of Neil 12/6/58 DEC 1 1958

No. 38,178 Date Filed Dec. 2, 1958 Co.

The Oklahoma Company, a corp. Plaintiff in Error vs. Eugene J. O'Neil et al. Defendant in Error

Crld. *HALLEY*
Submitted *HALLEY* First Pst. Report. Filed
Justice *HALLEY* Referred to
Transferred to Disposition
Opinion *DISSENT* Concurring

Application Presented
Disposition
Sec. Pst. Report. Filed
Submitted Mandate stayed
Referred to Mandate issued *1-6-59*
Disposition Mandate recalled

REMARKS:

DEC 1 1958 DEC 22 1958 JAN 5 1959
↑
Letter to each member, etc dated 2/4/59
FEB 4 1959
Second letter to each member, etc.
dated 2/4/59 MAR 2 1959

(See Other Side)

*Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers*

The Oklahoma Company vs. Eugene J. O'Neil, et al

No. 38,178

September 11, 1958

38,178—Oklahoma Co. v. O'Neil, et al.

Johnson recommends oral argument be granted.

CONCUR: All concur but Davison, absent.

ACTION: Oral argument granted. Set Sept. 30, 1958.

October 20, 1958

38,178—The Okla. Co. v. Eugene J. O'Neil, et al.

Johnson presents opinion on merits—rev. and remanded with direction.

CONCUR: Corn, Johnson and Carlile.

DISSENT: Halley and Blackbird.

PASS: Welch, Davison, Williams and Jackson.

ACTION: Back List.

December 1, 1958

38,178—The Oklahoma Company v. Eugene J. O'Neil, et al.

Johnson presents opinion on merits—rev. and rem. with directions.

CONCUR: Welch 11/7, Corn, Davison 11/7, Johnson and Carlile.

DISSENT: Halley, who gives notice 11/10, Williams 11/10, Blackbird, and Jackson 11-7.

ACTION: Adopted but held for Halley dissent.

Dissent presented 12/1. No vote change.

Adopted. 12/1/58

December 22, 1958

38,178—The Oklahoma Company v. Eugene J. O'Neil, et al.

Davison presents on petition for rehearing with recommendation it be denied.

CONCUR: Welch, Corn, Davison, Johnson and Carlile.

DISSENT: Halley, Williams, Blackbird and Jackson.

ACTION: Denied.

January 5, 1959

38,178—The Okla. Co. v. Eugene J. O'Neil, et al.

Corn presents on application for leave to file second petition for rehearing with recommendation it be denied.

CONCUR: Welch, Corn, Davison, Johnson, Jackson and Carlile.

DISSENT: Halley, Williams and Blackbird.

ACTION: Denied. Issue mandate forthwith.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

(See Other Side)

No. 35,731 Date Filed Nov. 26, 1954 Co. Oklahoma

Selected Inv. Corp. Plaintiff in Error vs. Oklahoma Tax Commission Defendant in Error

Paul Washington, O.C. #20268 Atty. R. P. Hurry, O.C. Atty.
 Submitted Oral Sub Filed
 Justice Welch 1/11/56 First Pct. Rehear. Oral Sub
 Referred to Disposition
 Transferred to - Concurring

Application Presented
 Disposition
 Filed
 Submitted Mandate stayed
 Referred to Mandate issued 4/11/57
 Disposition Mandate recalled

REMARKS: PFI-23-55 8/7/55 27 2/1/55 27 2/1/55 P. apr. 24 3/6/55
 P. may 26 7/26/55, P. June 25 5/31/55, P. July 18 6/28/55, P. Aug 3

No. 36,731 Date Filed 3-12-1957 Co. Oklahoma

Selected Investment COMPANY Plaintiff in Error vs. Oklahoma Tax Commission Defendant in Error

Oral. Atty. Filed 3/20/57
 Submitted Oral Sub
 Justice Welch 28 B.F. 340 First Pct. Rehear. Referred to Disposition
 Transferred to Disposition
 Reversed and Remanded with Directions Concurring Welch, C.J. Corn, VCJ, Davison, Johnson, Williams and Carlile
 Dissent: Blackbird and Jackson
 Not Voting: Halley

Application Presented
 Disposition
 Filed
 Submitted Mandate stayed
 Referred to Mandate issued 4/11/57
 Disposition Mandate recalled

REMARKS: APR 1 1957

No. 36,731 Date Filed Mar. 12, 1957 Co. Oklahoma

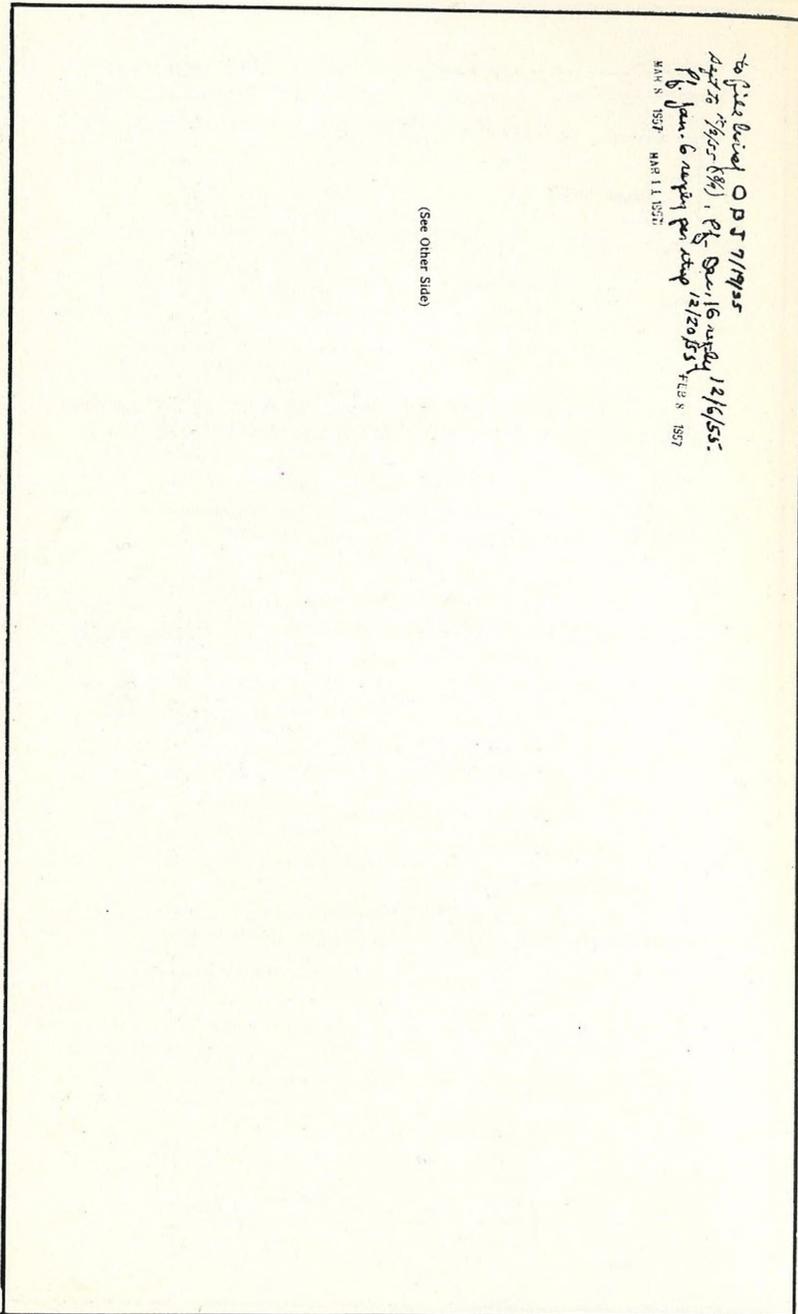
Selected Investments Corp. Plaintiff in Error vs. Oklahoma Tax Commission Defendant in Error

Oral. Atty. Filed
 Submitted Oral Sub
 Justice Jackson First Pct. Rehear. Referred to Disposition
 Transferred to Disposition
 Dissenting Concurring

Application Presented
 Disposition
 Filed
 Submitted Mandate stayed
 Referred to Mandate issued 4/11/57
 Disposition Mandate recalled

REMARKS:

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers



To file Serial O P J 7/19/25
April 25 1905 (84) P. S. Serial 16 under 12/6/55
P. S. Serial 6 under per stamp 12/20/55 FILED 1927
MAR 8 1927 MAR 11 1927

(See Other Side)

Selected Inv. Corp. vs. Oklahoma Tax Commission

No. 36,731

February 8, 1957

36,731—Selected Inv. Corp. v. Okla. Tax Commission

Welch presents opinion on merits—reversed and remanded.

CONCUR: Welch, Corn, Davison, Johnson, Williams and Carlile.

DISSENT: Blackbird.

PASS: Halley and Jackson.

ACTION: Back List.

March 8, 1957

36,731—Selected Investments Co. v. Oklahoma Tax Commission

Jackson presents dissenting opinion. No Change in vote.

March 11, 1957

36,731—Selected Investment Corp. v. Oklahoma Tax Commission

Welch presents opinion on merits—reversed and remanded with directions. 3/8/57.

CONCUR: Welch, Corn, Davison, Johnson, Williams and Carlile.

DISSENT: Blackbird and Jackson, who presents dissent 3/8/57.

NOT VOTING: Halley 3/11/57

ACTION: Adopted. 3/11/57

April 1, 1957

36,731—Selected Investments Co. v. Oklahoma Tax Commission

Johnson presents on rehearing with recommendation rehearing and oral argument be denied.

CONCUR: Welch, Corn, Davison, Johnson, and Williams.

DISSENT: Halley, Blackbird and Jackson.

ABSENT: Carlile.

ACTION: Denied.

*Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers*

February 2, 1959

38,178 - The Oklahoma Co. v. Eugene J. O'Neil, et al.

Davison presents petition to recall mandate, vacate opinion heretofore entered in this appeal and to write a new opinion, with recommendation petition be denied.
CONCUR: Davison, Welch, Johnson, Blackbird, Jackson and Irwin.
DISSENT: Williams, Halley and Berry
ACTION: Denied

March 2, 1959

38,178 - The Oklahoma Co. v. Eugene J. O'Neil, et al.

Davison presents 2nd petition to recall mandate, etc. with recommendation it be denied.

CONCUR: Davison, Welch, Johnson, Jackson & Irwin.
DISSENT: Williams, Halley, Blackbird and Berry.
ACTION: Second petition to recall mandate denied.

EXHIBIT 8

LEDGER SHEET
FIRST NATIONAL BANK
IN
CLAREMORE, OKLAHOMA

H. B. JOHNSON (SPECIAL FUND)

Board of Managers Ed 9

CHECKS	DEPOSITS	DATE	CHECKS	BALANCE	ANALYSIS		
AMOUNT BROUGHT FORWARD	1,551.24+	OCT 23'57		1,551.24*	ITMB	DEP	OTHER CHARGES
243.91-		OCT 27'58	1	1,307.33*			
243.92-		OCT 28'58	2	1,063.41*			
243.91-		OCT 30'58	3	819.50*			
243.92-		OCT 31'58	4	575.58*			
243.91-		OCT 31'58	5	331.67*			
10.00-		DEC 16'58	1	321.67*			
25.00-		DEC 31'58	2	296.67*			
25.00-	69.75-						
30.85-	48.49-						
243.91-		MAR-6'59	6	122.58*			
		DEC 31'58		296.67*			
		MAR 12'59	1	52.76*			
52.77-	.01+	FEB 11'60	2	.0000			

KEY

BC - SERVICE CHARGES CC - CERTIFIED CHECK
 EX - EXCHANGE DM - DEBIT MEMO
 EC - ERROR CORRECTOR CM - CREDIT MEMO
 RET - RETURN LBT - TOTAL OF SEVERAL CHECKS
 OD - OVERDRAFT

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

6263
LEDGER SHEET

FIRST NATIONAL BANK
IN
CLAREMORE, OKLAHOMA

SUC. SEC. # _____
SUC. SEC. # _____

Board of Managers Ex 10

SAVINGS

CHECKS	DEPOSITS	DATE	CHECKS	BALANCE	ANALYSIS		
					ITEMS	DEP.	OTH CHAS
AMOUNT BROUGHT FORWARD							
	202.48	APR 20 '60		1,126.66 *			
	100.00	JUN 6 '60		1,226.66 *			
	14.11	JUN 30 '60	IN	1,240.77 *			
	14.11	DEC	IN	1,240.76 *			
	14.10	JUN 30 '60	IN	1,240.76 *			
	153.34	NOV 4 '60		1,394.10 *			
	153.39	NOV 4 '60		1,394.15 *			
	19.37	DEC 31 '60	IN	1,413.52 *			
	86.48	FEB 10 '61		1,500.00 *			
	221.30	MAR 25 '61		1,721.30 *			
	256.31	MAR 31 '61		1,977.61 *			
	1,000.00	JUN 1 '61		2,977.61 *			
	28.36	JUN 30 '61	IN	3,005.97 *			
	45.08	DEC 29 '61	IN	3,051.05 *			
		JAN 22 '62		510.5 *			
	.76	JUN 29 '62	IN	51.81 *			
	.77	DEC 20 '62	IN	52.58 *			
		JAN 25 '63		.00 *			
000.00 - To C.D.							
525.8 - To C.D.							

KEY

BC - SERVICE CHARGES	CC - CERTIFIED CHECK
EX - EXCHANGE	DM - DRAFT MEMO
EC - ERROR CORRECTED	CM - CREDIT MEMO
RET - RETURNED ITEM	LBT - TOTAL OF SEVERAL CHECKS
OO - OVERDRAFT	

EXHIBIT 10 cont'd.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

REMARKS		#1	NAME N B JOHNSON		#11	
		SECURITY	ADDRESS CITY		CREDIT LIMIT	
		1. ONE NAME	WITH SECURITY		CREDIT LIMIT	
		2. TWO NAME	WITHOUT SECURITY		CREDIT LIMIT	
		3. ENDORSE				
		4. CHAT. MTR.				
		5. AUTOMOBILE				
		6. REAL EST. MTR.				
		7. COLLATERAL				
		8. MISC. SECURITY				
		9. CROP MTR.				
		10. AUTOMOBILE				

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
1158.6*			DEC 2 1943	50.00	NOV 2 1943	525.00*
108.06*		150.00				
115.73*		125.00				
110.26*		50.00				
116.83*			JAN 1 1944	200.00	DEC 1 1943	300.00*
116.83*	.01*	200.00				
131.18*			APR 1 1944	250.00	MAR 1 1944	250.00*
131.18*	.01*	250.00				
135.67*			JUL 1 1944	200.00	JUN 1 1944	200.00*
135.67*	.01*	200.00				
135.67*		50.00			JUL 1 1944	150.00*
135.67*		25.00			AUG 1 1944	125.00*
135.67*		125.00				
140.48*			SEP 1 1944	125.00	SEP 1 1944	125.00*
140.48*	.01*	25.00				
140.48*		100.00			OCT 1 1944	100.00*
140.48*	.01*	100.00				
142.95*			FEB 1 1944	125.00	NOV 1 1943	125.00*
142.95*	.01*	25.00				
142.95*		25.00			JAN 2 1944	100.00*
142.95*		50.00			FEB 1 1944	75.00*
142.95*		30.00			MAR 1 1944	50.00*
142.95*	.01*	30.00			MAY 1 1944	20.00*
154.81*			JUL 1 1944	50.00	JUN 1 1944	60.00*
154.81*	.01*	60.00				
160.02*			NOV 1 1943	50.00	AUG 1 1943	50.00*
160.02*	.01*	50.00				
164.84*			DEC 1 1943	50.00	NOV 1 1943	110.00*
164.84*	.01*	50.00				
164.84*			JUL 1 1944	200.00	JUL 1 1944	50.00*
164.84*	.01*	200.00				
170.45*			MAY 1 1944	200.00	FEB 1 1944	250.00*
170.45*	.01*	50.00				
170.45*		200.00	FEB 1 1944		FEB 1 1944	200.00*
170.45*	.01*	200.00				
181.80*			JUL 1 1944	201.50	MAR 1 1944	201.50*
181.80*	.01*	50.00				
181.80*		215.00	SEP 1 1943		SEP 1 1943	151.50*
181.80*	.01*	215.00				
189.12*			JAN 1 1944	101.50	JAN 1 1944	100.00*
189.12*	.01*	101.50				
189.12*		101.50			DEC 1 1943	201.50*
189.12*	.01*	101.50				
181.80*			APR 1 1944	152.50	APR 1 1944	152.50*
181.80*	.01*	152.50				
191.73*			SEP 1 1944		FEB 1 1944	.00*
191.73*	.01*	152.50				
195.23*			JUN 1 1944	202.57	MAR 1 1944	202.57*
195.23*	.01*	202.57				
197.65*			JUL 1 1944	101.00	MAY 1 1944	303.57*
197.65*	.01*	101.00				
197.65*	.00*	30.00	JUL 1 1944		JUL 1 1944	
197.65*	.00*	2.67	JUL 1 1944		JUL 1 1944	51.00*
197.65*	.00*	2.67				
197.65*		51.00			OCT 1 1944	.00*

EXHIBIT 11

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

#2

NAME Board of Managers Ex 11

ADDRESS _____

SECURITY _____

WITH SECURITY _____

CREDIT LIMIT _____

WITHOUT SECURITY _____

ONE NAME 1. REAL EST. MTGE.
TWO NAME 4. COLLATERAL
ENDORSER 7. MISC. SECURITY
CHAT. MTGE. 8. CROP MTGE.
9. AUTOMOBILE

R	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
	.01 #	.00		152.00	JUL 1 6 44	152.00 *
98 #	.01 #	152.00	JAN 1 3 45	153.13	NOV 1 3 44	305.13 *
99 #		153.13				
1 #			MAR 4 45	308.13	JAN 4 45	308.13 *
51 #		308.13				
17 #			APR 2 6 45	413.63	FEB 2 6 45	404.46 *
91 #		308.13				
17 #			APR 2 6 45	413.63	FEB 2 6 45	413.63 *
18 #						
19 #			MAY 1 9 45	101.00	MAR 1 9 45	514.63 *
19 #		101.00	MAY 2 4 5		MAY 2 4 5	
17 #		63.63	MAY 2 4 5		MAY 2 4 5	350.00 *
301 #			JUL 1 9 45	101.75	MAY 1 9 45	451.75 *
17 #		350.00				
301 #		101.75	JUL 5 45		JUL 5 45	.00 *
32 #			JUL 2 6 45	426.75	JUL 5 45	426.75 *
86 #			SEP 1 9 45	76.50	JUL 1 9 45	503.25 *
32 #		426.75				
86 #		76.50				
43 #			DEC 5 45	458.25	OCT 5 45	458.25 *
006 #		203.00	SEP 1 8 45		OCT 1 8 45	255.25 *
08 #			NOV 1 8 45	203.00	OCT 1 8 45	661.25 *
8 #		203.00	NOV 1 8 45		NOV 1 8 45	458.25 *
943 #		50.00	DEC 6 45		DEC 6 45	408.25 *
34 #		58.25				350.00 *

B. B. 1/6

EXHIBIT 11 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

REMARKS 73
 DELAWARE
 SECURITY
 1 ONE NAME 3 REAL EST. MTOE
 2 TWO NAME 4 COLLATERAL
 3 ENDORSER 5 MISC. SECURITY
 4 CHAT. MTOE 6 CRUP. MTOE
 7 AUTOMOBILE

NAME W. D. Johnson
 ADDRESS Char., Del.
 WITH SECURITY _____
 CREDIT LIMIT _____
 WITHOUT SECURITY _____

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
						2100.00
25.89 #	.01 #		APR 1 1946	51.00	FEB 8 1946	401.00 *
19.43 #		50.00	MAR 4 1946		MAR 4 1946	751.00 *
25.89 #		51.00	MAR 8 1946		MAR 8 1946	700.00 *
33.01 #			JUL 2 1946	51.00	JUL 8 1946	751.00 *
41.56 #		51.00	JAN 1 1946		NOV 8 1946	50.00
			JAN 1 1947	420.00	NOV 8 1946	420.00 *
46.75			MAR 8 1947	51.00	JAN 8 1947	471.00 *
		70.00			FEB 1 1947	401.00 *
49.18			MAY 8 1947	51.00	FEB 8 1947	452.00 *
50.02			APR 1 1948	484.21	MAR 4 1947	936.21 *
51.00			JUN 8 1948	104.28	MAR 8 1947	1,040.46 *
		51.00	MAR 8 1947		MAR 8 1947	989.46 *
					MAR 8 1947	970.46
		10.00	APR 1 1947		APR 1 1947	979.46
		40.35	APR 1 1947		APR 1 1947	939.11 *
		50.35	MAY 8 1947		MAY 8 1947	888.76 *
55.85			JUN 8 1947	76.00	MAY 8 1947	964.76 *
		50.35	JUN 4 1947		JUN 4 1947	914.41 *
58.49		477.00	JUL 1 1947	401.00	JUN 8 1947	838.41 *
		40.35				
		10.00	JUL 1 1947		JUL 1 1947	788.06 *
		25.00				
		40.35				
		10.00	AUG 1 1947		AUG 1 1947	712.71 *
		40.35				
		10.00				

D.W.K.

EXHIBIT 11 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

REMARKS
CLAREMORE

NAME N. E. JOHNSON
ADDRESS CLAR MORE, OKLAHOMA

SECURITY
1 NAME 5 REAL EST. MTSB.
2 L.O. NAME 6 COLLATERAL
3 ENDORSE 7 MISC. SECURITY
4 CHAT MTSB. 8 CROP MTSB.
9 AUTOMOBILE

WITH SECURITY _____
CREDIT LIMIT _____
WITHOUT SECURITY _____

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
				BALANCE F: FORWARD		
		4038	10-1-47			66236.00
		10.00	10-1-47			61201.00
67.41			NOV 2 1947	51.00	NOV 2 1947	66301.00
		4038	NOV 2 1947		NOV 2 1947	66301.00
		10.00	NOV 2 1947		NOV 2 1947	61256.00
		64.60	DEC 2 1947		DEC 2 1947	54806.00
		4038	JAN 2 1948		JAN 2 1948	50771.00
		4038				
		51.00	FEB 2 1948		FEB 2 1948	41636.00
75.14			MAR 2 1948	101.00	FEB 2 1948	51736.00
		4038	MAR 2 1948		MAR 2 1948	47700.00
		26.00	APR 1 1948		MAR 2 1948	45100.00
		101.00	MAR 2 1948		APR 2 1948	35000.00
		100.00	MAY 1 1948		MAY 1 1948	25000.00
		250.00	NOV 2 1948		NOV 2 1948	.00
105.48			DEC 2 1948	152.25	DEC 2 1948	152.25
		152.25	DEC 2 1948		JAN 2 1948	.00
130.59			DEC 2 1948	101.00	JAN 2 1948	101.00
135.08			DEC 2 1948	101.00	DEC 2 1948	202.00
140.87			FEB 2 1948	151.00	JAN 2 1948	353.00
		202.00	MAR 2 1948		MAR 2 1948	151.00

See next sheet

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

REMARKS: Real Estate

CLAREMORE

NAME N.B. JOHNSON

ADDRESS CITY Box 3101 State Capitol Bldg. Oklahoma City.

SECURITY

1 ONE NAME 5 REAL ESTATE MTGE.
2 TWO NAME 6 COLLATERAL
3 ENDORSE 7 MISC SECURITY
4 CHAT MTGE 8 CROP MTGE.
9 AUTOMOBILE

WITH SECURITY _____
CREDIT LIMIT _____
WITHOUT SECURITY _____

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
				BALANCE BROUGHT FORWARD		151.00
155.64	.04	151.00	NOV 8 1951		NOV 8 1951	.00 *
			DEC 1 1951	1819.00	SEP 18 1951	1819.00 *
		150.00	NOV 7 1951		NOV 7 1951	1669.00 *
		150.00	DEC 5 1951		DEC 5 1951	1519.00 *
		150.00	DAN 4 1952		JAN 4 1952	1369.00 *
		150.00	FEB 6 1952		FEB 6 1952	1219.00 *
		150.00	MAR 5 1952		MAR 5 1952	1069.00 *
1674.8			JUL 1 5 1952	406.00	MAR 8 0 1952	1775.00 *
		150.00	APR 3 1952		APR 3 1952	1285.00 *
		150.00	MAY 1 1952		MAY 1 1952	1075.00 *
		150.00	JUN 2 1952		JUN 2 1952	925.00 *
175.20		150.00	JUN 8 8 1952		JUN 8 8 1952	775.00 *
		406.00	JUL 1 8 1952	412.00	JUL 1 8 1952	881.00 *
		150.00	AUG 1 1952		AUG 1 1952	731.00 *
175.20			SEP 1 8 1952	126.00	AUG 1 8 1952	857.00 *
		150.00	SEP 1 3 1952		SEP 1 3 1952	707.00 *
182.23		276.00	OCT 1 1 1952	127.00	OCT 1 8 1952	431.00 *
		253.77	OCT 1 1 1952		OCT 1 8 1952	558.00 *
		190.00	OCT 1 8 1952		OCT 1 8 1952	534.63 *
		190.00	OCT 1 8 1952		OCT 1 8 1952	539.00 *
		127.00	DEC 3 0 1952		DEC 3 8 1952	412.00 *
		412.00	DAN 8 1953		JAN 8 1953	.00 *
195.24			JAN 1 1953	102.00	MAY 8 1953	102.00 *
		101.00			JAN 8 1953	1.00 *
		102.00	JAN 8 1953		JAN 8 1953	.00 *

EXHIBIT 11 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

REMARKS: CLAREMORE

NAME N. B. JOHNSON
ADDRESS 3101 State CAPITOL BUILDING
OKLAHOMA CITY, OKLA.

SECURITY
1. ONE NAME 5. REAL ESTATE MTGE.
2. TWO NAME 6. COLLATERAL
3. ENDORSER 7. MISC. CREDIT
4. CHAT. MTGE. 8. CROP. MTGE.
9. AUTOMOBILE

WITH SECURITY _____
CREDIT LIMIT _____
WITHOUT SECURITY _____

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
205.85			DEC 8 '53	152.50	OCT 8 4'55	152.50 *
212.53		152.50	DEC 1 9 '53 MAR 2 9 '54	102.00	DEC 1 9 '53 JAN 2 9 '54	.00 * 102.00 *
223.48		102.00	MAR 2 9 '54		MAR 2 9 '54	.00 *
		200.00	JUN 1 9 '54	200.00	JUN 2 9 '54	200.00 *
		200.00	SEP 8 '54		SEP 8 '54	.00 *
240.58			APR 1 '55	204.17	JAN 8 5'55	204.17 *
		204.17	APR 4 '55		APR 4 '55	.00 *
251.90		202.00	JUL 2 7 '55	202.00	JUN 1 '55	202.00 *
250.00		102.00	JAN 1 6 '56	1,020.00	JUL 6 '55	.00 *
		100.00	OCT 1 1 '55		SEP 1 6 '55	1,020.00 *
		101.00	NOV 2 0 '55	101.00	OCT 1 6 '55	200.00 *
		100.00	DEC 1 7 '55		DEC 1 7 '55	200.00 *
		100.00	JAN 1 7 '56		JAN 1 7 '56	200.00 *
		100.00	MAR 1 '56		MAR 1 '56	720.00 *
		100.00	APR 1 '56		APR 1 '56	680.00 *
		200.00	APR 1 9 '56		APR 1 9 '56	600.00 *
		100.00	MAY 1 1 '56		MAY 1 1 '56	500.00 *
		100.00	JUN 6 '56		JUN 6 '56	400.00 *
		100.00	JUL 8 '56		JUL 8 '56	300.00 *
		300.00	JUL 2 4 '56		JUL 2 4 '56	.00 *
		100.00		303.00		303.00 *
		203.00				203.00 *
35.369		202.00	112,058	202.00	SEP 1 9 '58 JUN 1 6 '58	.00 *

EXHIBIT 11 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

LIABILITY LEDGER						
THE FIRST NATIONAL BANK CLAREMORE, OKLAHOMA				NAME	ADDRESS	
SECURITY				CREDIT LIMIT		
1 ONE NAME	2 TWO NAME	3 ENDORSER	4 CHAT. MTGE.	5 REAL EST. MTGE.	6 COLLATPRAL	7 MISC. SECURITY
8 CROP MTGE.	9 AUTOMOBILE	MONTH SECURITY				
					W/OUT SECURITY	
NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
38.529			51.559	151.50	MAR 17 59	151.50*
38.936			62.559	101.00	MAR 25 59	252.50*
39.107			61.659	101.00	MAY 16 59	353.50*
		151.50			JUN 30 59	202.00*
		202.00			JUL 1 59	.00*
39.336			13.259	202.00	AUG 5 59	202.00*
		202.00		202.00	SEP 18 59	404.00*
40.641		202.00	22.459	101.00	OCT 8 59	202.00*
		101.00			NOV 1 59	101.00*
42.396			5.160	202.00	APR 20 60	202.00*
42.920		202.00	8.2060	202.00	MAY 18 60	.00*
		202.00			MAY 22 60	.00*
43.549			11.160	303.00	MAY 26 60	303.00*
43.988			11.561	303.00	OCT 15 60	606.00*
44.600			21.361	303.00	DEC 13 60	909.00*
		909.00			JAN 13 61	.00*
44.930			21.561	201.00	JAN 14 61	201.00*
		201.00			FEB 20 61	.00*
48.506		302.00	11.462	302.00	DEC 18 61	302.00*
		302.00			JAN 12 62	.00*
48.910			22.262	201.00	JAN 22 62	201.00*
50.327		201.00	8.862	303.00	MAR 6 62	.00*
		303.00			APR 6 62	303.00*
51.773			12.162	202.00	MAY 16 62	.00*
52.126			11.563	303.00	ACT 13 62	202.00*
		502.00			MAY 15 62	505.00*
52.790		303.00	31.063	607.00	DEC 11 62	303.00*
		607.00			JAN 10 63	607.00*
53.558			31.863	710.00	MAR 11 63	.00*
54.306		710.00	31.863	1080.00	MAY 21 63	710.00*
		1000.00			JAN 10 63	1080.00*
		1000.00			JUL 18 63	880.00*
		1000.00			AUG 9 63	750.00*
		1000.00			SEP 11 63	650.00*
		1000.00			OCT 10 63	550.00*
55.222		100.00	21.064	503.00	NOV 6 63	1055.00*
		100.00			NOV 8 63	955.00*
		503.00			DEC 10 63	855.00*

EXHIBIT 11 (Cont'd.)

LIABILITY LEDGER
THE FIRST NATIONAL BANK
CLAREMORE, OKLAHOMA

NAME _____
 ADDRESS _____
 SECURITY _____
 CREDIT LIMIT _____
 WITH SECURITY _____
 WITHOUT SECURITY _____

SECURITY
 1 ONE NAME 5 REAL EST. MTGE.
 2 TWO NAME 6 COLLATERAL
 3 ENDORSER 7 MISC. SECURITY
 4 CHAT. MTGE. 8 CROP MTGE.
 9 AUTOMOBILE

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
		BALANCE FORWARD			JAN 10 54	350.00*
		100.00-			JAN 10 54	250.00*
<i>See new sheet</i>						

EXHIBIT 11 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER	MEMO	PAYMENTS	DUE DATE	AMOUNT OF NOTE	DATE OF ENTRY	TOTAL LIABILITY
			BALANCE FORWARD		JAN 1964	350.00*
		100.00-			JAN 1964	250.00*
		100.00-			FEB 564	150.00*
		150.00-			MAR 1964	.00*
57.722			61.664	912.00	MAR 1964	912.00*
		309.00-			MAY 1964	603.00*
		94.00-			JUN 1964	809.00*
	21.00 1.00 23.00	509.00-			SEP 1964	.00*
59.717			121.664	613.00	SEP 1964	613.00*
					DEC 1964	613.00*
		613.00-			MAR 1965	.00*

EXHIBIT 11 (Cont'd.)

NAME		<i>Board of Managers of 12</i>	
N.B. JOHNSON		SAFE NO.	
<i>N.B. Johnson</i>		1717	
DATE	SIGNATURE OF ENTRANT	DATE	SIGNATURE OF ENTRANT
<i>Dec 5 '59</i>	<i>N.B. Johnson</i>	<i>JUL 29 '61</i>	<i>N.B. Johnson</i>
<i>Dec 31 '59</i>	<i>N.B. Johnson</i>	<i>FEB 21 '62</i>	<i>N.B. Johnson</i>
<i>JAN 4 '60</i>	<i>N.B. Johnson</i>	<i>MAR 27 '62</i>	<i>N.B. Johnson</i>
<i>JAN 9 '60</i>	<i>N.B. Johnson</i>	<i>DEC 23 '61</i>	<i>N.B. Johnson</i>
<i>SEPT 10 '60</i>	<i>N.B. Johnson</i>	<i>JAN 13 '62</i>	<i>N.B. Johnson</i>
<i>JAN 9 '61</i>	<i>N.B. Johnson</i>		
<i>JAN 13 '61</i>	<i>N.B. Johnson</i>		
<i>FEB 1 '61</i>	<i>N.B. Johnson</i>		
<i>FEB 4 '61</i>	<i>N.B. Johnson</i>		

EXHIBIT 12

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

RELEASE

Oklahoma City, Okla. _____ 19__

I hereby certify that all the property placed or stored in the vault of the CITIZENS STATE BANK, Oklahoma City, Okla., has been withdrawn therefrom, and is now in the full possession, all claims against and liability of said BANK, therefore being waived hereunder.

I also acknowledge receipt of \$ _____ being a refund of the amount deposited for keys.

