

1 | Q The first?

2 | A Third.

3 | Q Third; okay. And are you also known as Jack?

4 | A That's correct.

5 | Q Any other nicknames?

6 | A That's all.

7 | Q What's your home address?

8 | A 108 West Hamberg, Lonoke.

9 | Q And who lives there with you?

10 | A I'm sorry?

11 | Q Who lives there with you?

12 | A My wife and two of my three daughters.

13 | Q What's your wife's name?

14 | A Pam.

15 | Q And tell me the names and ages of your daughters, if you
16 | would.

17 | A There's one in college. Do you want that one, too?

18 | Q Yeah.

19 | A Carey.

20 | Q K-e-?

21 | A C-a-r-e-y. She's 18. Sarah; 15.

22 | Q S-?

23 | A S-a-r-a-h. And Mollie, M-o-l-l-i-e; age 12.

24 | Q What other relatives do you have in Lonoke County?

25 | A In Lonoke County?

- 1 | Q Uh-huh.
- 2 | A Well, I have my father and mother.
- 3 | Q What's your mother's name?
- 4 | A Connie.
- 5 | Q Other relatives?
- 6 | A There's a long list. A cousin, Walls McCrary.
- 7 | Q Walls McCrary? M-c-C-r-a --
- 8 | A M-c-C-r-a-r-y.
- 9 | Q -- a-r-y; okay. Who else?
- 10 | A You don't want in-laws, just direct relatives?
- 11 | Q I'm going to get them all. Right now, I just want direct
- 12 | relatives.
- 13 | A Well, do you want his wife's name?
- 14 | Q Sure.
- 15 | A Emma.
- 16 | Q And what was her family name?
- 17 | A Just a second; Woodward or Woodard.
- 18 | Q W-o-o-d --
- 19 | A -- a-r-d, I believe. I don't think there's a "W".
- 20 | Q What other relatives?
- 21 | A I have another deceased cousin whose wife lives there.
- 22 | Carolyn McCrary.
- 23 | Q The same spelling on McCrary?
- 24 | A Correct.
- 25 | Q Who else?

1 | A | I have --

2 | Q | What's Carolyn's family name?

3 | A | Lamb.

4 | Q | Who else?

5 | A | Now we're starting to get into second cousins and third
6 | cousins.

7 | Q | I'm not interested in seconds and thirds.

8 | A | That's it.

9 | Q | That's it? What's your wife's family name?

10 | A | Knox, K-n-o-x.

11 | Q | Does she have people there in Lonoke County?

12 | A | She has her mother, Oza.

13 | Q | I'm sorry?

14 | A | Oza, O-z-a.

15 | Q | Anyone else?

16 | A | Her brother, Charlie. And that's all of the immediate.

17 | Q | Now, do you have relatives in Pulaski County?

18 | A | To my knowledge, there's some relatives but they're --

19 | Q | Now, you're related by marriage to Gus Allen, aren't you?

20 | A | Not anymore.

21 | Q | Who was married to him?

22 | A | My sister, Jan.

23 | Q | And does she live in Pulaski County?

24 | A | She lives in Garland County.

25 | Q | Do you have other siblings -- other brothers and sisters?

1 | Is that it?

2 | A That's all.

3 | Q So in Lonoke and Pulaski County, going out to first
4 | cousins, you've got the Knoxes; you've got the McCrarys;
5 | you've got Wallses; and, other than ex-in-laws, you don't have
6 | anybody in Pulaski County. Is that right?

7 | A That's correct, to my knowledge.

8 | Q Any other family names in Lonoke or Pulaski County, other
9 | than Knox, McCrary, and Walls?

10 | A Not to the level we discussed.

11 | Q How many second cousins have you got in Lonoke County?

12 | A I'd have to think about that.

13 | Q What are their names -- family names?

14 | A Well, they would be -- by blood, they would be generally
15 | Walls.

16 | Q Mr. Walls, let me show you some documents which I have
17 | marked. The first exhibit, Deposition Exhibit 1, appears to
18 | be a rights form. Does that have your signature at the
19 | bottom?

20 | A Yes, it does.

21 | (The document referred to was marked for
22 | identification as Deposition Exhibit No. 1, and is
23 | appended at page 150.)

24 | Q And that is a form that you filled out with Arkansas
25 | State Police Investigator Jim Rainbolt. Is that right?

1 A Yes.

2 Q R-a-i-n-b-o-l-t.

3 The second document appears to be a handwritten
4 statement, three pages, Exhibit 2. Did you write that?

5 A Yes, I did.

6 (The document referred to was marked for
7 identification as Deposition Exhibit No. 2, and is
8 appended at page 151.)

9 Q And the third statement, another handwritten statement
10 which is another three-page statement -- did you write that?

11 A No, sir, I didn't.

12 Q Who wrote that?

13 A That looks like what Inspector Rainbolt wrote.

14 Q Have you been provided with a copy of that?

15 A No, I haven't. Possibly, it may be in something, but I
16 don't recall it.

17 Q This was an exhibit to the trial over in Carlisle the
18 other day. Are you telling me you've never seen it before?

19 A I saw it when Inspector Rainbolt wrote it.

20 Q And did you initial' it in the places where --

21 A Those are my initials in several places.

22 Q So you have seen it?

23 A I have seen it.

24 Q As a matter of fact, this is a statement that Rainbolt
25 wrote out, and you initialed the statement when he finished.

1 | Isn't that true, sir?

2 | A That is correct.

3 | Q And the statement was meant to be a summary of the
4 | conversation you had with him on July 28, 1993, was it not?

5 | A Would you repeat that question?

6 | Q You spoke with him -- this is from a conversation you had
7 | with him on July 28, 1993, at 9:35 in the morning. Isn't that
8 | right?

9 | A I guess that's correct.

10 | Q And on the first page, at the beginning there, the
11 | initials "CW" -- those are your initials?

12 | A Those are my initials.

13 | Q And, on the second paragraph on the first page, you
14 | initialed after the word "England C.W." Is that right?

15 | A That's correct.

16 | Q And down at the bottom of the first page, you initialed
17 | "CW" at the end of that page, did you not?

18 | A Yes.

19 | Q Likewise, on the second page, you initialed various
20 | places on that, don't you?

21 | A I initialed various corrections or deletions.

22 | Q And then, on the last page, you also initialed at the top
23 | of that page, did you not? Right here (indicating)? Right?

24 | A Right.

25 | Q So you went through this statement after it was written

1 out and made corrections and changes in it. Is that right?

2 A I went through it with the trooper, yes.

3 Q And you made corrections, did you not?

4 A Made corrections where he made --

5 Q Mistakes?

6 A -- mistakes.

7 Q So you had a chance to read through it and correct it?

8 A (Nodded.)

9 Q I need you to say "yes" or "no."

10 A Yes, I did.

11 Q And I'm not trying to be hard on you, but the lady needs
12 to be able to hear your response.

13 A Okay.

14 (The document referred to was marked for
15 identification as Deposition Exhibit No. 3, and is
16 appended at page 152.)

17 Q Now, let me show you what I'll mark as Exhibit 4. Is
18 this a letter you wrote Mr. Hogan?

19 A Yes, it is.

20 Q I think the date on the copy you have there is cut off,
21 and I have a copy that was introduced at the trial that's
22 attached to the transcript. You wrote that on 12-31-92, did
23 you not, sir?

24 A That's the date that's on it.

25 Q And that's in your handwriting?

1 A That's my handwriting.

2 Q So that would be the last day of 1992; right?

3 A Right.

4 (The document referred to was marked for
5 identification as Deposition Exhibit No. 4, and is
6 appended at page 153.)

7 Q What do you do for a living, Mr. Walls?

8 A I work for Remington.

9 Q For Remington Arms?

10 A Yes.

11 Q And what is your position there?

12 A Foreman.

13 Q How long have you worked there?

14 A About twenty-two and a half years.

15 Q And what specifically do you do -- is there a particular
16 portion at Remington that -- I don't know anything about that
17 business. What are you foreman over?

18 A Shotshell loading.

19 Q Who is your supervisor?

20 A Ben Utley.

21 Q And how long have you worked for Mr. Utley?

22 A Since 1987, I believe.

23 Q And what is Mr. Utley's position?

24 A He is called section supervisor.

25 Q And who is over him at the plant?

1 | A Rod Toulson.

2 | Q How do you spell that?

3 | A T-o-u-l-s-o-n.

4 | Q And what is his position?

5 | A He's production superintendent.

6 | Q And who does Mr. Toulson report to?

7 | A I'm supposed to know the name of the plant manager; just
8 | a second. We hardly ever see him. Paul Otto.

9 | Q How do you spell his last name?

10 | A O-t-t-o.

11 | Q Otto, O-t-t-o; okay. And he's the plant manager?

12 | A Correct.

13 | Q When you started for Remington twenty-two and a half
14 | years ago, did you start at that position or another position?

15 | A I started at that position.

16 | Q Where had you worked before Remington?

17 | A Briefly, for McCrary's Farms in Lonoke.

18 | Q Would I be correct that that's a relative?

19 | A Correct.

20 | Q Which relative is that?

21 | A That would be L. C. McCrary.

22 | Q What did you do for them?

23 | A I worked in a warehouse.

24 | Q How old are you?

25 | A Forty-seven.

1 Q What's your birth date?

2 A 10-29-46.

3 Q Have you ever held any other position at Remington other
4 than foreman?

5 A Yes.

6 Q What other positions have you held?

7 A I was in employee relations for about -- almost a year.

8 Q When was that?

9 A 1985.

10 Q Into 1986?

11 A Into 1986.

12 Q And what did you do in employee relations?

13 A I managed a program of quality circles.

14 Q You managed a program in quality circles?

15 A Of quality circles.

16 Q Of quality circles. And what does that mean?

17 A That's where you involve the wage employees or production
18 employees in making decisions about how their jobs would
19 operate, to improve them.

20 Q And as part of your job, were you to -- how were you to
21 improve those things? Were you to present plans to implement?
22 Did you interview people? I'm not clear on what that means.

23 A We would hold a meeting or series of meetings with a
24 group of employees in a certain department, and they would
25 come up with ideas and then try to bring the ideas to a point

1 | where they could be presented to upper management.

2 | Q What was your title while you were in employee relations
3 | at Remington in '85 and '86?

4 | A That was just an assigned department. I don't recall a
5 | title. Win Team coordinator; okay, that was --

6 | Q Win?

7 | A W-i-n.

8 | Q Who did you work for? Who was your supervisor?

9 | A Louis Strickland.

10 | Q L-o-u or L-e-w?

11 | A L-o-u.

12 | Q And then who would Mr. Strickland have reported to?

13 | A At the time, he reported to Clark Shelton.

14 | Q What was Mr. Strickland's title?

15 | A I cannot remember.

16 | Q Was he in employee relations?

17 | A Yes.

18 | Q What was Mr. Shelton's title?

19 | A He was section supervisor.

20 | Q And who did Mr. Shelton report to?

21 | A The plant manager at the time.

22 | Q And who was that?

23 | A I think his name was Jim Ayers.

24 | Q Now, other than the position as win team supervisor in
25 | employee relations at Remington between '85 and '86, and

1 | foreman, what other jobs have you held at Remington?

2 | A That's basically -- within the one area of employee
3 | relations and production, I have not held any other jobs.

4 | Q Well, when you say "basically," does that mean there's
5 | something else?

6 | A Well, I've been a foreman in several departments.

7 | Q Why did you take the job in employee relations as Win
8 | Team supervisor?

9 | A I was assigned that job.

10 | Q And who assigned you as Win Team coordinator, I guess?

11 | A My boss came and told me that I had a new job and that
12 | was it.

13 | Q Who told you?

14 | A I'm trying to think of his last name. First name was
15 | Jim, and he's still there, but --

16 | Q You can't remember?

17 | A No.

18 | Q So you didn't apply for that position?

19 | A No, sir.

20 | Q Did you know you were going to be assigned the position
21 | before you were assigned it?

22 | A No, sir.

23 | Q What position did you hold at the time that you were
24 | assigned to the Win Team by Jim?

25 | A I was a center-fire loading foreman.

1 Q How long had you been center-fire loading foreman before
2 you were assigned to the Win Team?

3 A Approximately two and a half years.

4 Q Why were you assigned to the Win Team from center-fire
5 loading foreman?

6 A I was never asked or told; I was just assigned.

7 Q After you were Win Team coordinator, where did you go to?

8 A Ballistics.

9 Q And that would have been in 1986?

10 A Yes, sir.

11 Q And what was your job in ballistics?

12 A I was a supervisor -- foreman.

13 Q Who was your immediate superior?

14 A Tom Brune.

15 Q I'm sorry; last name?

16 A B-r-u-n-e.

17 Q How long were you ballistics foreman?

18 A About a year.

19 Q And then what?

20 A I was reassigned to shotshell loading.

21 Q And is that where you are now?

22 A Yes.

23 Q Who assigned you to shotshell loading?

24 A I was told by my supervisor that was my job I would be
25 going to in a few weeks.

1 Q Did you know that you were going to shotshell loading
2 before you went?

3 A Only after he told me.

4 Q So that would have been about 1987?

5 A Yes, sir.

6 Q Who told you to go to shotshell loading? Who reassigned
7 you?

8 A I was told by Mr. Brune that I was being reassigned.

9 Q Why?

10 A I was given no reason.

11 Q Now, when you were in employee relations at Remington,
12 you went there from center-fire loading; right?

13 A Yes, sir.

14 Q Did you get a pay raise to go to the Win Team coordinator
15 position?

16 A No, I didn't.

17 Q When you went, after the Win Team, to ballistics, did you
18 get a pay raise to go to ballistics?

19 A No, I didn't.

20 Q And, when you went to shotshell loading after ballistics,
21 did you get a pay raise?

22 A No, sir.

23 Q Have you ever been demoted at Remington?

24 A No, sir.

25 Q Have you ever been the source of a complaint at

1 Remington?

2 MR. WATTS: Do you mean relevant to the charges
3 or the allegations in this lawsuit?

4 MR. WELCH: Don't know yet.

5 MR. WATTS: Well, I'm going to object to the
6 question as not being relevant and not even
7 calculated to lead to admissible evidence. In fact,
8 I'll instruct him not to answer unless it's
9 complaints that might be relevant to the charges
10 made in this complaint.

11 MR. WELCH: So your objection is relevance?

12 MR. WATTS: Uh-huh. He can answer if it's in
13 any way related to any sexual complaints,
14 harassment, or anything like that.

15 MR. WELCH: Richard, this is discovery.

16 MR. WATTS: I understand.

17 MR. WELCH: Do you want me to do his deposition
18 again?

19 MR. WATTS: If you think you can ask the
20 question, Chip, and force it, do it again, but I
21 think my objection is specific enough.

22 BY MR. WELCH:

23 Q I don't expect you to understand all that, but let me ask
24 you again: Did you have complaints while you were at
25 Remington?

1 A Not to my knowledge.

2 Q Who is the person in charge of personnel files at
3 Remington?

4 A I believe it will be John Croucher.

5 Q Could you help me with the spelling of the last name?

6 A I think it's C-r-o-u-c-h-e-r.

7 Q And what's his title?

8 A Employee relations supervisor.

9 Q There's something I meant to ask you: So, when you were
10 in employee relations at Remington, that also included
11 personnel when you were there?

12 A Yes.

13 Q Were some of the functions that you performed while you
14 were at Remington in employee relations related to the
15 personnel department? In other words, did you have certain
16 duties pertaining to personnel?

17 A Yes.

18 Q Were you in the military?

19 A Yes, I was.

20 Q When and what branch?

21 A I was in the Army. I entered active duty in 1968.

22 Q Were you released in 1970?

23 A I was in the National Guard in the reserves from 1970
24 until 1980.

25 Q What reserve unit?

1 | A It was an ordnance battalion that was located here in
2 | Little Rock.

3 | Q And you say you were on active duty from '68 to '70?

4 | A Yes, sir.

5 | Q Where did you do your active duty?

6 | A My post, or just like the United States, or --

7 | Q Where were you stationed?

8 | A I was stationed at Fort Gordon, Georgia.

9 | Q Where else?

10 | A Fort Sill, Oklahoma.

11 | Q Okay?

12 | A And I spent twelve months in Vietnam.

13 | Q And that would be from '69 to '70?

14 | A Yes.

15 | Q Where were you in Vietnam?

16 | A I was based at Long Ben.

17 | Q And who were you assigned to? What was your unit?

18 | A First -- excuse me; the 29th General Support Group.

19 | Q What rank did you hold when you got off active duty?

20 | A First lieutenant.

21 | Q What was your particular MOS?

22 | A I was in communications.

23 | Q Have you ever received an Article 15?

24 | A No, I haven't.

25 | Q Now, when you came back to the States, that would have

1 | been in 1970?

2 | A Yes, sir.

3 | Q And was that when you went to work for McCrary?

4 | A I spent several months down at Fort Benning, Georgia,
5 | before I got off active duty, and then I went to work for
6 | McCrary's Farm.

7 | Q And then with Remington?

8 | A And then with Remington.

9 | Q And what was the character of your discharge?

10 | A Honorable.

11 | Q Were you combat in Vietnam?

12 | A I was shot at on numerous occasions. I was in areas that
13 | were, but, as far as actually out in the jungle carrying a
14 | rifle, I was not an infantry officer. I went out a few times.

15 | Q When did you begin working in Boy Scouts?

16 | A As a leader or as a scout?

17 | Q Well, let's skip scouting as a boy scout. When did you
18 | begin working as a leader?

19 | A Probably in 1971 or '72.

20 | Q And where did you begin working in the scouts?

21 | A In Lonoke.

22 | Q What troop?

23 | A I believe it was 338.

24 | Q And who was the troop leader?

25 | A John Latimer.

1 Q Latimer?

2 A L-a-t-i-m-e-r, I believe.

3 Q And where is he today?

4 A I believe he's in Heber Springs.

5 Q How long did you work with Mr. Latimer in Troop 338?

6 A Well, I don't really recall. It was a couple or three
7 years.

8 Q Where did you work next in scouting?

9 A I worked with Troop 338 for a while longer.

10 Q And after Mr. Latimer left, did you remain with 338?

11 A Yes.

12 Q Now, when he was there, what was your position?

13 A Assistant scoutmaster.

14 Q After he left, what was your position?

15 A I believe I took over as scoutmaster for a while.

16 Q And how long were you the scoutmaster of Troop 338?

17 A Two or three years.

18 Q So that gets us to '77, '78; somewhere in there?

19 A I guess.

20 Q Don't guess.

21 A Well, I don't have any records in front of me to remind
22 me.

23 Q But you were two or three years with Mr. Latimer and two
24 or three years with 338?

25 A Yes.

1 Q And what did you do in scouting after that?

2 A I served as -- I believe it was troop commissioner. I
3 think that was the position.

4 Q Now, is that a position with a troop or a position with
5 a district, or what is it?

6 A That's a troop position.

7 Q Of 338, or another troop?

8 A 338.

9 Q And, as troop commissioner, what did you do?

10 A I worked with the scoutmaster wherever he needed help.

11 Q What is the function of a troop commissioner?

12 A He will assist a scoutmaster, and then he will go to the
13 district meetings and represent the troop.

14 Q On some commission or other?

15 A Well, on some commission or other.

16 Q For the district? I mean were you like a delegate to the
17 district meeting?

18 A A delegate to the district is how I remember it.

19 Q And how long were you troop commissioner for 338?

20 A I can't remember. That wasn't a real active job.

21 Q What was the next job that you had in scouting?

22 A I was asked to assist with a Webelos group.

23 Q In cub scouts?

24 A Yes, sir.

25 Q And what group was that? Was that a cub pack under that

1 same troop, or did it have another number?