Banker _____

Board of Managers 13 June 10 1957

1717
DATE

7-28-57

Received from CITIZENS STATE BANK, Oklahoma City, Okla., a receipt for gold paid for making the _____ vault in the vault of said bank and returned to the undersigned hereby deposited thereon.

also acknowledge to have received _____ keys of said State Deposit Box, for which I have deposited \$ _____

Name of Bank _____
Address _____
City _____ State _____
Branch Name _____
Branch Address _____
Branch City _____ State _____

Name of Banker _____
Address _____
City _____ State _____

DATE	NAME	AMOUNT	DATE	NAME	AMOUNT
Jul 10 1957	H B Johnson				
SEP 10 1957	M B Johnson				
SEP 21 1957	M B Johnson				
NOV 18 1957	M B Johnson				
DEC 1 1957	M B Johnson				
DEC 27 1957	M B Johnson				
MAR 13 1958	M B Johnson				
AUG 7 1957	M B Johnson				
AUG 22 1958	M B Johnson				
NOV 19 1958	M B Johnson				

Name of Banker _____
Address _____
City _____ State _____

Name of Banker _____
Address _____
City _____ State _____

EXHIBIT 13

Board of Managers Op 14

CITIZENS STATE BANK

NUMBER
104915

DEBITED TO _____

PAID TO THE ORDER OF _____

OKLAHOMA CITY, OKLA. JUL 26 1956

\$ 89.51

CITIZENS STATE BK
OKLA. CITY \$89 and 51cts

CASHIER'S CHECK

989461

Kenneth G. Lawton

CASHIER

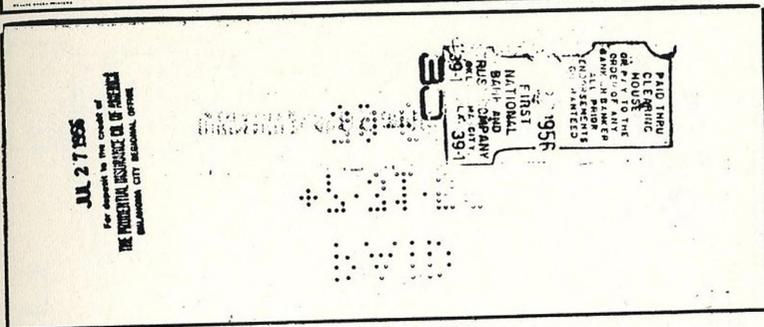


EXHIBIT 14

Board of Managers Op 15

CITIZENS STATE BANK

NUMBER
109888

DEBITED TO _____

PAID TO THE ORDER OF _____

OKLAHOMA CITY, OKLA. NOV 30 1956

\$ 89.51

CITIZENS STATE BK
OKLA. CITY \$89 and 51cts

CASHIER'S CHECK

from no 989461-A

Kenneth G. Lawton

CASHIER

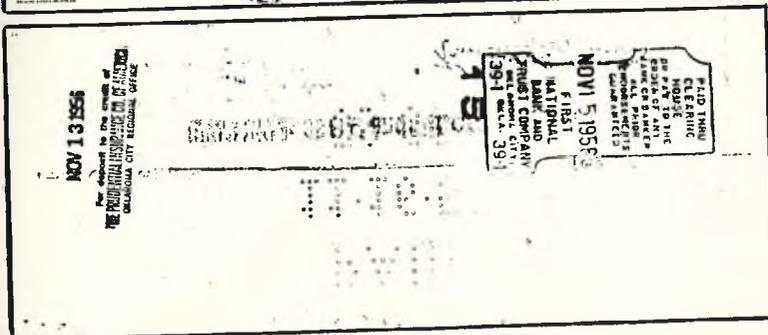


EXHIBIT 15

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

Board of managers No. 16

CITIZENS STATE BANK NUMBER 110412

ISSUED BY: **N. E. JOHNSON** OKLAHOMA CITY, OKLA. MAY 31 1957

PAY TO THE ORDER OF: **PRUDENTIAL INSURANCE CO.** \$89.51

CITIZENS STATE BY: **\$89 and 51 cts**

CASHIER'S CHECK 8959

Kenneth G. Lawton

PAID INTO CLEARING HOUSE THE NEXT MORNING BANK OF AMERICA NATIONAL ASSOCIATION MEMBERS OF FEDERAL RESERVE SYSTEM

JUN 5 1957

FIRST NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY, OKLA. 391

JUN 3 1957
For deposit to the credit of the PRUDENTIAL INSURANCE CO. OF AMERICA OKLAHOMA CITY, OKLA. 391

EXHIBIT 16

Board of managers No. 17

CITIZENS STATE BANK NUMBER 122452

ISSUED BY: **M. D. JOHNSON** OKLAHOMA CITY, OKLA. AUG 1 1957

PAY TO THE ORDER OF: **PRUDENTIAL LIFE INS. CO. OF AMERICA** \$89.51

CITIZENS STATE BY: **\$89 and 51 cts**

CASHIER'S CHECK 789461

Kenneth G. Lawton

PAID INTO CLEARING HOUSE THE NEXT MORNING BANK OF AMERICA NATIONAL ASSOCIATION MEMBERS OF FEDERAL RESERVE SYSTEM

AUG 1 1957

FIRST NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY, OKLA. 391

AUG 6 - 1957
For deposit to the credit of the PRUDENTIAL LIFE INS. CO. OF AMERICA OKLAHOMA CITY, OKLA. 391

EXHIBIT 17

Board of Managers 18 NUMBER

CITIZENS STATE BANK 124492

IDENTIFIER
N. B. JOHNSON OKLAHOMA CITY, OKLA. SEP 10 1957 76-88
1956

PAY TO THE ORDER OF HARBOUR - LONGMIRE \$ 75.50

CITIZENS STATE BK. OKLA. CITY \$75 and 50cts

CASHIER'S CHECK

Harold G. Lawton
CASHIER

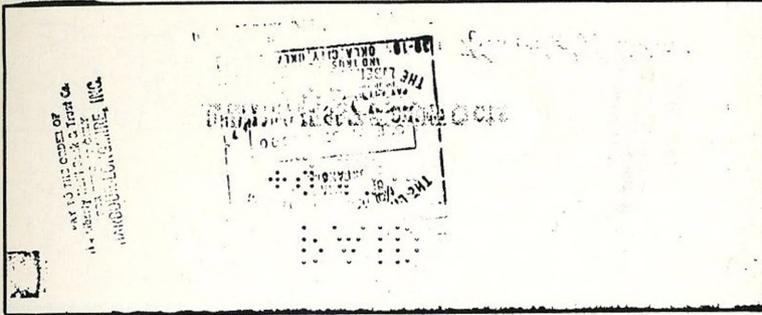


EXHIBIT 18

Board of Managers 19 NUMBER

CITIZENS STATE BANK 124491

IDENTIFIER
N. B. JOHNSON OKLAHOMA CITY, OKLA. SEP 10 1957 76-88
1956

PAY TO THE ORDER OF CLAREMORE FEDERAL SAVINGS & LOAN ASSN \$200.00

CITIZENS STATE BK. OKLA. CITY \$200 and 00cts

CASHIER'S CHECK 910043

Harold G. Lawton
CASHIER

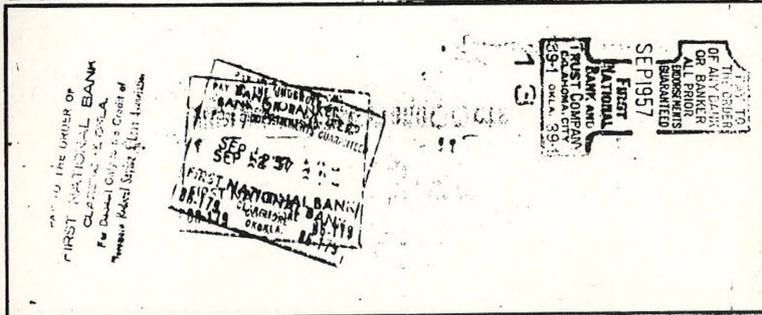


EXHIBIT 19

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CITIZENS STATE BANK *BM-20* NUMBER 124490

ISSUED BY N. B. JOHNSON OKLAHOMA CITY, OKLA. SEP 10 1957

PAY TO THE ORDER OF PRUDENTIAL INSURANCE CO. OF AMERICA \$ 99.51

CITIZENS STATE BK. \$89 and 5 Cts
OKLA. CITY

CASHIER'S CHECK

989461 *Harold G. Lawton*

CASHIER

PAID THRU CLEARING HOUSE TO THE BANK OF ANY MEMBER OF THE FEDERAL RESERVE SYSTEM SEP 10 1957

FIRST NATIONAL BANK AND TRUST COMPANY OKLAHOMA CITY

SEP 10 1957

CITIZENS STATE BANK

OKLAHOMA CITY

EXHIBIT 20

CITIZENS STATE BANK *BM-21* NUMBER 125031

ISSUED BY N. B. JOHNSON OKLAHOMA CITY, OKLA. SEP 21 1957

PAY TO THE ORDER OF FIRST NATIONAL BANK, CLAREMORE, OKLA. \$ 150.00

CITIZENS STATE BK. \$150 and 00 Cts
OKLA. CITY

CASHIER'S CHECK 00013

Harold G. Lawton

CASHIER

PAID THRU CLEARING HOUSE TO THE BANK OF ANY MEMBER OF THE FEDERAL RESERVE SYSTEM SEP 21 1957

FIRST NATIONAL BANK AND TRUST COMPANY OKLAHOMA CITY

SEP 21 1957

FIRST NATIONAL BANK
CLAREMORE
OKLA. 06-119

SEP 23 57 \$ -

PAY TO THE ORDER OF ANY BANK OR BANKER ALL PRIOR ENDORSEMENTS GUARANTEED

3

FIRST NATIONAL BANK
CLAREMORE
OKLA. 06-119

EXHIBIT 21

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

B.M. 22

NUMBER
127082

CITIZENS STATE BANK

ISSUED BY
N. B. JOHNSON

OKLAHOMA CITY, OKLA. NOV 4 1957

PAY TO THE ORDER OF
CLAREMORE FEDERAL SAVINGS & LOAN ASSN

NO. OF
1636

\$100.00

CITIZENS STATE BY
OKLA. CITY NO. **\$100 and 00 Cts**

CASHIER'S CHECK 90-0003

Kenneth G. Lawton
CASHIER

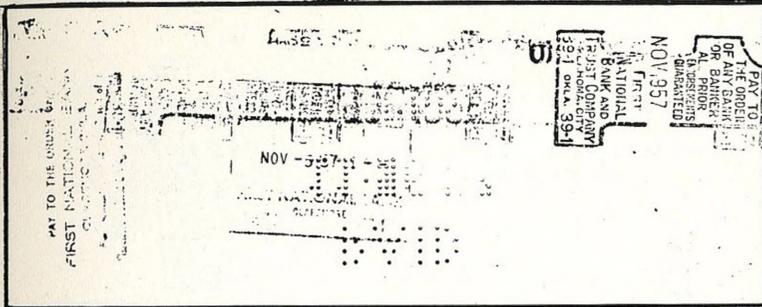


EXHIBIT 22

B.M. 23

NUMBER
127081

CITIZENS STATE BANK

ISSUED BY
N. B. JOHNSON

OKLAHOMA CITY, OKLA. NOV 4 1957

PAY TO THE ORDER OF
PRUDENTIAL INSURANCE CO. OF AMERICA

NO. OF
1636

\$ 89.51

CITIZENS STATE BY
OKLA. CITY NO. **\$89 and 51 Cts**

CASHIER'S CHECK 1424817

Kenneth G. Lawton
CASHIER

989461

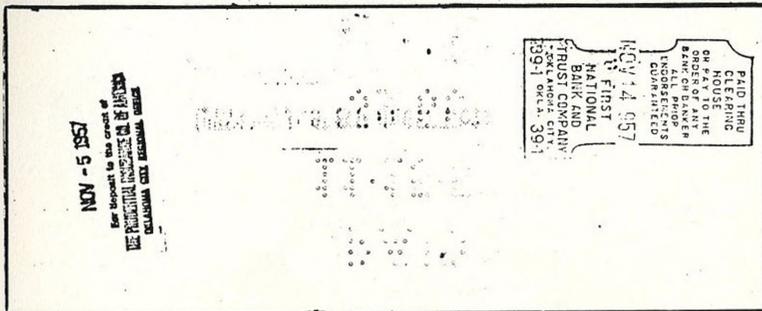


EXHIBIT 23

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CITIZENS STATE BANK NUMBER
127516

51474

ISSUED BY
N. B. JOHNSON OLAHOMA CITY, OKLA. NOV 13 1957

PAY TO THE ORDER OF LOCAL FEDERAL SAVINGS & LOAN ASSN. \$ 100.00

CITIZENS STATE BK
OKLA. CITY OK. \$100 and 00/100

CASHIER'S CHECK 110154

Kenneth J. Lawton

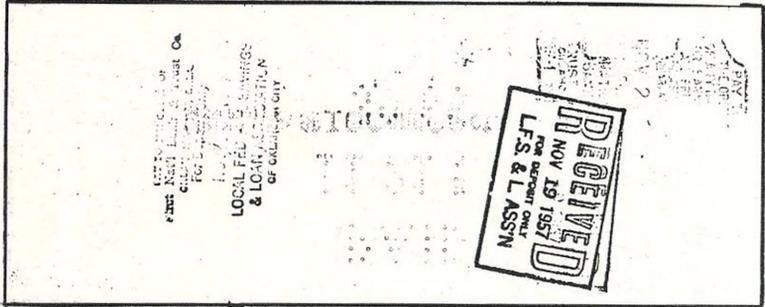


EXHIBIT 24

Citizens STATE BANK NUMBER
130509

Bill 73

ISSUED BY
N. B. JOHNSON OLAHOMA CITY, OKLA. JAN 7 1958

PAY TO THE ORDER OF FIRST NATIONAL BANK OF CLAREMORE \$ 200.00

CITIZENS STATE BK
OKLA. CITY OK. \$200 and 00/100

CASHIER'S CHECK

Kenneth J. Lawton

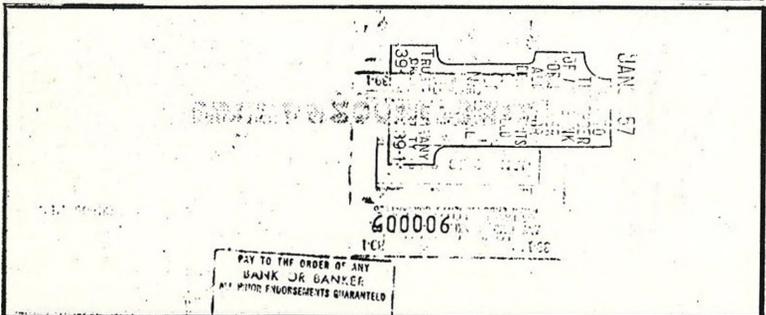


EXHIBIT 25

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

B.M. 28

Citizens STATE BANK
Safe, Friendly, Progressive

REMITTER: N. B. JOHNSON
OKLAHOMA CITY, OKLA. JAN 15 1959

NUMBER: 150130
38-65
1959

PAY TO THE ORDER OF: MAGNOLIA PETROLEUM CORP. \$ 87.78

CITIZENS STATE BANK OKLA. CITY, OKLA. \$87 and 78 cts

CASHIER'S CHECK

Thomas L. Lawton
CASHIER

FOR DEPOSIT ONLY
PAY TO THE ORDER OF
REPUBLIC NATIONAL BANK
DALLAS, TEXAS

JAN 16 1959

MAGNOLIA PETROLEUM COMPANY
GENERAL ACCOUNT

EXHIBIT 28

B.M. 29

Citizens STATE BANK
Safe, Friendly, Progressive

REMITTER: N. B. JOHNSON
OKLAHOMA CITY, OKLA. JAN 15 1959

NUMBER: 150129
38-65
1959

PAY TO THE ORDER OF: FIRST NATIONAL BANK, CLAREMORE, OKLA. \$ 200.00

CITIZENS STATE BANK OKLA. CITY, OKLA. \$200 and 00 cts

CASHIER'S CHECK

Thomas L. Lawton
CASHIER

FOR DEPOSIT ONLY
PAY TO THE ORDER OF
FIRST NATIONAL BANK
CLAREMORE, OKLA.

JAN 15 1959

CALL THROUGH HOUSEHOLD OR PAY TO THE BANK OR CASHIER UNLESS ALL OTHERS INDICATED

EXHIBIT 29

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
170606

Citizens STATE BANK
Safe, Friendly, Progressive

REMITTER
M. D. JOHNSON
OKLAHOMA CITY, OKLA. DEC 5 1959

39-68
1030

PAY TO THE ORDER OF FIRST NATIONAL BANK, CLAREMORE, OKLAHOMA \$101.00

CITIZENS STATE BANK
OKLAHOMA CITY

CASHIER'S CHECK

\$101 and 00/100

Donald G. Johnston
CASHIER

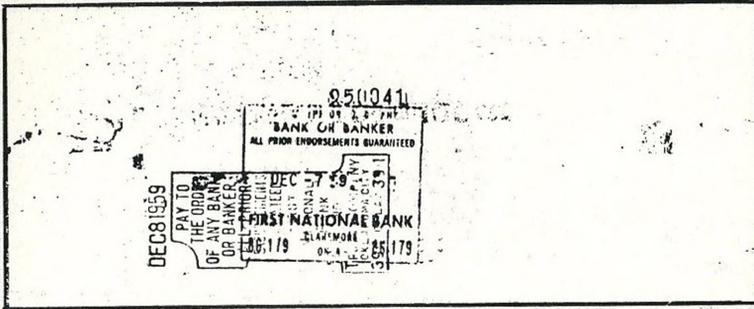


EXHIBIT 30

NUMBER
170605

Citizens STATE BANK
Safe, Friendly, Progressive

REMITTER
M. D. JOHNSON
OKLAHOMA CITY, OKLA. DEC 5 1959

39-68
1030

PAY TO THE ORDER OF STREETS CLOTHING CO. \$86.09

CITIZENS STATE BANK
OKLAHOMA CITY

CASHIER'S CHECK

\$86 and 09/100

Donald G. Johnston
CASHIER

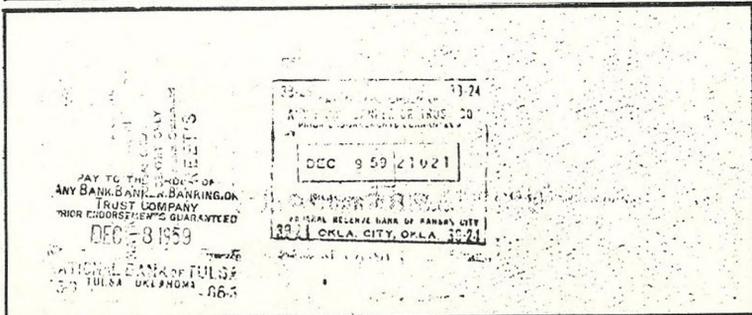


EXHIBIT 31

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
170604

DM-32
Citizens STATE BANK
Safe - Friendly - Progressive

ISSUED BY: **H. E. JOHNSON** OKLAHOMA CITY, OKLA. DEC 5 1952

PAY TO THE ORDER OF: COUNTY TREASURER OF OKLAHOMA COUNTY \$91.88

CITIZENS STATE BK OKLAHOMA CITY OK **\$91 and 88/100**

CASHIER'S CHECK

[Signature]
CASHIER

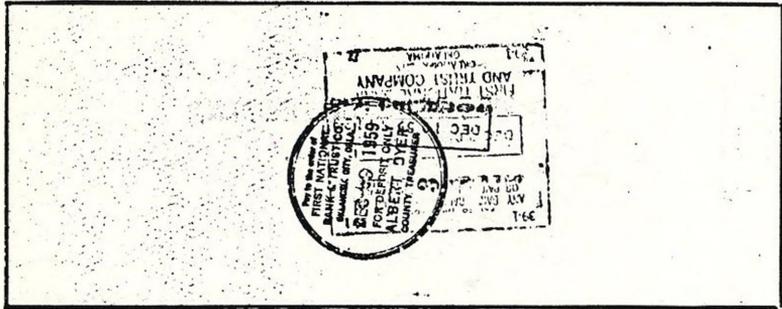


EXHIBIT 32

NUMBER
170603

DM-33
Citizens STATE BANK
Safe - Friendly - Progressive

ISSUED BY: **H. B. JOHNSON** OKLAHOMA CITY, OKLA. DEC 5 1952

PAY TO THE ORDER OF: FEDERAL INS CO, OR AMERICA \$82.51

CITIZENS STATE BK OKLAHOMA CITY OK **\$82 and 51/100**

CASHIER'S CHECK

[Signature]
CASHIER

Boon # 984461-a

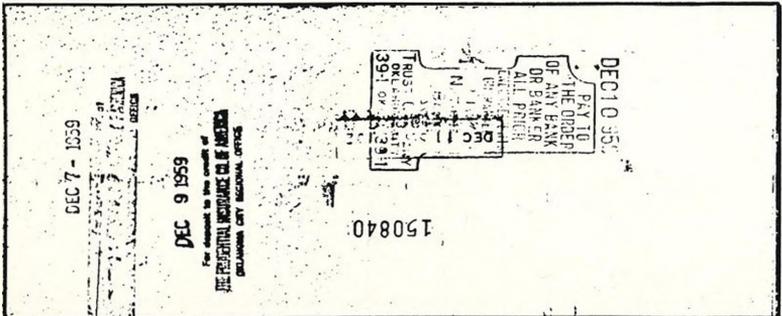


EXHIBIT 33

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

314-34

Citizens STATE BANK NUMBER 171740
Safe, Friendly, Progressive

ISSUED BY: R. B. JOHNSON OKLAHOMA CITY, OKLA. DEC 22 1953 28-28 1030

PAY TO THE ORDER OF: PRUDENTIAL INS. CO. OF AMERICA \$89.51

CITIZENS STATE BANK OKLAHOMA CITY \$89 and 51/100

CASHIER'S CHECK

100 + months 2 1/2 years
Form No 989461-a

CASHIER

151/25

JAN 18 1960
PAY TO THE ORDER OF THE CREDIT OF ALL BANKS AND ALL OTHER INSTITUTIONS FIRST NATIONAL BANK OF OKLAHOMA CITY 39-10-1-831

50222 00:00:00

EXHIBIT 34

514-25

Citizens STATE BANK NUMBER 171738
Safe, Friendly, Progressive

ISSUED BY: R. B. JOHNSON OKLAHOMA CITY, OKLA. DEC 22 1953 28-28 1030

PAY TO THE ORDER OF: NOBIL OIL CO. \$60.10

CITIZENS STATE BANK OKLAHOMA CITY \$60 and 10/100

CASHIER'S CHECK

CASHIER

OKLAHOMA CITY BRANCH
DEC 22 1953
CITIZENS STATE BANK OF OKLAHOMA
RICHARDSON BANKING COMPANY, INC.
CHIEF OF BRANCH

EXHIBIT 35

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
179539

Citizens STATE BANK
Safe - Friendly - Progressive

ISSUED *2/17-36*

MEMBER
H. B. JOHNSON OKLAHOMA CITY, OKLA. **APR 20 1960**

PAY TO THE ORDER OF **LEO WINTERS, SECY. OKLA. STATE ELECTION BOARD** \$**100.00**

CITIZENS STATE BANK OF OKLAHOMA CITY \$**100 and 00/100** **45**

CASHIER'S CHECK

Harriet J. Lawton
CASHIER

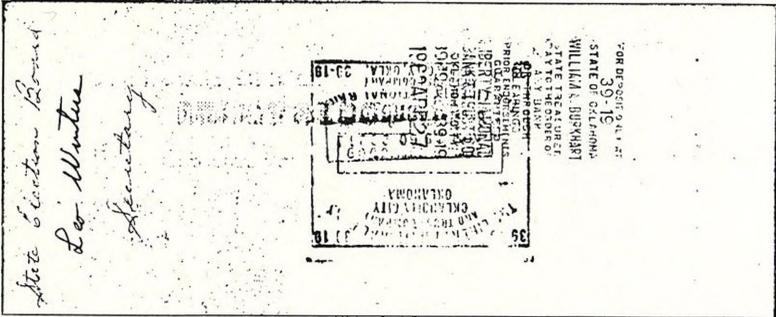


EXHIBIT 36

NUMBER
197487

Citizens STATE BANK
Safe - Friendly - Progressive

ISSUED *2/14-37*

MEMBER
H. B. JOHNSON OKLAHOMA CITY, OKLA. **JAN 12 1961**

PAY TO THE ORDER OF **WOOLF BROTHERS** \$**9.33**

CITIZENS STATE BANK \$**9 and 33/100**

CASHIER'S CHECK

Harriet J. Lawton
CASHIER

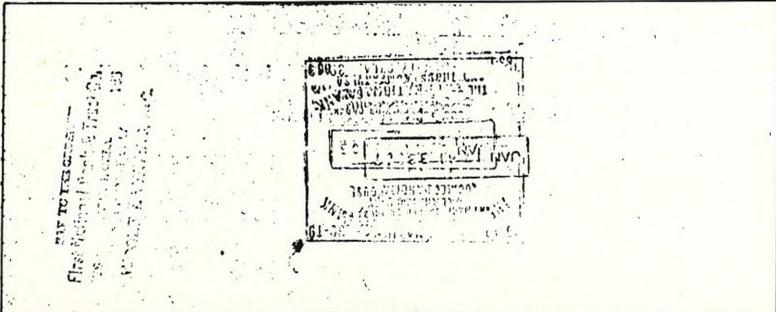


EXHIBIT 37

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
197488

Citizens STATE BANK
Safe · Friendly · Progressive

REMITTER N. B. JOHNSON OKLAHOMA CITY, OKLA. JAN 12 1961 30-66
1030

PAY TO THE ORDER OF SEIDENBACK'S \$ 29.01

CITIZENS STATE BANK
STATE BANK OF OKLA. **\$29 and 01cts**

CASHIER'S CHECK

Kenneth L. Lawton
CASHIER

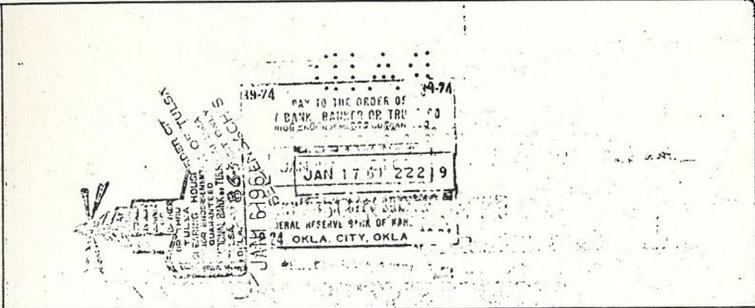


EXHIBIT 38

NUMBER
197479

Citizens STATE BANK
Safe · Friendly · Progressive

REMITTER N. B. JOHNSON OKLAHOMA CITY, OKLA. JAN 12 1961 30-66
1030

PAY TO THE ORDER OF FIRST NATIONAL BANK OF CLAREORE \$ 900.00

CITIZENS STATE BANK **\$900 and 00cts**

CASHIER'S CHECK

Kenneth L. Lawton
CASHIER

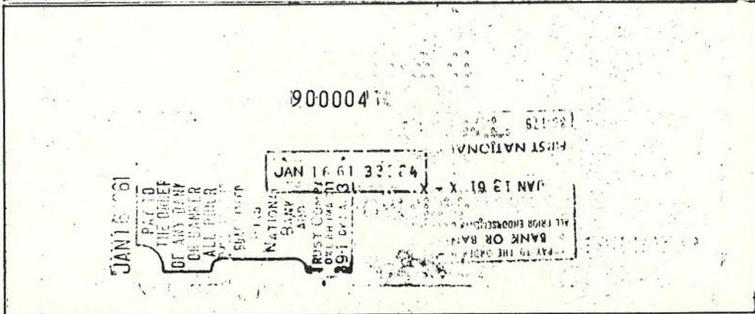


EXHIBIT 39

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
198711

Citizens STATE BANK
Safe - Handy - Progressive

REMITTER *BM-40*
N. B. JOHNSTON OKLAHOMA CITY, OKLA. FEB 1 1961 20-66
1050

PAY TO THE ORDER OF THE FIRST NATIONAL BANK, CLEAR OKLA. FOR CREDIT \$ 500.00
TO THE ACCOUNT OF N. B. JOHNSTON

CITIZENS STATE BANK
CASHIER'S CHECK

Kenneth L. Lawton
CASHIER

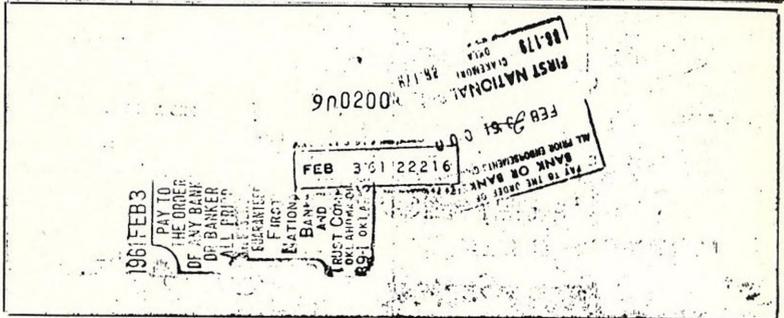


EXHIBIT 40

NUMBER
199971

Citizens STATE BANK
Safe - Handy - Progressive

REMITTER *BM-41*
N. B. JOHNSTON OKLAHOMA CITY, OKLA. FEB 18 1961 20-66
1050

PAY TO THE ORDER OF FIRST NATIONAL BANK, CLEAR OKLA. \$201.00

CITIZENS STATE BANK
CASHIER'S CHECK

Kenneth L. Lawton
CASHIER

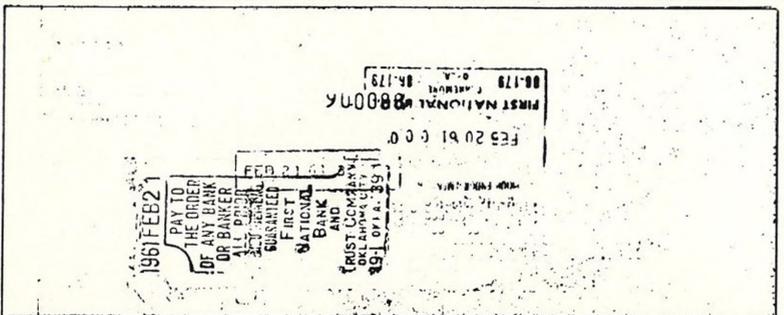


EXHIBIT 41

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NUMBER
211385

 **Citizens STATE BANK**
Cafe. Friendly. Progressive

REMITTER
N. B. JOHNSON *BM-48* OKLAHOMA CITY, OKLA. JUL 29 1961

30-66
1030

PAY TO THE ORDER OF FRUDENTIAL INS. CO. OF AMERICA \$89.51

~~CITIZENS STATE BANK~~ \$89 and 51 cts

CASHIER'S CHECK *Kenneth L. Lawton*

July 15, 1961 payment on Loan 989 #61A

⑆1030⑉0066⑆

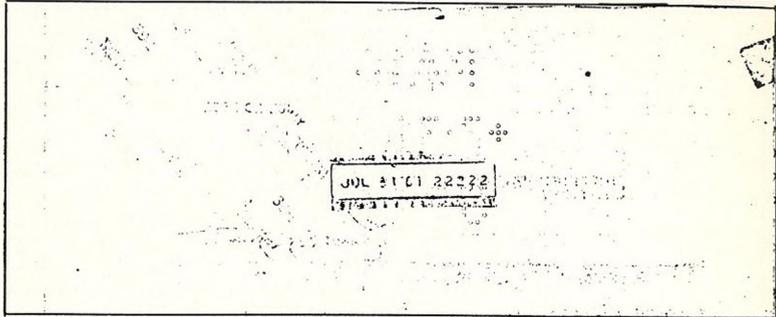


EXHIBIT 48

NUMBER
225724

 **Citizens STATE BANK**
Cafe. Friendly. Progressive

REMITTER
N. B. JOHNSON *BM-50* OKLAHOMA CITY, OKLA. FEB 21 1962

30-66
1030

PAY TO THE ORDER OF FIRST NATIONAL BANK, CLAREMORE \$500.00

~~CITIZENS STATE BANK~~ \$500 and 00 cts

CASHIER'S CHECK *Kenneth L. Lawton*

For deposit to the credit of Mr. B. Johnson in the First Nat'l Bank of Claremore, Okla.

⑆1030⑉0066⑆

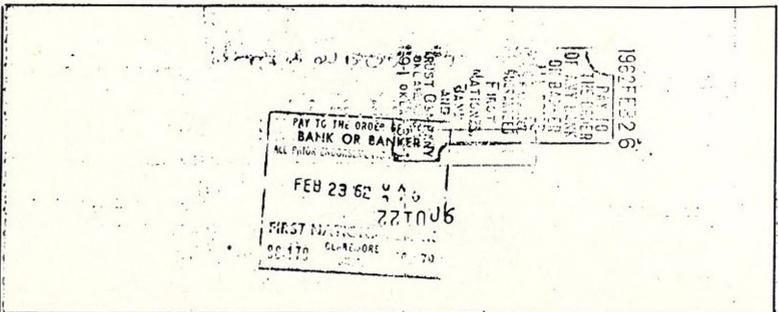


EXHIBIT 50

NUMBER
226575

Citizens STATE BANK
Safe, Friendly, Progressive

REMITTER
N. B. JOHNSON *BM-51*

MAR 3 1962

32-58
1030

PAY TO THE ORDER OF CLAREMORE FEDERAL SAVINGS & LOAN ASSN., CLAREMORE, OKLA. \$600.00

CITIZENS STATE BANK \$600 and 00/100ths

CASHIER'S CHECK

For Payment in full on my note N. B. Johnson

Kenneth J. Lawton

⑈1030⑈0000⑈

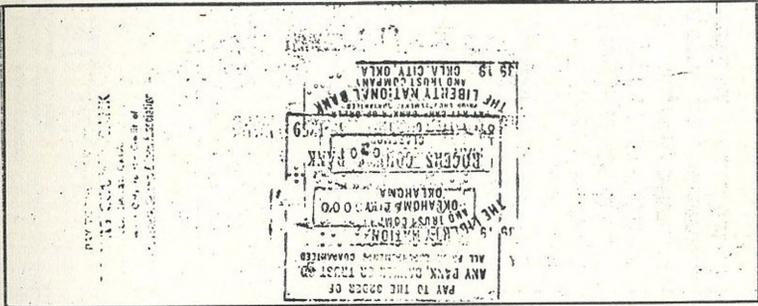


EXHIBIT 51

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

THE LOAN ASSOCIATION
 291 N. Robinson
 Oklahoma City, Okla.

NAME Johnnie ACCOUNT NO. 35288
 ADDRESS _____
 DATE _____

ALL ITEMS ARE CHECKED FOR SUBJECT TO FINAL PAYMENT IN CASH. ANY ITEM MAY BE CHANGED BACK AT ANY TIME BEFORE FINAL PAYMENT. PLEASE LIST EACH CHECK SEPARATELY.

CASH 400.00
 CHECKS _____
Board of Managers 6/18 52

ESGROW ACCT.	(INTEREST)	
DR LOANS #1	(INTEREST)	
DR LOANS #2	(INTEREST)	
DR LOANS VET.	(INTEREST)	
DR LOANS-PHA	(INTEREST)	
DR 2nd MTGS.	(INTEREST)	
SAVINGS ACCOUNTS		100.00
INVESTMENT ACCOUNTS		
TOTAL		

EXHIBIT 52

FEDERAL SAVINGS
 and Loan Association
 291 N. Robinson
 Oklahoma City, Okla.

NAME Johnnie ACCOUNT NO. 285288
 ADDRESS _____
 DATE _____

ALL ITEMS ARE CHECKED FOR SUBJECT TO FINAL PAYMENT IN CASH. ANY ITEM MAY BE CHANGED BACK AT ANY TIME BEFORE FINAL PAYMENT. PLEASE LIST EACH CHECK SEPARATELY.

CASH 400.00
 CHECKS _____
Board of Managers 6/18 53

ESGROW ACCT.	(INTEREST)	
DR LOANS #1	(INTEREST)	
DR LOANS #2	(INTEREST)	
DR LOANS VET.	(INTEREST)	
DR LOANS-PHA	(INTEREST)	
DR 2nd MTGS.	(INTEREST)	
SAVINGS ACCOUNTS		100.00
INVESTMENT ACCOUNTS		
TOTAL		

EXHIBIT 53

FEDERAL SAVINGS
 and Loan Association
 291 N. Robinson
 Oklahoma City, Okla.

NAME Johnnie ACCOUNT NO. 35288
 ADDRESS _____
 DATE _____

ALL ITEMS ARE CHECKED FOR SUBJECT TO FINAL PAYMENT IN CASH. ANY ITEM MAY BE CHANGED BACK AT ANY TIME BEFORE FINAL PAYMENT. PLEASE LIST EACH CHECK SEPARATELY.

CASH 500.00
 CHECKS _____
Board of Managers 6/18 54

ESGROW ACCT.	(INTEREST)	
DR LOANS #1	(INTEREST)	
DR LOANS #2	(INTEREST)	
DR LOANS VET.	(INTEREST)	
DR LOANS-PHA	(INTEREST)	
DR 2nd MTGS.	(INTEREST)	
SAVINGS ACCOUNTS		500.00
INVESTMENT ACCOUNTS		
TOTAL		

EXHIBIT 54

SAVINGS SHARES

NAME JOHNSON, N. B. or Martha L. Johnson 35288
as joint tenants with the right of survivorship and not as tenants in common

ADDRESS _____
 TOWN Box 3101, State Capitol, City
 DATE 3-13-57 CERT. NO. 35288

	DATE	REPURCHASE	DIVIDENDS	SHARE PAYM'S	BALANCE	
1	MAR 13-57	<i>cash 100⁰⁰</i>	<i>100.00</i>	* 300.00	** 300.00	CR
2	APR 3-57			* 247.10	** 547.10	CR
3	APR 25-57		<i>526</i>	* 131.52	** 678.62	CR CR
4	MAY 8-57		<i>6.10</i>	* 500.00	** 1,178.62	CR CR
5	JUN 10-57		<i>968</i>	* 400.00	** 1,578.62	CR CR
6	JUN 28-57		<i>950</i> * 950		** 1,588.12	CR CR
7	JUN 28-57			* 150.00	** 1,738.12	CR CR
8	JUL 10-57			* 200.00	** 1,938.12	CR CR
9	AUG 7-57			* 331.20	** 2,269.32	CR CR
10	NOV 19-57		<i>3827</i>	* 100.00	** 2,369.32	CR CR
11	DEC 10-57		<i>3868</i>	* 200.00	** 2,569.32	CR CR
12	DEC 31-57		<i>3909</i> * 3909		** 2,569.32	CR CR
13	FEB 11-58			* 200.00	** 2,769.32	CR CR
14	FEB 26-58			* 105.80	** 2,875.12	CR CR
15	MAR 3-58			* 160.00	** 3,035.12	CR CR
16	APR 3-58		<i>5144</i>	* 281.67	** 3,316.79	CR CR
17	MAY 9-58		<i>5390</i>	* 200.00	** 3,516.79	CR CR
18	MAY 21-58		<i>5491</i>	* 323.50	** 3,840.29	CR CR
19	JUN 5-58		<i>5617</i>	* 400.00	** 4,240.29	CR CR
20	JUN 30-58		<i>5718</i> * 5718		** 4,812.29	CR CR
21	JUL 7-58			* 250.00	** 5,062.29	CR CR
22	AUG 1-58			* 400.00	** 5,462.29	CR CR
23	DEC 31-58		<i>8595</i> * 8595		** 5,462.29	CR CR
24	JAN 13-59			* 500.00	** 5,962.29	CR CR

CUSTOMERS SIGNATURE
Martha L. Johnson

Board of Managers FAX 56

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

SAVINGS SHARES					35288
NAME		Johnson, N. B. or Martha L. Johnson			
ADDRESS		Box 3101, State Capitol			(JOINT TENANTS)
TOWN		City			
DATE		3-13-57			CERT. NO. 35288
	DATE	REPURCHASE	DIVIDENDS	SHARE PAYM'S	BALANCE
1	FEB 6-59			* 250.00	** 5,822.51
2	MAR 9-59			* 512.00	** 6,334.51
3	JUN 30-59		106.00 * 106.00		** 6,440.54
4	DEC 14-59		128.81 ✓	* 500.00	** 6,940.54
5	DEC 31-59		129.75 ✓ 129.75		** 7,070.29
6	MAR 11-60			* 200.00	** 7,270.29
7	APR 4-60			* 200.00	** 7,470.29
8	JUN 30-60		145.78 * 145.78 ✓		** 7,616.07
9	DEC 30-60		152.32 * 152.32 ✓		** 7,768.39
10	JAN 13-61			* 200.00	** 7,968.39
11	FEB 2-61			* 200.00	** 8,168.39
12	MAR 1-61			* 400.00	** 8,568.39
13	APR 4-61		167.75 ✓	* 400.00	** 8,968.39
14	MAY 1-61		171.62 ✓	* 500.00	** 9,468.39
15	JUN 1-61		174.95 ✓	* 400.00	** 9,868.39
16	JUN 30-61		176.28 ✓ 176.28		** 10,044.67
17	DEC 29-61		200.89 * 200.89 ✓		** 10,245.56
18	MAY 29-62		217.7 * 217.7 ✓		** 10,463.27
19	DEC 31-62		222.33 * 222.33 ✓		** 10,685.61
20					
21					
22					
23					
24					

CUSTOMERS SIGNATURE

7

FEDERAL SAVINGS and Loan Association
201 N. Robinson
Oklahoma City, Okla.

ACCOUNT No. 35285

NAME John S. D.
ADDRESS _____
DATE _____

NOTICE
ALL ITEMS ARE CREDITED SUBJECT TO FINAL PAYMENT
IN CASH. ANY ITEM MAY BE CHARGED
BACK AT ANY TIME BEFORE FINAL PAYMENT.
PLEASE LIST EACH CHECK SEPARATELY

CASH _____

11 CHECKS 250.00

ESCROW ACCT. _____
DR LOANS #1 (INTEREST) _____
DR LOANS #2 (INTEREST) _____
DR LOANS VET. (INTEREST) _____
DR LOANS-PHA (INTEREST) _____
DR 3rd MTGS. (INTEREST) _____

SAVINGS ACCOUNTS 250.00
INVESTMENT ACCOUNTS _____

TOTAL -----

EXHIBIT 58

LOCAL FEDERAL SAVINGS and Loan Association
2107 Robinson
Oklahoma City, Okla.

ACCOUNT No. 35288

NAME John S. D.
ADDRESS _____
DATE _____

NOTICE
ALL ITEMS ARE CREDITED SUBJECT TO FINAL PAYMENT
IN CASH. ANY ITEM MAY BE CHARGED
BACK AT ANY TIME BEFORE FINAL PAYMENT.
PLEASE LIST EACH CHECK SEPARATELY

CASH _____

CHECKS _____

ESCROW ACCT. _____
DR LOANS #1 (INTEREST) _____
DR LOANS #2 (INTEREST) _____
DR LOANS VET. (INTEREST) _____
DR LOANS-PHA (INTEREST) _____
DR 3rd MTGS. (INTEREST) _____

SAVINGS ACCOUNTS 500.00
INVESTMENT ACCOUNTS _____

TOTAL -----

35288

EXHIBIT 57

LOCAL FEDERAL SAVINGS and Loan Association
201 N. Robinson
Oklahoma City, Okla.

ACCOUNT No. 35288

NAME John S. D.
ADDRESS _____
DATE _____

NOTICE
ALL ITEMS ARE CREDITED SUBJECT TO FINAL
PAYMENT IN CASH. ANY ITEM MAY BE CHARGED
BACK AT ANY TIME BEFORE FINAL PAYMENT.
PLEASE LIST EACH CHECK SEPARATELY

CASH _____

17 CHECKS 1400.00

ESCROW ACCT. _____
DR LOANS #1 (INTEREST) _____
DR LOANS #2 (INTEREST) _____
DR LOANS VET. (INTEREST) _____
DR LOANS-PHA (INTEREST) _____
DR 3rd MTGS. (INTEREST) _____

SAVINGS ACCOUNTS 1400.00
INVESTMENT ACCOUNTS _____

TOTAL -----

35288

**FEDERAL SAVINGS
and Loan Association**
901 N. Robinson
Oklahoma City, Okla.

ACCOUNT No. 35288

NAME Johnson

ADDRESS _____

DATE _____

NOTICE
ALL ITEMS ARE CREDITED SUBJECT TO FINAL PAYMENT
IN CASH. ANY ITEM MAY BE CHARGED BACK AT ANY
TIME BEFORE FINAL PAYMENT.
PLEASE LIST EACH CHECK SEPARATELY

CASH		
CHECKS		
ESCROW ACCT.		
DR. LOANS #1 (INTEREST)		
DR. LOANS #2 (INTEREST)		
DR. LOANS VET. (INTEREST)		
DR. LOANS-PHA (INTEREST)		
DR. 2nd MTOB. (INTEREST)		
SAVINGS ACCOUNTS		
INVESTMENT ACCOUNTS		
TOTAL		

536

35288

53 40000

53

400

**FEDERAL SAVINGS
and Loan Association**
901 N. Robinson
Oklahoma City, Okla.

ACCOUNT No. 35288

NAME Johnson

ADDRESS _____

DATE _____

NOTICE
ALL ITEMS ARE CREDITED SUBJECT TO FINAL PAYMENT
IN CASH. ANY ITEM MAY BE CHARGED BACK AT ANY
TIME BEFORE FINAL PAYMENT.
PLEASE LIST EACH CHECK SEPARATELY

CASH		
CHECKS		
ESCROW ACCT.		
DR. LOANS #1 (INTEREST)		
DR. LOANS #2 (INTEREST)		
DR. LOANS VET. (INTEREST)		
DR. LOANS-PHA (INTEREST)		
DR. 2nd MTOB. (INTEREST)		
SAVINGS ACCOUNTS		
INVESTMENT ACCOUNTS		
TOTAL		

12.16.71

35288

53 20000

53

20000

EXHIBIT 62 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

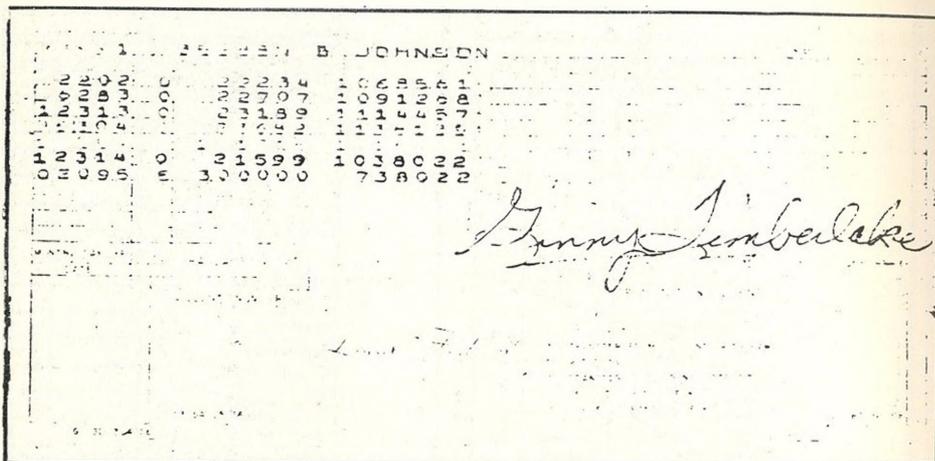


EXHIBIT 63

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

0 1 2 3 4 5 6 7 8 9

SAVINGS SHARE ACCOUNT

ACCOUNT NO. SS 8650

448-46-6172

JOHNSON, Martha, ~~217~~
517 N.W. 43rd
Oklahoma City

DATE ISSUED May 3, 1961

SAVINGS ADDED	SAVINGS WITHDRAWALS	FOLIO	DATE	DIV.	BALANCE	DIVIDEND ACCRUAL		
						- DIV.	+ DIV.	DIV. BALANCE
84.45+			MAY 3'61		84.45*		.54	.54
25.00+			JUN 13'61	.59+	109.45*		.05	.59
			JUN 30'61		110.04*		2.20	2.20
25.00+			JUL 31'61		135.04*		.42	2.62
112.00+			OCT 5'61	3.69+	247.04*		1.07	3.69
			DEC 29'61		250.73*		5.01	5.01
25.00+			JAN 8'62		275.73*		.48	5.49
54.00+			JAN 10'62		275.73*		.54	6.03
86.00+			APR 6'62		329.73*		.65	7.03
44.86+			APR 27'62		415.73*		.09	7.12
			JUN 14'62*		460.59*			
			JUN 30'62	7.12+	467.71*		9.94	9.94
52.80+			AUG 9'62		520.51*		.38	10.32
			DEC 31'62	10.32+	530.83*		11.28	11.28
	150.00-	391.38	MAY 23'63		380.83	3.19		8.09
			JUN 29'63	8.09+	388.92		8.26	8.26
32.30+			JUN 28'63		421.22		.70	8.96
	250.00-	425.37	AUG 6'63		171.22	5.33		3.03
	70.00-	435.48	SEP 27'63		101.22	1.49		2.14
			DEC 31'63	2.14+	103.36		2.20	2.20
25.00+			MAR 11'64		128.36	10.23	.32	2.52
43.74+			JUN 4'64		172.10		.14	2.66
			JUN 30'64	2.66+	174.76		3.71	3.71
15.82+	70.00-	584.63	JUL 16'64		104.76	1.49		2.22
8.45+			SEP 11'64		120.58		.21	2.43
4.47+	50.00-	647.41	OCT 31'64		129.03		.06	2.49
			DEC 5'64		79.03	.82		1.67
			DEC 7'64		83.50		.01	1.68
5.00+			DEC 31'64	1.68+	85.48		1.81	1.81

ATION BEAR RAPIDS, IOWA FORM 58881-W

MUTUAL SAVINGS & LOAN ASS'N.
OKLAHOMA CITY, OKLAHOMA

OVER

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

0 1 2 3 4 5 6 7 8 9									
6 6172		SAVINGS SHARE ACCOUNT					ACCOUNT NO. 8650		
Johnson, Martha							DATE ISSUED May 2, 1961		
117 N. W. 63rd.							City, Okla.		
SAVINGS ADDED	SAVINGS WITHDRAWALS	FOLIO	DATE	DIV.	BALANCE	DIVIDEND ACCRUAL			
						- DIV.	+ DIV.	DIV. BALANCE	
30.30+			FEB 10'65		120.48		.50	2.41	
6.32+			APR 27'65		126.80		.05	2.46	
Bm 4 64									

NATION, SEDAR RAPIDS, IOWA FORM 602601-W TEN-888

MUTUAL SAVINGS & LOAN ASS'N.
OKLAHOMA CITY, OKLAHOMA

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

0 1 2 3 4 5 6 7 8 9

SAVINGS SHARE ACCOUNT

ACCOUNT NO. 9170

SS# 442-30-5811
JOHNSON, N. B. or Martha L.
Box 3101 State Capitol
Okla. City 5, Okla.

DATE ISSUED 7/10/61

SAVINGS ADDED	SAVINGS WITHDRAWALS	FOLIO	DATE	DIV.	BALANCE	DIVIDEND ACCRUAL		
						- DIV.	+ DIV.	DIV. BALANCE
500.00+			JUL 10'61		500.00*		9.50	9.50
160.99+			JUL 12'61		660.99*		3.02	12.52
600.00+			JUL 31'61		1,260.99*		10.07	22.59
600.00+			SEP 7'61		1,860.99*		7.60	30.19
704.01+			OCT 5'61		2,565.00*		6.73	36.92
300.00+			NOV 6'61		2,865.00*		1.83	38.75
					38.75+			
			DEC 29'61		2,903.75*		58.08	58.08
140.52+			JAN 8'62		3,044.27*		2.70	60.78
			JAN 10'62		3,044.27*			64.57
500.00+			MAR 5'62		3,544.27*		6.85	71.42
300.00+			APR 11'62		3,844.27*		2.83	74.25
100.00+			MAY 11'62		3,944.27*		.59	74.84
					74.84+			
			JUN 30'62		4,019.11*		85.41	85.41
500.00+			JUL 3'62		4,519.11*		10.57	95.98
500.00+			AUG 2'62		5,019.11*		8.80	104.78
250.00+			SEP 5'62		5,269.11*		3.41	108.19
150.00+			OCT 5'62		5,419.11*		1.52	109.71
					109.71+			
			DEC 31'62		5,528.82*		117.49	117.49
125.00+			FEB 7'63		5,653.82*		2.13	119.62
125.00+			MAR 5'63		5,778.82		1.71	121.33
			APR 5'63		5,915.82		1.39	122.72
137.00+			MAY 23'63		6,040.82		.56	123.28
125.00+			JUN 10'63		6,065.82		.06	123.34
25.00+					123.34+			
			JUN 29'63		6,189.16		131.52	131.52
125.00+			JUL 8'63		6,314.16		2.55	134.07
125.00+			AUG 14'63		6,439.16		2.02	136.09
125.00+			OCT 9'63		6,564.16		1.21	137.30
125.00+			NOV 13'63		6,689.16		.71	138.01
					138.01+			
			DEC 31'63		6,827.17		261.35	145.08
375.00+			JAN 9'64		7,202.17		7.61	152.69

STION SEDAN RAPIDS, IOWA FROM 00001-W TEN-004

MUTUAL SAVINGS & LOAN ASS'N.
OKLAHOMA CITY, OKLAHOMA

OVER

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

9									
0 1 2 3 4 5 6 7 8 9									
SAVINGS SHARE ACCOUNT							ACCOUNT NO. 9170		
# 442-30-5911 hanson, N. B. or Murtha L. x 3101 State Capitol Oklahoma City, 5 Oklahoma									
DATE ISSUED 7-10-61									
SAVINGS ADDED	SAVINGS WITHDRAWALS	FOLIO	DATE	DIV.	BALANCE	DIVIDEND ACCRUAL			
						- DIV.	+ DIV.	DIV. BALANCE	
50.00+	-50.00-		FEB 7'64		7,252.17			.85	153.54
129.00+			MAR 11'64		7,381.17			1.68	155.22
127.00+			APR 28'64		7,508.17			.94	156.16
127.00+			MAY 11'64		7,635.17			.75	156.91
127.00+			JUN 4'64		7,762.17			.40	157.31
			157.31+						
			JUN 30'64		7,919.48			168.29	168.29
127.00+			JUL 11'64		8,046.48			2.55	170.84
127.00+			SEP 11'64		8,173.48			1.65	172.49
127.00+			OCT 6'64		8,300.48			1.27	173.76
100.00+			NOV 19'64		8,400.48			.50	174.26
			174.26+						
			DEC 31'64		8,574.74		331.57	182.21	182.21
52.00+			JAN 7'65		8,626.74			1.07	183.28
300.00+			FEB 10'65		8,926.74			4.99	188.27
	1,700.00-	692.44	MAR 2'65		7,226.74		34.71		153.56
			MAR 4'65		7,526.74			4.14	157.70
	2,000.00-	704.76	MAR 29'65		5,526.74		40.27		117.43
	5,000.00-	705.62	MAR 31'65		526.74		106.25		11.18

B m Co 6/65

MUTUAL SAVINGS & LOAN ASS'N.
OKLAHOMA CITY, OKLAHOMA

MUTUAL SAVINGS AND LOAN ASSOCIATION
 Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, J. B.

DATE *7-10-61*

SAVINGS SHARE # *91701* | |

500⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

MUTUAL SAVINGS AND LOAN ASSOCIATION
 Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, J. B.

DATE *7-12-61*

SAVINGS SHARE # *9170* | |

160⁹⁹

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

148⁹⁹
12⁰⁰

MUTUAL SAVINGS AND LOAN ASSOCIATION
 Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, J. B. & Martha L.

DATE *7-21-61*

SAVINGS SHARE # *9170* | |

600.00.

POSTED		
CHECK	CASH	CHANGE
	<input checked="" type="checkbox"/>	

600⁰⁰

MUTUAL SAVINGS AND LOAN ASSOCIATION
 Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, J. B. & Martha L.

DATE *7-7-61*

SAVINGS SHARE # *9170* | |

600⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF Johnson, N.B.

DATE 10-5-61

SAVINGS SHARE # 9170

701.01

POSTED		
CHECK	CASH	CHANGE
<u>701.01</u>		

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF Johnson, N.B.

DATE 10-5-61

SAVINGS SHARE # 9170

500.00

POSTED		
CHECK	CASH	CHANGE

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF Johnson, N.B.

DATE 1-8-62

SAVINGS SHARE # 9170

140.52

POSTED		
CHECK	CASH	CHANGE
<u>140.52</u>	<u>140.00</u>	

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF Johnson, N.B.

DATE 3-3-62

SAVINGS SHARE # 9170

500.00

POSTED		
CHECK	CASH	CHANGE
	<u>500.00</u>	

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, N.B.

DATE *4-11-62*

SAVINGS SHARE # *9170*

300⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		

MUTUAL SAVINGS AND LOAN ASSOCIATION
Oklahoma City, Oklahoma

CREDIT ACCOUNT OF
Johnson, N.B.

DATE *2-11-62*

SAVINGS SHARE # *9170*

100⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		

MUTUAL FEDERAL SAVINGS AND LOAN ASSOCIATION OF OKLAHOMA CITY

CREDIT ACCOUNT OF
Johnson, N.B.

DATE *7-2*

SAVINGS SHARE # *9170*

500⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		

MUTUAL FEDERAL SAVINGS AND LOAN ASSOCIATION OF OKLAHOMA CITY

CREDIT ACCOUNT OF
Johnson, N.B. or
Murphy

DATE *12-22*

SAVINGS SHARE # *9170*

500⁰⁰

POSTED		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

MUTUAL FEDERAL
Savings and Loan Association of Oklahoma City

CREDIT ACCOUNT OF
Johnson, N. B. & M. B.

DATE *4-5-62*

SAVINGS SHARE# *9170*

250.00

POSTED			
CHECK <input checked="" type="checkbox"/>	CASH	CHANGE	
<i>250.00</i>			

MUTUAL FEDERAL
Savings and Loan Association of Oklahoma City

10-5-62
CREDIT ACCOUNT OF
Johnson, N. B.

DATE *10-5-62*

SAVINGS SHARE# *9170*

150.00

POSTED			
CHECK	CASH	CHANGE	

MUTUAL FEDERAL
Savings and Loan Association of Oklahoma City

CREDIT ACCOUNT OF
Johnson, N. B.

DATE *1-1-63*

SAVINGS SHARE# *9170*

125.00

POSTED			
CHECK	CASH	CHANGE	

EXHIBIT 66 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CREDIT ACCOUNT OF:		DATE
<i>Johnson N B</i>		<i>5-5-63</i>
ACCT. #	<i>125.00</i>	
<i>9170</i>		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

CREDIT ACCOUNT OF:		DATE
<i>Johnson N B. or Martha L</i>		<i>4-5-63</i>
ACCT. #	<i>137.00</i>	
<i>9170</i>		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/> <i>125.00</i> <i>12.00</i>		
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

CREDIT ACCOUNT OF:		DATE
<i>Johnson N B or Martha L</i>		<i>5-23-63</i>
ACCT. #	<i>125.00</i>	
<i>9170</i>		
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CREDIT ACCOUNT OF:		DATE
<i>Johnson N.B. or Martha L.</i>		<i>6-10-63</i>
ACCT. #		
<i>9170</i>	<i>25.00</i>	
CHECK	CASH	CHANGE
<i>125.00</i>		<i>100.00</i>
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

CREDIT ACCOUNT OF:		DATE
<i>Johnson N.B. or Martha L.</i>		<i>7-8-63</i>
ACCT. #		
<i>9170</i>	<i>125.00</i>	
CHECK	CASH	CHANGE
<input checked="" type="checkbox"/>		
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

CREDIT ACCOUNT OF:		DATE
<i>Johnson</i>		<i>8-13-63</i>
ACCT. #		
<i>9170</i>	<i>\$125.00</i>	
CHECK	CASH	CHANGE
<i>125.00</i>		
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY		

CREDIT ACCOUNT OF:			DATE <i>10-9-63</i>
<i>Johnson, N. B.</i>			<i>125.00</i>
ACCT. # <i>9170</i>			
CHECK <input checked="" type="checkbox"/>	CASH <input type="checkbox"/>	CHANGE <input type="checkbox"/>	
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY			

CREDIT ACCOUNT OF:			DATE <i>11-12-63</i>
<i>Johnson, N. B.</i>			<i>125.00</i>
ACCT. # <i>9170</i>			
CHECK <i>125.00</i>	CASH <input type="checkbox"/>	CHANGE <input type="checkbox"/>	
MUTUAL FEDERAL SAVINGS & LOAN ASSOCIATION OF OKLAHOMA CITY			

EXHIBIT 66 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

B

NO. 121778

NAME Mrs. N.B. Johnson

ADDRESS 517 N ^{43rd} ~~W~~ ~~St~~

(1)

	DATE	WITHDRAWAL	DEPOSIT	INTEREST	BALANCE	TRANS.	INTEREST
1	MAR 26-53		*100.00		**100.00	A A	
2	MAY 15-53		**20.00		**120.00	A A	
3	JUN 22-53		**20.00		**140.00	A B	
4	AUG-3-53		*300.00		**440.00	A B	
5	SEP 30-53			**2.23	**442.23	A A	
6	NOV 10-53		**50.00		**492.23	A B	
7	FEB-9-54	*100.00			**392.23	A B	
8	MAR 30-54			**3.75	**395.98	A B	
9	APR 12-54	**75.00			**320.98	A D	
10	JUN 21-54		**37.00		**357.98	A D	
11	SEP 30-54			**3.38	**361.36	A E	
12	MAR 30-55			**3.61	**364.97	A E	

FIRST NATIONAL BANK AND TRUST COMPANY IN OKLAHOMA CITY, OKLA.

	AUG 18-55			*186.06	**551.03	A A	
1	SEP 29-55			**3.95	**554.98	A D	
5	SEP 30-55	*554.98			****0.00	A B	
16							
17							
18							
19							
20							
21							
22							
23							
24							

I OR WE HEREBY AGREE TO THE RULES AND REGULATIONS OF THE SAVINGS DEPARTMENT.

SIGNATURE Mrs. N.B. Johnson

SIGNATURE

HOUSE OF WAXES
OKLAHOMA CITY, OKLA.

SHAW-WALKER 510-0000

3

NAME Mrs. N. B. Johnson (2) NO. 127253

ADDRESS 517 NW 43

(2778) OKLA. HOUSE OF REPRESENTATIVES

	DATE	WITHDRAWAL	DEPOSIT	INTEREST	BALANCE	TRANS.	INTEREST
1			*554.98			A P	
2	SEP 30-55	*250.00			**304.98	A B	
3	NOV-7-55	*100.00			**204.98	A E	
4			MAR 30 '56	2.04	207.02	*	
5			SEP 28 '56	2.07	209.09	*	
6			MAR 29 '57	2.61	211.70	*	
7	JUN 12-57		1229.54		*1441.24	A D	
8	JUL 10-57		**50.00		*1491.24	A D	
9	AUG 13-57		**55.00		*1546.24	A B	
10			SEP 27 '57	10.65	1,556.89	*	
11	NOV 11-57	*400.00			*1156.89	A D	
12	MAR 10-58	*150.00			*1006.89	A B	
FIRST NATIONAL BANK AND TRUST COMPANY IN OKLAHOMA CITY, OKLA.							
13			MAR 28 '58	12.58	1,019.47	*	
14	APR 18-58		*110.00		*1,129.47	A B	
15	MAY-9-58		*100.00		*1,229.47	A D	
16	MAY 21-58		*100.00		*1,329.47	A D	
17	JUN 13-58		**30.00		*1,359.47	A B	
18	JUN 20-58		*120.00		*1,479.47	A D	
19	AUG-1-58		**77.71		*1,557.18	A D	
20			SEP 26 '58	16.81	1,573.99	*	
21	NOV 12-58	*200.00			*1,373.99	A B	
22	DEC 16-58	*100.00			*1,273.99	A D	
23	JAN 14-59		*100.00		*1,373.99	A A	
24			FEB 27 '59	13.46	1,387.45	*	

I OR WE HEREBY AGREE TO THE RULES AND REGULATIONS OF THE SAVINGS DEPARTMENT.

SIGNATURE *Mrs. N. B. Johnson*

SIGNATURE

HOUSE OF REPRESENTATIVES
OKLAHOMA CITY, OKLA. SHAW-WALKER 215-52788

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

3

NO. 127253

NAME Mrs. N. B. Johnson

ADDRESS 517 N. W. 43

	DATE	WITHDRAWAL	DEPOSIT	INTEREST	BALANCE	TRANS.	INTEREST
1	MAR-9-59		*100.00		*1487.45	A D	
2	MAY 13-59	**75.00			*1412.45	A B	
3	MAY 25-59	**50.00			*1362.45	A A	
4		MAY 29'59		9.97	1,372.42*		
5	SEP 22-59	*225.00			*1147.42	A D	
6	OCT 26-59	*240.00			**907.42	A B	
7	OCT 30-59	*150.00			**757.42	A D	
8		NOV 30'59		11.36	768.78*		
9	DEC-8-59		*350.00		*1118.78	A A	
10	FEB 11-60	*150.00			*968.78	A B	
11	MAR 11-60		**50.78		*1019.56	A D	
12	MAR 31-60		*110.48		*1130.04	A D	

FIRST NATIONAL BANK AND TRUST COMPANY IN OKLAHOMA CITY, OKLA.

13		MAY 27'60		15.33	1,145.37*		
14	SEP 26-60	*300.00			**845.37	A D	
15		NOV 28'60		12.68	858.05*		
16	NOV 29-60	*100.00			**758.05	A B	
17	JAN 13-61		*250.00		*1008.05	A B	
18	FEB-2-61		**25.00		*1033.05	A B	
19	MAR-1-61		**50.00		*1083.05	A A	
20	APR-4-61		*100.00		*1183.05	A E	
21	MAY-1-61		*100.00		*1283.05	A E	
22		MAY 29'61		15.25	1,298.30*		
23	JUN 27-61		**50.00		*1348.30	A B	
24	AUG 14-61		**50.00		*1398.30	A E	

I OR WE HEREBY AGREE TO THE RULES AND REGULATIONS OF THE SAVINGS DEPARTMENT.

SIGNATURE

SIGNATURE

B M Ex 67

HOUSE OF REPRESENTATIVES
OKLAHOMA CITY, OKLA.

SHAW-WALKER 216-23720

3

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

NAME Mrs. N. B. Johnson (4)

NO. 127253
7-450-183

ADDRESS 517 N. W. 43

F. N. B. NO. T-6

	DATE	WITHDRAWAL	DEPOSIT	INTEREST	BALANCE	TRANS.	INTEREST
1	NOV 20-61	*175.00			*1223.30	A D	
2			NOV 27 '61	17.85	1,241.15		
3	DEC 20-61		*200.00		*1,441.15	A B	
4	JAN-8-62		**25.00		*1,466.15	A B	
5	JAN 30-62	*260.00			*1,206.15	A E	
6	FEB 21-62	*325.00			**881.15	A B	
7	MAR-8-62		*300.00		*1,181.15	A O	
8			MAY 29 '62	18.93	1,200.08	*	
9	AUG 30-62	*325.00			**875.08	A B	
10	SEP-5-62	*200.00			**675.08	A A	
11	NOV 29-62	*150.00			**525.08	A D	
12			NOV 30 '62	13.50	538.58	*	

FIRST NATIONAL BANK AND TRUST COMPANY IN OKLAHOMA CITY, OKLA.

13	JAN 25-63	*250.00			**288.58	A D	
14	APR-5-63		**43.40		**331.98	A D	
15			MAY 31 '63	(6.01)	337.99	*	
16			***9.87			A B	
17	JUL 29-63	*100.00			**247.86	A B	
18	NOV 20-63	**60.00			**187.86	A D	368
19			NOV 29 '62	3.68	191.54	*	
20	JAN-2-64		**22.18		**213.72	A B	
21							
22							
23							
24							

I OR WE HEREBY AGREE TO THE RULES AND REGULATIONS OF THE SAVINGS DEPARTMENT.

SIGNATURE *Mrs. N. B. Johnson*

SIGNATURE

BRIDGE OF WOODS
OKLAHOMA CITY, OKLA.

SAVINGS DEPARTMENT 12-62

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		Dec 8 1959	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	50	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	50	00	(9)

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		Nov 13 1961	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	100	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	100	00	(5)

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		4-4 1961	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	100	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	100	00	(4)

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		Dec 8 1959	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	350	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	350	00	(1)

BMEK LA
 DUPLICATE
 BY *AS*

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		Nov 13 1961	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	250	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	250	00	(2)

DUPLICATE
 BY *AS*

DEPOSITED WITH		THE FIRST NATIONAL BANK & TRUST CO. OKLAHOMA CITY, OKLA.	
DATE		March 1 1961	
All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.			
FOR CREDIT OF			
<i>Mr. N.B. Johnson</i>			
ACCOUNT NO. 127253			
SAVINGS DEPARTMENT			
	DOLLARS	CENTS	
Currency	50	00	
Silver			
CHECKS AS FOLLOWS:			
TOTAL			
	50	00	(3)

COPY

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

DEPOSITED WITH
THE FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA.

DATE 8-14 1961

All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.

FOR CREDIT OF
Mr. W. B. Johnson

ACCOUNT NO. 137253

T-10 SAVINGS DEPARTMENT

Currency	50	DOLLARS	00	CENTS
Silver				
CHECKS AS FOLLOWS:				
TOTAL		50	00	

(Handwritten circled '9')

DEPOSITED WITH
THE FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA.

DATE Dec 30 1961

All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.

FOR CREDIT OF
Mr. W. B. Johnson

ACCOUNT NO. 137253

T-10 SAVINGS DEPARTMENT

BM & H = 68

Currency	300	DOLLARS	00	CENTS
Silver				
CHECKS AS FOLLOWS:				
TOTAL		300	00	

(Handwritten circled '9')

DEPOSITED WITH
THE FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA.

DATE 1-2-62 1962

All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.

FOR CREDIT OF
Mr. W. B. Johnson

ACCOUNT NO. 137253

T-10 SAVINGS DEPARTMENT

DUPLICATE
By W. B. Johnson

Currency	300	DOLLARS	00	CENTS
Silver				
CHECKS AS FOLLOWS:				
TOTAL		300	00	

(Handwritten circled '9')

DEPOSITED WITH
THE FIRST NATIONAL BANK & TRUST CO.
 OKLAHOMA CITY, OKLA.

DATE Sept 5, 1963

All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.

FOR CREDIT OF
Mrs. N. B. Johnson

ACCOUNT NO. 137253

T-10 **SAVINGS DEPARTMENT**

	DOLLARS	CENTS
Currency		
Silver		
CHECKS AS FOLLOWS:		
<u>U.S. Treas</u>	<u>43</u>	<u>40</u>
DUPLICATE BY <u>ps</u>		
(10)		
TOTAL	<u>43</u>	<u>40</u>

DEPOSITED WITH
THE FIRST NATIONAL BANK & TRUST CO.
 OKLAHOMA CITY, OKLA.

DATE 1/2/64

All items deposited are received by this bank subject to the conditions printed on the reverse side hereof.

FOR CREDIT OF
Mrs. N. B. Johnson

ACCOUNT NO. 7-450-183 (127253)

T-10 **SAVINGS DEPARTMENT**

	DOLLARS	CENTS
Currency	<u>20</u>	<u>00</u>
Silver		
CHECKS AS FOLLOWS:		
<u>35-6</u>		<u>18</u>
DUPLICATE BY <u>ps</u>		
(11)		
TOTAL	<u>22</u>	<u>18</u>

EXHIBIT 68 (Cont'd.)