2 A I can't remember what the number was. It was there in
3 Lonoke.

4 Q Is Webelos W-e-b-e-l-o-s?

5 A I believe so.

6 Q Now, did you discontinue working with Troop 338 at the
7 time you started doing the cub scout stuff, or did you do
8 both?

9 A I discontinued working -- I think I had a year or two
10 when I didn't work with scouts in there.

11 Q So you're off one or two years and you get involved in
12 the cub scouting. Any reason why you got involved in the cub
13 scouting?

14 A A friend of mine asked me to help him.

15 Q Who was that?

16 A Bill Ryker.

17 Q And that's R-y-k-e-r?

18 A Yes, sir.

19 Q And how long did you work with the cub scouts and
20 Webelos?

21 A I believe it was a year.

22 Q And then what did you do next in scouting?

23 A I continued to work with Bill as these boys went into boy
24 scouts.

25 Q So they kind of grew into boy scouts, and did Mr. Ryker

1 | kind of evolve into a boy scout leader?

2 | A Yes, sir.

3 | Q And did they kind of grow into a boy scout troop?

4 | A Yes.

5 | Q What troop was that?

6 | A I believe it was back to 338.

7 | Q And what position did you then hold in 338?

8 | A I was assistant scoutmaster.

9 | Q Who was the scoutmaster?

10 | A Bill Ryker.

11 | Q And how long did you work with Mr. Ryker as an assistant
12 | scoutmaster of Troop 338?

13 | A He held the position of scoutmaster for 338 until 1988 or
14 | 1989; somewhere in there.

15 | Q And did you hold the position of assistant scoutmaster
16 | until that time?

17 | A Yes.

18 | Q During this time -- from the time that you got back into
19 | scouting through the Webelos' program, to 1989 -- did you hold
20 | any other positions in' scouting besides that of assistant
21 | scoutmaster?

22 | A Yes. I was asked to do the Order of the Arrow.

23 | Q When did you start doing OA?

24 | A I think it was 1986.

25 | Q And what was your position relative to the Order of the

1 Arrow?

2 A I was a chapter advisor.

3 Q And what chapter would that have been?

4 A Grand Prairie.

5 Q And would that be through the Grand Prairie District?

6 A Yes.

7 Q Which would mean that you would associate with young boys
8 in the Order of Arrow other than just in Troop 338; right?

9 A Right.

10 Q And the Grand Prairie District covers, essentially, how
11 big an area?

12 A Three counties.

13 Q Which three?

14 A Lonoke, Arkansas, and Prairie.

15 Q Who, if anyone, assisted you in your duties as Order of
16 the Arrow chapter advisor?

17 A Basically, no one. You would use your chapter chief to

18 --

19 Q To what?

20 A To try to get anything done that you didn't get done.

21 Q Who was your chapter chief?

22 A Well, there was basically a new one about every year.

23 Q Who have they been since 1986?

24 A The first one was -- I'm trying to think of his first
25 name. Johnson was his last name, from England.

- 1 Q Who's next?
- 2 A I believe it would be Kevin Ryker from Lonoke.
- 3 Q Is he related to Bill Ryker?
- 4 A Yes, he is; he's his son.
- 5 Q Who was after Kevin?
- 6 A I really can't sequence them.
- 7 Q Just give me the names; I'll sort them out later.
- 8 A Okay; we had a Chase Tucker.
- 9 Q What was the first name?
- 10 A Chase.
- 11 Q C-h-a-s-e?
- 12 A Yes.
- 13 Q Tucker. And where's he?
- 14 A He's from England.
- 15 Q Who else?
- 16 A The next one was -- the next two were from Stuttgart, and
- 17 I'm trying to remember their names. The first name for the
- 18 second Stuttgart is Shawn.
- 19 Q I'm sorry?
- 20 A Shawn; excuse me. The other first name from Stuttgart
- 21 was Chris.
- 22 Q Who else?
- 23 A Well, the last one was Rob Evatt from Lonoke.
- 24 Q Evatt?
- 25 A E-v-a-t-t.

1 Q Shawn and Chris from Stuttgart -- what did they do for a
2 living?

3 A These are youth leaders.

4 Q These are -- okay; these are chapter --

5 A These are chapter leaders.

6 Q I understand; okay, I've got you. In addition, now, you
7 worked with the Order of the Arrow until -- what? -- 1992?

8 A Yes, sir.

9 Q Through 1992. Other than working with the Order of the
10 Arrow and being assistant scoutmaster of Troop 338, what other
11 positions have you held with the Boy Scouts since 1986?

12 A None.

13 Q Were you associated with Troop 130?

14 A Troop 103?

15 Q 103?

16 A Yes.

17 Q What was your association with Troop 103?

18 A Troop 338 merged into Troop 103.

19 Q When?

20 A Sometime in 1989 or 1990.

21 Q So there's not a Troop 338 anymore?

22 A No.

23 Q It's all Troop 103?

24 A It's all Troop 103.

25 Q Troop 338 was located where?

1 A Lonoke.

2 Q Troop 103 was located where?

3 A Lonoke.

4 Q So the two Lonoke troops just became one?

5 A That's correct.

6 Q Now, did you attend camping activities with the boy
7 scouts since the time that you have gotten back in through the
8 Webelos' program?

9 A Yes.

10 Q Did you attend camporees?

11 A Yes.

12 Q Did you attend other functions that involved campouts
13 with the boy scouts in large groups? And I know -- we'll talk
14 about the kind of thing we're here about later, but I mean in
15 large organized activities. Do you-all have other kinds of
16 things like camporees that are called something else?

17 A Well, yeah, there's a large activity called a jamboree.

18 Q Did you-all ever have camperalls?

19 A I don't recall the word.

20 Q I never knew the difference, but I understand that --
21 I've heard both.

22 Did you also attend the scouting ranch at Philmont, New
23 Mexico?

24 A Yes, I did.

25 Q And what is that?

1 | A I don't understand your question.

2 | Q What is that place?

3 | A It's --

4 | MR. WATTS: Do you mean the name?

5 | Q No. What is Philmont?

6 | A Basically, it's an 11-day backpacking and camping trip.

7 | Q And is it open to all scouts?

8 | A Yes.

9 | Q Do you have to pre-qualify -- do you have to do certain
10 | things in order to be qualified to go to Philmont?

11 | A Basically, no. There's an age requirement.

12 | Q What is the age requirement?

13 | A A boy has to be thirteen.

14 | Q Have you ever been treated by a psychologist or a mental
15 | health counselor?

16 | A No, sir.

17 | Q Who's your family doctor?

18 | A Dr. B. E. Holmes and Dr. Les Anderson.

19 | Q And where are they?

20 | A In Lonoke.

21 | Q Are they together or two separate --

22 | A No, two separate.

23 | Q Are they both in practice still?

24 | A Yes.

25 | Q Are you bisexual?

1 A No, sir.

2 Q Have you ever had a homosexual experience?

3 A No, sir.

4 Q Have you ever masturbated in the woods with boy scouts?

5 A No, sir.

6 Q Have you ever talked about it with boy scouts?

7 A I have been asked questions, which I answered.

8 Q Have you ever discussed masturbation with boy scouts?

9 A Yes, sir.

10 Q Have you ever discussed masturbation with boy scouts
11 while out in the woods with them?

12 A I believe that's where the conversation occurred.

13 Q And, on the incident that we're here about, was there a
14 conversation about masturbation?

15 A No, sir.

16 Q Tell me about the conversations you've had in the past on
17 campouts with scouts about masturbation. Has that occurred
18 more than once?

19 A I cannot recall the incident. I walked into a
20 conversation. I was asked a question, from what I was told.

21 Q What were you asked?

22 A Whether -- it seems like it was something to the effect
23 that -- basically, whether or not it's okay for boys to
24 masturbate.

25 Q And where was that?

1 A From what I was told, it was at Philmont.

2 Q From what you were told, it was at Philmont?

3 A Yes, sir. I didn't remember the conversation. I was
4 told, yeah, the boys were discussing it and --

5 Q Who told you?

6 A Chris Houchens.

7 Q And what did he tell you, specifically?

8 A I asked him where the conversation occurred, and he told
9 me.

10 Q When did you ask him about that?

11 A When I first saw that it had been discussed in -- I
12 believe it was in Investigator Rainbolt's notes.

13 Q When did you have the conversation with Mr. Houchens?

14 A Sometime after we saw his notes on the conversation with
15 Rainbolt.

16 Q "Sometime after we saw his notes." That would have been
17 Rainbolt's notes?

18 A Yes.

19 Q On the conversation --

20 A That Rainbolt and Houchens had.

21 Q And were you with Mr. Houchens when you reviewed those
22 notes?

23 A Well, yes.

24 Q And where was that that you were with Mr. Houchens?

25 A At my house.

1 Q Who else was present?

2 A My wife.

3 Q Who else?

4 A Nobody.

5 Q For instance, was Mr. Houchens' family present?

6 A Not at this time.

7 Q Was this before or after the trial in Carlisle in
8 municipal court?

9 A It was before.

10 Q How long before?

11 A I really couldn't say.

12 Q Are we talking weeks or days?

13 A Weeks.

14 Q Weeks before. What was the occasion that Mr. Houchens
15 was at your house, and by that I mean did you call him and ask
16 him to come over because you wanted to ask him about this, or
17 was he there?

18 A He came by.

19 Q Did you know he was coming?

20 A No, I did not.

21 Q And did you have the state police file there at your
22 house?

23 A We had received it from Randy Gammill.

24 Q Your attorney on the criminal charge?

25 A Yes.

1 Q Was Mr. Gammill present when you talked to Mr. Houchens?

2 A Not at this time. He was at a later time.

3 Q What was Mr. Houchens' purpose for being at your house
4 this first time that you went over the file?

5 A He just came by.

6 Q For instance, he didn't come by to see anybody in
7 particular; he just came by the house?

8 A Well, he may have come by to see my daughter, but I don't
9 know that.

10 Q And how did you start this conversation with him? Did
11 you -- what did you say to him?

12 A I said, "Chris, we got the report from the state trooper
13 today, and it says in here that this conversation" -- he said,
14 "This conversation takes place." I said, "I don't have any
15 idea of what you're talking about."

16 And he said, "Well, that's not -- it wasn't part of the
17 other conversations."

18 Q I'm sorry; we're going to have to slow up a little bit.
19 You said, "I've got the report in from the state police, or
20 the state trooper -- your conversation with him"?

21 A I got the report from Randy Gammill. We had not seen it
22 until this time. This was, say, three or four weeks before
23 the trial in Carlisle.

24 Q And he came over and you said, "I've got this stuff," and
25 then what did you tell him about the conversation? Did you

1 | say, "This says there was a conversation"?

2 | A "This says we had this conversation. I don't remember
3 | anything about it."

4 | And he says, "Well, it took place in 1991."

5 | Q So he said to you, "Well, it took place in 1991"?

6 | A Because that's when we all were at Philmont.

7 | Q And did he tell you what the conversation was about? I
8 | mean he had some idea, I suppose, from whatever you received
9 | from Mr. Gammill.

10 | A Did I --

11 | Q What is it that -- what conversations specifically are we
12 | talking about?

13 | A That's what I'm wanting -- you asked for an answer, and
14 | I didn't understand the question.

15 | Q He said -- let me read back what my notes say. You say,
16 | "He said it took place in 1991 when we were at Philmont."

17 | A The conversation.

18 | Q What conversation?

19 | A The conversation referred to in Rainbolt's notes.

20 | Q Well, what conversation was that, specifically?

21 | A This was a conversation where I made mention of the fact
22 | that boys masturbate and some men masturbate.

23 | Q And that took place at Philmont?

24 | A The conversation -- the original conversation.

25 | Q And, after Mr. Houchens said that, what did you say,

1 | after he told you what conversation that was?

2 | A I said, "Well, I don't remember the conversation, but, if
3 | you" --

4 | He said there was a group of the boys that were there and
5 | I walked past and said -- Well, you know, if they had asked
6 | the question, I would have answered it.

7 | Q In that way?

8 | A In the way that came out in the notes?

9 | Q Yeah.

10 | A I would guess I would have. It depends on how they --
11 | you know, did they shift the conversation around.

12 | Q What else did he tell you about? Did you show him
13 | Rainbolt's report? Did you show Mr. Houchens Rainbolt's
14 | report?

15 | A Yes.

16 | Q And so you gave it to him to read?

17 | A We didn't give it to him to read, necessarily. We sat
18 | there and --

19 | Q Did you show him the part that talked about this
20 | conversation?

21 | A Yes.

22 | Q And what else did he say about it, if anything?

23 | A He said that it had no relation at all to any
24 | conversations that took place around what this case is about.
25 | He said he just -- more or less that was a statement he made

1 | totally apart from.

2 | Q So did he tell you he did not say what Rainbolt said he
3 | said, or did he say that he did not say it related to this
4 | incident?

5 | A He said that it had no relation to this incident.

6 | Q What did you tell him he should do, if anything, about
7 | that?

8 | A About that conversation?

9 | Q About that report. Did you tell him he ought to call
10 | Rainbolt and tell him that was a mistake?

11 | A I didn't know what to do. I talked to my attorney about
12 | it.

13 | Q Did you-all contact Rainbolt?

14 | A I don't know what my attorney did about it.

15 | Q Is that the statement? (Handing document to the witness)

16 | You're pointing to the second page, next to the last
17 | paragraph?

18 | A Second page, next to the last paragraph.

19 | Q All right. And that statement on the second page says,
20 | "Jack Walls in the past has talked about masturbation around
21 | me. He says that it is not unnatural for boys or men to
22 | masturbate. Jack has never asked me to masturbate him or with
23 | him." Now, is there something untrue about that statement?

24 | A Sitting where it is on this paper, it makes it read like
25 | it's part of the conversation. Also, it's probably, from what

1 I understood from Chris, a summary of a conversation.

2 Q Let me go through this with you. He also says on that
3 page -- it says at the bottom of the first page, "Doug wanted
4 to go home. We got in the front of the truck and started it
5 up." Okay; that's where I'm going to pick up and ask you
6 about this.

7 And the next thing he says on the second page is: "Jack
8 came over to the truck and asked, 'What are you doing?'

9 "Doug said, 'You scared me pretty bad. I just want to go
10 home.'

11 "Jack said, 'Why don't we talk about it. Let's go over
12 by the campfire.'"

13 Is that true?

14 A That's correct.

15 Q Then he says, "When we got to the campfire, Jack told his
16 side of the story. Jack said he and Doug were talking about
17 girls. The subject turned to masturbation. Jack asked Doug
18 if he wanted to masturbate. Doug said, 'No.' Jack asked if
19 Doug would do him. Doug said, 'No.'"

20 Now, when you got to the campfire, is that what you said?

21 MR. WATTS: Excuse me. On the questions here
22 -- and I think he understands -- but, when you ask
23 if that's true, can we make sure that you're asking
24 if the account is true or if it's true that's what
25 the statement says, because there is a difference.

1 MR. WELCH: Well, I'm asking him, up to that
2 point -- let me make this -- that's fine.

3 Q I asked you -- it says here, "Doug wanted to go home. We
4 got in front of the truck and started it up." That did
5 happen. Isn't that true, sir? That at one point Doug was
6 going to leave?

7 A At one point Doug was going to leave.

8 Q And then you came over to the truck and asked, "What are
9 you doing?"

10 And Doug said, "You scared me, and I want to go home."
11 That happened, didn't it?

12 A That happened.

13 Q And then you said, did you not, something to the effect,
14 "Why don't we talk about it. Let's go over by the campfire."
15 That happened?

16 A That happened.

17 Q Now, is that --

18 MR. WATTS: That's fine. And I think he
19 already understands; I just wanted to make sure.

20 Q Now, then he says, "When we got to the campfire, Jack
21 told his side of the story." Did you do that?

22 A I do not recall saying much of anything at that campfire
23 at this time of the conversation. Chris was basically doing
24 the talking. Doug didn't talk much either.

25 Q Did you say that you and Doug were talking about girls

1 and the subject turned to masturbation and you asked Doug if
2 he wanted to masturbate?

3 A No, sir.

4 Q Why is it that Chris says that, when you got to the
5 campfire, that was your side of the story?

6 MR. WATTS: That's the problem I've got here.
7 That's the objection I want to interpose. I don't
8 think that's what Chris said, nor do I think that's
9 what that statement says Chris says. I read that
10 statement as it saying that's Doug's account that
11 Chris is giving to the police officer, and that's
12 where I think you're taking it out of context.

13 MR. SIMPSON: Can we have an understanding that
14 an objection of one is an objection for all?

15 MR. WELCH: Sure.

16 I'm going to be asking -- And I note your
17 objection, Richard.

18 BY MR. WELCH:

19 Q It says here, "When we got to the campfire, Jack told his
20 side of the story. Jack said he and Doug were talking about
21 girls. The subject turned to masturbation. Jack asked Doug
22 if he wanted to masturbate. Doug said, 'No.' Jack asked if
23 Doug would do him. Doug said, 'No.'"

24 Did you say those things?

25 A I did not.

1 MR. WELCH: I'll make this Exhibit 5.

2 (The document referred to was marked for
3 identification as Deposition Exhibit No. 5, and is
4 appended at page 154.)

5 MR. SIMPSON: Can we have a few minutes?

6 MR. WELCH: Sure.

7 (Recess from 11:05 to 11:10 a.m.)

8 BY MR. WELCH:

9 Q Mr. Walls, were you also associated with the Explorer
10 Post at Lonoke or Carlisle?

11 A At Lonoke.

12 Q Lonoke. What's the number of that post?

13 A That's Post 160.

14 Q We haven't talked about that one yet, have we?

15 A No, sir.

16 Q Tell me when you were associated with Explorer Post 160.
17 What period?

18 A From its inception until 1982, when it was -- sometime in
19 the late eighties.

20 Q Were you the leader of that post?

21 A (Nodding head)

22 Q That's a "yes"?

23 A Yes.

24 Q And were you the leader from 1982 until the late 1980's?

25 A No, sir. The post, to my knowledge, wasn't started until

1 | the late 1980's.