FIRST STATE BANK AND TRUST COMPANY

OKLAHOMA CITY, OKLA. *M. 2/16* 1957

PAY TO THE ORDER OF *Johnson's Market* \$ *100.00*

FOR VALUE RECEIVED AND CHARGE THE BANK TO ACCOUNT OF *Johnson's Market*

To *Johnson's Market* ADDRESS *617 S. W. 43*

W. B. Johnson CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

JOHNSON'S MARKET
23rd & HARVEY

J. C. THORNTON
OKLA. CITY
PH. WI 2-8270

PAY TO THE ORDER OF
ALL ORDERS ARE GUARANTEED

FEB 18 57

ROGERS COUNTY BANK
OKLA. CITY OK 86-1259

FIRST STATE BANK AND TRUST COMPANY

OKLAHOMA CITY, OKLA. *M. 2/16* 1957

PAY TO THE ORDER OF *Johnson's Market* \$ *20.00*

FOR VALUE RECEIVED AND CHARGE THE BANK TO ACCOUNT OF *Johnson's Market*

To *Johnson's Market* ADDRESS *617 S. W. 43*

W. B. Johnson CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

JOHNSON'S MARKET, INC.
23rd & HARVEY

PAY TO THE ORDER OF
ALL ORDERS ARE GUARANTEED

FEB 18 57

ROGERS COUNTY BANK
OKLA. CITY OK 86-1259

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

56

FIRST STATE BANK AND TRUST COMPANY

OKLAHOMA CITY, OKLA. *Jan 14th 1957*

PAY TO THE ORDER OF *Johnson's Mkt. 485* \$ *16.00*

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *Sixteen & 00/100* DOLLARS

TO *First State Bank* WITH RESERVATION

Claremore Okla ADDRESS *5770 W 43* PHONE *288240*

By - Mrs. M. B. Johnson

CUSTOMER'S PARKING MERCHANTS "DRIVE-IN" WINDOWS

CUSTOMER'S DRAFT 48 2001 48 48

JOHNSON'S MARKET, INC.

PAID TO THE ORDER OF **FIRST STATE BANK AND TRUST CO.**

AMOUNT PAID *16.00*

DATE *JAN 17 1957*

ROGERS CITY BANK

86-1259 CLAREMORE OKLA 86-1259

N. B. JOHNSON 485 2624

BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. *2-9-1957* *86-178*
1031

PAY TO THE ORDER OF *N. B. Johnson* \$ *4.50*

Four and 50/100 DOLLARS

THE NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

JOHNSON'S MARKET, INC.

PAID TO THE ORDER OF **ROGERS CITY BANK**

AMOUNT PAID *4.50*

DATE *FEB 12 1957*

ROGERS CITY BANK

86-1259 CLAREMORE OKLA 86-1259

EXHIBIT 69 (Cont'd.)

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA., 4-5-1957

PAY TO THE ORDER OF Johnson's Market \$45.⁰⁰

Forty five and no/100 DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF

TO First Nat Bank W.B. Johnson

Cherokee, Okla ADDRESS 517 N W 43 PHONE R-16240

Cherokee, Okla

CUSTOMERS PARKING. MERCHANTS "DRIVE-IN" WINDOWS

JOHNSON'S MARKET, INC.

PAY TO THE ORDER OF

FIRST STATE BANK AND TRUST COMPANY

APR 28 1957

ROGERS CITY BANK

86-1259 OKLAHOMA 86-1259

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

985 OKLAHOMA CITY, OKLA., May 1st 1957

PAY TO THE ORDER OF Johnson's Mkt \$16.⁰⁰

Sixteen and no/100 DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF

TO First Nat Bank W.B. Johnson

Cherokee Okla ADDRESS 517 N W 43 PHONE R-16240

Cherokee, Okla

CUSTOMERS PARKING. MERCHANTS "DRIVE-IN" WINDOWS

JOHNSON'S MARKET, INC.

PAY TO THE ORDER OF

FIRST STATE BANK AND TRUST COMPANY

MAY 3 1957

ROGERS CITY BANK

86-1259 OKLAHOMA 86-1259

EXHIBIT 69 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

4 2
RECORDED
CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

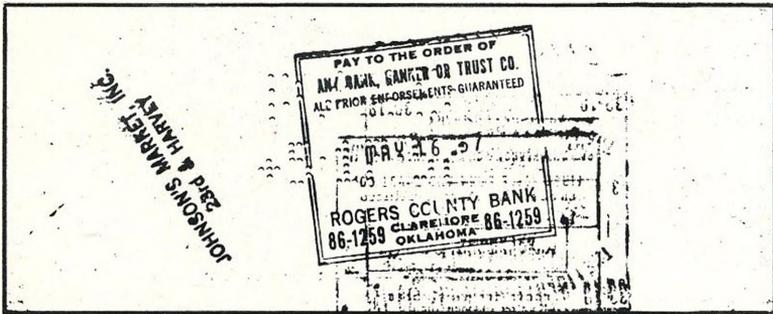
485 OKLAHOMA CITY, OKLA. *Key 11th* 1951

PAY TO THE ORDER OF *Johnson, Mkt.* \$20.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *Twenty Five* DOLLARS

TO *First Nat'l Bank* } *Rob. Johnson*
Cherokee, Okla. } ADDRESS *577 W. 43rd* PHONE *7240*

CUSTOMERS PARKING — MERCHANTS "DRIVE-IN" WINDOWS



4 2
RECORDED
CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 *Cherokee Ave 7th* 1951

PAY TO THE ORDER OF *Johnson, Mkt.* \$20.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *Twenty Five* DOLLARS

TO *Rob. Johnson*
By Mrs. Rob. Johnson ADDRESS *577 W. 43rd* PHONE *7240*

CUSTOMERS PARKING — MERCHANTS "DRIVE-IN" WINDOWS



EXHIBIT 69 (Cont'd.)

4/18

FIRST STATE BANK AND TRUST COMPANY

425 OKLAHOMA CITY, OKLA. June 14 1957

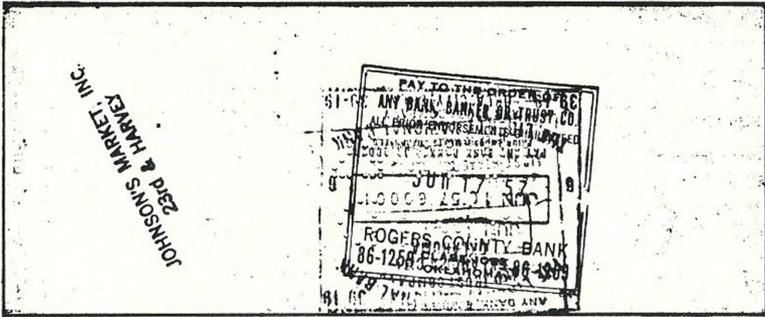
PAY TO THE ORDER OF *John Johnson, Mkt* \$25.00

Twenty Five 00 DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF WITH EXCHANGE

To *Fresh Fruit Stand* N.B. Johnson
Claremore Okla ADDRESS 517 N.W. 43rd PHONE

CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS



6/27

FIRST STATE BANK AND TRUST COMPANY

425 OKLAHOMA CITY, OKLA. June 26 1957

PAY TO THE ORDER OF *John Johnson, Mkt* \$25.00

Twenty Five 00 DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF WITH EXCHANGE

To *Fresh Fruit Stand* N.B. Johnson
Claremore Okla ADDRESS 517 N.W. 43rd PHONE

CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

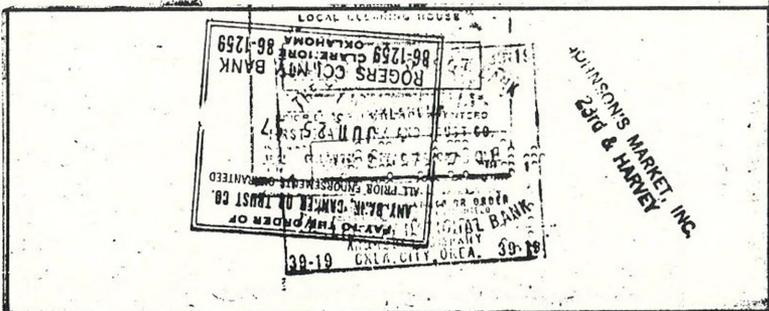


EXHIBIT 69 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA. 7-1-1957

PAY TO THE ORDER OF *Johnson's Market* \$45⁰⁰

Forty Five Dollars 100 DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF

TO *Johnson's Market*

ADDRESS 517 N.W. 43RD PHONE 8-1240

CUSTOMERS PARKING MERCHANTS' DISPLAY WINDOW

JOHNSON'S MARKET, INC.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

61 JUN 24 1957

ROGERS COUNTY BANK
86-1259 CLAREMORE OKLA. 86-1259

N. B. JOHNSON 2709
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

4:11 CLAREMORE, OKLA. 7-1-1957 86-179
1031

PAY TO THE ORDER OF *N.B. Johnson* \$40⁰⁰

Forty and no 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N.B. Johnson*

N.B. Johnson

JOHNSON'S MARKET, INC.
231d & HARVEY

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

61-63 JUN 24 1957

ROGERS COUNTY BANK
86-1259 CLAREMORE OKLA. 86-1259

EXHIBIT 69 (Cont'd.)

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY 11/10

485 OKLAHOMA CITY, OKLA. July 10th 1957

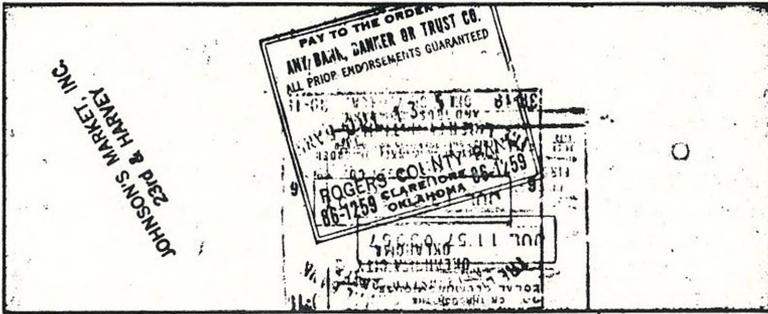
PAY TO THE ORDER OF Johnson, W. B. \$50.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF 500.00 WITH EXCESS DOLLARS

TO First National Bank 705 B. Johnson

By Mrs. W. B. Johnson ADDRESS 517 New 3rd PHONE

CUSTOMERS PARKING MERCHANTS' DRIVE-IN WINDOWS



CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY 11/26

485 OKLAHOMA CITY, OKLA. July 20th 1957

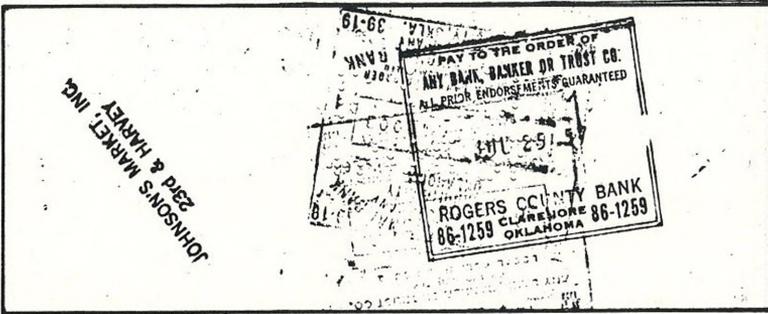
PAY TO THE ORDER OF Johnson, W. B. \$16.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF 100.00 WITH EXCESS DOLLARS

TO First National Bank 705 B. Johnson

By Mrs. W. B. Johnson ADDRESS 517 N.W. 3rd PHONE

CUSTOMERS PARKING MERCHANTS' DRIVE-IN WINDOWS



Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA. *Aug 2nd 1917* *8/2*

PAY TO THE ORDER OF *Johnson's Mkt.* \$ *30.00*

Charity *4.00* DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *100*

To *First Natl Bank* *W. B. Johnson*

Claremore Okla. ADDRESS *517 W. 43rd*

By: *Mrs. M. B. Johnson* PRESIDENT "DRIVE-IN" WINDOWS

JOHNSON'S MARKET
2312 & HARVEY

PAY TO THE ORDER OF
First National Bank & Trust Co.
OKLAHOMA CITY, OKLA.
For Deposit On Behalf the Credit of

NATIONAL CURRENCY EXCHANGE

485 OKLAHOMA CITY, OKLA. *Aug 3rd 1917*

24.10

W. B. Johnson

517 W. 43rd

ON DEMAND
PAY TO THE ORDER OF

N. P. 39-19 485 OKLAHOMA CITY, OKLA. *Aug 3rd 8/10*

Crescent Market \$ *24.10*

Twenty four & 10/100 DOLLARS

I hereby represent that the amount drawn on is the amount of my deposit in the institution named below, less any claims, and acknowledge that this amount has been paid to me upon my representation of such facts.

To *First Natl Bank* *W. B. Johnson*

Claremore Okla. *517 W. 43rd*

By: *Mrs. M. B. Johnson*

PAY TO THE ORDER OF
The Liberty Market Bank & Trust
OKLAHOMA CITY, OKLA.
CRESCENT MARKET, 1A

485 OKLAHOMA CITY, OKLA. *Aug 3rd 1917*

24.10

W. B. Johnson

517 W. 43rd

FIRST STATE BANK AND TRUST COMPANY 8/20
485 OKLAHOMA CITY, OKLA. Aug 16th 1937
PAY TO THE ORDER OF Johnsons Mkt 20⁰⁰
Twenty & no DOLLARS
FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF
To First Natl Bank of
Oklahoma City
ADDRESS 517 N. W. 43rd
CUSTOMERS PARKING MERCHANTS DRIVE-IN WINDOWS



FIRST STATE BANK AND TRUST COMPANY 8/29
485 OKLAHOMA CITY, OKLA. 8-24-1937
PAY TO THE ORDER OF Johnsons Market 25⁰⁰
Twenty Five & no DOLLARS
FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF
To First Natl Bank of
Oklahoma City
ADDRESS 517 N. W. 43rd PHONE 904124
CUSTOMERS PARKING MERCHANTS DRIVE-IN WINDOWS

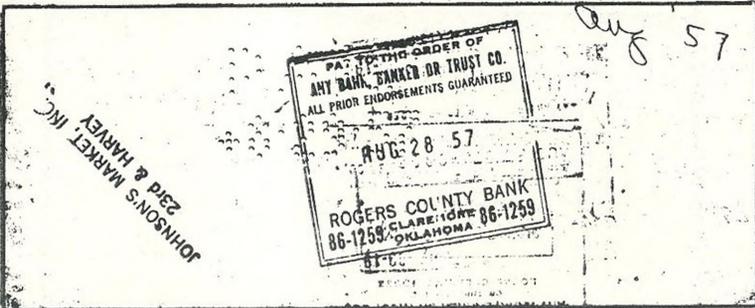


EXHIBIT 69 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CUSTOMER'S DRAFT

FIRST-STATE BANK AND TRUST COMPANY 9/3

485- OKLAHOMA CITY, OKLA. *Sept 1st* 1957

PAY TO THE ORDER OF *Johnsons Inlet* \$20⁰⁰

Twenty *00* DOLLARS

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF

To *First Natl Bank* *Claremore Okla* *710 B. Johnson*

ADDRESS *577 N.W. 43rd*

CUSTOMER'S SIGNATURE *N. B. Johnson*

MERCHANTS DRIVE-IN WINDOWS

JOHNSON'S MARKET, INC.
23rd & HARVEY

PAY TO THE ORDER OF
ANY BANK, BANKER, OR TRUST CO.
PRIOR ENDORSEMENTS GUARANTEED

SEP 6 57

ROGERS COUNTY BANK
86-1259 CLAREMORE 86-1259

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

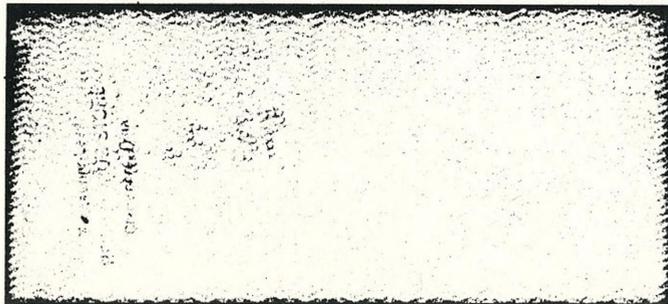
CLAREMORE, OKLA. *9-5* 1957 9/3 - 2762

PAY TO THE ORDER OF *Rexall Drug* \$35⁰⁰

Shirley Fine and (no) 100 DOLLARS

THE NATIONAL BANK
CLAREMORE, OKLA.

N. B. Johnson



CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

415 OKLAHOMA CITY, OKLA. *Sept 21/27* 1927 *9/26*

PAY TO THE ORDER OF *Johnston* \$ *25.00*

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *Twenty - Five* DOLLARS

TO *First Nat'l Bank*
Claremore Okla

BY *Mrs J. B. Johnson* ADDRESS *7015 Johnson*

CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

JOHNSON'S MARKET, INC.

61-02

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

588-25-1357

ROGERS COUNTY BANK
CLAREMORE OKLAHOMA 86-1259

LOCAL CHECKING NUMBER
214 THIRTHRU NO.

October 1 1927 *10/7*

First Nat'l Bank of *Claremore, Okla*

NAME OF BANK NAME OF CITY AND STATE

PAY TO THE ORDER OF *Johnston* \$ *100* DOLLARS

517 NW 43 St ADDRESS *8-1240* PHONE

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

588-25-1357

ROGERS COUNTY BANK
CLAREMORE OKLAHOMA 86-1259

150

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

4857 OKLAHOMA CITY, OKLA., *Oct-10th* 1957

PAY TO THE ORDER OF *Johnson's Mkt - 20.90*

FOR VALUE RECEIVED AND CHARGE THE BANK TO ACCOUNT OF *Integrity of*

TO *First State Bank* *100 N. B. Johnson* DOLLARS

Claremore Okla ADDRESS *517 N. W. 43rd*

By Mrs. N. B. Johnson

CUSTOMERS' PARKING MERCHANTS' DRIVE-IN WINDOWS

For deposit Johnson's Mkt Co

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

OCT 14 57

ROGERS COUNTY BANK
86-1259 CLAREMORE 86-1259
OKLAHOMA

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

4857 OKLAHOMA CITY, OKLA., *Oct-18th* 1957

PAY TO THE ORDER OF *Johnson's Mkt - 25.00*

FOR VALUE RECEIVED AND CHARGE THE BANK TO ACCOUNT OF *Integrity of*

TO *First State Bank* *100 N. B. Johnson* DOLLARS

Claremore Okla ADDRESS *517 N. W. 43rd*

By Mrs. N. B. Johnson

CUSTOMERS' PARKING MERCHANTS' DRIVE-IN WINDOWS

JOHNSON'S MARKET, INC.
83rd & HARVEY

OCT 20 57

OKLAHOMA CITY

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY 10/28

485 OKLAHOMA CITY, OKLA. Oct 23rd 1957

PAY TO THE ORDER OF Johnson Mkt \$20.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF Quantity of Crs DOLLARS

TO First State Bank N.B. Johnson
Claremont Okla ADDRESS 517 N. W. 43rd PHONE

CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

PAY TO THE ORDER OF
First National Bank & Trust Co.
OKLAHOMA CITY, OKLA.
461 For Lapse of Only 451
HARRIS PACKING CO.

NOV 20 1957

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA. Nov 1st 1957

PAY TO THE ORDER OF Johnson Mkt \$25.00

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF Quantity - fruit DOLLARS

TO First State Bank N.B. Johnson
Claremont Okla ADDRESS 517 N. W. 43rd PHONE

CUSTOMERS PARKING MERCHANTS "DRIVE-IN" WINDOWS

6/11

NOV 3 57 6 00

JOHNSON'S MARK INC.
23rd & HARVEY

EXHIBIT 69 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

PAID THRU
CLEARING
HOURS TO THE
ORDER OF ANY
BANK OR BANKER
ENDORSE HEREON
ALL PRIOR EN-
DORSEMENTS
VOID

JOHNSON'S MARKET, INC.
23rd & HARVEY

NOV 11 1957

FIRST
NATIONAL
BANK AND
TRUST COMPANY
OKLAHOMA CITY
391

39-24
ANY BANK TRANSFER TO THIS CO.
PROVIDING THE NECESSARY DATA

NOV 23 1957 14
OKLAHOMA CITY, OKLA.
RECEIVED BANK OF OKLAHOMA CITY
OKLAHOMA CITY, OKLA.

11/11

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA. Nov. 15th 1957

PAY TO THE ORDER OF *John K. ...* - 20⁰⁰

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *John K. ...* WITH EXCHANGE

TO *First Nat Bank* 100 DOLLARS

Clayton ... 577 W. 43rd

JOHNSON'S MARKET, INC.
23rd & HARVEY

TO THE ORDER OF
ANY BANK ENDORSE ON TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

NOV 16 1957

ROGERS COUNTY BANK
86-1259 CLAREMORE OKLAHOMA 86-1259

11/19

CUSTOMER'S DRAFT

FIRST STATE BANK AND TRUST COMPANY

485 OKLAHOMA CITY, OKLA. *Nov 27th* 1937

PAY TO THE ORDER OF *Johnson's Market* \$ *20*⁰⁰

FOR VALUE RECEIVED AND CHARGE THE SAME TO ACCOUNT OF *Twenty Five & no* DOLLARS

TO *First Natl Bank* *M. B. Johnson*

Claremore Okla ADDRESS *517 N.W. 43rd*

By Mrs. M. B. Johnson

JOHNSON'S MARKET, INC.
23rd & HARVEY

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL PRIOR ENDORSEMENTS GUARANTEED

NOV 25 1937

ROGERS COUNTY BANK
CLAREMORE OKLAHOMA 86-1269

11/26

485 *12/2* *Nov: 27th* 1937

First Natl Bank of *Claremore Okla*

(NAME OF BANK) (NAME OF CITY AND STATE)

PAY TO THE ORDER OF *Johnson's Market* \$ *25*⁰⁰

Twenty Five & no DOLLARS

M. B. Johnson

Mrs. M. B. Johnson ADDRESS *517 N.W. 43rd* PHONE

JOHNSON'S MARKET, INC.
23rd & HARVEY

NOV 27 1937

92-68

92-28

12/2

EXHIBIT 69 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

485 Dec 7th 1957 12/13

First National Bank of Claremore Okla

(NAME OF BANK) (NAME OF CITY AND STATE)

PAY TO THE ORDER OF Johnson's Mkt. - \$20.00

Twenty

DOLLARS

Robt Johnson

517 N. W. 43rd

ADDRESS PHONE

DEC 9 1957

JOHNSON'S MARKET, INC.
23rd & HARVEY

12/13

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
PRIOR ENDORSEMENTS GUARANTEED

DEC 11 1957

ROGERS COUNTY BANK
86-1259 CLAREMORE OKLAHOMA

485 Dec 12th 1957 12/27

First National Bank of Claremore Okla

(NAME OF BANK) (NAME OF CITY AND STATE)

PAY TO THE ORDER OF Johnson's Mkt. - \$20.00

Twenty

DOLLARS

Robt Johnson's

517 N. W. 43rd

ADDRESS PHONE

JOHNSON'S MARKET
23rd & HARVEY

705500

12/27

PAY TO THE ORDER OF
FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA

DEC 23 1957

ROGERS COUNTY BANK
86-1259 CLAREMORE OKLAHOMA

2
Bm & 70

7	5	0	0
2	3	0	0
2	3	0	0
2	3	0	0
1	0	0	0
1	6	0	0

N. B. JOHNSON
BOX 3181 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

1/7/57 2587

CLAREMORE, OKLA. 1-4-1956 98-178
1031

PAY TO THE ORDER OF Madame Helen S. Chiswick \$10⁰⁰

Ten and 00/100 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA.

N. B. Johnson

39-24

ANY DEPOSIT BANK TO BE DEPOSITED

39-64 OKLAHOMA CITY 39-64
OKLAHOMA

CENTRAL STATE BANK

JAN 4 1956

PAY TO THE ORDER OF BANK, BANKER OR TRUSTEE
PRICE ENDORSEMENTS GUARANTEED

AND THREE CLEARING SLIPES THE ORDER OF THE ALLEGEDLY INDIVIDUAL

EXHIBIT 70

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

CLAREMORE, OKLA. 8-8- 1937 No. W-18 82-178
1031

THE FIRST NATIONAL BANK

PAY TO THE ORDER OF Anna M. Johnson 25.⁰⁰

Twenty five and 00/100 100 DOLLARS

FOR Handed to Anna M. Johnson

8/10

Anna M. Johnson
415 E. 6th

C. MEALEY'S CAFETERIA
308 N. W. 28th St.
OKLAHOMA CITY 5, OKLA.

PAID THRU CLEARING HOUSE OR PER OF ANY BANKER ALL PRIOR ENDSORSEMENTS GUARANTEED

AUG 9 1937

FIRST NATIONAL BANK AND TRUST CO. OKLAHOMA CITY, OKLA.

OKLAHOMA CITY BRANCH

AMERICAN BANK NOTE CO. PRINTED AT THE UNION

Aug 9 57 23023

CLAREMORE, OKLA. 8-21 1937 No. W-19 82-178
1031

THE FIRST NATIONAL BANK

PAY TO THE ORDER OF Mrs. M. Johnson 25.⁰⁰

Twenty five and 00/100 100 DOLLARS

FOR Cash

8/25

Anna M. Johnson
517 N. W. 43rd

For Deposit Only
LOIS GOODEN BEAUTY
24208 Blank, 1000, 5000
JA 5-580
Okla. City, Okla.

PAY TO THE ORDER OF ANY BANKER OR TRUST CO. ALL ENDSORSEMENTS GUARANTEED

AUG 23 1937

CENTRAL STATE BANK
OKLAHOMA CITY, OKLA.

PAID THRU CLEARING HOUSE OR PAY TO THE ORDER OF ANY BANKER ALL PRIOR ENDSORSEMENTS GUARANTEED

AUG 23 1937

FIRST NATIONAL BANK AND TRUST CO. OKLAHOMA CITY, OKLA.

K.

N. B. JOHNSON *485* 9/10 2761
 BOX 3101 STATE CAPITAL
 OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. *9-4-* 1957 86-179
1031

PAY TO THE ORDER OF *only on B Johnson* \$*225.00*

1551B *five hundred and 150* DOLLARS

THE **1st** NATIONAL BANK
 CLAREMORE, OKLA. *M.B. Johnson*

*Mrs. N. B. Johnson
517 N.W. 432*

GREEN PLAZA HOTEL
 PAY TO THE ORDER OF THE
 NATIONAL BANK OF TULSA
 TULSA, OKLAHOMA
 FOR DEPOSIT ONLY.
 (Payor Endorsement Guaranteed)
 ALVIN HOTEL CO.

ART BANK BANKING CO.
 TRUST COMPANY
 MEMBER FEDERAL RESERVE BANK
 SEP-9-1957
 NATIONAL BANK OF TULSA
 TULSA, OKLA.

CLAREMORE, OKLA. *Oct 7th* 1957 *No. W-23* 86-179
1031

THE FIRST NATIONAL BANK *10/11*

485 PAY TO THE ORDER OF *Spidenbach's* \$*75.00*

485 *Spidenbach's* DOLLARS

FOR *Mrs. N. B. Johnson* *517 NW 432*

ART BANK BANKING CO. TRUST CO.
 OR THROUGH THE
 LOCAL CLEARING HOUSE

PAY TO THE ORDER OF

National Bank & Trust Co.
 TULSA, OKLA. 151

FOR DEPOSIT ONLY

SEIDENBACH'S
 THE FIRST NATIONAL BANK
 AND TRUST CO. OF TULSA
 TULSA, OKLAHOMA 86-1

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

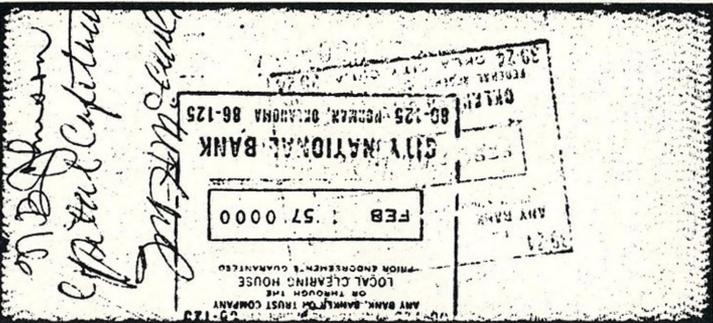
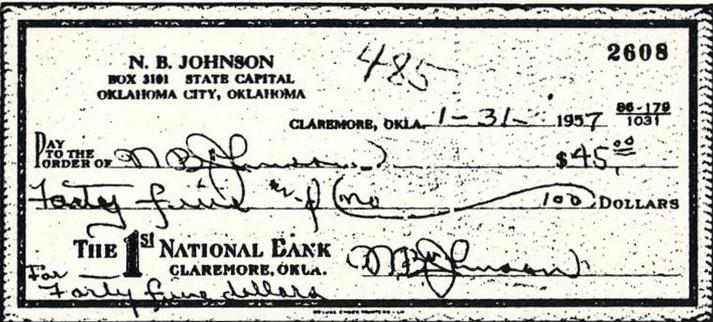
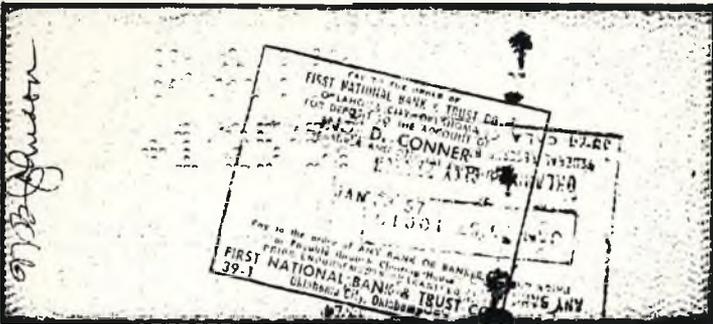
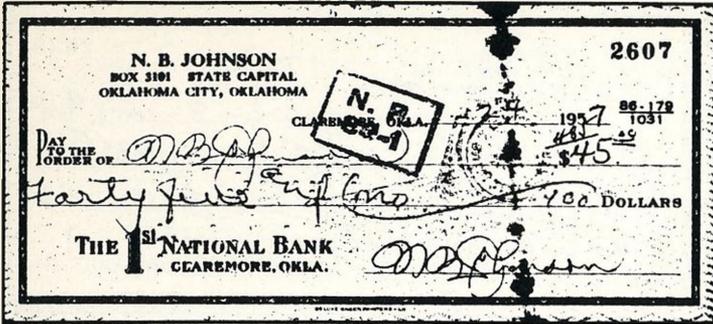


EXHIBIT 71 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. 3-8-1957 86-179
1031

DAY TO THE ORDER OF *N. B. Johnson* \$35⁰⁰

Thirty five and no/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

485

N. B. Johnson

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLAHOMA
JNO. D. CONNER
MAR 11 1957

Pay to the order of ANY BANK OR BANKER
FIRST NATIONAL BANK & TRUST CO.
39-1 Oklahoma City, Oklahoma 39-1

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. N. P. 39-1 485 1957 86-179
1031

DAY TO THE ORDER OF *N. B. Johnson* \$35⁰⁰

Thirty five and no/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

N. B. Johnson

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLAHOMA
JNO. D. CONNER

Pay to the order of ANY BANK OR BANKER
FIRST NATIONAL BANK & TRUST CO.
39-1 Oklahoma City, Oklahoma 39-1

W/13

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON 485
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CASHIER 1
2/21 2642

CLAREMORE, OKLA. FEB 23 - 1957 86-178
1031

PAY TO THE ORDER OF *W. B. Johnson* \$35⁰⁰

thirty five and 00/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *W. B. Johnson*

W. B. Johnson

PAY TO THE ORDER OF
FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLAHOMA
FOR DEPOSIT TO THE ACCOUNT OF
JNO. D. CONNER
STATE TREASURER AND CHIEF DEPARTMENT

MAR 13 1957

Pay to the order of ANY KIND OF BANKS
or Payable through clearing house
or other clearing agency in Oklahoma
FIRST NATIONAL BANK & TRUST CO.
39-1 Oklahoma City, Oklahoma

N. B. JOHNSON 485
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. 2-23-1957 86-178
1031

PAY TO THE ORDER OF *W. B. Johnson* \$45⁰⁰

Forty five and 00/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *W. B. Johnson*

W. B. Johnson

PAY TO THE ORDER OF
ANY BANK OR TRUST CO.
OKLAHOMA CITY, OKLAHOMA
FOR DEPOSIT TO THE ACCOUNT OF
JONSON'S MARKET, INC.
2302 S. HARVEY
OKLAHOMA CITY, OKLAHOMA

MAR 14 1957

ROGERS CITY BANK
86-1259 OKLAHOMA 86-1259

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

2644

CLAREMORE, OKLA. 3-28 1957 86-179
1031

PAY TO THE ORDER OF *N. B. Johnson* \$35.⁰⁰

thirty five and no 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

N. B. Johnson
Boyd Moore

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLAHOMA

JNO. D. CONNER
STATE TREASURER AND OFFICIAL DEPOSITARY

Pay to the order of ANY BANK OR BANKER
or Payee, without charging money
FIRST NATIONAL BANK & TRUST CO.
39-1 Oklahoma City, Oklahoma 39-1

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

2658

CLAREMORE, OKLA. 4-4 1957 86-179
1031

PAY TO THE ORDER OF *N. B. Johnson* \$45.⁰⁰

thirty five and no 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

N. B. Johnson
Boyd Moore

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLAHOMA

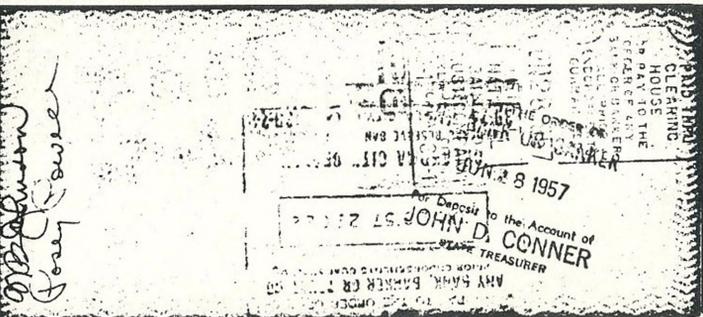
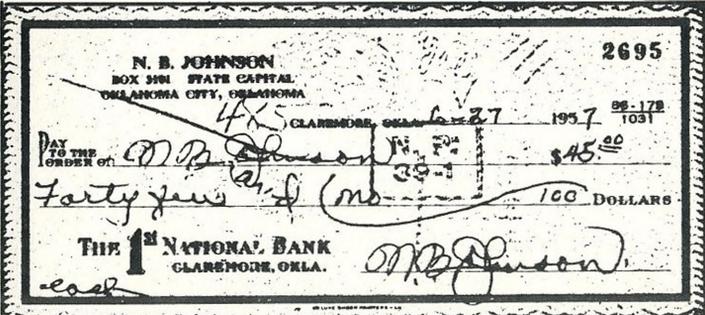
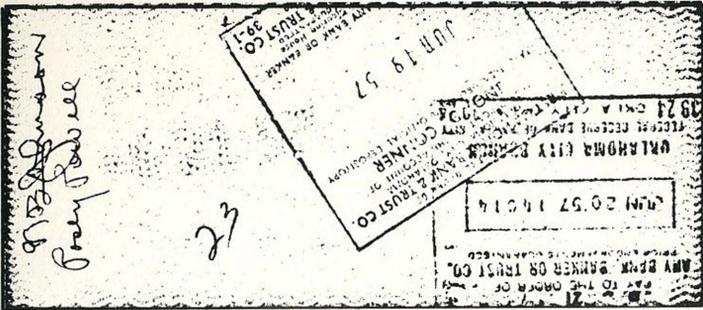
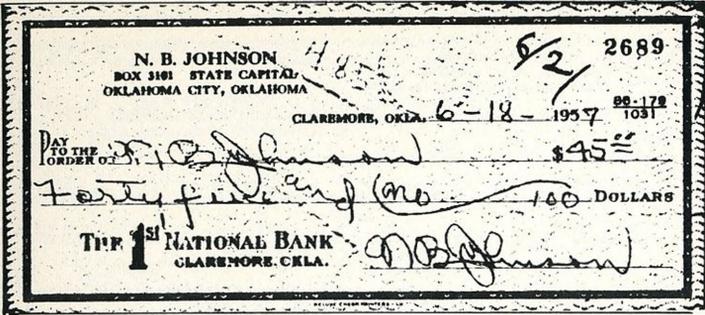
JNO. D. CONNER
STATE TREASURER AND OFFICIAL DEPOSITARY