2 | Q Oh, I see; okay. What did 1982 have to do with it? I
3 | misunderstood you.

4 | A I don't think I said 1982.

5 | Q Okay; I misunderstood you. From the late 1980's until
6 | now, it exists; right? And you got out -- what? -- in 1992?

7 | A 1992.

8 | Q And what do you call the leader of an explorer post?

9 | A Advisor.

10 | Q And were you the advisor during that period of time?

11 | A I'm going to say most of the time. I may have been all
12 | of the time.

13 | Q And who, if anyone, was your assistant or worked with
14 | you?

15 | A My wife was one of them. Let's see; on the trips out to
16 | Philmont, there was a Dr. Jerry Sparrow from Stuttgart that
17 | was assistant advisor for a while.

18 | Q How do you spell Dr. Jerry's last name?

19 | A Sparrow.

20 | Q Like the bird?

21 | A Like the bird.

22 | Q He's from Stuttgart?

23 | A Right.

24 | Q And anybody else?

25 | A There were some other adults, but I'd have to sit here

1 | and think up their names. I just remember Dr. Sparrow because
2 | of his last name.

3 | Q I'm going to go back to your conversation with the
4 | Houchens boy about his statement to the state police. What
5 | else did you-all -- did you talk about this other section that
6 | I pointed out to you, Mr. Walls, with the Houchens boy; not
7 | the part about, in the past, whether you'd talked about
8 | masturbation, but did you talk to him about the part that
9 | said, "Jack told his side of the story," with Mr. Houchens?

10 | A Yes, I did.

11 | Q Well, I noticed you didn't point it out to me earlier
12 | when you were showing me what it is you talked to him about.
13 | You showed me this next-to-the-last paragraph, but you also
14 | talked to him about the third-from-the-top paragraph?

15 | A Yes.

16 | Q And what did you say to him?

17 | A I said, "Chris, I don't remember this conversation."

18 | Q Okay. And did you point out to him that it made it sound
19 | like that you were saying that you asked Doug to masturbate?

20 | A I cannot remember the exact words of the conversation,
21 | but, yes, sir, I said, "This is incorrect."

22 | Q All right. Now, when you were telling him that, it was
23 | you and him? Or was your wife present?

24 | A I believe it was during the same conversation.

25 | Q So would your wife have been there?

- 1 | A She should have been.
- 2 | Q Give me your recollection. Was she there?
- 3 | A I recollect she was. We covered this again at another
4 | time.
- 5 | Q "We covered this again at another time." What's "this"?
- 6 | A Chris's statements.
- 7 | Q What was the other time you covered it?
- 8 | A With our attorney and his parents.
- 9 | Q And would that have been after Chris -- after this first
10 | meeting?
- 11 | A After the first time we asked him about it? Yes, sir.
- 12 | Q When was the second time that you had Chris and you and
13 | your wife and your lawyer and his parents? When was that?
- 14 | A Sometime after this first meeting. Again, several weeks
15 | before the trial.
- 16 | Q Now, when you told him at the first meeting that "this is
17 | incorrect," what specifically did you tell him was incorrect?
- 18 | A I didn't say that.
- 19 | Q Say what?
- 20 | A The -- actually what it says. It says, "Jack asked Doug
21 | if he wanted to masturbate, then asked Doug if Doug would do
22 | him." And I did not make those statements.
- 23 | Q And you didn't tell the boys around the campfire, when
24 | you all sat down to talk, that? Is that what you're saying?
- 25 | A I did not say that; no, sir.

1 Q And you told that to Chris. And what did Chris say?

2 A He says, "No, you didn't. I did most of the talking in
3 relating what Doug had said."

4 Q Did you show Chris anybody else's statement?

5 A I don't believe so.

6 Q Did you show him Mark McConnell's statement?

7 A Not at this time.

8 Q Did you show him Mark McConnell's statement at some other
9 time?

10 A We may have discussed it in the meeting with his parents
11 and Randy Gammill, but I don't --

12 Q Did Chris tell you that he reviewed the statement and
13 initialed changes in it?

14 A He told me he reviewed the rough draft and initialed
15 changes.

16 Q And did he tell you that the statement had these words in
17 it that he reviewed?

18 A He said that he didn't know that the statement said that
19 and it was not right.

20 Q Did he tell you that he didn't read all of it?

21 A I don't remember exactly what he said, besides that was
22 not what he said.

23 Q Now, at the meeting at your house with you and your wife
24 and Chris Houchens and nobody else, did you give him something
25 to sign?

1 | A No, sir.

2 | Q Did you take a statement from him or otherwise report
3 | what you talked about?

4 | A No, sir.

5 | Q Did you go through the entire statement -- the two-page
6 | statement, the typed statement that had come in the criminal
7 | investigation file?

8 | A Not that I recall; just those two.

9 | Q Those two paragraphs?

10 | A Those two paragraphs; right.

11 | Q And the two paragraphs would be the third from the top
12 | and the second from the bottom. Is that right?

13 | A The second from the bottom is correct. Those are the two
14 | statements we talked about.

15 | Q Tell you what: Would you circle the two paragraphs that
16 | you're talking about? And that way I'll know later when I
17 | look at this.

18 | (Witness marked on the exhibit.)

19 | Q So you did not go over or take issue with anything else
20 | in that statement?

21 | A At that time, no.

22 | Q And you didn't challenge Chris's recollection of anything
23 | other than those two paragraphs at that meeting?

24 | A At that meeting, no, sir.

25 | Q Have you since challenged other things in that statement?

1 | A That's --

2 | Q Let me ask it another way: Have you, before today,
3 | challenged any other statement in that two-page document?

4 | A I have not challenged any of the statements -- other
5 | statements that Chris made in here or other statements that
6 | are basically his.

7 | Q So, at no time before today, have you challenged any
8 | other thing that he says in his statement, which is Exhibit 5
9 | to this deposition?

10 | A Basically, I challenge the -- I guess it's the second or
11 | third paragraph from the bottom of the first page, but this
12 | was the story that Doug related to Chris.

13 | Q Okay. You disagree with Doug, but you're not disagreeing
14 | that Chris says that that's what Doug told him?

15 | A I wasn't there to hear what --

16 | Q Okay. Right now I'm just wanting to know if there's
17 | anything that Chris said about that evening that you have
18 | knowledge of that you have challenged, other than these two
19 | paragraphs on the second page of Exhibit 5.

20 | A I know I'm supposed to give you an answer right now, but
21 | let me look at the thing again.

22 | Q Sure; take your time.

23 | (A short pause in the proceedings.)

24 | Q Are you ready?

25 | A If you would, restate your question.

1 | Q The only two sections of that statement that you take
2 | issue with Houchens' recollection on are the two circled
3 | paragraphs. Is that true?

4 | A That's true.

5 | Q I'm showing you Exhibit 6, which is Mark McConnell's
6 | statement. Have you read it?

7 | (The document referred to was marked for
8 | identification as Deposition Exhibit No. 6, and is
9 | appended at page 155.)

10 | A Yeah.

11 | Q That also was presented to him by the state trooper, and
12 | it says that he proofread it and initialed it. And do you
13 | take issue with that statement?

14 | A Yes, I do.

15 | Q And where, specifically, do you disagree with that
16 | statement?

17 | A Starting with the paragraph starting, "We all stayed up
18 | late." McConnell didn't stay up at all that night. He went
19 | to bed early. Someone said he got sick.

20 | Q All right. Anything else?

21 | A It would be the second paragraph of the second page. The
22 | part that says, "Jack asked Chris what he would have done if
23 | he were in Doug's place." I do not recall that statement or
24 | any answer from Chris Houchens.

25 | Q What else?

- 1 | A I'm sorry?
- 2 | Q What else do you disagree with?
- 3 | A Well, it goes on. This "Asked me what I would do" -- I
4 | don't recall.
- 5 | Q Let me look at this a minute. We've already discussed
6 | the fact that at some point that night Doug wanted to leave?
- 7 | A That's correct.
- 8 | Q And you came over to his truck?
- 9 | A Yes.
- 10 | Q And asked him not to leave and asked everybody to come
11 | back to the campfire?
- 12 | A Right.
- 13 | Q When you came over to the truck, who was there when you
14 | asked him not to leave?
- 15 | A Those three boys mentioned.
- 16 | Q Doug Hogan, Mark McConnell, and --
- 17 | A Chris Houchens.
- 18 | Q -- Chris Houchens; okay. So, whether he stayed up late
19 | or not, you don't disagree with that -- that McConnell was
20 | awake at the time that you had the discussion around the
21 | campfire. Is that right?
- 22 | A He was awake there. He was present.
- 23 | Q Now, did you have a pistol in your truck?
- 24 | A Yes, I did.
- 25 | Q What kind?

1 A World War I Smith and Wesson revolver.

2 Q A .38?

3 A .45.

4 Q Now, you tell me that you don't remember saying, "What
5 would you have done if you were in Doug's place?" Is that
6 what you told me?

7 A I don't remember that part of the conversation at all.

8 Q Are you telling me that you did not say that or you don't
9 remember it?

10 A I don't remember saying it.

11 Q Now, was there a conversation around the campfire, when
12 you came back, in which Doug Hogan said that you had attempted
13 to come on to him sexually?

14 A There was a brief conversation to that effect, and the
15 wording was somewhat like you just said. There was no detail
16 or anything.

17 Q When was the first thing that you recall said about sex
18 -- sexual misconduct on your part? Was it at the truck or at
19 the campfire?

20 A There was an allusion to it at the campfire.

21 Q So nothing was said about it at the truck?

22 A No.

23 Q All right. Well, let's just start there. Were you
24 asleep and you heard a truck start up?

25 A Yes.

- 1 Q Where were you sleeping?
- 2 A In my tent.
- 3 Q Who was in there with you, if anyone?
- 4 A Ron Goss.
- 5 Q And who is Ron Goss?
- 6 A He's a man that lives down the street from me and has a
7 boy in the scout troop.
- 8 Q What does he do?
- 9 A He works with real estate for Rector-Phillips-Morse.
- 10 Q Did Mr. Goss get up?
- 11 A No, he didn't.
- 12 Q Did he remain asleep the whole time?
- 13 A Yes, he did.
- 14 Q Did you try to wake him up?
- 15 A No.
- 16 Q Why not?
- 17 A I felt no need to.
- 18 Q And you went out of the tent. Were you dressed, or did
19 you have to dress?
- 20 A Seems like I had a set of clothes and some coveralls. I
21 may have slipped the coveralls on.
- 22 Q And you went to the truck. Is that right?
- 23 A Yes.
- 24 Q Did you see anybody else, other than these three boys,
25 who was up?

1 | A No.

2 | Q And you got to the truck, and who was in the truck, and
3 | who was out of the truck, if anybody was out of the truck?

4 | A Doug and Chris were in the truck, and Mark McConnell was
5 | standing on the other side.

6 | Q And when you say "the other side," is that the driver or
7 | passenger side?

8 | A He was -- Mark was standing on the driver's side.

9 | Q Were they talking when you came out?

10 | A When I got there, I didn't hear any conversation.

11 | Q Now, did you have alcohol out there?

12 | A No, sir.

13 | Q Was there alcohol out there that you saw?

14 | A I never saw alcohol.

15 | Q Did you smell it?

16 | A No.

17 | Q And you came up to the truck, and what did you say when
18 | you came up?

19 | A Something to the effect about "What's going on?"

20 | Q And when you said, "What's going on?" other than the
21 | engine starting up, were they yelling or screaming, or was it
22 | just the engine starting up that you heard?

23 | A Just the engine starting up.

24 | Q So you came over and said, "What's going on?" And who
25 | spoke to you, if anyone?

- 1 | A The only words spoken right then were Doug's, and he said
2 | that I scared him.
- 3 | Q Doug said, quote, you scared me, or words to that effect?
4 | A Words to that effect.
- 5 | Q To you?
6 | A To me.
- 7 | Q And you said what?
8 | A I'm trying to remember. "What are you doing?"
- 9 | Q And what did he say then?
10 | A I think he said that he was leaving.
- 11 | Q And what did you say to that?
12 | A Basically, words to the effect -- I said, "Let's not
13 | leave. Let's go sit down and find out what's going on."
- 14 | Q Did you say, "What are you talking about scaring you?"
15 | A Not at that time, I don't think so.
- 16 | Q Why did you not want them to leave?
17 | A At that hour of the morning with Doug's driving
18 | reputation?
- 19 | Q So you didn't want him to drive because you didn't think
20 | he was a good driver?
- 21 | A Well, I've seen some of his driving habits there in town,
22 | and I did not think he was a good driver.
- 23 | Q Any other reason you didn't want them to leave?
24 | A Find out what was wrong; what was going on.
- 25 | Q Now, where was this campout? It was on your farm?

- 1 A Yes, my father's farm.
- 2 Q And where is that in relation to Lonoke?
- 3 A Oh, it's about five or six miles south of town.
- 4 Q How far is it from there to the Hogan house, for
5 instance?
- 6 A Another ten miles or so.
- 7 Q How far is it to the Houchens' house?
- 8 A Approximately the same distance.
- 9 Q All right. So you told them to come over to the fire.
10 Did you get the keys from anybody?
- 11 A Doug handed me the keys.
- 12 Q Did you ask him to?
- 13 A No, sir, I did not.
- 14 Q So you didn't know he was going to hand you the keys?
- 15 A No.
- 16 Q Had you told them to stop and turn off the car, or the
17 truck?
- 18 A I don't recall whether I told them to shut off the engine
19 or not.
- 20 Q You got the keys?
- 21 A He handed me the keys.
- 22 Q What did you do with them?
- 23 A I handed them to Chris Houchens.
- 24 Q Why?
- 25 A Well, I didn't need the keys.

1 Q Did Chris need the keys?

2 A At that time he needed them more than Doug did.

3 Q So, if Chris had then started the truck up, you wouldn't
4 have any problem with them leaving?

5 A Well, Chris couldn't drive. At that time he did not
6 drive.

7 Q And, during this time that everybody turns off the truck
8 and hands the keys over and they go to Chris, did anybody say
9 anything besides you and Doug?

10 A As far as words, no. When I walked up to the truck and
11 said, "What's going on?" Chris shrugged his shoulders and
12 indicated he didn't know.

13 Q So he didn't know?

14 A Well, everything says that they had a conversation
15 earlier, but he --

16 Q So then did you go directly to the campfire from there?

17 A Yes.

18 Q And when you got over to the campfire, there were four of
19 you; correct?

20 A Yes.

21 Q And who starts talking?

22 A I don't know who started the conversation. There wasn't
23 a whole lot of conversation. I said, "Now, what's wrong, and
24 what's going on?" or something like this.

25 Q Then what happened?

1 | A I recollect Doug said, "Let Chris tell you." And Chris
2 | made some sort of brief statement to the effect that I made
3 | some sort of advance toward Doug.

4 | Q What did he say, as you recall?

5 | A I'm sorry?

6 | Q What did he say, as you recall?

7 | A I don't recall his exact words, but he wasn't -- he
8 | didn't go into any detail such as we've seen in print.

9 | Q Well, that tells me that you have some recollection of
10 | what details he did go into. In other words, you know what
11 | subjects it covered and what subjects it didn't cover from
12 | what was in print. What do you remember being talked about?

13 | A I remember that part of the conversation; the whole
14 | conversation I can't remember. The total conversation was
15 | very brief. But I remember, again, some words around -- I'm
16 | trying to recollect words not really there, but --

17 | Q After Chris told you what Doug thought, what did you say?

18 | A I said, basically, "That's ridiculous." We're sitting
19 | right here in front of the campfire where we had been sitting
20 | earlier. There was the truck they were in. There was the
21 | tent with Ron Goss in it. There was another tent with seven
22 | other boys in it. There was a tent behind that with two more
23 | boys in it. The light from the campfire. Probably mentioned
24 | the fact that on a camp out, generally they don't all go to
25 | bed at one time. They get up and wander around half the

1 | night.

2 | Q Now, did you say all of that?

3 | A I believe I did.

4 | Q Is there anything else that you remember saying?

5 | A In regards to the subject, no, sir.

6 | Q The boys' statements here say that you told your side of
7 | the story. Did you tell what really happened in your mind?
8 | Did you tell your side of the story?

9 | A I don't recall me saying hardly any words besides those
10 | I just told you.

11 | Q Did you say, for instance, "Here's what really happened,"
12 | or "Here's what happened," or "That's wrong and here's what
13 | happened"?

14 | A I don't recall. That's just --

15 | Q So you don't recall telling anybody what happened to
16 | counter what the summary of Doug's story was?

17 | MR. WATTS: Objection to the form of the
18 | question. I'm not sure that that's what the witness
19 | said. I mean those specific words.

20 | Q Do you recall telling your side of the story to anybody
21 | that night?

22 | A My side of the story that I recall telling was that it's
23 | ridiculous; that I wouldn't try to do something like that with
24 | all this that I just mentioned.

25 | Q Did you say that you had been up alone with Doug?

- 1 | A | I don't recall whether I said it or not.
- 2 | Q | Had you?
- 3 | A | Had I said it, or had I been up alone with Doug?
- 4 | Q | Had you been up alone with Doug?
- 5 | A | Yes.
- 6 | Q | After everybody went to bed?
- 7 | A | (Nodding head)
- 8 | Q | Is that a "yes"?
- 9 | A | Yes.
- 10 | Q | And did you touch Doug's belt buckle?
- 11 | A | Yes. I hit him on the belt buckle and told him, "You
12 | have to go to bed."
- 13 | Q | And why did you do that?
- 14 | A | I was mad at him.
- 15 | Q | I mean did you punch him on the belt buckle?
- 16 | A | I hit him with the back of my hand.
- 17 | Q | Your right hand?
- 18 | A | Yeah.
- 19 | Q | And where was he when you did that?
- 20 | A | Sitting in front of the campfire.
- 21 | Q | Was he sitting or laying?
- 22 | A | He was laying down, I guess.
- 23 | Q | And were you sitting or laying down?
- 24 | A | As I recall, I was sitting up.
- 25 | Q | Was he laying beside you?