APR 4-57

Pay to the order of ANY BANK OR BANKER
or Payee, without charging money
FIRST NATIONAL BANK & TRUST CO.
39-1 Oklahoma City, Oklahoma 39-1

EXHIBIT 71 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers



Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

2710

485 CLAREMORE, OKLA. 7-9-1957 86-179
1031

PAY TO THE ORDER OF N. B. Johnson \$45⁰⁰

Forty five and no 100 DOLLARS

THE 1st NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

N. B. Johnson

PAY TO THE ORDER OF
ANY BANK OR BANKER

JUL 10 1957

FD Deposit to the Account of
JOHN D. COVILLER
STATE TREASURER

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

2712

485 CLAREMORE, OKLA. 7-13-1957 86-179
1031

PAY TO THE ORDER OF N. B. Johnson \$45⁰⁰

Forty five and no 100 DOLLARS

THE 1st NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

N. B. Johnson

PAY TO THE ORDER OF
ANY BANK OR BANKER
PROMISES
GUARANTEED

JUL 15 1957

OKLAHOMA CITY BANK

485 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

OKLAHOMA CITY BANK

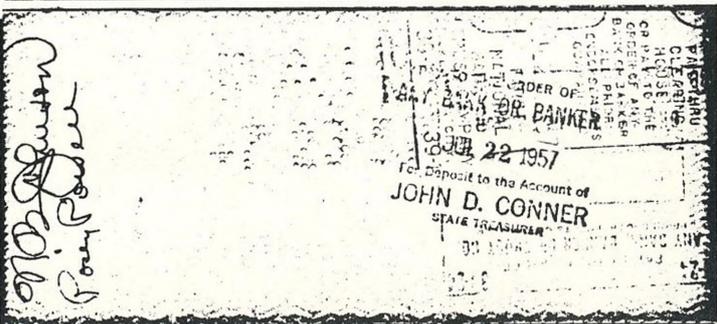
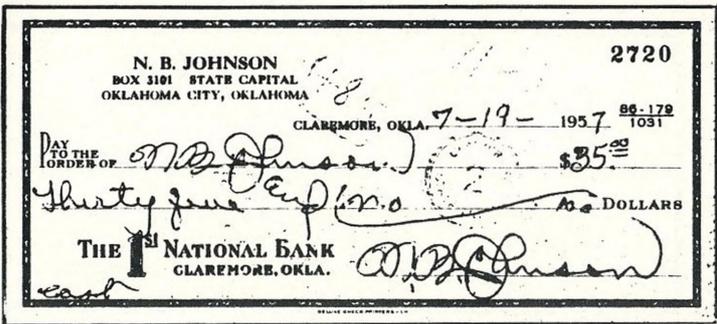
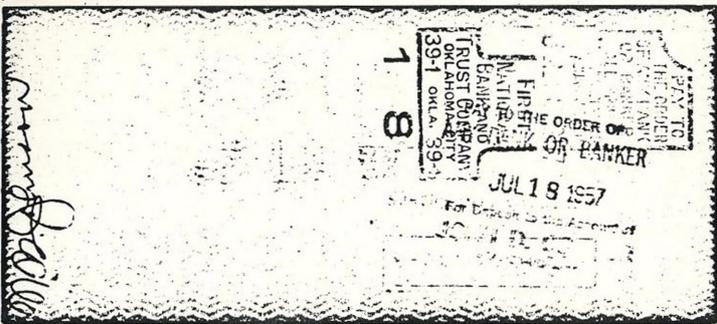
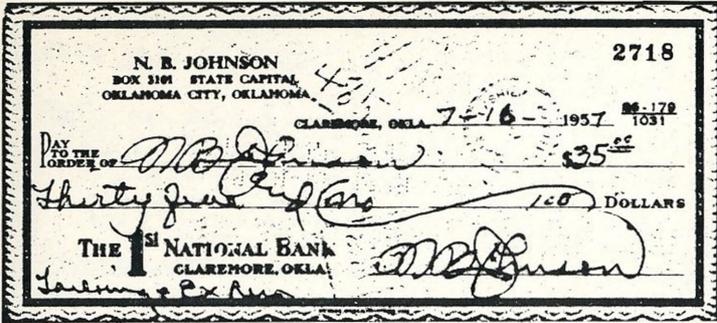
OKLAHOMA CITY, OKLAHOMA

OKLAHOMA CITY BANK

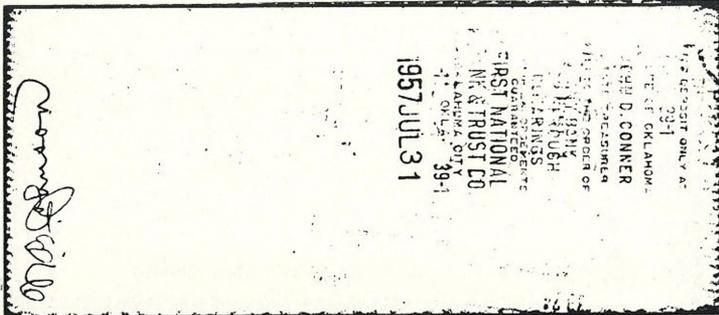
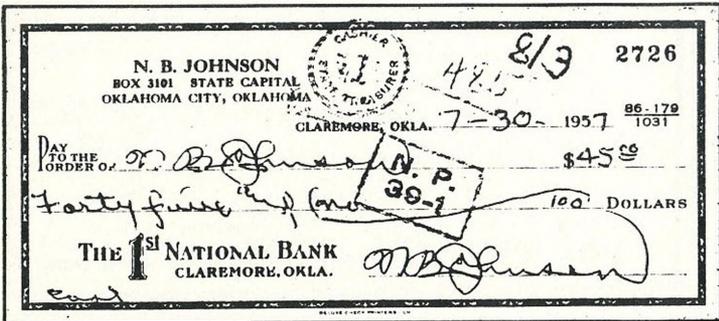
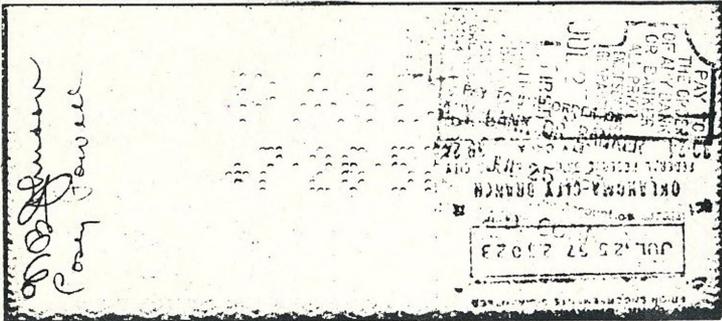
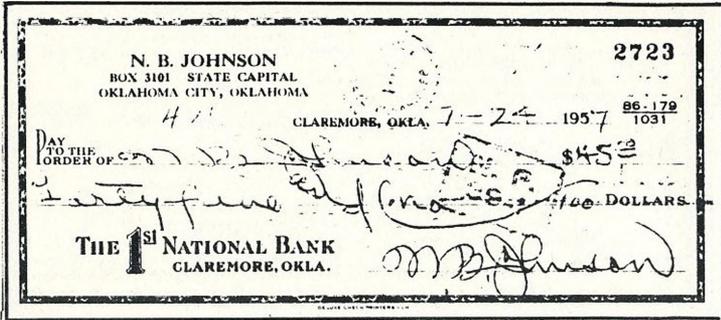
OKLAHOMA CITY, OKLAHOMA

EXHIBIT 71 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers



Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers



N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

485 8/10 2734

CLAREMORE, OKLA. 8-7-1957 86-179
1031

PAY TO THE ORDER OF *N. B. Johnson* \$45.00

Forty five and no 100 DOLLARS

THE 1st NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

FOR DEPOSIT ONLY AT
39-1
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
OR THROUGH
ANY FINANCIAL
INSTITUTION
FIRST NATIONAL
BANK & TRUST CO.
OKLAHOMA CITY,
OKLA. 39-1

1957 AUG - 9

N. B. Johnson

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

485 8/16 2740

CLAREMORE, OKLA. 8-14-1957 86-179
1031

PAY TO THE ORDER OF *N. B. Johnson* \$35.00

thirty five and no 100 DOLLARS

THE 1st NATIONAL BANK
CLAREMORE, OKLA. *N. B. Johnson*

FOR DEPOSIT ONLY AT
39-1
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
OR THROUGH
ANY FINANCIAL
INSTITUTION
FIRST NATIONAL
BANK & TRUST CO.
OKLAHOMA CITY,
OKLA. 39-1

1957 AUG 16

N. B. Johnson

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON
BOX 3191 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

8/24 2741

CLAREMORE, OKLA. 8-22-1957 86-179
1031

PAY TO THE ORDER OF *N B Johnson* \$45.⁰⁰

Forty five and 00/100 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N B Johnson*

FOR DEPOSIT ONLY AT
STATE OF OKLAHOMA
39-1
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
PRIOR ENDORSEMENTS
COUNTERSIGNED
FIRST NATIONAL
BANK & TRUST CO.
OKLAHOMA CITY
39-1 OKLA. 39-1
1957 AUG 23

N B Johnson
John D. Conner

OKLAHOMA CITY BRANCH
AUG 23 1957

N. B. JOHNSON
BOX 3191 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

8/31 2744

CLAREMORE, OKLA. 8-26-1957 86-178
1031

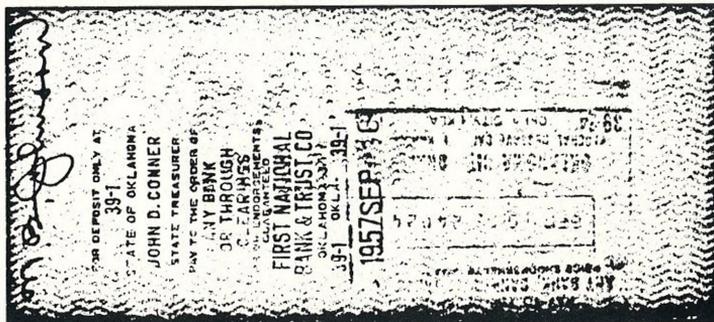
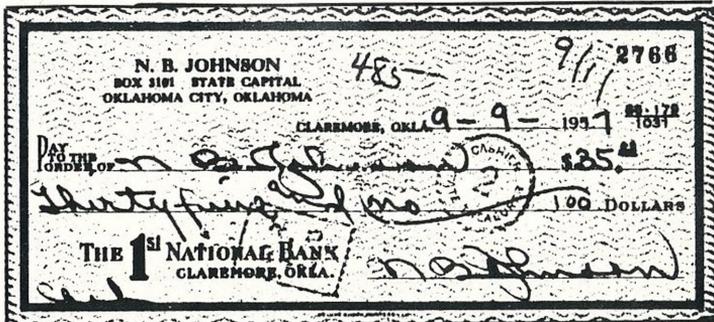
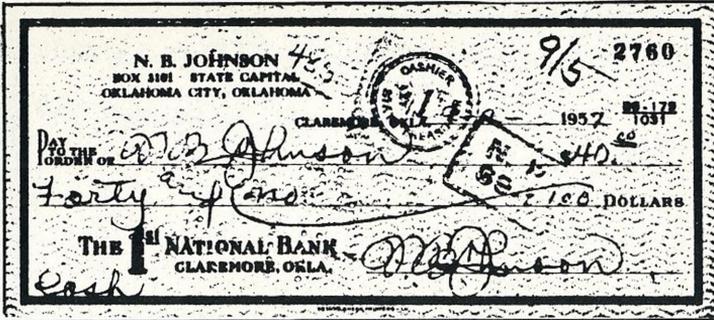
PAY TO THE ORDER OF *N B Johnson* \$50.⁰⁰

Fifty and 00/100 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *N B Johnson*

FOR DEPOSIT ONLY AT
STATE OF OKLAHOMA
39-1
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
PRIOR ENDORSEMENTS
COUNTERSIGNED
FIRST NATIONAL
BANK & TRUST CO.
OKLAHOMA CITY
39-1 OKLA. 39-1
1957 AUG 27

N B Johnson
John D. Conner



Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

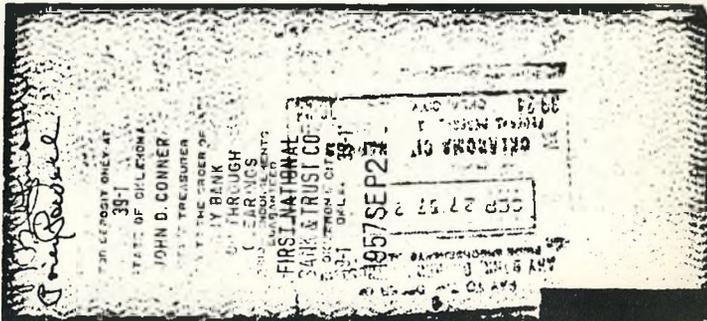
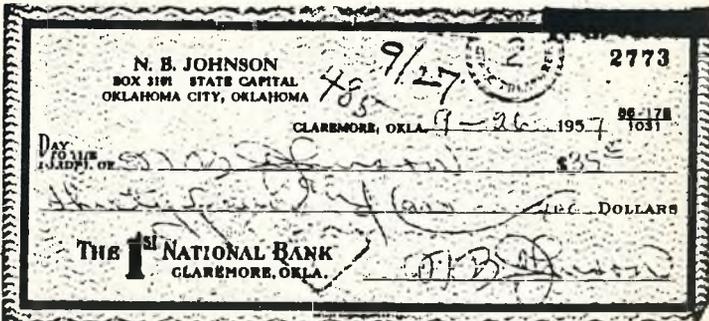
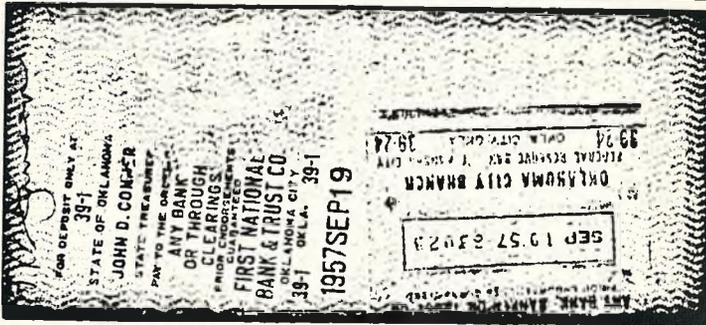
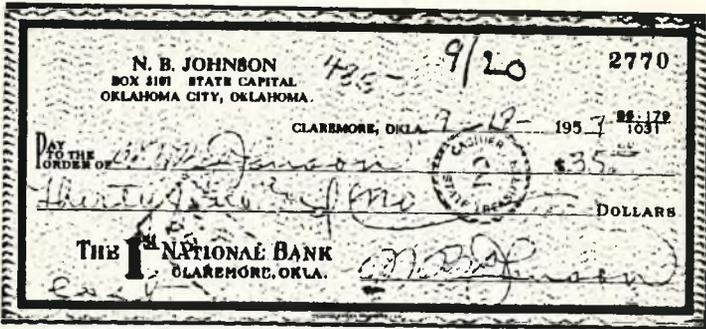
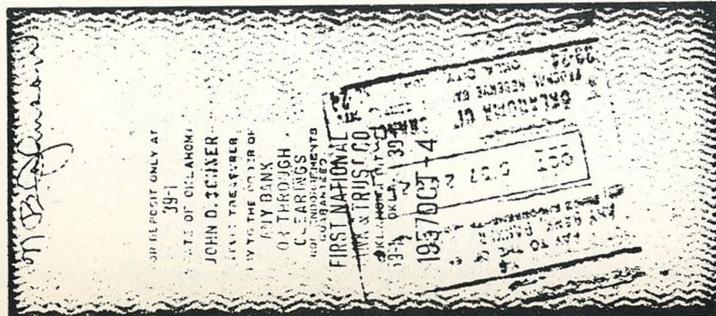
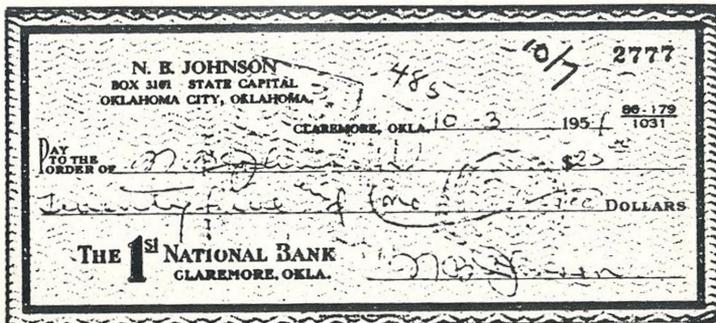
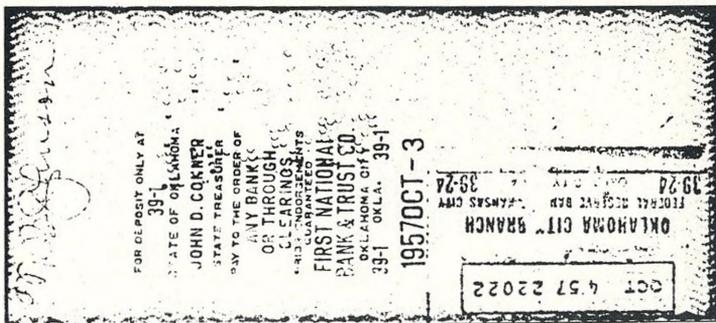
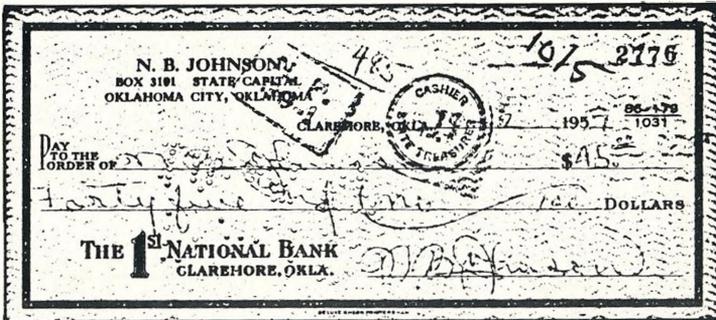


EXHIBIT 71 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers



Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

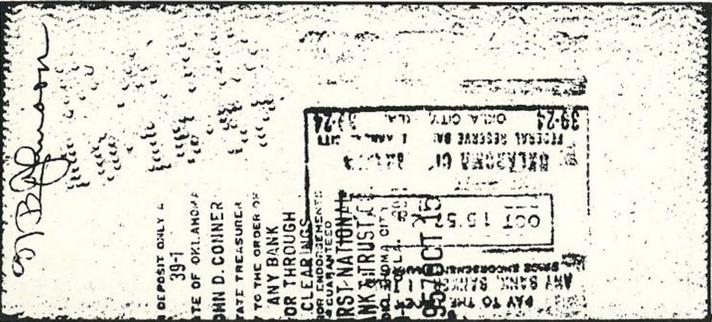
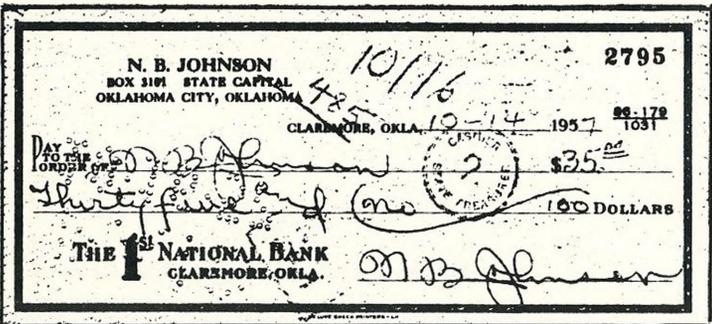
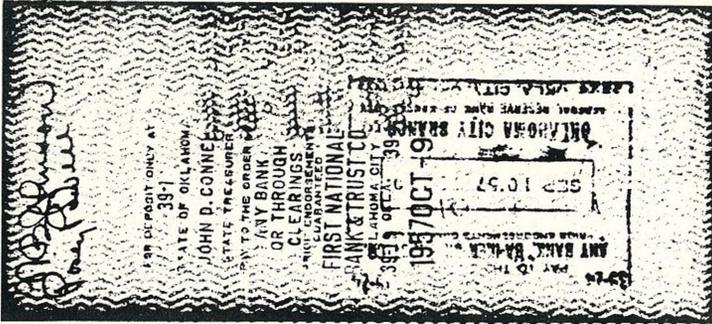
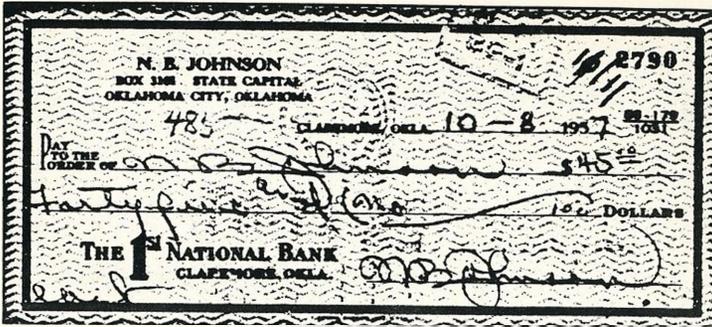


EXHIBIT 71 (Cont'd.)

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. 10-22 1957 86-179 1031

10/21 2799

DAY TO THE ORDER OF *W. B. Johnson* \$45.⁰⁰

Forty Five and 00/100 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA.

FOR DEPOSIT ONLY
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
OR THROUGH
ANY CREDIT
INSTITUTION

OKLAHOMA CITY BRANCH
384 OKLA. CITY
1957 OCT 23

39-24 OKLA. CITY, OKLA. 10-23-57

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLAHOMA

CLAREMORE, OKLA. 10-23 1957 86-179 1031

10/23 2800

DAY TO THE ORDER OF *W. B. Johnson* \$35.⁰⁰

Thirty Five and 00/100 100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA.

FOR DEPOSIT ONLY
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARINGS
OR THROUGH
ANY CREDIT
INSTITUTION

OKLAHOMA CITY BRANCH
384 OKLA. CITY
1957 OCT 28

39-24 OKLA. CITY, OKLA. 10-28-57

EXHIBIT 71 (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

N. B. JOHNSON
BOX 3181 STATE CAPITAL
OKLAHOMA CITY, OKLA.

485 10/31 2811

DATE 10-29-1957 86-179
1031

PAY TO THE ORDER OF *[Signature]* \$35

thirty five and 00/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *[Signature]*

FOR DEPOSIT ONLY
39-1

STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER

PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARING
HOUSE

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA. 39-1

1957 OCT 30

39-24

N. B. JOHNSON
BOX 3181 STATE CAPITAL
OKLAHOMA CITY, OKLA.

485 2818

DATE 11-16-1957 86-179
1031

PAY TO THE ORDER OF *[Signature]* \$35

thirty five and 00/100 DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA. *[Signature]*

REMEDIAL SERVICE
601 N. E. 23rd
OKLA. CITY, OKLA.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
ALL FEES OR CHARGES TO BE DEDUCTED

NOV 20 57

ROGERS COUNTY BANK
CLAREMORE 86-1259
OKLAHOMA

11/2

EXHIBIT 71 (Cont'd.)

2819

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLA.

DATE 11-25-1957 86-179
1031

PAY TO THE ORDER OF John D. Conner \$ 25.00

DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA.

11/27

86-179
1031

FOR DEPOSIT ONLY AT
391
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARING
HOUSE
OR THROUGH
ANY BANK
OR THROUGH
CLEARING
HOUSE

OKLAHOMA CITY, OKLA. 1957 NOV 26

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA. 391

12/19 2847

N. B. JOHNSON
BOX 3101 STATE CAPITAL
OKLAHOMA CITY, OKLA.

DATE 12-17-1957 86-179
1031

PAY TO THE ORDER OF John D. Conner \$ 35.00

DOLLARS

THE 1ST NATIONAL BANK
CLAREMORE, OKLA.

12/19

86-179
1031

FOR DEPOSIT ONLY AT
391
STATE OF OKLAHOMA
JOHN D. CONNER
STATE TREASURER
PAY TO THE ORDER OF
ANY BANK
OR THROUGH
CLEARING
HOUSE
OR THROUGH
ANY BANK
OR THROUGH
CLEARING
HOUSE

OKLAHOMA CITY, OKLA. 1957 DEC 18

FIRST NATIONAL BANK & TRUST CO.
OKLAHOMA CITY, OKLA. 391

EXHIBIT 71 (Cont'd.)

ACCOUNTS RECEIVABLE LEDGER

6065 per min

MRS M.B. JOHNSON
517 N.W. 43
OKLAHOMA CITY OLA

①

DATE	CHARGES	✓	CREDITS	BALANCE
BALANCE FORWARD ◻				
NOV 16 57	833.89		500.00	333.89

EXHIBITS OF THE ACCUSED

February 2, 1959

38,178 - The Oklahoma Co. v. Eugene J. O'Neil, et al.

Davison presents petition to recall mandate, vacate opinion heretofore entered in this appeal and to write a new opinion, with recommendation petition be denied.
CONCUR: Davison, Welch, Johnson, Blackbird, Jackson and Irwin.
DISSENT: Williams, Halley and Berry
ACTION: Denied

March 2, 1959

38,178 - The Oklahoma Co. v. Eugene J. O'Neil, et al.

Davison presents 2nd petition to recall mandate, etc. with recommendation it be denied.

CONCUR: Davison, Welch, Johnson, Jackson & Irwin.
DISSENT: Williams, Halley, Blackbird and Berry.
ACTION: Second petition to recall mandate denied.

EXHIBIT A

PETITION FOR REHEARING, BRIEF AND MOTION 13

Incidentally, an individual and not a bank, as stated by this Court, has acted as trustee since 1933.

The nature and source of company's earnings in 1948 was as follows:

"There was received interest on loans and contract in the amount of \$161,569.80; interest on real estate contracts, \$39,694.98; interest and discounts on installment contracts, \$107,706.92; dividends of \$120,998.38; profit on sale of investments, \$159,234.75; penalty for delinquent payments, \$2,257.07; oil royalties, \$475.50; income from safety deposit boxes, \$278.00; profit on sale of houses, \$57,619.72; and real estate rentals, \$6,712.00" (C-M. 149).

The evidence being as stated, company and not some so-called trustee, earned the income in controversy and for said reason, company and not some so-called trustee is subject to income tax thereon.

We will present our argument and authorities under one general proposition followed by some sub-propositions.

Point I.

The income in controversy was unquestionably earned by company and not the trustee.

Before proceeding further we wish to point out and stress that the matter of whether or not there is a valid trust is not an issue. On this score the question before the Court is whether or not the income in controversy was earned by company or the trust. As heretofore pointed out in considerable detail, company did the business that

Account of C

24 SELECTED INVESTMENTS CORP. V. OKLA. TAX. COM.

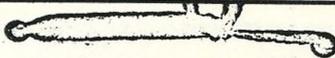
		Tax	Interest To 2-28-57	Total
1948	Paid under Protest 10-23-53	\$ 21,728.61	\$ 6,029.69	\$ 27,758.30
1949	Not Assessed, but open	26,796.89	11,187.70	37,984.59
1950	" " " "	39,828.51	14,238.09	54,067.20
1951	" " " "	31,631.45	6,247.21	37,878.66
1952	" " " "	29,871.67	7,094.53	36,966.19
1953	" " " "	41,950.55	7,446.22	49,396.77
1954	" " " "	53,795.45	6,320.97	60,116.42
1955	" " " "	65,412.20	3,761.09	69,173.29
1956	Estimated	65,000.00		65,000.00
†TOTAL		\$376,015.33	\$82,328.09	\$458,343.42

Of course any income taxes paid by certificate holders in 1948, 1949, 1950, 1951, inclusive (none were paid after 1951), would be credited against said tax liability but after this is done the tax in controversy would be a very sizeable amount. One reads in the papers almost every day that the Legislature, which is now in session, is "scraping the revenue barrel" in an effort to find money to appropriate for common schools and our institutions of higher learning. It is unnecessary to say that if the Commission were permitted to collect the income taxes that company owes that the money would go a considerable way in educating the boys and girls of this State.

CONCLUSION

It is to be remembered, and we stress, that the income in controversy was earned through business done and not by the mere passive holding of property. It is patent and fundamental that the bank account known as a "Trust Fund" did not earn one penny until it was invested and it is just as patent and fundamental that the entity who did the investing was company and not the so-called trustee, and since income is taxable to the entity earning

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused



U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
OKLAHOMA CITY, OKLAHOMA
August 14, 1959

carbon copies
1956-57-
58-59
furnished to
for acc.

Accused
Exh. D

Certification

TO WHOM IT MAY CONCERN

I certify that the attached are true copies of
the U. S. Individual Income Tax Returns of N. B. and
Martha L. Johnson, 517 N. W. 43rd Street, Oklahoma
City, Oklahoma, for the taxable years ended December
31, 1956 and December 31, 1957, the originals of which
are in my custody.

Earl R. Wiseman
Earl R. Wiseman
District Director

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

531

Form 1040

U. S. INDIVIDUAL INCOME TAX RETURN

BR

881

U. S. Department of the Treasury
Internal Revenue Service

For calendar year or other taxable year beginning 1 - 1, 1954, and ending 12 - 31, 1956

1956

Name (if this is a joint return of husband and wife, see first names of both)
W. B. and Martha L. Johnson

Your Social Security No. and Occupation
**442-350-5811
Jurist**

Home Address (Number and street or rural route)
517 N. W. 43rd Street

City or post office (Zone) (County) (State)
Oklahoma City Oklahoma Oklahoma

Wife's Social Security No. and Occupation
Housewife

If Income Was All From Salaries and Wages, Use Pages 1 and 2 Only. If Such Income Was Less Than \$4,000, You May Need to Use Page 1 Only. See Page 5 of the Instructions.

1. Check blocks which apply. Check for wife if she had no income or her income is included in this return.
Regular \$400 exemption Yourself Wife
Additional exemption if 65 or over at end of taxable year Yourself Wife
Additional exemption if blind at end of taxable year Yourself Wife

2. List names of your children who qualify as dependents; give address if different from yours. Enter number of children **3**

3. Enter number of exemptions claimed for other persons listed at top of page 2

4. Enter the total number of exemptions claimed on lines 1, 2, and 3 **3**

5. Enter all wages, salaries, bonuses, commissions, and other compensation received in 1956, before payroll deductions. Outside salaries and persons claiming traveling, transportation, or reimbursed expenses, see instructions, page 6.

Employer's Name (Where Employed (City and State))	Wages, etc.	Income Tax Withheld
State of Oklahoma, Oklahoma City, Okla	\$13,541 58	\$ 2,177 50
U. S. Dept. of Health, Washington, D.C.	225 00	35 50
F. I. C. A. (paid in excess of \$84.00)		30 00
Enter totals here	\$13,766 58	\$ 2,217 50

6. Less: Excludable "Sick Pay" in line 5 (See instructions, page 4. Attach required explanation.)

7. Balance (line 5 less line 6) **\$13,766 58**

8. Profit (or loss) from business from separate Schedule C

9. Profit (or loss) from farming from separate Schedule F

10. Other income (or loss) from page 3

11. ADJUSTED GROSS INCOME (sum of lines 7, 8, 9, and 10) **\$13,766 58**

Unmarried or legally separated persons qualifying as "Head of Household," see instructions, page 7, and check here Widows and widowers who are entitled to the special tax computation, see instructions, page 7, and check here

If income on line 11 is under \$4,000, and you do not claim deductions, use Tax Table on page 16 of instructions. If income is \$4,000 or more, or if you claim deductions, compute your tax on page 2.

12. Enter tax from the Tax Table, or from line 9, page 2. Please check if you use Tax Table **\$ 2085 98**

13. (a) Dividends received credit from line 5 of Schedule J **\$**
(b) Retirement income credit from line 12 of Schedule K **\$**

14. Balance (line 12 less line 13) **\$**

15. Enter your self-employment tax from separate Schedule C or F **\$**

16. Sum of lines 14 and 15 **\$**

17. (a) Tax withheld (line 5 above). Attach Forms W-2 (Copy B) **\$ 2,217 50**
(b) Payments and credits on 1956 Declaration of Estimated Tax (instructions) **\$**
District Director's office **\$**

18. If your tax (line 12 or 16) is greater than your payments (line 17), enter the balance due. Pay in full with this return. See instructions, page 8. **\$**

19. If your payments (line 17) are greater than your tax (line 12 or 16), enter the overpayment. Pay to full with this return. See instructions, page 8. **\$ 131 52**
Enter amount of line 19 to be refunded with tax **\$ 131 52**

Did you pay or agree to pay estate tax on the estate of the decedent in this year? Yes No
If "Yes," enter tax name.

Did you pay or agree to pay estate tax on the estate of the decedent in this year? Yes No
If "Yes," enter tax name.

Do you own any Federal tax for years before 1956? Yes No

I declare under the penalties of perjury that this return including any deductions claimed and credits claimed has been examined by me and to the best of my knowledge and belief is a true, correct, and complete statement of my income, and I have not omitted any material information.