- 1 | A How close is "beside you"? Yes, he was there within --
- 2 | Q Why were you mad at him?
- 3 | A When I was awakened by the noise around the campfire --
- 4 | Q All right. Now, this is the time before the time you
- 5 | were awakened by the truck. This is earlier?
- 6 | A This would be earlier.
- 7 | Q This is like 11:30 at night; something like that?
- 8 | A 11:30, 12:00 o'clock, whenever.
- 9 | Q Okay.
- 10 | A When I was awakened, he was out there complaining to two
- 11 | or three other boys that he just never had any -- he couldn't
- 12 | keep a girlfriend; couldn't get one. He had made a -- during
- 13 | the course of that remark, he made a remark about my daughter.
- 14 | Q What was that remark?
- 15 | A Said she was a whore.
- 16 | Q And who did he make that remark to?
- 17 | A The boys at the campfire.
- 18 | Q What boys were at the campfire?
- 19 | A To my recollection, it was Chris Houchens, Wade Knox, and
- 20 | Josh Aukes.
- 21 | Q And spell Josh's last name for the reporter.
- 22 | A A-u-k-e-s.
- 23 | Q Now, Wade Knox -- is he a relative of yours?
- 24 | A Yes, he is.
- 25 | Q What is he to you?

1 | A I guess he would be a nephew.

2 | Q And so you got up at that point?

3 | A Yes.

4 | Q And did you send everybody to bed?

5 | A I didn't send everybody to bed.

6 | Q Everybody went to bed but Doug?

7 | A They started leaving when I got there and started
8 | explaining to Doug why he didn't have any success with
9 | girlfriends.

10 | Q What did you explain to him?

11 | A The conversation was around his actions.

12 | Q What actions?

13 | A The way he talks about girls and the way he talked to
14 | girls.

15 | Q And what way is that?

16 | A Going back two months before that night, he had come over
17 | to the house and he and my middle daughter were going to the
18 | Pizza Hut. This was -- we had never allowed her to go
19 | anywhere with a boy before, and, because Doug's older brother
20 | John was kind of chauffeuring, -- I guess it was before Doug
21 | could drive -- we allowed them to go to the Pizza Hut and come
22 | back. And they got somewhere between our house and the Pizza
23 | Hut, and they were stopped by the local police for some -- but
24 | the local police stopped the kids for crossing a yellow line
25 | or something. And before, during, and after they left the

1 | someone at the -- that's the Pizza Hut -- someone at the Pizza
2 | Hut who works there told Heath what had happened and told him
3 | he had better leave. He did, but the reason that Heath was
4 | looking for Doug was he had called Heath's little sister,
5 | Heather, a fucking whore, amongst other things.

6 | Q And you knew that because Heath Stocks had told you?

7 | A Because I had been keeping Heath off of Doug whenever I
8 | had the two of them together.

9 | Q Now, before the campout on December -- was this the 30th
10 | or the 29th?

11 | A It covered those two days.

12 | Q The 29th and the 30th; was that the way it worked?

13 | A Yes.

14 | Q The night of the 29th and the morning of the 30th?
15 | Whatever day it was, before this campout at your farm, had you
16 | contacted Doug's parents and told them that about your
17 | daughter's experience and about Mr. Stocks?

18 | A No, I had not.

19 | Q And before -- Doug was out there at your farm the night
20 | that this incident happened because you invited him out there,
21 | wasn't he?

22 | A (Nodding head)

23 | Q Is that a "yes"?

24 | A That's correct.

25 | MR. WELCH: Richard, I'm going to need -- I've

1 | house, Doug's language was pretty rough including calling my
2 | daughter a fucking bitch. And that was the last time they
3 | went out.

4 | Q And did she report that to you when she got home?

5 | A She reported it to my wife.

6 | Q Did your wife tell you about it?

7 | A (Nodding head)

8 | Q "Yes"?

9 | A Yes.

10 | Q All right.

11 | A And Doug had also -- there was another one of the local
12 | scouts around town who had been looking for Doug.

13 | Q What do you mean by that?

14 | A He was wanting to whip him.

15 | Q Who was that?

16 | A This is a boy by the name of Heath Stocks. He had called
17 | --

18 | Q Is that H-e-a-t-h?

19 | A H-e-a-t-h.

20 | Q Stocks?

21 | A Stocks.

22 | And I had -- at one of the campouts I had had to get on
23 | to Heath, trying to avoid conflict. Heath had told me that he
24 | had caught Doug at the dairy bar sometime that fall and asked
25 | him to come outside, and Doug went and called the police, and

1 | got to meet one of the deputy prosecutors about a
2 | case I have coming up for trial on the 18th. I can
3 | be back here by 1:15, if that's okay. I had called
4 | and told Sam that this morning.

5 | MR. WATTS: That's fine.

6 | (Lunch recess from 11:50 a.m. to 1:20 p.m.)

7 | BY MR. WELCH:

8 | Q Mr. Walls, when we broke, we were talking about this
9 | incident that occurred on the 29th or 30th of December of
10 | 1992. And we were talking about the two statements that the
11 | two boys, Houchens and McConnell, gave. Do you recall what we
12 | were generally talking about?

13 | A Generally.

14 | Q Now, you have also given statements concerning that
15 | evening; correct?

16 | A Yes.

17 | Q I want to talk to you about those for a minute. Those,
18 | I think, are the ones we talked about, Exhibit 2 and Exhibit
19 | 3. I understood you to say that Exhibit 3 is not in your
20 | handwriting; right?

21 | A That's right.

22 | Q But you initialed it throughout. We've been through
23 | that?

24 | A Yes, sir.

25 | Q Which one was done first? Exhibit 2?

1 | A Exhibit 2.

2 | Q And how did you come to prepare Exhibit 2? I mean why
3 | was -- that's the one you did write out, isn't it?

4 | A Yes.

5 | Q How did you come to do that?

6 | A This was written to the Regional Review Committee of Boy
7 | Scouts.

8 | Q So that was done for the Boy Scouts, as opposed for the
9 | state police or somebody else?

10 | A Yes.

11 | Q When did you do Exhibit 2?

12 | A Late February.

13 | Q Of 1993?

14 | A Yes, sir.

15 | Q And then Exhibit 3 was done in July of 1993?

16 | A Yes.

17 | Q I'm going to try and read these, and I have to tell you
18 | that your handwriting is better than Investigator Rainbolt's,
19 | but I also have the added advantage of somewhere in here I
20 | have it typed. But I'm going to try to get through this just
21 | looking at it.

22 | In the statement you gave the Regional Review Committee
23 | in February, you say that, at 2:30 p.m., you arrived at the
24 | camp with local scouts, your daughter, and her friend?

25 | A Yes, sir.

1 Q What was this campout? What was the purpose of it?

2 Whose campout was it?

3 A It was basically just a general campout. It gave the
4 local kids a chance to get out and --

5 Q What organizations were sponsoring the campout? I mean
6 what troop or post, or whatever?

7 A Well, it's basically -- when you say what's sponsoring
8 it, it's just a boy scout campout.

9 Q Well, I mean was it Troop 103 or Explorer Post 160?

10 A There were a number of boys from Troop 103. At the time,
11 I was probably the only person from 160.

12 Q And were there boys from 160 there -- or scouts from 160
13 there?

14 A That's what I'm reviewing here in my mind. No, I don't
15 think so.

16 Q What group was Doug Hogan with? What organization was he
17 representing there?

18 A He was -- what was he doing there? He was, I guess,
19 representing Doug Hogan.

20 Q You had invited him there?

21 A Yes.

22 Q Why did you invite him?

23 A It was a chance for him to get around some of the other
24 kids that were going to Philmont that summer?

25 Q All right. Was this somehow related to the kids who were

1 | going to Philmont, then?

2 | A Partly.

3 | Q You and I probably know kind of where we're going with
4 | this, but I want the record to be clear, so let me see if I
5 | can ask this question a little bit better. Was the purpose of
6 | this campout to get together a group of young boys who were
7 | going to later go and represent Arkansas at Philmont?

8 | A That was one of the purposes.

9 | Q And who was going to take them to Philmont?

10 | A Ron Goss and I were two of the people who were taking
11 | them.

12 | Q Who else was going to go?

13 | A In the leadership capacity?

14 | Q Yeah.

15 | A My wife was registered. A woman by the name of Barbara
16 | Stocks from Lonoke was registered.

17 | Q That would be the young Stocks boy's mother?

18 | A Mother.

19 | A new man from England by the name of Chase Tucker was
20 | going as an adult that year. I guess I could go through the
21 | other adults who were going. Is that what you --

22 | Q Yeah, that's kind of what I'm trying to get an idea, but
23 | I'm going to ask you about some of the kids.

24 | A Rob Evatt would have gone as an adult, had he been able
25 | to go.

1 Q Now, he had been a scout in the Explorer Post or in the
2 Order of the Arrow?

3 A Yes.

4 Q He would have been a chief?

5 A Yes, he was one of the chiefs.

6 Q But he was now an adult?

7 A When you hit the age of eighteen in the Boy Scouts, you
8 kind of serve in some assistant adult capacity.

9 Q Who else do you recall -- adult -- that was registered to
10 go?

11 A A man from Stuttgart by the name of Keith Thompson.
12 There was another man from Stuttgart whose name I can't
13 remember right off.

14 Q And then these kids who were going that you invited out
15 to your farm for this campout -- were all of them on the list
16 somewhere of people who were to go to Philmont?

17 A No, not all of them.

18 Q Were some of them?

19 A Yes.

20 Q Who was on the list to go to Philmont besides -- Was Doug
21 Hogan on that list?

22 A At the time, he was.

23 Q Who else?

24 A Chris Houchens.

25 Q Now, did you invite Chris Houchens out there that night?

1 A I didn't ever invite Chris.

2 Q Who else?

3 A Ron's son, John Goss; B. A. Fletcher; Wade Knox; Steven
4 Parker. And I believe those are all of the boys who were
5 there that were going to Philmont.