W. B. Johnson
Martha L. Johnson

3/1/57

3/1/57

3/1/57

Preparer (other than taxpayer) sign here

(Address) (Date)

ATTACH COPY 8 OF FORMS W-2 HERE

EXHIBIT D (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Board of Managers

EXEMPTIONS 1 PERSONS OTHER THAN YOUR WIFE AND CHILDREN		Page 9	
Name	Relationship	Number of months dependent lived in your home 11 (over) 12 (over) 13 (over) 14 (over) 15 (over) 16 (over) 17 (over) 18 (over) 19 (over) 20 (over) 21 (over) 22 (over) 23 (over) 24 (over) 25 (over) 26 (over) 27 (over) 28 (over) 29 (over) 30 (over) 31 (over) 32 (over) 33 (over) 34 (over) 35 (over) 36 (over) 37 (over) 38 (over) 39 (over) 40 (over) 41 (over) 42 (over) 43 (over) 44 (over) 45 (over) 46 (over) 47 (over) 48 (over) 49 (over) 50 (over) 51 (over) 52 (over) 53 (over) 54 (over) 55 (over) 56 (over) 57 (over) 58 (over) 59 (over) 60 (over) 61 (over) 62 (over) 63 (over) 64 (over) 65 (over) 66 (over) 67 (over) 68 (over) 69 (over) 70 (over) 71 (over) 72 (over) 73 (over) 74 (over) 75 (over) 76 (over) 77 (over) 78 (over) 79 (over) 80 (over) 81 (over) 82 (over) 83 (over) 84 (over) 85 (over) 86 (over) 87 (over) 88 (over) 89 (over) 90 (over) 91 (over) 92 (over) 93 (over) 94 (over) 95 (over) 96 (over) 97 (over) 98 (over) 99 (over) 100 (over)	
		\$	\$
Enter on line 3, page 1, the number of exemptions claimed above. → If an exemption is based on a multiple support agreement of a group of persons, attach information described on page 3 of instructions.			
ITEMIZED DEDUCTIONS—IF YOU DO NOT USE TAX TABLE OR STANDARD DEDUCTION If husband and wife (first legally separated) file a joint return (1041) and use Standard Deductions, the Other Head Also Standard Deduction deductions and state to whom paid. If more space is needed, attach additional sheets. Please put your name and address on any attachments.			
Contributions	American Red Cross \$10.00 Churches \$150.00 Misc. charities, Salvation Army, USO, Scouts \$200.00 Charokee Foundation \$5.00		
	Total (not to exceed 30% of line 11, page 1, except as described on page 8 of instructions)	\$	365 00
Interest	FRUITFUL NOTES - First Natl. Bank, Clarendon \$57.83 Service charges bank deposits \$12.43 Prudential Ins. Co. of Amer. Residence Loan \$397.47		
	Total		467 73
Taxes	956 auto tag \$58.10; 1957 Auto Tag \$52.34 (pd 12-13-56) 956 auto tag \$44.60; 1957 auto tag \$40.19 Real and personal tax \$290.61; State Inc. \$98.52 Sales Tax \$100.00; Gasoline tax \$146.93; cigarette tax		
	\$36.50 Total		867 79
Medical and dental expense (if 65 or over see instructions, page 9)	1. Cost of medicines and drugs, in excess of 1 percent of line 11, page 1 2. Other medical and dental expenses	\$	306 60
	3. Total	\$	306 60
Child care	Expenses for care of children and certain other dependents not to exceed \$600 (See page 10 of instructions and attach statements)		306 60
Casualty losses	1 Gabardine Top Coat \$70.00; 1 pr. cuff links \$13.00		
	Total losses (not compensated by insurance or otherwise)		83 00
Miscellaneous	Travel necessary for business \$300.00 State Bar Dues \$15.00		
	Total		315 00
TOTAL DEDUCTIONS (Enter on line 2 of Tax Computation, below)		\$	2,405 12
TAX COMPUTATION—IF YOU DO NOT USE THE TAX TABLE			
1. Enter Adjusted Gross Income from line 11, page 1		\$13,766	58
2. If deductions are itemized above, enter total of such deductions. If deductions are not itemized and line 1, above, is \$5,000 or more: (a) married persons filing separately enter \$500; (b) all others enter 10 percent of line 1, or \$1,000, whichever is smaller		2,405	12
3. Balance (line 1 less line 2)		11,361	46
4. Multiply \$600 by total number of exemptions claimed on line 4, page 1		1,800	00
5. TAXABLE INCOME (line 3 less line 4)		9,561	46
6. Tax on amount on line 5. Use appropriate Tax Rate Schedule on page 11 of instructions		2,085	98
7. If you had capital gains and the alternative tax applies, enter the tax from separate Schedule D			
8. Tax credits. If you itemized deductions, enter: (a) Credit for income tax payments to a foreign country or U. S. possession (Attach Form 1114) (b) Tax paid of source on tax-free covenant bond interest and credit for partially tax-exempt interest		\$	
9. Enter here and on line 12, page 1, the amount shown on line 6 or 7 less amount claimed on line 8		\$	2,085 98

EXHIBIT D (Cont'd.)



THE SUPREME COURT

STATE OF OKLAHOMA

January 30, 1957

N. B. JOHNSON
JUSTICE

Collector of Internal Revenue
Federal Building
Oklahoma City, Oklahoma

Gentlemen:

Enclosed is joint U. S. Individual
Income Tax Return of N. B. and Martha L.
Johnson for the year 1956, to which is
attached Forms W-2. The amount withheld
exceeds the amount of tax due by the sum
of \$131.52.

Sincerely,

A handwritten signature in dark ink, appearing to read "N. B. Johnson", written over a faint, illegible stamp or background.

N. B. Johnson

Enc.

NBJ/p

Form 9040-1967 EXEMPTIONS FOR PERSONS OTHER THAN YOUR WIFE AND CHILDREN					Page 2
Name	Relationship	Number of months dependent lived in your home. If born or died during year also write "B" or "D"	Did dependent have gross income of \$200 or more?	Amount YOU spent for dependent's support, if 100%, write "M"	Amount spent by OTHERS including dependent from own funds
				\$	\$

Enter on line 3, page 1, the number of exemptions claimed above.
 → If an exemption is based on a multiple-support agreement of a group of persons, attach information described on page 5 of instructions.

ITEMIZED DEDUCTIONS—IF YOU DO NOT USE TAX TABLE OR STANDARD DEDUCTION
If Headstart and Wife (Not Legally Separated) File Separate Returns and Use Headstart Deductions, Use Other Head Start Member State to whom paid. If necessary write across line one line on a line or attach additional sheets. Please put your name and address on any attachments.

Contributions	Red Cross \$10.00		
	Churches \$150.00		
	Misc. Charities, Salvation Army, U.S.O., Scouts, Cherokee Foundation, Arrow, Inc. \$205.00		
	Total paid but not to exceed 30% of line 11, page 1, except as described on page 8 of instructions.	\$ 365	00
Interest	Prudential Ins. Co. (Residence Loan) \$366.41		
	First National Bank, Claremore, Okla. (Service charges on bank deposits) \$10.22		
	Total interest	376	63
Taxes	Auto Tag personal car \$36.22		
	Auto Tag wife's car \$47.16		
	Real and Personal Taxes \$288.25		
	State Income Tax \$123.14; Sales Tax \$104.00 Gasoline Tax for cars of wife & self \$169.26	Total taxes	768
Medical and dental expenses <small>(If 65 or over, see instructions, page 9)</small>	<small>Subject limited list. Do not enter any expense compensated by insurance or otherwise.</small>		
	1. Cost of medicines and drugs, in excess of 1 percent of line 11, page 1.....	\$ 65.03	
	2. Other medical and dental expenses.....	370.00	
	3. Total.....	\$ 435.03	
	4. Enter 3 percent of line 11, page 1.....		
5. Allowable amount (excess of line 3 over line 4). (See instructions, page 10, for limitations.).....	435	03	
Other Deductions <small>(including child care and casualty losses)</small>	<small>Enter child care expense paid but not to exceed \$200. Enter casualty losses which are not compensated by insurance or otherwise. See page 10 of instructions and attach interest as required.</small>		
	Law Library (Schedule G) \$15.00	\$15	00
	Travel Exp. necessary for Business \$300.00		
	State Bar Dues \$15.00; Bad Debts Uncollectible \$50.00	Total	515
TOTAL DEDUCTIONS (Enter here and on line 2 of Tax Computation, below)		\$ 2459	69

TAX COMPUTATION—IF YOU DO NOT USE THE TAX TABLE

1. Enter Adjusted Gross Income from line 11, page 1.....	\$12,642	42
2. If deductions are itemized above, enter total of such deductions. If deductions are not itemized and line 1, above, is \$5,000 or more: (a) a married person filing separately enter \$500, (b) all others enter 10 percent of line 1, or \$1,000, whichever is smaller.....	2,159	69
3. Balance (line 1 less line 2).....	10,482	73
4. Multiply \$600 by total number of exemptions claimed on line 4, page 1.....	1,800	00
5. TAXABLE INCOME (line 3 less line 4)	8,682	73
6. Tax on amount on line 5. Use appropriate Tax Rate Schedule on page 11 of instructions.....	1,779	32
7. If you had capital gains and the alternative tax applies, enter the tax from separate Schedule D.....		
8. Tax credits. If you itemized deductions, enter: (a) Credit for income tax payments to a foreign country or U. S. possession (Attach Form 1116)..... \$..... (b) Tax paid of source on tax-free covenant bond interest and credit for partially tax-exempt interest.....		
9. Enter here and on line 12, page 1, the amount shown on line 6 or 7 less amount claimed on line 8.....	\$ 1,779	32

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

MEDICAL EXHIBIT - 1957	
N. E. and Martha L. Johnson	
Cost of Medicine and Prescriptions:	
Rexall Drug, Claremore, Okla.	\$109.80
Crown Heights Drug, Okla. City	73.20
Plaza Drug, Okla. City	6.00
Wolf Drug, Okla. City	2.45
	\$191.45
Less 1% of Line 11, pg. 1, cost in excess of 1% of \$12,642.42	126.42
Deductible	\$ 65.03
Other Medical and Dental Expense:	
Commonwealth Ins., Tulsa, Okla. (Health and Accident)	48.00
Blue Cross-Blue Shield	94.00
Continental Casualty Co., Chicago	58.00
Accidental Life Ins. (Spec. Accident)	45.00
Dr. J. C. Hulsey, Okla. City (treatment)	9.00
Dr. Vannart, Okla. City 4	12.00
Dr. Roe, Okla. City 5	15.00
Dr. L. F. Rowe, Okla. City (dental)	4.00
Dr. R. Q. Goodwin, Okla. City	50.00
Laboratory x-rays (\$20.00) and blood tests (\$15.00)	35.00
	\$370.00
	665.03
	370.00
	\$295.03 Amount of Deductible Medical

EXHIBIT D (Cont'd.)

Form 1040-1937 Page 2

NET INCOME WAS ALL FROM SALARIES AND WAGES, TEAR OFF THIS PAGE AND FILE ONLY PAGES 1 AND 2

Schedule A.—INCOME FROM DIVIDENDS (Income from Savings (Banking) and Loan Associations and Credit Unions should be entered as interest in Schedule B)

1. Name of qualifying corporation declaring dividend (See instructions, page 12): Amount

(Indicate by (C), (W), (J) whether stock is held by husband, wife, or jointly) \$

2. Total \$

3. Exclusion of \$50 (if both husband and wife received dividends, each is entitled to exclude not more than \$50 of his (her) own dividends) \$

4. Excess, if any, of line 2 over line 3. Enter here and on line 1, Schedule J \$

5. Name of nonqualifying corporation declaring dividend: \$

6. Enter total of lines 4 and 5 \$

Schedule B.—INCOME FROM INTEREST

Name of payer	Amount	Name of payer	Amount
	\$		\$
Enter total here—>			

Schedule D Summary.—GAINS AND LOSSES FROM SALES OR EXCHANGES OF PROPERTY

1. From sale or exchange of capital assets (from separate Schedule D) 32 30

2. From sale or exchange of property other than capital assets (from separate Schedule D)

Schedule E.—INCOME FROM PENSIONS AND ANNUITIES (See instructions, page 13)

Part I.—General Rules

1. Investment in contract \$

2. Expected return \$

3. Percentage of income to be excluded (line 1 divided by line 2) %

4. Amount received this year \$

5. Amount excludable (line 4 multiplied by line 3) \$

6. Taxable portion (excess of line 4 over line 5) \$

Part II.—Where your cost will be recovered within three years and your employer has contributed part of the cost

1. Cost of annuity (amounts paid in) \$

2. Cost received tax-free in past years \$

3. Remainder of cost (line 1 less line 2) \$

4. Amount received this year \$

5. Taxable portion (excess, if any, of line 4 over line 3) \$

Schedule G.—INCOME FROM RENTS AND ROYALTIES

1. Kind and location of property	2. Amount of rent or royalty	3. Depreciation (explain in Sch. I) or depletion	4. Repairs (attach itemized list)	5. Other expenses (attach itemized list)
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
1. Totals \$	\$	\$	\$	\$
2. Net income (or loss) from rents and royalties (column 2 less sum of columns 3, 4, and 5) \$				

Schedule H.—OTHER INCOME

1. Partnerships (name and address) \$

2. Estates or trusts (name and address) \$

3. Other sources (state nature) \$

Total income (or loss) from above sources (Enter here and on line 10, page 1) \$ 32 30

Schedule I.—EXPLANATION OF DEDUCTION FOR DEPRECIATION CLAIMED IN SCHEDULE G

1. Kind of property (if building, state material of which constructed). If real estate and other immovable property	2. Date acquired	3. Cost or other basis	4. Depreciation allowed (or allowable) in prior years	5. Method of computing depreciation	6. Rate (%) of life (years)	7. Depreciation for this year
Law Library	1-10-40	\$ 3000.00		5%	20	\$ 150.00
Pacific Reports						
Oklahoma Decisions						
Okl. Statutes Annotated						
Oklahoma Statutes, 2 Vol.						
Oklahoma Reports						

Form 1040-1957

Page 4

IF INCOME WAS ALL FROM SALARIES AND WAGES, TEAR OFF THIS PAGE AND FILE ONLY PAGES 1 AND 2

Schedule J.—DIVIDENDS RECEIVED CREDIT (See instructions, page 15)

1. Amount of dividends on line 4, Schedule A.....	\$							
2. Tentative credit (4 percent of line 1).....								
LIMITATION ON CREDIT								
3. Tax shown on line 12, page 1, plus amount, if any, shown on line 8(b), page 2.....								
4. 4 percent of taxable income.....								
<table border="0"> <tr> <td>Taxable</td> <td rowspan="3" style="font-size: 2em; vertical-align: middle;">}</td> <td>(a) If tax is computed on page 9, the amount shown on line 5, page 2.</td> </tr> <tr> <td>Income</td> <td>(b) If capital gains alternative tax applies, the amount shown on line 14, separate Schedule D.</td> </tr> <tr> <td>Means</td> <td>(c) If Tax Table is used, the amount shown on line 11, page 1, less 10 percent thereof, and less the deduction for exemptions (\$600 multiplied by the number of exemptions claimed on line 4, page 1).</td> </tr> </table>	Taxable	}	(a) If tax is computed on page 9, the amount shown on line 5, page 2.	Income	(b) If capital gains alternative tax applies, the amount shown on line 14, separate Schedule D.	Means	(c) If Tax Table is used, the amount shown on line 11, page 1, less 10 percent thereof, and less the deduction for exemptions (\$600 multiplied by the number of exemptions claimed on line 4, page 1).	
Taxable	}		(a) If tax is computed on page 9, the amount shown on line 5, page 2.					
Income			(b) If capital gains alternative tax applies, the amount shown on line 14, separate Schedule D.					
Means		(c) If Tax Table is used, the amount shown on line 11, page 1, less 10 percent thereof, and less the deduction for exemptions (\$600 multiplied by the number of exemptions claimed on line 4, page 1).						
5. Dividends received credit. Enter here and on line 13(a), page 1, the smallest of the amounts on line 2, 3, or 4, above.....	\$							

Schedule K.—RETIREMENT INCOME CREDIT (See instructions, page 15)

This credit does not apply:

1. If you received pensions or annuities of \$1,200 or more from Social Security or Railroad Retirement,
2. If you are under 65 years of age and had "earned income" of \$2,100 or more, OR
3. If you are 65 or over and under 72, and had "earned income" of \$2,400 or more.

If separate return, use column B only. If joint return, use column A for wife and column B for husband—>
Did you receive earned income in excess of \$600 in each of any 10 calendar years before the taxable year 1957? Widow or widowers see instructions, page 15.....

A		B	
Yes	No	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If answer above is "Yes" in either column, furnish all information below in that column.

1. Retirement income for taxable year which is included in line 11, page 1, of this return:
 - (a) For taxpayers under 65 years of age.....

	\$
--	----

MEDICAL EXHIBIT

N. B. and Martha L. Johnson

Cost of Medicine and Drugs:	
Rexall Drug, Claremore, Oklahoma	\$55.00
Gilliam Prescription Shop, Oklahoma City	50.00
	\$105.00
Blue Cross-Blue Shield	87.60
Commonwealth Ins., Tulsa, Okla. (Health & Acc)	48.00
Continental Casualty Co., Chicago	58.00
Occidental Life Ins. Co. (Spec. Acc)	43.00
Dr. J. C. Hulsey, Okla. City - treatments	35.00
Dr. L. F. Rowe, Okla. City - dental	33.00
	\$306.60

	1,200.00		\$ 1,200.00
--	----------	--	-------------

7. Tentative credit (20 percent of line 6).....	
8. Total tentative credit on this return (total of amounts on line 7, columns A and B).....	

LIMITATION ON RETIREMENT INCOME CREDIT

9. Amount of tax shown on line 12, page 1.....	
10. Less: Dividends received credit from line 5, Schedule J, above.....	
11. Balance (line 9 less line 10).....	
12. Retirement income credit. Enter here and on line 13(b), page 1, the amount on line 8 or line 11, whichever is smaller.....	\$

U. S. GOVERNMENT PRINTING OFFICE 16-72829-1

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused



THE SUPREME COURT

STATE OF OKLAHOMA

February 26, 1958

N. B. JOHNSON
JUSTICE

Director of Internal Revenue
7 South Harvey
Oklahoma City, Oklahoma

Gentlemen:

Enclosed is U. S. Individual Income Tax
Return for 1957 by N. B. and Martha L. Johnson.

The tax withheld as shown on Line 17, page
1, exceeds the amount of tax shown to be due on
Line 12 by \$246.90. When the withholding tax
was made for my salary I had a dependent mother
who has since deceased, and I have reached the
age where I get an exemption of \$600.00 by reason
thereof, and this accounts for the amount with-
held being somewhat larger than the amount of
tax due.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. B. Johnson".

N. B. Johnson

Enc.

NBJ/p

EXHIBIT D (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

Assets Exp F

M. R. and MARIHA LEE JOHNSON - Comparative Net Worth Statements

References	1/1/57	12/31/57	12/31/58	12/31/59	12/31/60	12/31/61	12/31/62	12/31/63
Cash on Hand	\$ 1,500.00	\$ 1,800.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
First National Bank, Clearances								
Checking Account	20.72	-90.05	60.65	976.04	829.09	1,158.25	-1,238.10	-416.87
Savings Account #6263	100.00	100.00	447.73	717.13	1,413.22	3,005.97	54.58	-0-
Certificate of Deposit 1/22/62								
Clearance Savings & Loan #1839	9,720.34	11,066.01	11,513.07	11,978.19	12,823.21	13,093.02	13,033.84	3,454.58
Clearance Savings & Loan #1859								14,311.73
First Nat'l Bank, O.C. #127253 (7/15/61)	209.09	1,456.89	1,273.99	224.37	307.39	392.40	909.19	1,095.36
Local Fed. Savings & Loan O.C. #35288								1,171.54
Mutual Fed. Savings & Loan O.C. #6560								11,144.57
Wheat. Fed. Savings & Loan O.C. #9170								103.36
Life Insurance-Cash Surrender Value	200.00	375.00	1,118.75	1,118.75	1,606.25	1,606.25	1,606.25	6,027.17
Real Estate - Clearances	3,500.00	3,600.00	3,700.00	3,800.00	3,900.00	4,000.00	4,100.00	4,200.00
Real Estate - O'Loagh	510.00							
Real Estate - O.C. 517 No. 43 (1951)	296.68	296.68		52.77				
Furniture & Fixtures	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00
Law Library	5,000.00	5,103.33	5,206.68	5,421.53	5,454.68	5,593.26	5,593.26	6,374.70
Automobiles 1955 Chrysler St. Regis	3,634.75	3,634.75	3,634.75	3,634.75	3,634.75	3,634.75	3,634.75	3,634.75
Automobiles 1955 Chrysler Windsor	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
Automobiles 1960 Chrysler New Yorker								
Notes Payable 1st National Clearances								
Notes Payable Clearances 524 #1839								
Notes Payable Local Fed. Sav. O.C. #35288								
Mortgage Payable Prudential (9/5/51-11,700.00)								
Net Worth	\$ 40,227.59	\$ 72,756.08	\$ 70,015.84	\$ 63,241.59	\$ 64,431.78	\$ 64,586.76	\$ 63,698.82	\$ 64,774.59
Less net worth - beginning of year		845,794.94	850,978.51	855,371.01	857,263.55	871,040.43	876,008.09	877,176.69
Increase in net worth		40,227.59	45,794.94	50,778.51	55,371.01	57,243.55	71,040.43	76,008.09
Non-Deductible Expenditures -		5,167.35	5,183.57	4,392.50	4,392.50	4,392.50	4,392.50	2,988.10
Estimated Income		3,827.06	3,196.10	4,101.94	4,300.27	4,200.43	5,461.24	5,436.64
Net Income per tax returns		8,842.39	8,679.67	8,494.44	8,199.21	8,199.67	10,830.88	6,005.24
		10,182.73	10,143.47	10,408.93	10,586.87	14,000.29	15,491.05	14,955.80

1/A

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

H. B. and Martha L. Johnson - Summary of Deposits, Payments and Withdrawals

1927	Amount	T R A V E L			Salary	Cash	Other	Remarks
		F. N. B.	State	Federal				
First National Bank - Clearances	\$10,452.22				\$10,302.22 1/2	150.00		
Deposits	-10,386.99				-2,629.99	\$-7,999.04		# Includes extra 80¢ bank error
Checks	1,242.87	\$ 200.00	\$258.90	\$ 61.00		200.00	411.97	Interest
Clearance Fed. S. & L. 71839							60.00	Payments on property sold
							15.00	Cont. Cas. Ck #720327
							60.00	Unidentified
First National Bank, D.C. #127253	1,247.80		19.24		1,315.00		13.26	Interest
Deposits	-400.00				-400.00			
Withdrawals								
Local Fed. S. & L. D.C. #32288	2,608.41	1,813.90	132.80	42.20	200.00		240.00	Payments on property sold
							134.52	7956 Fed. Income Tax Refund
							48.59	Interest
U. S. BOND - Cost	372.00					372.00		
Prudential - Mortgage #989461A	1,076.42	537.06			537.06			
	\$ 6,240.43	\$2,550.36	\$390.64	\$100.20	\$10,302.22	\$-166.89	\$-6,959.10	
MEMO:								
State Travel Receipts	\$ 390.64		\$-390.64					
Federal Travel Receipts	281.80			\$-109.20		\$128.60		
Net cash available from withdrawals						\$-35.49		

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Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

W. B. and Martha L. Johnson - Summary of Deposits, Payments and Withdrawals

1961	Amount	STATE			FEDERAL	SALARY	CASH	OTHER	Remarks
		F. N. B.	WELLS FARGO	STATE					
<u>First National Bank - Clearings</u>									
Deposits	\$ 14,340.34				\$13,340.34	\$ 500.00	\$ 500.00		1st Nat'l Bank NY
Checks	-14,071.18					-1,895.00	-14,146.18		Exp
<u>First National Savings, Clearings 6643</u>	1,592.45				\$1,044.28	\$ 130.90	\$ 42.20		Interest
Clearings - Federal Savings & Loan #1839	569.81						221.30		1950 Federal Income Tax refund
Clearings - Federal Savings & Loan #3989	85.01						969.81		Interest
First National Savings, D. C. #17253	898.10						15.81		Interest
Withdrawals	-175.00						33.10		Interest
<u>Local "Federal Savings & Loan, D.C. #35288</u>	2,477.17				400.00				377.17 Interest
Local Federal Savings & Loan, D.C. #6850	420.72						1,700.00		44.45 Unidentified Check 5/3
							-175.00		19.00 Unidentified Check 6/13
							71.00		112.00 Unidentified Check 10/5
<u>Mutual Federal Savings & Loan, D.C. #9170</u>	2,903.75				1,810.20	47.80	148.99		35.60 U.S. Treasury #697207M
							600.00		1966.41 State Treasury #688541
									12.00 State Farm Mutual Ins. #1489735
									34.00 Unidentified Check 11/6
									35.75 Interest
<u>Notes Paid</u>									
First National, Clearings	1,100.00								12/31/68 Balance \$300.00
Clearance Savings & Loan	2,600.00				1,100.00				12/31/68 Balance \$900.00
Local Federal Savings & Loan	600.00								12/31/68 Balance -0-
<u>Prudential, Payments</u>	1,006.12				537.05				
Totals 1961	\$14,285.30				\$4,091.53	\$ 205.20	\$23,599.57		
<u>Amount</u>	\$ 275.90				\$-205.90	\$-23,599.57	\$-10,000.00		
State Level Receipts	291.19						-70.40		
Insurance Proceeds	192.50						-57.60		
Cash Deficit (Excess of deposits and payments over cash available)							\$192.50		
							\$5,273.87		

6 A

1962	T R A V E L					Remarks
	F.N.B. Clearance	State	Federal	Salary	Cash	
First National Bank, Clearmore	Amount					
Deposits	\$14,832.24			\$13,332.24	\$ 500.00	\$ 1,000.00
Checks	-14,752.39				-3,239.80	-11,512.59
First National Savinon, Clearmore #6263	46.61					46.61
Withdrawal for Certificate of Deposit	-3,000.00					
Certificate of Deposit	3,000.00					
Clearmore Federal Savinon & Loan #1839	595.82					595.82
Clearmore Federal Savinon & Loan #3989	516.79	\$ 234.76			250.00	32.03
First National Savinon, O.C. #17253	357.43				325.00	32.43
Withdrawals	-1,260.00				-1,260.00	
Local Federal Savinon & Loan, O.C. #3288	440.05				35.00	405.05
National Federal Savinon & Loan, O.C. #8650	280.10				35.00	17.44
National Federal Savinon & Loan, O.C. #9170	2,625.07	40.53	\$ 227.66		600.00	184.55
Notes Paid						
First National, Clearmore	1,000.00				600.00	
Clearmore Savings & Loan	900.00				600.00	
Prudential, Portonon	1,074.12				263.23	
Totals - 1962	\$ 6,655.84	\$ 275.28	\$ 227.66	\$13,332.24	\$-1,341.27	\$-9,163.66
Month						
State Travel Receipts	\$ 387.84					114.56
Federal Travel Receipts	386.91					143.00
Cherotee per Capita payment						-200.00
Net cash available from withdrawals						\$-1,867.08

CK #86129682 mailed 12/14/62 per ltr.

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Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

		S O U R C E						
		F. N. B.		T R A V E L				
		Clearance	State	Federal	Salary	Cash	Other	
						Results		
1963	First National Bank Clearance Deposits	\$ 17,561.76	\$ 209.60		\$12,152.76		\$ 2,500.00 1,500.00 1,200.00 Local Federal S & L W/P EIP	
Checks	First National Savings - Clearance #5263	-18,582.99						
Certificate of Deposit		452.58						
Clearance, Federal Savings & Loan #1839		622.89		\$ 82.95		280.00	Interest	
Clearance, Federal Savings & Loan #3589		126.17		43.40		622.89	Interest	
First National Savings, O.C. #127253		62.96				43.22	Interest	
Withdrawals		-10.00				9.69	Interest	
Local Fed. Savings & Loan, O.C. #32288		458.96				498.96	Interest	
National Fed. Savings & Loan, O.C. #8650		42.53				10.23	Interest	
Withdrawals		-470.00						
National Fed. Savings & Loan, O.C. #9170		1,298.35		32.30	12.00	470.00	FICA Checks	
Withdrawals						-100.00	Interest	
Netted Paid:						1,125.00		
First National Bank, Clearance		2,300.00	\$2,000.00			300.00	12/27/63 Balance \$500.00	
Clearance Savings & Loan		550.00	550.00				12/27/63 Balance \$900.00	
Local Federal S & L, O.C.		-					12/27/63 Balance \$1,200.00	
Prudential Mortgage		1,074.12	1,074.12					
Totals - 1963		\$ 5,038.75	\$7,624.12	\$ 241.90	\$12,152.76	\$-4,398.13	\$-6,723.65	
Month								
State Travel Receipts		\$ 400.74		\$-241.90				
Federal Travel Receipts		296.15		\$-138.35				
Charaxes per Capita payment				\$-138.35				
Net cash available from withdrawals						\$-4,761.43		

M. B. and Martha L. Johnson - Summary of Deposits, Payments and Withdrawals

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OK #89727556 mailed 3/12/63 per ltr.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN
FOR CALENDAR YEAR - 1958

1958

FORM 708M
511

or Fiscal year began JANUARY 1 1958 ended DEC. 31, 1958
TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH
OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

Name M. B. and Marjita L. Johnson Address Box 3101, State Capitol
Street Address Box 3101, State Capitol State Oklahoma County Okl.
Post Office Oklahoma City City Oklahoma County Okl.
Your Social Security Number 442 305 811 Occupation Jurist Wife's Social Security Number Housewife

ANSWER EACH QUESTION FULLY

(A) Are you a resident of Oklahoma? **YES**
(B) If so, of what State are you a resident?
(C) If nonresident, state how spent in Oklahoma.
(D) Did you file an Oklahoma Return for 1957? **YES**

(E) Were you married and living with husband or wife at end of your taxable year? **YES**
(F) Single name of husband or wife if separate return was made
(G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

Name of Dependent	Relationship	Income of Dependent	Amount
The amount of a dependent for whom credit is claimed must be included on your return. Enter name and include it.			

Additional Wages, Commissions, etc. (State name and address of employer)

Employer	Total Amount	Total Amount
State of Oklahoma, Oklahoma City	12,499.92	12,499.92
U. S. Dept. of Health & Welfare, Washington, D. C.	150.00	150.00

2 Dividends on Stocks of Corporations (from Schedule D)
(a) Dividends Taxable in Oklahoma (from Schedule D)

3 Interest on Loans, Notes, Mortgages, Bonds

4 Interest on Obligations of a State or political subdivision

5 Interest on Obligations of United States

6 Other Income (See Schedule F, Page 3)

7 TOTAL (Lines 1 through 6)

8 Less: Allowances and Exemptions (See Instructions)

9 **ADJUSTED GROSS INCOME**

Line	Amount	Amount
7	12,649.92	12,649.92
8		
9	12,649.92	12,649.92

10. (a) Tax on Increased Deductions (See Instructions Below)

11. (b) Total Income Tax (See Instructions and schedule below)

12. TOTAL (Lines 10 and 11)

13. NET INCOME TAXED (Line 9 minus line 12)

Line	Amount	Amount
9	12,649.92	12,649.92
10		
11	1,780.88	1,780.88
12	4,258.44	4,258.44
13	8,391.48	8,391.48

CONTRIBUTIONS LINE 16 Married deduction. Married persons filing a joint return use 10% of base. Use 0% if less than \$10,000 but if a single person filing a separate return use 10% of base if less than \$5,000 but if it is more than \$5,000 you are allowed to claim itemized deductions. If your 1958 increased deductions exceed schedule on form 511-A to more than 10% of base, you may elect to use schedule above. They are total from form 511-A.

INSTRUCTIONS LINE 17 If line 9 shows your Oklahoma adjusted gross income to be equal to or more than your Federal adjusted gross income, then 10% of the 1958 tax in all months. If the Oklahoma adjusted gross income is less than your Federal adjusted gross income, 10% percentage of Oklahoma tax. Federal and deduct that percentage of Federal tax. If tax is paid for prior year, use same method but refer to income of that year to determine amount allowed. Deduct refunds received. See instruction No. 11 on form 511-A.

Schedule of Federal Income Tax Paid in 1958
(See instruction above)

	TOTAL	Rate %	Allowable Oklahoma
Withheld in 1958	2037.39		2037.39
Paid on 1958 Form 1040			
1957 Tax Paid in 1958	1779.38		
Year Paid in 1958			
Total Paid in 1958	2037.39		2037.39
Less Refunds during 1958	245.80		
TOTAL (no Line 11)	1790.49		

14. Less Personal Exemptions **2,000.00**

15. Credit for dependents

16. Total (Lines 14 and 15) **2,000.00**

17. Allowable **2,000.00**
(See Instructions Below)

18. Net Amount Subject to tax (Line 13 minus 17) **6,391.48**

19. **JOINT RETURN OF HUSBAND & WIFE** of **3,195.74**
(Line 18) (Compute tax on this amount)

COMPUTATION OF TAX

Line	Description	Amount
19	1% Tax on NET \$1,500 or fraction thereof	15.00
20	2% Tax on NET \$1,500 or fraction thereof	30.00
21	3% Tax on NET \$1,500 or fraction thereof	5.87
22	4% Tax on NET \$1,500 or fraction thereof	
23	5% Tax on NET \$1,500 or fraction thereof	
24	6% Tax on BALANCE	
25	TOTAL TAX (See Line 17)	50.87
26	WENCH LINE 19 JOINT RETURN	101.74
27	Less Credit for Income Tax Paid Another State on Balance (See Instruction No. 20)	
28	NET TAX DUE	101.74
29	Penalty and Interest	
30	TOTAL TAX, PENALTY & INTEREST	101.74

INSTRUCTIONS LINE 17 If all your compensation for personal service is taxable in Oklahoma and you have no income from other sources in the State, use the full amount shown at line 15. If you have other income such as rents, royalties, etc. from within the State, see Instruction No. 17 on form 511-A.

INSTRUCTIONS LINE 19 The amount of penalty, that this return reflecting tax on income, and deductions, are not required to be set out to the best of your knowledge and belief in a true, correct, and complete manner, under a penalty, for the taxable year stated, in writing, on the form and return, signed thereon.

Signature of taxpayer or other duly authorized person: *M. B. Johnson*

Signature of preparer: *Marjita L. Johnson*

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

511-A

N. B. and Martha L. Johnson

1958

Box 3101, State Capitol Oklahoma City, Oklahoma

DEDUCTIONS—To Be Used Only if Standard Deduction is Not Used (Use Separate Schedules if Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See instructions)		Total	Federal	State
Red Cross & USO	20.00			
Churches	150.00			
Miscellaneous charities - Salvation Army, Scouts, March of Dimes, Muscular Dystrophy	200.00			
Total		370.00	370.00	00

SCHEDULE 2—INTEREST PAID (See instructions)		Total	Federal	State
Prudential Ins. Co. (residence loan)	333.88			
First National Bank, Claremore, Okla. - personal note	4.00			
Total		337.88	337.88	00

SCHEDULE 3—TAXES PAID (See instructions)		Total	Federal	State
Auto tag, wife's car	42.49			
Auto tag, personal car	32.63			
Real and personal tax	296.68			
Sales tax	121.00			
State income tax	93.90			
Gasoline tax	189.50			
Cigarette tax	36.00			
Excise tax on services & amusement	35.00			
Total		814.22	849.22	00

SCHEDULE 4—MEDICAL EXPENSES (See instructions)		Total	Federal	State
Medicine and drugs	188.05			
Other medical expense	397.80			
Total		585.85		

SCHEDULE 5—OTHER DEDUCTIONS (See instructions)		Total	Federal	State
Depreciation law library	150.00			
Travel expense necessary for business	300.00			
State bar dues - \$20.00 had debt - \$20.00	40.00			
Lost watch - theft from hotel room	25.00			
Total		515.00	515.00	00

TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1		Total	Federal	State
		2506.45	2467.95	00

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

- INCOME FROM SALARIES, WAGES, COMMISSIONS, etc.** (a) If a legal residence (one domiciled in Oklahoma) all above income regardless of where earned; (b) If nonresident and a place of abode is maintained or time spent within the State more than 6 months, all the above income during such period regardless of where earned; (c) In the case of any individual resident of residence's income earned within the State if such amount, the tax of a single person exceeds \$200 or \$1000.
- INTEREST.** Complete schedule D on page 2 showing all dividends, interest, etc. from corporations including Mutual and Loan Associations in the column marked "amount subject to the 11% tax" column only those taxable to the taxpayer.
- INTEREST ON STATE AND MUNICIPAL SECURITIES.** Enter on line 11 the amount of interest received or credited to the taxpayer from the State or any political subdivision thereof.
- INTEREST ON OBLIGATIONS OF UNITED STATES.** Enter on line 1 Federal column only interest on U. S. bonds.
- OTHER INCOME.** Complete schedule A, B, C, and E on page 2. Bring totals from schedule F to line 5 IMPORTANT: Schedule F should be completed as to both Federal and State columns.
- BUSINESS EXPENSES AND LOSSES.** For business expense and losses not deducted in schedule A, B, C, and E submit a separate schedule showing in detail all such expense. Fully explain any loss claimed.
- STANDARD OR ITEMIZED DEDUCTIONS.** In lieu of your itemized nonbusiness deductions on form 511-A you are allowed a standard deduction of 10% of your adjusted gross income line 9. However there is a limitation of the amount that may be taken: 1- 10% of line 9 but not more than \$1000; if you are married and filing a joint return, not more than \$2000; if you are a single person or married and filing a separate return, not more than \$1000; if you are allowable. If your itemized nonbusiness deductions as reported on form 511-A are more than your standard deduction as set forth above, then use your itemized deductions.

IF TAX IS \$25.00 OR MORE IT MAY BE PAID QUARTERLY - ONE-FOURTH WITH TIMELY RETURN, ONE-FOURTH ON 15TH OF JUNE, SEPTMBER AND DECEMBER.

1959 STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN **1959**
RECEIVED FOR CALENDAR YEAR - 1959

FORM 511

FORM 511

TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH
OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

343275-9

343275-9

Name H. B. and Martha L. Johnson Auntie
Street Address Box 3101, State Capital Completed
Post Office Oklahoma City State Okl. County Okl.
Your Social Security Number 442 305 811 Occupation Jurist Wife's Social Security Number none Occupation Housewife

Attach Card & Reference Note

ANSWER EACH QUESTION FULLY

- (A) Are you a resident of Oklahoma? YES
(B) If not, of what State are you a resident?
(C) If nonresident state laws spent in Oklahoma.
(D) Did you file an Oklahoma Return for 1958? YES
(E) Were you married and living with husband or wife at end of your taxable year? yes
(F) State name of husband or wife if separate return was made
(G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

Name of Dependent	Relationship	Income of Dependent	Amount

The names of a dependent for whom credit is claimed must be included on your return. Enter total less 2 Schedule B.

1. Salaries, Wages, Commissions, etc. (State name and address of employer)	Total or Name by Federal Return	Total Applicable To Oklahoma
<u>State of Oklahoma, Oklahoma City, Okla.</u>	<u>\$12,499.92</u>	<u>\$12,499.92</u>
2. Dividends on Stocks of Corporations (from Schedule D)	<u>717.32</u>	<u>717.32</u>
3. Interest on Loans, Notes, Mortgages, Bonds		
4. Interest on Obligations of a State or political subdivision		
5. Interest on Obligations of United States		
6. Other Income (from Schedule F, Page 2)		
7. TOTAL (Lines 1 through 6)	<u>13,217.24</u>	<u>13,217.24</u>
8. Less Business Expenses and Less Not Deducted Elsewhere (See Instructions)		
9. ADJUSTED GROSS INCOME	<u>13,217.24</u>	<u>13,217.24</u>
10. Standard or Itemized Deductions (See Instructions)	<u>2,808.31</u>	<u>2,798.18</u>
11. Federal Income Tax (See instructions and schedule below)		<u>1,769.30</u>
12. TOTAL (Lines 10 and 11)		<u>4,267.48</u>
13. NET INCOME TAXED (Line 9 minus line 12)		<u>8,949.76</u>

INSTRUCTIONS LINE 11: If line 9 shows your Oklahoma adjusted gross income to be equal to, or more than your Federal adjusted gross income then 100% of the 1958 tax is allowable. If the Oklahoma adjusted gross income is less than your Federal adjusted gross income, find percentage of Oklahoma to Federal and deduct that percentage of Federal tax. If tax is paid for prior year, use same method but refer to income of that year to determine amount allowable. Deduct refunds received. See instruction No. 11 on form 511-A.

14. Less Personal Exemptions	<u>2000.00</u>
15. Credit for Dependents	
16. Total (Lines 14 and 15)	<u>2000.00</u>
17. Allowable _____ % See Instructions	
18. Net Amount Subject to tax (Line 13 minus 17)	<u>6,949.76</u>
19. IF JOINT RETURN OF HUSBAND & WIFE - 1/2 of Line 18. (Compute tax on this amount)	<u>3,324.88</u>

Schedule of Federal Income Tax Paid in 1959
(See instructions above.)

	TOTAL	Rate %	Allowable Oklahoma
Withheld in 1959	<u>2010.00</u>		
Paid on 1959 Estimate			
1958 Tax Paid on 1959	<u>1769.30</u>		
Year Paid in 1959			
Total Paid in 1959	<u>2010.00</u>		
Less Refunds during 1959			
TOTAL (to Line 11)	<u>1769.30</u>		<u>1769.30</u>

COMPARATIVE OF TAX	
20. 1% Tax on NET \$1,500 or fraction thereof	<u>15.00</u>
21. 2% Tax on NET \$1,500 or fraction thereof	<u>30.00</u>
22. 3% Tax on NET \$1,500 or fraction thereof	<u>45.00</u>
23. 4% Tax on NET \$1,500 or fraction thereof	<u>60.00</u>
24. 5% Tax on NET \$1,500 or fraction thereof	<u>75.00</u>
25. 6% Tax on NET \$1,500 or fraction thereof	<u>90.00</u>
26. 7% Tax on NET \$1,500 or fraction thereof	<u>105.00</u>
27. TOTAL TAX (See Line 17)	<u>54.75</u>
28. TAXES PAID (See Line 19)	<u>109.50</u>

29. LESS CREDIT FOR INCOME TAX PAID ANOTHER STATE OR TERRITORY (See Instructions No. 20)
30. FEDERAL TAX DUE
31. Penalty Interest
32. TOTAL TAX, PENALTY & INTEREST

INSTRUCTIONS LINE 17: If all your compensation for personal services is taxable in Oklahoma and you have no income from other sources without the State, use the full amount shown on line 18. If you have other income such as rents, royalties, etc., from without the State, see INSTRUCTIONS No. 17 on form 511-A.

I am certain under the penalty of perjury that this return including any extension, schedule and attachment has been prepared by me, or by the agent of my firm, and that the information and figures herein, made in good faith, for the taxable year stated, conform to existing statute law and regulations of the State of Oklahoma.

(Signature) 2/5/60
Martha L. Johnson
If this is a joint return, one name by agent, it must be signed by both partners and wife.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

Page 2

SCHEM A—INCOME FROM BUSINESSES AND INDUSTRIES

Line of Property	Amount	Depreciation or Amortization	Reserve (Include Interest)	Other Deductions (Include Interest)	Total Deductions	Gain or Loss as Reported
TOTAL (To Schedule F, Line 1)						

Department of Purpose	Amount	Other Expenses	Amount

SCHEM A-1—DEPRECIATION CLAIMED

Kind of Property	Date Acquired	Cost or other basis	Salvage Value	Remaining Cost or other basis as for depreciation	Depreciation Allowed (See instructions)	Depreciation Rate	Depreciation Allowed this year
Law Library Pacific Reports Corpus Juris Cal. St. 1 & 2 Ok. St. Ann.	1-49	3,000.00			\$150.00	5%	\$150.00

SCHEM B—INCOME FROM BUSINESS OR PROFESSION IN OKLAHOMA

1. STATE KIND OF BUSINESS	GROSS RECEIPTS
COST OF GOODS SOLD	OTHER BUSINESS DEDUCTIONS
2. Inventory at beginning of year 3. Merchandise bought for sale 4. Labor 5. Materials and Supplies 6. Other costs (Itemize below) 7. TOTAL (Lines 2 to 6) 8. "Less Inventory at end of year 9. Balance 10. Less merchandise taken for own use 11. Net cost of goods (Line 9 minus 10) *How were inventories valued? Explanation of deductions (Lines 6 & 10)	12. Salaries (not included on labor—Line 4) 13. Interest on business indebtedness 14. Taxes on business and business property 15. Losses (Attach Schedule) 16. Bad Debts arising from sales or services 17. Depreciation, obsolescence or depletion (From Schedule A1 above) 18. Rent, repairs and other expenses (Explain below or on separate sheet) 19. Total Deductions (Total Lines 12 to 18) 20. Add amount shown on Line 11 21. Total (Lines 19 and 20) 22. Net Profit (Line 1 minus Line 21) Net Profit (Line 22) to Schedule A, Line 2

SCHEM C—PROFIT FROM SALE OF REAL ESTATE, STOCKS, BONDS, ETC.

Kind of Property (If Stock or Bond, give name, No. shares & date)	Date Acquired	Date Sold	Amount Received	Expense of Sale and improvement to Acquisition	Gain (If other than stock, explain)	Depreciation Allowed or Allowable (From Instructions)	Gain or Loss	Gain or Loss as Reported (See Instructions)
Total to Schedule F, Line 3								

SCHEM D—DIVIDENDS

Name of Corporation	Amount	Taxable or Otherwise	Name of Corporation	Amount	Taxable or Otherwise
Building & Loan	70089	700	88		
First Natl. Bank	1644	16	44		

TOTAL DIVIDENDS RECEIVED—To Line 2, Page 1 717.32

SCHEM E—INCOME FROM PARTNERSHIP, ESTATES AND TRUSTS AND OTHER SOURCES

Name and Address of Partnership (Name and Address of Trust or Estate (Kind Income—Annuity, Interest, Dividends, etc. (Attach Schedule)	Total to Schedule F, Line 4

TOTAL FROM SCHEM A, B, C & D ABOVE

Total as shown by Federal Returns	Total as reported to Oklahoma

Total (To Line 6 Page One)

EXHIBIT H (Cont'd.)

FORM 511-A Name W. B. and Martha L. Johnson 1959

Address Box 3101, State Capitol City Oklahoma City, Okla.

DEDUCTIONS—To Be Used Only if Standard Deduction Is Not Used (Use Separate Schedules if Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See instructions)

Name of Institution or Organization	Amount	Total for Schedule 1	Total Applicable to Return
Red Cross, U. S. O. Churches	30.00		
Miscel. Charities; Boy and Girl Scouts	150.00		
March of Dimes, Muscular Dystrophy	200.00		
Total	380.00	380.00	380.00

SCHEDULE 2—INTEREST PAID (See instructions)

Name of Lender	Amount	Total for Schedule 2	Total Applicable to Return
Prudential Ins. Co. home loan	299.87		
First Natl. Bank - pers. note	12.50		
Total	312.37	312.37	312.37

SCHEDULE 3—TAXES PAID (See instructions)

Description	Amount	Total for Schedule 3	Total Applicable to Return
Auto Tags for 2 cars	67.73		
Real and personal taxes	291.88		
Sales Tax	124.00		
State Income	101.74		
Gasoline Tax	225.00		
Cigaret Tax	36.00		
Excise tax on services & amusements	40.00		
Total	846.35	846.35	846.35

SCHEDULE 4—MEDICAL EXPENSES (See instructions)

Description	Amount	Total for Schedule 4	Total Applicable to Return
Medicine and Drugs	236.88		
Medical and dental expenses	692.46		
Total	929.34	929.34	929.34

SCHEDULE 5—OTHER DEDUCTIONS (See instructions)

Description	Amount	Total for Schedule 5	Total Applicable to Return
Depreciation law library	150.00		
Travel expense necessary for business	300.00		
State Bar Dues	20.00		
Hat stolen from auto	20.00		
Total	490.00	490.00	490.00

TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1 **2,798.18**

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

- INCOME FROM SALARIES, WAGES, COMMISSIONS, etc.** If a legal residence is not maintained in Oklahoma, all above income (regardless of where earned) is to be reported on this page if earned in the State of Oklahoma. If a legal residence is maintained in the State of Oklahoma, all above income (regardless of where earned) is to be reported on this page if earned in the State of Oklahoma. If a legal residence is maintained in the State of Oklahoma, all above income (regardless of where earned) is to be reported on this page if earned in the State of Oklahoma.
- INVESTMENT ON OBLIGATIONS OF UNITED STATES.** Enter on line 5, Federal income tax, interest on U. S. bonds.
- OTHER INCOME.** Complete schedule A, B, C, and F on page 2. Bring totals from schedule F to line 8. IMPORTANT: Schedule F should be completed as to both Federal and State returns.
- BUSINESS EXPENSES AND LOSSES.** For business expenses and losses not deducted on schedule A, B, C, and F, submit a separate schedule showing in detail all such expense. Fully explain any loss claimed.
- STANDARD OR ITEMIZED DEDUCTIONS.** In lieu of your standard deduction deduction on Form 511-A, you are allowed a standard deduction of 10% of your adjusted gross income (line 9). However, there is a limitation of the amount that may be taken (up to 3% of line 9 but not more than \$100) if you are married and filing a joint return. If you are a single person or married and filing a separate return, and more than \$500 is allowable. If your standard deduction (line 9) or the standard deduction (line 10) is more than your standard deduction, use the standard deduction. If your standard deduction is more than your standard deduction, use the standard deduction.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

Year File No.	Tax liability Interest, Etc.	Payments & Date	Balance due This Date	Remarks
1952		<i>1/15 + 7/10/52</i> <i>124 3101</i>		<i>cc</i>
1953				
1954				
1955				
467109	98.52	98.52 3/15/56	-	
1956				
572897	123.14	123.14 2-2-57	-	<i>cc</i>
1957				
319477	95.90	95.90 2-27-58	-	<i>1</i>
1958				
315943	101.74	101.74 1-26-59	-	<i>1</i>
1959				
343275	109.50	109.50 2-8-60	-	<i>1</i>
1960				
1961				
1962				
<p>RECEIVED FOR THE COURT OF IMPEACHMENT JAN 25 1962 U.S. DEPARTMENT OF JUSTICE WASHINGTON, D.C.</p>				
Date Notes	3/2/60		Requested by	<i>G.I.C.</i>

EXHIBIT H (Cont'd.)



THE SUPREME COURT

STATE OF OKLAHOMA

March 22, 1960

Oklahoma Tax Commission
Oklahoma City, Oklahoma

Gentlemen:

On February 5, 1960, I mailed you an income tax return for the year 1959. On Schedule D I showed \$700.88 as interest earned on building and loan stock. This was error, as no tax would be due on building and loan stock.

I am therefore filing an amended return which is the same in all respects as the original except that I have deducted the earnings from the building and loan stock in the amount of \$700.88 as state above, and have prorated the federal tax and the medical. I am therefore entitled to a refund of \$18.74.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. B. Johnson".

N. B. Johnson

Enc.

NBJ/p

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

AMENDED RETURN - Original filed Feb. 5, 1960

1959

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN

1959

FORM 511 RECEIVED

TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

FORM 511

MAX 23 NOV OTC 20

Name: N. B. and Martha L. Johnson
Street Address: Box 3101, State Capitol
City: Oklahoma City, State: Okla., Country: Okla.
Occupation: Jurist

Auditor: J. S. TRADWELL
Completed: 4-25-60

343275

343275

ANSWER EACH QUESTION FULLY

- (A) Are you a resident of Oklahoma? YES
(B) If not, of what State are you a resident?
(C) If nonresident, state name and address in Oklahoma.
(D) Did you file an Oklahoma Return for 1959? YES
(E) Were you married and living with husband or wife at end of your taxable year? YES
(F) State name of husband or wife if separate return was made.
(G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

Table with columns: Name of Dependent, Relationship, Income of Dependent, Amount. Includes a note about dependent exemption credit.

Attach Card & Remittance Here

Income summary table with columns: Income, Total on Return to Federal Return, Total Applicable to Oklahoma. Rows include State of Oklahoma, Dividends on Stocks, Interest on Loans, etc.

INSTRUCTIONS LINE 11: If line 9 shows your Oklahoma adjusted gross income to be equal to, or more than your Federal adjusted gross income, then 10% of the 1959 tax is allowable...

Schedule of Federal Income Tax Paid in 1959 (See instruction above.)

Table with columns: TOTAL, Rate, Allowable Oklahoma. Rows include Withheld in 1959, Paid on 1958 Estimate, 1959 Tax Paid in 1959, Total Paid in 1959, Less Refunds during 1959.

28. Less Credit for Income Tax Paid Another State on Salary (See Instruction No. 28)
29. TOTAL TAX DUE
30. Penalty

INSTRUCTIONS LINE 16: Your compensation for personal service is taxable in Oklahoma and you have no income from other sources without the State, pay the full amount shown as line 16. If you have other income such as rents, royalties, etc., from within the State, file Instruction No. 17 on form 111-A.

Handwritten signatures: N. B. Johnson, Martha L. Johnson, dated 3-22-60.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

AMENDED RETURN

FORM **511-A** Name **N. B. Johnson & Martha L. Johnson** **1959**
 Address **Box 3101, State Capitol Post Office, Oklahoma City, Okla.**

DEDUCTIONS—To Be Used Only If Standard Deduction is Not Used (Use Separate Schedules If Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See instruction)

Name and Address of Organization	Amount	Total Available for Deduction
SAME AS ORIGINAL		
Total		

SCHEDULE 2—INTEREST PAID (See instruction)

To Whom Paid	Amount
SAME AS ORIGINAL	
Total	

SCHEDULE 3—TAXES PAID (See instruction)

SAME AS ORIGINAL	
Total	

SCHEDULE 4—MEDICAL EXPENSE (See instruction)

Medicine and Drugs	236 88
Medical and Dental expense	682 46
Total	

TOTAL **929 34**

Less Insurance Premiums **200 00**

Non-deductible—\$1000 of separate returns, \$2000 of joint returns **200 00**

94,695 x 729.44 Amount Deductible **779 44** **690 71**

SCHEDULE 5—OTHER DEDUCTIONS (See instruction)

SAME AS ORIGINAL	
Total	

TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1 **2808 31** **2750 43**

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

- INCOME FROM SALARIES, WAGES, COMMISSIONS, etc.** If a local resident, or one domiciled in Oklahoma, all above income, regardless of where earned, for the resident and a spouse if absent in maintenance or time spent within the State, more than 7 months, all the above income during such period regardless of where earned, is in the case of any individual recipient of resident's income earned within the State all such amounts in the case of a single person, or \$1000 or \$1000 in the case of a husband and wife, for the calendar year.
- INVESTMENT INCOME.** Complete schedule D showing all dividends in respect of stocks, bonds, or other securities including building and loan associations in the column marked "amount" and extend to the Oklahoma column the amount taxable to the recipient.
- INTEREST.** Enter on line 1 of separate returns credited to your account deposited in banks, trust companies, banks, etc.
- INTEREST ON STATE AND MUNICIPAL BONDS.** Enter on line 4 of separate returns the interest on the obligations of a State or any political subdivision thereof.
- INTEREST ON OBLIGATIONS OF UNITED STATES.** Enter on line 5, Federal column only, interest on U.S. bonds.
- OTHER INCOME.** Complete schedule A, B, C and E on page 2, bring totals from schedule F to line 6, (IMPORTANT!) Schedule F should be completed as to both Federal and state columns.
- BUSINESS EXPENSES AND LOSSES.** For business expense and losses not deducted in schedule A, P, C, and E submit a separate schedule showing in detail all such expense. Fully explain any loss claimed.
- STANDARD OR ITEMIZED DEDUCTIONS.** In lieu of your itemized non-business deductions on form 511-A you are allowed a standard deduction of 1% of your adjusted gross income (line 9). However, there is a limitation of the amount that may be taken. Use 1% of line 9 but not more than \$1000 if you are married and filing a joint return. If you are a single person or married and filing a separate return, not more than \$500 is allowable. If your standard deduction falls into a bracketed on form 511-A and more than one standard deduction is permitted above, then use the most beneficial deduction.

EXHIBIT H (Cont'd.)

REFUND

J. S. TREATWELL

K. O. BACON & JAMES H. BAKER
DR. JOHN STATE CAPITAL
ILLINOIS CITY, ILL.

1959
FORM 511 (1959) INDIVIDUAL

FILE # 343275-195

Adjusted Gross Income per Return		
Add:		
()		
()		
()		
Total		
Deduct:		
()		
()		
()		
Total		
Net Adjustment		
Adjusted Gross Income		
Less: () Standard Deduction—Itemized Deductions		
() Federal Income Tax		
Net Income Taxed	PER AMENDED RETURN	1,025.34
Less: () Personal Exemption	2,000.00	
() Dependents		
Total	2,000.00	
() Allowable (100%)		2,000.00
Adjusted Net Amount Subject to Tax		1,025.34
If Joint Return of Husband and Wife—Yes		1,012.67

COMPUTATION OF TAX AND INTEREST

First \$	3,000.00	@ Graduated Rates		45.00
Remaining \$	13.69	@	3%	41.35
Total Tax as Adjusted				86.35
Twice of Above if Joint Return				172.70
Less: Tax Previously Shown and PAID				109.50
Additional Tax Due				
Interest @ 6% from		to	REFUND DUE	18.74
Total Additional Tax				

EXPLANATION OF CHANGES

(a) **REFUND DUE TO ERRORS REPORTED BY NON-TAXABLE DIVIDENDS - AMENDED RETURN FILED REQUESTING REFUND**

ADJUSTMENT SLIPS FOR ALL RETURNS

File Number **343275-59**
Yr. **1959**

Liability Cancellation	109.50	Previous Payments	109.50
Liability Complete Amended	90.76		
Additional Tax			
Penalty and Interest			
Refund	2470.26		
Date	6-16-60		
Transfer to this Acct. from return #	18.74		
Transfer from this Acct. to return #			

PAYMENT
VERIFIED
DIVISION

THIS PAYMENT
TOTAL AMOUNT \$ **514.44**

Space for additional explanation



F. L. 576-C

OKLAHOMA TAX COMMISSION
STATE OF OKLAHOMA

OKLAHOMA CITY, 5

May 4, 1960

Income Tax Division

File # 33275-JST-1959

1959-60 Form
LETTER NUMBER AND
M.C. NUMBER AND SERIES

H. B. and Martha L. Johnson
Box #3101, State Capital
Oklahoma City, Oklahoma

Dear Sir and Madam:

An office audit of your 1959 individual income tax return discloses an overpayment of tax in the amount of \$ 18.74 computed per attached schedule.

Please sign before a notary public all three copies of the enclosed claim form and return to this office for further attention.

You are advised that since this refund is the result of an "office audit" the making of this refund will not bar the Commission from assessing additional taxes or making an additional refund within the period provided by statute, based on a field audit or upon information obtained from any source other than your return or returns.

In the event you do not acquiesce to this proposed adjustment, you may within thirty days file a verified protest with the Commission and if requested therein, a hearing will be granted before the Commission. In the event you do not do so, this adjustment will become final, except as above stated, at the expiration of said thirty days.

Yours very truly,

OKLAHOMA TAX COMMISSION

R. E. Wilson, Director
Income Tax Division

JST:sm

Budget Division Form No. 3 (1947)

STATE OF OKLAHOMA

OKLAHOMA TAX COMMISSION
Oklahoma City, Okla.
Agent No. 695

IN ACCOUNT WITH **H. B. and Martha L. Johnson**
Box #1011, State Capitol
Oklahoma City, Oklahoma

Date **May 4,** 19 **60**

PURCHASE ORDER

No. _____

For the following item:

Date	Quantity	Unit Price	Amount Claimed	Object	Discovered By Approv. Officer	Discovered By Budget Div.
				File # 343275-JST-1959		
				Tax previously paid		
				Tax as adjusted		
				Overpayment		
				Refund-Due to erroneous reporting of non-taxable dividends-annuities returns filed requesting refund.		

INCOME TAX PAYMENT FUND Article _____
ACCOUNT No. 4 _____

The State Auditor is hereby authorized to deliver warrant issued in payment of this claim to the Approving Officer in charge of Department or Institution named, **W. B. Johnson** to claimant at address hereinabove named.

I, **W. B. Johnson**, the undersigned, upon oath, do depose and say that I have full knowledge of the above and foregoing account that said account is just, correct, due and according to law, and that the amount claimed after allowing my own credit, is now due and wholly unpaid, and that I am authorized to make this affidavit, so help me God.

Subscribed and sworn to before me **May 9**, 19**60**

My Commission expires **3-4-64**, 19 _____

OFFICER'S APPROVAL

Received and checked by **M. M.**

Approved on Fund **420** Function **0** Agency **625** Account **0000**

For \$ **187.74** Dated this **4** day of **May**, 19 **60**

APPROVED BY OFFICIAL BOARD

Chairman _____
Vice Chairman _____
Sec. Member _____

Amount \$ **187.74**

Quint McIntire
Chairman
Notary Public

EXHIBIT H (Cont'd.)

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

O. T. C. FORM 6-1958

State Of Oklahoma
OKLAHOMA TAX COMMISSION
Income Tax Division

REQUEST FOR REFUND OF EXCESSIVE OR ERRONEOUS PAYMENT

OF M. B. and Martha L. Johnson
Oklahoma City, Oklahoma

For the following reasons, request is hereby made to refund taxpayer the amount shown below:

File #343275-JST-1959

Tax previously paid	\$ 109.50
Tax as adjusted	<u>90.76</u>
Overpayment	<u>\$ 18.74</u>

Refund-Due to erroneous reporting of nontaxable dividends-omitted return filed requesting refund.

May 4, 1960

The above is correct

James S. Freadwell
Auditor

Approved

[Signature]
Director

EXHIBIT H (Cont'd.)



F. L. 575

OKLAHOMA TAX COMMISSION

STATE OF OKLAHOMA

OKLAHOMA CITY 5

June 28, 1960

10-20-60
10-20-60
10-20-60

Income Tax
Division

File #34275 1959

H. B. and Martha L. Johnson
Box 3101, State Capital
Oklahoma City, Oklahoma

Dear Sir and Madam:

There is enclosed herewith State of
Oklahoma Warrant No. 347020, drawn against the
Income Tax Adjustment Fund in the amount of \$ 18.74
covering the overpayment on your 1959 Income Tax
Return.

Yours very truly,

OKLAHOMA TAX COMMISSION

R. E. Wilson, Director
Income Tax Division

AB:am

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

Accused #1 F

1960

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN

1960

FORM 511 OF FISCAL YEAR BEGAN 1960, ENDED 1960 TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

Name: N. B. and Martha L. Johnson
Street Address: Box 2101, State Capitol
Post Office: Okla. City, State Okla., County Okla.
Your Social Security Number: 442 305 811
Occupation: Jurist
Wife's Social Security Number: none
Occupation: Housewife

ANSWER EACH QUESTION FULLY
(A) Are you a resident of Oklahoma? YES
(B) If not, of what State are you a resident?
(C) If nonresident, state time spent in Oklahoma
(D) Did you file an Oklahoma Return for 1959? YES
(E) Were you married and living with husband or wife at end of your taxable year? YES
(F) State name of husband or wife if separate return was made
(G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

Table with columns: Name of Dependent, Relationship, Income of Dependent, Amount

1. SALARY: State of Oklahoma, Oklahoma City, Oklahoma 12,499.92
2. INTEREST: 33.47
3. OTHER INCOME: 13,388.03
4. AMOUNT OF GROSS INCOME: 93,628

DEDUCTIONS
10. Standard or Itemized Deductions: 2,801.16
11. Federal Income Tax: 1,735.33
12. TOTAL (Lines 10 and 11): 4,495.32
13. NET INCOME TAXED (Line 9 minus line 12): 8,037.87

SCHEDULE OF FEDERAL INCOME TAX PAID IN 1960
TOTAL: 2010.00
Rate: 93.62
Allowable Oklahoma: 1881.76

COMPUTATION OF TAX
20. 1% Tax on FIRST \$1,500 or fraction thereof: 15.00
21. 2% Tax on NEXT \$1,500 or fraction thereof: 30.00
22. 3% Tax on NEXT \$1,500 or fraction thereof: 45.00
23. 4% Tax on NEXT \$1,500 or fraction thereof: 60.00
24. 5% Tax on NEXT \$1,500 or fraction thereof: 75.00
25. 6% Tax on BALANCE: 45.87
26. TOTAL TAX (See Line 27): 91.14
27. TWICE LINE 26 IF JOINT RETURN

INSTRUCTIONS LINE 17: If you are compensated for personal services taxable in Oklahoma and you have other sources without the State, use the full amount shown at line 16. If you have other income from other states, etc., from without the State, see Instructions No. 17 on form 311-A.

Signature of person whose return is prepared: N. B. Johnson
Date: 10/15/60

Attach Card 2 Remittance Here

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

FD-104

511-A Name N. B. and Martha L. Johnson 1960

Address Bor 3101, State Capitol Post Office Oklahoma City, Oklahoma

DEDUCTIONS—To Be Used Only if Standard Deduction Is Not Used (Use Separate Schedules if Necessary)

Name and Address of Organization	Amount	Total or Share by Federal Jurisdiction	Total Applicable to Oklahoma
SCHEDULE 1—CONTRIBUTIONS PAID (See instructions)			
United Fund & Red Cross	25.00		
Churches	150.00		
Misc. Charities: Salvation Army, Boy & Girl Scouts, YMCA, March of Dimes, etc.	200.00		
Natl. Congress of American Indians	10.00		
Indian Hall of Fame	5.00		
Total		390.00	390.00
SCHEDULE 2—INTEREST PAID (See instructions)			
To Whom Paid	Amount		
Prudential Ins. Co.	264.31		
First National Bank	9.00		
Building and Loan	107.17		
Total		380.48	380.48
SCHEDULE 3—TAXES PAID (See instructions)			
Real Estate	209.47		
Sales Tax	123.00		
Gasoline Tax	225.00		
Cigaret Tax	33.00		
State Income	90.76		
Auto Tag	37.75		
Auto Excise	66.68		
Excise tax on services & amusements	40.00		
Total		890.66	930.66
SCHEDULE 4—MEDICAL EXPENSES (See instructions)			
Medicine & Drugs	191.14		
Medical and Dental Expenses	571.12		
(See attached exhibit)			
TOTAL	762.26		
Less: Insurance Proceeds			
Nondeductible—\$100.00 if separate return, \$200.00 if joint return	200.00		
562.26 x 93.62%	Amount Deductible	623.38	526.39
SCHEDULE 5—OTHER DEDUCTIONS (See instructions)			
Depreciation Law Library	173.63		
Okla. Bar Dues	20.00		
Okla. Bar Foundation	50.00		
Overall Travel Expense (unreimbursed)	246.00		
Judicial Conf.	10.00		
Total		511.63	511.63
TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1.		2801.16	2739.17

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

1. **INCOME FROM SALARIES, WAGES, COMMISSIONS, etc.** (a) If a self-renter (one domiciled in Oklahoma) all above income regardless of where earned, (b) If nonresident and a place of abode is maintained or time spent within the State more than 6 months, all the above income during such period regardless of where earned, (c) In the case of any individual regardless of residency income earned within the State if such amount in the case of a single person exceeds \$100 or \$4000 combined compensation of married persons.
2. **DIVIDENDS.** Complete schedule D on page 2 showing all dividends from stock in domestic or foreign corporation including "qualified" and non-qualified dividends on the "Oklahoma" column only those taxable to Oklahoma.
3. **INTEREST.** Enter on line 8 all interest received or credited to your account during the taxable year on loans, deposits, notes, mortgages, etc.
4. **INVESTMENT INCOME.** See SPECIAL INSTRUCTIONS. Enter on line 4, Oklahoma column, all income from investments of a State or foreign country.
5. **INTEREST ON DEBITMENTS OF UNITED STATES.** Enter on line 5, Federal column only, interest on U. S. bonds.
6. **OTHER INCOME.** Complete schedules A, B, C, and E on page 2. Being tax on other income, Schedule F to Form 1040 (PARTIAL). Schedule E should be completed as to both Federal and State columns.
7. **BUSINESS EXPENSES AND LOSSES.** For business expense and losses not deducted on schedule A, B, C, and E submit a separate schedule showing in detail all such expense. Fully explain any loss claimed.
10. **CHARITABLE CONTRIBUTIONS.** Enter on line 10 the amount of contributions to the United States and Oklahoma. Do not include contributions to the Federal and State columns.

EXHIBIT I (Cont'd.)

MEDICAL EXHIBIT - 1960

N. E. and Martha L. Johnson

Cost of Medicine and Prescriptions:

Crown Heights Drug	\$139.64
Rexall Drug	11.50
Other Drugs	40.00
Total	<u>\$191.14</u>

Other medical and dental expense:

Standard Life & Accs. Co.	\$57.60
Blue Cross & Blue Shield	130.50
Continental Casualty Co.	58.00
Occidental Life Ins. Co. (Accs.)	77.20
Combined Ins. of America	32.00
Bankers Life & Cas. Co.	31.86
Dr. L. F. Rowe, Okla. City	31.00
Drs. Russo, Mulvey & Conn. (Lab)	25.00
Medical Arts Lab.	20.00
Okla. City Radiology	25.00
Wolfey's Opticians	38.76
Clark Clinic	10.00
Dr. Arthur Davis, Tulsa	15.00
Expense of trip to doctor	19.20
	<u>\$571.12</u>

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

1961 FORM 511

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN

FOR CALENDAR YEAR—1961

or Fiscal year begun 1-1 1961, ended 1-1 1962 TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

1961 FORM 511

EXH-1

Name Napoleon B. and Martha L. Johnson
Street Address Box 3101, State Capitol
City Oklahoma City State Oklahoma County Okla.
Your Social Security Number 442 30 5811 Occupation Jurist
Wife's Social Security Number Housewife

Auditor Completed 362-191 1

- ANSWER EACH QUESTION FULLY
(A) Are you a resident of Oklahoma? Yes
(B) If not, of what State are you a resident?
(C) If nonresident, state time spent in Oklahoma
(D) Did you file an Oklahoma Return for 1958? Yes 1959 Yes 1960 Yes
(E) Were you married and living with husband or wife at end of your taxable year? Yes
(F) State name of husband or wife if separate return was made
(G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

ATTACH WITHHOLDING STATEMENTS AND SCHEDULES AND SEND HERE

Table with columns: Name of Dependent, Relationship, Income of Dependent, Amount

INCOME 1. Salaries, Wages, Commissions, etc. (State name and address of employer) State of Oklahoma 16,413.48 16,413.48

I do hereby certify that the above and foregoing is a true copy of the original document now on file in my office. Witness my hand and official seal of the Oklahoma Tax Commission, this 1st day of February 1962.

M. C. CONNORS, Secretary
Assistant Secretary
TOTAL (Lines 10 through 11) 17,438.46 16,438.92

ADJUSTED GROSS INCOME 17,438.46 16,438.92
DEDUCTIONS 10. Standard or Itemized Deductions (See Instructions) 3,428.17 3,443.05
11. Federal Income Tax (See instructions and schedule below) 2,426.20
12. TOTAL (Lines 10 and 11) 3,428.17 3,869.25

13. NET INCOME (Line 9 minus Line 12) 10,617.67

INSTRUCTIONS LINE 11: If line 9 shows your Oklahoma adjusted gross income to be equal to, or more than your Federal adjusted gross income, then 100% of the 1961 tax is allowable. If the Oklahoma adjusted gross income is less than your Federal adjusted gross income, find percentage of Oklahoma to Federal and deduct that percentage of Federal tax.

Schedule of Federal Income Tax Paid in 1961 (See instruction above.)

Table with columns: TOTAL, Ratio %, Allowable Oklahoma

- 14. Less: Personal exemption 2,000.00
15. Credit for dependents
16. Total (Lines 14 and 15) 2,000.00
17. Allowable (See instructions)
18. Net amount subject to tax (Line 13 minus 17) 8,617.67
19. If JOINT RETURN OF HUSBAND & WIFE - 1/2 of Line 18. (Compute tax on this amount) 4,308.84

COMPUTATION OF TAX
20. 1% Tax on FIRST \$1,500 or fraction thereof 15.00
21. 2% Tax on NEXT \$1,500 or fraction thereof 30.00
22. 3% Tax on NEXT \$1,500 or fraction thereof 39.27
23. 4% Tax on NEXT \$1,500 or fraction thereof
24. 5% Tax on NEXT \$1,500 or fraction thereof
25. 6% Tax on BALANCE
26. TOTAL TAX (See Line 27) 84.27
27. TWICE LINE 26 IF JOINT RETURN 168.54

- 28. Less credit for Income Tax Paid another State on salary (See Instruction No. 28)
29. Total Tax due (Line 27 less Line 28) 68.28
30. Less credit for Oklahoma Income Tax withheld from wages
31. Less credit for tax paid on Oklahoma declaration
32. Total credits (Lines 30 and 31) 63.28
33. Balance of tax due (Line 29 less Line 32) (Payment of full amount must be made at time of filing return) 100.26
34. Over payment—(If Line 32 is larger than Line 29 show difference here) TO SECURE A REFUND, LINE 8 ABOVE MUST BE COMPLETED.
35. Penalty Interest Total Penalty & Interest 100.26
36. TOTAL TAX, PENALTY & INTEREST (Lines 27 and 35)

THE COMMISSIONER OF REVENUE certifies that this return including any accompanying schedule and statements has been examined by her and to the best of her knowledge and belief is a true, correct and complete return, made in good faith, for the taxable year stated, pursuant to existing income tax law, and regulations issued thereunder.

Signature of taxpayer or preparer, return
Signature of taxpayer
Signature of preparer, if any
Signature of joint return, if made by agent, if must

MAKE REMITTANCE PAYMENT TO

EXHIBIT J

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

FORM
511-A

Name Wroolson B. and Martha L. Johnson

1961

Address Box 3101, State Capitol Post Office Oklahoma Co. Ty, Oklahoma

DEDUCTIONS—To Be Used Only If Standard Deduction Is Not Used (Use Separate Schedules If Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See Instructions)		Total to Be Itemized by Federal Return	Total Applicable to Oklahoma
Name and Address of Organization	Amount		
Okl. Bar Foundation	200 00		
United Fund	17 00		
Natl. Cowboy Hall of Fame	10 00		
Miscel. Charities—Sal. Army, Churches, Boy & Girl Scouts, March of Dimes	150 00		
P. O. Box rent	9 00		
Safety Deposit Box Rent	5 00		
Cherokee Foundation	15 00		
Total		401 00	406 00

SCHEDULE 2—INTEREST PAID (See Instructions)		Total	Total Applicable to Oklahoma
To Whom Paid	Amount		
Prudential Ins. Co. loan	227 10		
Bldg. & Loan	138 00		
First Natl. Bank, Claremore	10 00		
Total		405 10	405 10

SCHEDULE 3—TAXES PAID (See Instructions)		Total	Total Applicable to Oklahoma
	Amount		
Real Estate	274 81		
State income tax	91 14		
Sales Tax	120 00		
Auto Tags (2 cars—2 yrs.)	194 02		
Drivers Licenses	3 00		
Cigarette tax	33 00		
Transfer tax	205 00		
Fed. Tax on mdso.	32 00		

SCHEDULE 4. Medical Expenses

31.97

Cost of Medicine and Prescriptions:

Cross Eightys Drug	\$127.64
Hyco Drug Co.	15.32
Roxall Drug	20.00
Vasozoy Drug	3.43
Scott-White Clinic	20.00
G.E.X. and other drug stores	70.00
Medical Arts - Tulsa	8.50
Total	\$275.89

11.02

Other medical and dental expense:

Standard Life & Acc. Co.	\$312.00
Blue-Cross - Blue Shield	145.70
Continental Cas. Co.	67.50
Occidental Life Ins. Co.	22.00
Combined Ins. Co.	53.00
Bankers Life & Cas.	31.85
Wooly Thornton Acc.	7.50
Dr. L. P. Ross, Okla. City	22.00
Dr. R. Q. Goodwin, Okla. City	20.00
Medical Arts Lab.	20.00
Wilkes Optical Co.	40.00
Dr. Arthur Davis, Tulsa, Okla.	20.00
Expense of trip to doctor	55.00
Scott-White Clinic, Temple, Texas	141.00
Expense of trip to clinic, hotel, meals	87.00
Total	\$1062.15

11.95

11.05

Amount Deductible **\$1330.00**
200.00
1130.00

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Schedule
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See schedule attached			
TOTAL		1338	02
Less: Insurance Proceeds			
Nondeductible—\$100.00 if separate return, \$200.00 if joint return		200	00
		Amount Deductible	
		1163	14
		1138	02
SCHEDULE 3—OTHER DEDUCTIONS (See instructions)			
Unreimbursed travel exp. \$235.00; Bar dues \$50.00; Judicial Conf. dues \$6.00; Hall of Fame dues \$5.00; Cherokee Foundation dues \$1.00; Depr. Law Library \$182.96			
Total		489	96
TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1.		3428	17
		3443	05

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

1. **INCOME FROM SALARIES, WAGES, COMMISSIONS, etc.** (a) If a legal residence (one domiciled in Oklahoma) all above income regardless of where earned. (b) If nonresident and a place of abode is maintained or time spent within the State, more than 7 months, all the above income during such period regardless of where earned. (c) In the case of any individual regardless of residency income earned within the State if such amount in the case of a single person exceeds \$500 or \$1000 combined compensation of married persons.
- 1a. **SICK PAY.** Excludable sick pay is to be computed in the same manner as in your Federal return.
2. **DIVIDENDS.** Complete schedule D on page 2 showing all dividends from stock in domestic or foreign corporation including Building and Loan Associations in the column marked "amount" and extend to the "Oklahoma" column only those taxable to Oklahoma.
3. **INTEREST.** Enter on line 3 all interest received or credited to your account during the taxable year on bank deposits, notes, mortgages, bonds, etc.
4. **INTEREST ON STATE AND MUNICIPAL SECURITIES.** Enter on line 4, Oklahoma column only interest upon obligations of a State or any political subdivision thereof.
5. **INTEREST ON OBLIGATIONS OF UNITED STATES.** Enter on line 5, Federal column only, interest on U. S. bonds.
6. **OTHER INCOME.** Complete schedule A, B, C, and E on page 2. Bring totals from schedule F to line 6. **IMPORTANT.** Schedule F should be completed as to both Federal and State columns.
- 6a. **ANNUITIES AND INSURANCE.** Beginning with 1961 the law provides a new method for taxing annuities and the exact amounts received from certain insurance policies paid in installments on policies issued subsequent to August 17, 1954. For information write the Commission.
7. **BUSINESS EXPENSES AND LOSSES.** For business expense and losses not deducted in schedule A, B, C, and E submit a separate schedule showing in detail all such expense. Fully explain any loss claimed.
10. **STANDARD OR ITEMIZED DEDUCTIONS.** In lieu of your itemized nonbusiness deductions on form 511-A you are allowed a standard deduction of 10% of your adjusted gross income (line 9). However, there is a limitation of the amount that may be taken. Use 10% of line 9 but not more than \$1000, if you are married and filing a joint return. If you are a single person or married and filing a separate return, not more than \$500 is allowable. If your itemized nonbusiness deductions as scheduled on form 511-A are more than your standard deductions as outlined above, then use your itemized deductions.

OIC 41 11-41

EXHIBIT J (Cont'd.)

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

APR 13 1962

A-64-K

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN

1962 CALENDAR YEAR 1962

FORM 511 1962

or Fiscal year begun Jan. 1, 1962 ended Dec. 31, 1962

TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

Name **B. and Martha L. Johnson** Auditor _____

Address **Box 3101 State Capitol** Completed **256446-2**

Post Office **Oklahoma City** State **Okl.** County **Okl.**

Your Social Security Number **442 30 5811** Occupation **Jurist** Wife's Social Security Number _____ Occupation **housewife**

ANSWER EACH QUESTION FULLY

(A) Are you a resident of Oklahoma? **yes** (E) Were you married and living with husband or wife at end of your taxable year? **yes**

(B) If not, of what State are you a resident? _____ (F) State name of husband or wife if separate return was made _____

(C) If nonresident, state time spent in Oklahoma. _____ (G) If single, were you during your taxable year supporting in your household, one or more persons closely related to you? _____

(D) Did you file an Oklahoma Return for 1959? **YES** 1960? **YES** 1961? **YES** (H) Is this return on Cash or Accrual Basis? **Cash**

(IF ANSWER IS NO ATTACH EXPLANATION)

Name of Dependent	Relationship	Income of Dependent	Amount
None			

INCOME 1. Salaries, Wages, Commissions, etc. (State name and address of employer) **State of Oklahoma, Supreme Court** Total in Column 2 **16,500 00** Total Applicable Tax Deductions **16,500 00**

I do hereby certify that the above and foregoing is a true copy of the original document now on file in my office. Witness my hand and official seal of the Oklahoma Tax Commission, this **MAY 11 1962**

2. Div. **M. C. CONNORS, Secretary** (Schedule 1)

3. Interest on **Oklahoma State Bonds**

4. Interest on **Oklahoma State of Political Subdivision**

5. Interest on **Oklahoma State**

6. Other Income (See Instructions)

7. TOTAL (Lines 1c through 6) **17,923 32 16,653 53**

8. Less Business Expense and Losses Not Deducted Elsewhere (See Instruction)

9. ADJUSTED GROSS INCOME **17,923 32 16,653 53**

DEDUCTIONS

10. Standard or Itemized Deductions (See Instructions) **2,283 93 2,410 02**

11. Federal Income Tax (See Instructions and schedule below) **3,001 40**

12. TOTAL (Lines 10 and 11) **5,411 42**

13. NET INCOME (Line 9 minus Line 12) **11,242 11**

INSTRUCTIONS LINE 11: If line 9 shows your Oklahoma adjusted gross income to be equal to, or more than your Federal adjusted gross income, then 100% of the 1962 tax is allowable. If the Oklahoma adjusted gross income is less than your Federal adjusted gross income, find percentage of Oklahoma to Federal and deduct that percentage of Federal tax.

Schedule of Federal Income Tax Paid in 1962 (See instruction above.)

TOTAL	Ratio %	Allowable Oklahoma
Withheld in 1962 2730 00		
Paid on 1962 estimate 497 31		
1961 Tax paid in 1962 3227 31	93%	3001 40
Total paid in 1962 3227 31	93%	3001 40
Less refunds during 1962 _____		
TOTAL (to Line 11) 3227 31	93%	3001 40

Enter in this space your tax liability as shown on your 1962 Federal Tax Return _____

14. Less: Personal exemption **2000 00**

15. Credit for dependents _____

16. Total (Lines 14 and 15) **2000 00**

17. Allowable _____ **2,000 00**

18. Net amount subject to tax (Line 13 minus 17) **9,242 11**

19. IF JOINT RETURN OF HUSBAND & WIFE - 1/2 of Line 18. (Compute tax on this amount) **4,621 05**

COMPUTATION OF TAX

20. 1% Tax on FIRST \$1,500 or fraction thereof **15 00**

21. 2% Tax on NEXT \$1,500 or fraction thereof **30 00**

22. 3% Tax on NEXT \$1,500 or fraction thereof **45 00**

23. 4% Tax on NEXT \$1,500 or fraction thereof **60 00**

24. 5% Tax on NEXT \$1,500 or fraction thereof _____

25. 6% Tax on BALANCE _____

26. TOTAL TAX (See Line 27) **94 00**

27. TWICE LINE 26 IF JOINT RETURN **188 00**

28. Less credit for Income Tax Paid another State or salary (See Instruction No. 28) _____

29. TOTAL TAX DUE (LINE 27 LESS LINE 28) **188 00**

30. Less credit for Oklahoma Income Tax withheld from wages _____

31. Less credit for tax paid on Oklahoma declaration _____

32. Total credits (Lines 30 and 31) _____

33. BALANCE OF TAX DUE (LINE 29 LESS LINE 32) (PAYMENT OF FULL AMOUNT MUST BE MADE AT TIME OF FILING RETURN) **188 00**

34. Over payment - If Line 32 is larger than Line 29 show difference here) TO SECURE A REFUND, QUESTION D ABOVE MUST BE COMPLETED **33 18**

35. Penalty - Interest _____ Total Penalty & Interest _____

36. TOTAL TAX, PENALTY & INTEREST (Lines 33 and 35) **221 18**

I hereby certify the correctness of the information furnished hereon in connection with this return and statements that have been furnished by me, and that the same are true and correct, and complete returns, based on good faith, for the taxable year stated, pursuant to existing law, and regulations issued thereunder.

Signature of person whose liability is being reported _____

Signature of preparer (if any) _____

EXHIBIT K

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

SCHEDULE 1--CONTRIBUTIONS PAID (See instruction)		Total as Reported on Federal Return	Total Applicable for Deduction
Name and Social Security Number of Donor 511-A Name <u>N. B. and Martha L. Johnson</u> 1952 Address <u>Box 3101, State Capitol</u> Post Office <u>Oklahoma City, Oklahoma</u>			
DEDUCTIONS--To Be Used Only if Standard Deduction Is Not Used (Use Separate Schedules if Necessary)			
SCHEDULE 1--CONTRIBUTIONS PAID (See instruction)		Total as Reported on Federal Return	Total Applicable for Deduction
Cowboy Hall of Fame \$5.00; United Fund \$15.00; Misco. charities-Salvation Army, March of Dimes, YMCA, Boys State, Churches - \$175.00; Cherokee Foundation \$15.00	210 00		
Total		210 00	210 00
SCHEDULE 2--INTEREST PAID (See instruction)			
To Whom Paid	Amount		
Prudential Ins. Co. of America	183 18		
Building & Loan note	12 00		
First Natl. Bank note	3 00		
Total		208 18	208 18
SCHEDULE 3--TAXES PAID (See instruction)			
Real & Personal	259 83		
State Income Tax	100 26		
State & Local Sales Tax	135 00		
Gasoline Tax	76 79		
Auto Tags for two cars	82 37		
Drivers License (2)	8 00		
Cigarette tax	36 00		
Total		728 55	728 55
SCHEDULE 4--MEDICAL EXPENSES (See instruction)			
Cost of Medicine and Prescriptions	257 96		
Other medical and dental expense	704 59		
TOTAL		961 95	
Less: Insurance Proceeds			761
Nondeductible--\$100.00 if separate return; \$200.00 if joint return		200 00	
Amount Deductible		784 20	760 95
SCHEDULE 5--OTHER DEDUCTIONS (See instruction)			
Bar dues \$30.00; Indian Hall of Fame \$25	56 00		
Judicial Conference dues \$8.00	6 00		
Depr. law library	191 00		
Auto damage \$113 less 18.00 ins. pd.	100 00		
* Expenses per attached Sch. Exh. I \$148.34	148 34	353 00	301 34
TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1		2283 53	2410 02

TRAVEL EXPENSE

N. B. Johnson
Social Security 442-30-5811

Attending bar meetings and judicial conferences:

Travel expense 2678 miles @ 10¢ =	\$267.80
17 days @ \$12 =	204.00
Total	\$471.80
Reimbursed by state @ 7¢ mileage =	187.46
per diem @ \$8.00	136.00
Total	\$323.46
Expenses in excess of reimbursement =	\$148.34

1. INTEREST ON STATE AND FEDERAL BONDS AND U.S. SAVINGS BONDS AND U.S. GOVERNMENT SECURITIES IS DEDUCTIBLE TO THE EXTENT OF \$100.00 PER YEAR PER INDIVIDUAL. STATE AND FEDERAL TAXES PAID ON SUCH INVESTMENTS ARE NOT DEDUCTIBLE.

* Travel Expense same as above.

EXHIBIT K (Cont'd.)

MAIL
SERV. 13 MAR 5 1963



THE SUPREME COURT

STATE OF OKLAHOMA

N. B. JOHNSON
JUSTICE

March 4, 1963

Oklahoma Tax Commission
Oklahoma City, Oklahoma

Gentlemen:

Enclosed herewith is State of Oklahoma
Individual Income Tax Return for the year 1962
for N. B. and Martha L. Johnson, to which is attached
form W-2 and check #4412 in the amount of \$53.18,
dated March 4, 1963. This is in payment due on the
said income tax for the year 1962.

Sincerely,

A handwritten signature in cursive script that reads "N. B. Johnson".

N. B. Johnson

Enc.

NBJ/p

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

1963

STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN

1963

FORM 511

FOR CALENDAR YEAR 1963

FORM 511

TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, OKLAHOMA CITY, OKLAHOMA

244366-3

244366-3

Name N. B. and Martha L. Johnson

Auditor

Street Address Room 200, State Capitol

Completed

City Oklahoma City State Okla County Okla

Your Social Security Number 442 30 5811 Occupation Jurist Wife's Social Security Number 448 46 6172 Occupation Housewife

ANSWER EACH QUESTION FULLY

- (A) Are you a resident of Oklahoma? yes
(B) Were you married and living with husband or wife at end of your taxable year? yes
(C) If nonresident, state time spent in Oklahoma
(D) Did you file an Oklahoma Return for 1962? yes
(E) State name of husband or wife if separate return was made
(F) If single, were you during your taxable year supporting in your household, one or more persons closely related to you?

DEBIT HERE IMPROVEMENTS, CASH, RECEIVABLES, & OTHER ASSETS INCLUDING TAX DEFERMENT

Table with columns: Name of Dependent, Relationship, Income of Dependent, Amount. Includes a note about the number of dependents for whom credits are claimed.

INCOME 1. Salary, wages, commissions, etc. (State name and address of employer) Supreme Court, State of Oklahoma 16,300 00 16,300 00

I do hereby certify that the above and foregoing is a true copy of the original document now on file in my office. With my name and official seal of the Oklahoma Tax Commission, this required statement.
2. Net Income from Sole Proprietorship (Schedule D) 16,500 00 16,500 00
3. Interest on loans, notes, bonds, deposits, Bank and Credit Unions 1,529 93 120 00
4. Dividends from mutual subdivisions
5. Interest on U.S. Government Bonds
6. Other income (from Schedule F, Page 2)
7. TOTAL (Lines 2 through 6) 18,029 21 16620 00
8. Less business expense and losses not deducted elsewhere (Use schedule on form 511A) 94 06 94 06
9. ADJUSTED GROSS INCOME 17,935 15 16,525 94
DEDUCTIONS 10. Standard or itemized deductions (See instructions) 2,979 35 2,981 26
11. Federal income tax (See instructions and schedule below)
12. TOTAL (Lines 10 and 11) 5,932 26
13. NET INCOME (Line 9 minus Line 12) 10,543 68

INSTRUCTIONS LINE 11. If line 9 shows your Oklahoma adjusted gross income to be equal to, or more than your Federal adjusted gross income, then 100% of the 1963 tax is allowable. If the Oklahoma adjusted gross income is less than your Federal adjusted gross income, find percentage of Oklahoma to Federal and deduct that percentage of Federal tax.

Schedule of Federal Income Tax Paid in 1963 (AFTER INVESTMENT CREDIT)

Table with columns: TOTAL, Ratio %, Allowable Oklahoma. Shows withheld in 1963 (2730 00), 1962 Tax paid (497 31), Tax Paid in 1963 (3227 31 93%), Less refunds during 1963 (3001 00), TOTAL (to line 11) (3001 00), 1963 Federal Tax Return (53,069 00).

- 14. Less: Personal exemption 2,000 00
15. Credit for dependents
16. Total (Lines 14 and 15) 2,000 00
17. Allowable % See instructions 2,000 00
18. Net amount subject to tax (Line 13 minus 17) 8,543 68
19. IF JOINT RETURN OF HUSBAND & WIFE - of Line 18. (Compute tax on this amount) 4,271 84

COMPUTATION OF TAX

- 20. 1% Tax on FIRST \$1,000 or fraction thereof 15 00
21. 2% Tax on NEXT \$1,500 or fraction thereof 30 00
22. 3% Tax on NEXT \$1,500 or fraction thereof 38 16
23. 4% Tax on NEXT \$1,500 or fraction thereof
24. 5% Tax on NEXT \$1,500 or fraction thereof
25. 6% Tax on BALANCE
26. TOTAL TAX (See Line 27) 63 16
27. TWICE LINE 26 IF JOINT RETURN 166 32

- 28. Less credit to Oklahoma resident for income tax paid to another State on salary (See Instruction No. 28) 166 32
29. TOTAL TAX DUE (LINE 27 LESS LINE 28) 199 84
30. Less credit for Oklahoma income tax withheld from wages 199 84
31. Less credit for tax paid on Oklahoma declaration
32. Total credits (Lines 30 and 31) 199 84
33. BALANCE OF TAX DUE (LINE 29 LESS LINE 32) (PAYMENT OF FULL AMOUNT MUST BE MADE AT TIME OF FILING RETURN) REFUND 29 76
34. Over payment - (If line 32 is larger than line 29 show difference here)
35. For delinquent payment add penalty 5% plus interest at 1% per month
36. TOTAL TAX, PENALTY & INTEREST (Lines 33 and 35) -29 76

Signature of preparer: [Signature] Date: March 17 1964

MAKE REMITTANCE PAYABLE TO OKLAHOMA TAX COMMISSION

Page 2

SCHEDULE A—INCOME FROM RENTS AND ROYALTIES

Kind of Property	Amount Received	Depreciation or depletion	Repairs (attach schedule)	Other expenses (attach schedule)	Total Deductions	Cost or less to be reported
TOTAL (To Schedule F, line 1)						
Expenses or Repairs	Amount	Other Expenses		Amount		

SCHEDULE A-1—DEPRECIATION CLAIMED

Kind of Property	Date Acquired	Cost or other basis	Salvage Value	Remaining cost or other basis to be recovered	Depreciation allowed or allowable in prior years	Depreciation for year	Depreciation claimed this year
Law Library	1949	3000 00			1950 00	5%	150 00
Additions	1959	573 00			116 00	"	29 00
Additions	1962	241 00			12 00	"	12 00
Additions	1963	209 00				"	10 00
Total							201 00

SCHEDULE B—INCOME FROM BUSINESS OR PROFESSION IN OKLAHOMA

1. STATE KIND OF BUSINESS		GROSS RECEIPTS	
COST OF GOODS SOLD		OTHER BUSINESS DEDUCTIONS	
2. *Inventory at beginning of year		12. Salaries (not included as labor—Line 1)	
3. Merchandise bought for sale		13. Interest on business indebtedness	
4. Labor		14. Taxes on business and business property	
5. Materials and supplies		15. Losses (attach schedule)	
6. Other costs (freight income)		16. Bad debts arising from sales or services	
7. TOTAL (Lines 2 to 6)		17. Depreciation, obsolescence or depletion (From Schedule A1 above)	
8. *Less inventory at end of year		18. Rent, repairs and other expenses (Explain below or on separate sheet)	
9. Balance		19. Total deductions (Total Lines 12 to 18)	
10. Less merchandise taken for own use		20. Add amount shown on Line 1	
11. Net cost of goods (Line 9 minus 10)		21. Total (Lines 19 and 20)	
*How were inventories valued?		22. Net Profit (Line 1 minus Line 21)	
Explanation of deductions (Lines 6 & 18)		Net Profit (Line 22) to schedule F, line 2	
Item	Amount	Item	Amount

SCHEDULE C—PROFIT FROM SALE OF REAL ESTATE, STOCKS, BONDS, ETC.

Kind of property (if resale of stocks give name, file address & date)	Date acquired	Date sold	Amount received	Expense of sale and commissions netted out or subtracted	Cost (if other than cost, explain)	Depreciation allowed or allowable since acquisition	Gain or loss (See instructions)	Cost or less to be reported (See instructions)
Total to Schedule F, Line 3								

SCHEDULE D—DIVIDENDS

Name of Corporation	Amount	Taxable or Exempt	Name of Corporation	Amount	Taxable or Exempt
Claremore R & I	666 11	0	Bankers Life Co.	1208	0
Local Fed S & L	458 96	0	First Nat Bank	120 00	120 00
Mutual S & I	271 58	0	Claremore		

TOTAL DIVIDENDS RECEIVED—To Line 2, Page 1

SCHEDULE E—INCOME FROM PARTNERSHIPS, ESTATES AND TRUSTS, AND OTHER SOURCES

- Name and address of partnership
 - Name and address of estate or trust
 - Other income—annuities—income of dependents, etc. (attach schedule)
- Total to schedule F, Line 4

SCHEDULE F—FROM SCHEDULES A, B, C & E ABOVE

- Income from Rents and Royalties from schedule A
 - Income from Business or Profession, etc., from schedule B
 - Income from Profit from Sale of Real Estate, etc., from schedule C
 - Income from Partnerships, etc., from schedule E
 - Income from Farms, from form 311-F
- Total (To line 6 page 600)

2024-12

*Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused*

TOTAL RECEIVED FOR MILEAGE AND PER DIEM - \$239.14

Travel expense 1702 miles @ 10¢ - \$170.20
 Per Diem for 9 days @ \$12.00 - 108.00
 Per Diem for 7 days (out of state)
 @ \$15.00 - 105.00
 Less reimbursement by state \$239.14

EXPENSE IN EXCESS OF REIMBURSEMENT-94.00

Difference is based upon an allowance of the federal government of 10¢ mile and \$12.00 per diem in the state and \$15.00 per diem out of the state. Per diem allowance by state for out of state is \$14.00 per day and per diem for within the state is \$8.00. Mileage allowance is 7¢ per mile.

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

511-A Name N. B. and Martha L. Johnson 1963
Address Rm. 200, State Capitol Post Office Oklahoma City, Okla.

DEDUCTIONS—To Be Used Only if Standard Deduction Is Not Used (Use Separate Schedules if Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See Instructions)	Amount	Total as shown by Federal Return	Total allowable in Oklahoma
Salvation Army, March of Dimes, Girl Scouts, Boy Scouts, United Fund, Miscel. Charities, Churches			
Total		150 00	150 00

SCHEDULE 2—INTEREST PAID (See Instructions)	Amount	Total	Total allowable in Oklahoma
Prudential Ins. Co. of America	147 149		
First Natl. Bank, Claremore	65 00		
Claremore Fed. S. & L.	36 38		
Total		248 87	248 87

SCHEDULE 3—TAXES PAID (See Instructions)	Amount	Total	Total allowable in Oklahoma
Real Estate	296 41		
State Income	189 68		
Sales Tax	135 00		
Gasoline Tax	76 80		
Jura Taxes (2)	74 69		
Cigaret tax	26 00		
Driver's License	4 00		
Telephone tax	9 66		
Admissions - sports and shows	12 90		
Total		802 58	825 14

SCHEDULE 4—MEDICAL EXPENSES (See Instructions)

MEDICAL EXHIBIT - 1963
N. B. and Martha L. Johnson

Cost of Medicine and Prescriptions:

Crown Heights Drug	\$ 84.96
Veazey Drug	35.00
Hyde Drug	33.00
Rexall Drug	25.00
GEX and other drug stores	60.00
Total	\$237.96

Other medical and dental expense:

Standard Life & Acc. Co.	\$312.69	
Blue Cross-Blue Shield	159.60	
Continental Cas. Co.	67.50	
Occidental Ins.	32.00	
Combined Ins. Co. of America	58.00	
Neeley-Thornton-Goodwin	12.50	
Dr. L. F. Rowe	295.00	
Medical Arts Lab. & Clark Clinic	20.00	
Total	\$967.29	Total medical expense - \$1195.25

TOTAL (To line 8 page one)

94 06

INSTRUCTIONS

THESE NUMBERED INSTRUCTIONS CORRESPOND WITH LINES ON PAGE ONE

1. **INCOME FROM SALARIES, WAGES, COMMISSIONS, ETC.** (a) If you are domiciled in Oklahoma include all compensation regardless of where earned. (b) If a nonresident, maintaining a place of abode within Oklahoma for more than seven months, include all income from compensation regardless of where earned during the period such abode is maintained. (c) If a nonresident, include all income earned within Oklahoma.
2. **DIVIDENDS.** Complete schedule D on page 2 showing all dividends from stock in domestic or foreign corporation including Building and Loan Associations in the column marked "amount" and extend to the "Oklahoma" column only those taxable in Oklahoma.
3. **INTEREST.** Enter on line 3 all interest received or credited to your account during the taxable year from bank deposits, notes, mortgages, bonds, etc. (For building and loan income see Dividends.)
4. **INTEREST ON STATE AND MUNICIPAL SECURITIES.** Enter on line 4, Oklahoma interest on any interest-bearing obligations of a State or any political subdivision thereof.

EXHIBIT L (Cont'd.)

MAR 19 1964



THE SUPREME COURT

STATE OF OKLAHOMA

March 18, 1964

N. B. JOHNSON
JUSTICE

Oklahoma Tax Commission
2101 Lincoln Boulevard
Oklahoma City, Oklahoma

Gentlemen:

Enclosed is check #4782 dated 3-18-64
in the amount of \$29.76 which represents the
balance due on my state income tax for 1963
after withholding, as shown by form W-2.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. B. Johnson".

N. B. Johnson

Enc.

NBJ/p

Transcript of Proceedings, Court of Impeachment Exhibits of the Accused

1964 STATE OF OKLAHOMA INDIVIDUAL INCOME TAX RETURN 1964

FORM 511

FOR CALENDAR YEAR 1964

FORM 511

OR Federal year began Jan 1 1964 ended Dec 31 1965 TO BE FILED NOT LATER THAN THE 15TH DAY OF THE FOURTH MONTH AFTER CLOSE OF TAXABLE YEAR WITH OKLAHOMA TAX COMMISSION, 3181 LINCOLN BLVD., OKLAHOMA CITY, OKLAHOMA 73105

Name: N. B. & Martha L. Johnson
Address: 517 N. W. 43rd
City: Oklahoma City
State: Oklahoma
Social Security Numbers: 442 30 511, 448 46 6172
Occupation: Jurist, Housewife

44-076-4

44-076-4

OKLAHOMA WITHHOLDING TAX STATEMENT

Table with columns: Name of Dependent, Relationship, Income of Dependent, Amount. Includes entries for State of Oklahoma and various deductions.

Table with columns: Line, Description, Amount. Includes items like Personal exemption, Credit for dependents, and Total tax.

Table with columns: TOTAL, Rate %, Allowable Oklahoma. Shows tax withheld in 1964 and 1965.

Table with columns: Line, Description, Amount. Includes items like 1% Tax on first \$1,500, 2% Tax on next \$1,500, etc.

26. TOTAL TAX, PENALTY & INTEREST (Lines 23 and 25). 134.03
27. BALANCE OF TAX DUE (LINE 25 MINUS LINE 26). 134.03
28. OVER PAYMENT - If line 22 is larger than line 26 show difference here. REFUND 85.65

Signature of taxpayer: N. B. Johnson 3/8/65
Signature of preparer: Martha L. Johnson

MAKES REFUNDANCE PAYABLE TO OKLAHOMA TAX COMMISSION

Transcript of Proceedings, Court of Impeachment
Exhibits of the Accused

FD-204 1964

511-A Name N. B. and Martha L. Johnson

Address 517 N. W. 43rd Post Office Oklahoma City, Oklahoma

DEDUCTIONS—To Be Used Only If Standard Deduction Is Not Used (Use Separate Schedules If Necessary)

SCHEDULE 1—CONTRIBUTIONS PAID (See Instructions)

Amount	Total as Shown by Federal Returns	Total Applicable to Taxation
Salvation Army; March of Dimes; Boy and Girl Scouts; Miscellaneous Charities	125 00	
Total	125 00	125 00

104 93		
23 50		
24 63		
53 91		
Total	206 97	206 97

296 00		
54 00		
36 43		
8 00		
10 40		
25 55		
121 00		
166 32		
9 74		
Total	673 75	727 44

see schedule attached

905 22

200 00

SCHEDULE 1—OTHER DEDUCTIONS (See Instructions)

Judicial conf. dues 3.00; Cherokee Found. \$5; Indian Hall of Fame \$5; Oklahoma Bar Association dues \$30; Safety Deposit Box \$5.50		
Total	48 50	48 50

TOTAL DEDUCTIONS FROM ABOVE SCHEDULES ENTER ON LINE 10, PAGE 1 **1,859 44** **1,813 13**

SCHEDULE B—OTHER BUSINESS EXPENSES AND LOSSES

TOTAL RECEIVED FOR MILEAGE AND PER DIEM ATTENDING STATE BAR ASSOCIATION MEETINGS AND JUDICIAL CONFERENCE AND ATTENDING CONTINUING LEGAL EDUCATION MEETINGS, LAW DAY, ETC.		15
Travel expenses 1245 miles based on 10¢ mile - (Private automobile used)	\$125.50	
Per Diem for 103 1/4 days @ \$12.00 -	129.00	65
Total	\$254.50	
Less reimbursement by state	173.85	
EXPENSE IN EXCESS OF REIMBURSEMENT	\$ 80.65	

When I travel on federal business within the state, I am allowed 10¢ a mile and \$12.00 per day, which does not exceed my actual expenditures for travel within the state. The state, however, only allows \$8.00 per day and 7¢ a mile and makes reimbursement for that amount. The difference is the amount above claimed for unreimbursed travel expenses.

14. MILITARY PAY. The first \$1,500.00 received in compensation in any form (including Military retirement pay) by a member of the Armed Forces shall be excluded from Oklahoma State income tax. Oklahoma releases only interest upon obligations of a State or any political subdivision thereof.

EXHIBIT M (Cont'd.)



THE SUPREME COURT

STATE OF OKLAHOMA

March 8, 1965

N B JOHNSON
JUSTICEOklahoma Tax Commission
Oklahoma City, Oklahoma

Gentlemen:

Enclosed is check #5127 dated March 8, 1965 in the amount of \$85.65 which represents the balance due on state income tax after withholding tax for the year 1964. Also enclosed is tax return for the year 1964.

Sincerely,

A handwritten signature in cursive script that reads "N. B. Johnson".

N. B. Johnson

NBJ/p

Enc.

EXHIBIT M (Cont'd.)

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