6 Q But those weren't all of the boys who were there?

7 A No.

8 Q Now, the other boys that were there -- why were they
9 there? You said part of it had to do with going to Philmont.
10 Why were the rest of them there?

11 A They were scouts who -- some of the parents said, "Well,
12 they don't ever get a chance to go camping." So I said,
13 "Well, we'll go camping."

14 Q And were they with Troop 103?

15 A They were members of Troop 103.

16 Q Now, were there two different general age groups, and did
17 you have some kids around twelve years old and then some older
18 kids?

19 A They started around twelve and went up to sixteen.

20 Q Did you have a cluster of younger kids and a cluster of
21 older kids, or is it your recollection that they just pretty
22 much --

23 A I'd say they pretty well were spread out.

24 MR. WELCH: Off the record.

25 (Brief discussion off the record)

1 BY MR. WELCH:

2 Q You talked about being registered to go to Philmont. Was
3 there a registration list that you had?

4 A Yes.

5 Q So you had something to refer to to tell you who the kids
6 were, for instance, who might be going to Philmont who you
7 might want to invite out there?

8 A Yes.

9 Q Now, you said you didn't invite Chris Houchens. Were
10 there other kids on the registration list that you didn't
11 invite besides him?

12 A Yes.

13 Q How many others? Do you know?

14 A Well, I couldn't tell you, because -- well, first of all,
15 the total registration list included boys from Lonoke,
16 Carlisle, and Stuttgart. And, the farther you got from
17 Lonoke, the less likely it was they could come. The group
18 from England was supposed to have been brought up by Chase
19 Tucker. He was the only one I contacted. I said, "Bring the
20 boys who are going to Philmont that can come." And none of
21 them showed up.

22 Q Well, let's just restrict it right now to 103; okay?
23 Were there boys from Troop 103 who were on the registration
24 list for Philmont who weren't invited?

1 A Heath Stocks was not invited.

2 Q So him and Chris. Anyone else from Lonoke?

3 A I'd have to review the list of who all was going, because
4 some of them couldn't go for various reasons. The list --

5 Q Do you still have that list?

6 A I don't know whether I have it or not. The final list I
7 probably have a copy of, but --

8 Q Would the final list be the one that you were referring
9 to as you got ready for this campout in late December of 1992?

10 A No, sir.

11 Q Would you check and see what lists you have and share
12 them with Mr. Watts here, and then he can make -- I'm going to
13 request them from him.

14 A Okay.

15 MR. WATTS: No problem. If we have them, we'll
16 turn them over. Do you want the list he referred to
17 for this campout?

18 MR. WELCH: Yes. I want the list that he
19 referred to when he looked to see who was going to
20 Philmont, in preparation for this December 29, '92
21 campout. And, if he doesn't have that, then I want
22 whatever he does have that shows who ultimately was
23 on the final list, which he says he does have.

24 MR. WATTS: All right.

25 BY MR. WELCH:

1 Q How many boy scouts were out there at your farm on this
2 evening in question?

3 A There were eleven.

4 Q How many adults?

5 A Two.

6 MR. WATTS: I'm sorry; what was the number?

7 THE WITNESS: I believe there were eleven boys.

8 Q And then you said -- on this little chronology that you
9 wrote, it says, "Arrived at camp with local scouts, my
10 daughter, and her friend." Were your daughter and her friend
11 spending the night out there?

12 A No. They just went out and had supper.

13 Q They came out and ate supper around the campfire and then
14 left?

15 A Yes.

16 Q When did they leave?

17 MR. WATTS: You can refer to your notes, if you
18 want to.

19 THE WITNESS: Okay.

20 Q Oh, I'm sorry;, it's on here. Well, I'll get to it.
21 Thank you, Richard.

22 Then the next entry on here after the 2:30 p.m., it says,
23 "5:30: Doug Hogan and another Carlisle scout arrived in
24 Doug's '62 panel van." Who was the other scout?

25 A Chris Houchens.

1 Q And then, at 6:00 p.m., "Hogan leaves camp to drive
2 around against my directions. Gets stuck. I have to pull him
3 out." What was that about?

4 A I asked him not to go driving around, and he did and got
5 stuck.

6 Q In what?

7 A His panel van.

8 Q Okay; but I mean what did the panel van get stuck in?

9 A A mud hole.

10 Q So was that close to your campsite, or did they come back
11 from some long walk and --

12 A It was a 15-minute walk from the campsite; not very far
13 in a vehicle, but --

14 Q But still on your property?

15 A Still on my property.

16 Q What was the weather like that day -- that night?

17 A It seems like it was pretty cool and cloudy.

18 Q When you say "cool," was it below freezing?

19 A I don't believe so.

20 Q And, if there's a mud hole, had it been raining or
21 something?

22 A There were -- yeah, it had been raining. Not that day,
23 but --

24 Q A lot of standing water out there on your property?

25 A That's depending on how soon it is after a rain; yeah,

1 | there could have been a lot of standing water.

2 | Q You don't remember?

3 | A I don't remember how many mud holes there were.

4 | Q There was a mud hole, because he got stuck in that one?

5 | A There was one big one right near the highway that they
6 | got stuck in.

7 | Q And you had to go pull him out, and did you pull him out
8 | with another vehicle?

9 | A Yes.

10 | Q What kind of vehicle?

11 | A My truck.

12 | Q Then, at 6:30 p.m., you have here, "I take my daughter
13 | and her friends back to our home." So you go back into town?

14 | A Yes.

15 | Q Then you say, "My sister-in-law who lives next door
16 | complains to me about Hogan's" --

17 | A "Menacing."

18 | Q -- "menacing actions that afternoon at Wal-Mart." And
19 | that -- your sister-in-law would be who?

20 | A Karen Knox.

21 | Q And then you say, "He finally follows her from store onto
22 | parking lot where she meets her daughter. It is there that he
23 | identifies himself and rudely tries to persuade her daughter
24 | to take him to the campsite." Is that what that says?

25 | A That's what it says.

1 Q What were you told when you went -- I understand what you
2 wrote here, but what -- can you flesh that out in any way?
3 How did that come up?

4 A When I drove up to the house to let the girls off, my
5 sister-in-law was -- anyway she approached me. They live
6 across the street. She said -- she fussed at me. She said
7 that it had scared her.

8 Q What had scared her?

9 A Andrea, the daughter, was coming out of the store behind
10 Karen, and Doug came up behind her and grabbed her by the arm,
11 and it scared her and she screamed. And Karen looked around,
12 and somebody had Andrea by the arm. And from there it goes on
13 to where Doug wanted Andrea to take him out to the farm.

14 Q Now, are you telling me that Doug had attacked her in the
15 store?

16 A On the parking lot.

17 Q He attacked her on the parking lot. Is that what you
18 were told?

19 A That's what I was told.

20 Q And so did they call the police?

21 A No, they didn't.

22 Q But it was characterized to you as an attack?

23 A That's probably a stronger word than it ended up, but at
24 first Karen thought it was an attack.

25 Q Okay.

1 A Then she recognized Doug, and then she went from being
2 scared to being angry.

3 Q So, rather than an attack, Doug came up behind and did
4 one of these "gotcha" or "boo" type things and startled her.
5 Is that what you're telling me?

6 A I can only relate what --

7 Q Well, how was it related to you?

8 A That he came up behind her and grabbed her by the arm,
9 and she screamed because she didn't know who it was.

10 Q And what else did she tell you?

11 A That she didn't like it one bit; that he looked wild and
12 was insisting that Andrea take him out to the campout -- go
13 with him out there to show him the way.

14 Q And then what happened?

15 A She was not going to let her.

16 Q She was not going to what?

17 A She was not going to let Andrea go, and Andrea said that
18 she wasn't going to go.

19 Q And then what happened?

20 A One of them gave Doug directions on how to get down to
21 the farm, and that was --

22 Q Now, did she say that Doug was alone or with someone?

23 A To their knowledge, he was alone.

24 Q And, after your sister-in-law told you that, what did you
25 say or do?

1 A Well, I don't remember exactly what I said. I probably
2 said, "Well, I'm sorry, Karen. I'll talk to Doug about it."

3 Q Who was there when she told you this -- your sister-in-
4 law?

5 A No one but me and her.

6 Q Okay. Then 7:30, you write here, "Back at camp, sitting
7 around the campfire drinking coffee and listening to scouts
8 running around. Hogan goes through my truck, burns a hole in
9 the" --

10 A "Headliner."

11 Q -- "headliner and then goes in the woods and cuts a tree
12 down." When you got back to camp, did you talk to Doug about
13 attacking your sister-in-law and her daughter?

14 A I don't remember if I did.

15 Q Well, I mean was this something that you were upset about
16 when you got back there and you took him to task about it?

17 A Well, I was upset about it because it's something that
18 you just don't normally do -- to scare somebody like that.

19 Q Did you talk to him about it at all at that time?

20 A I don't recall talking to him at all about it at that
21 time.

22 Q And then you say that he -- "The scouts were running
23 around." What do you mean by that?

24 A Well, they were just out -- You're on a farm and --

25 Q Is there anything wrong with that? I mean is that meant

1 | to be critical, or is that what scouts do?

2 | A No, that's what they do, depending on what kind of
3 | activities you have planned for them, and we didn't have any
4 | planned. They just have the flashlights.

5 | Q They're out running around with flashlights. And then
6 | you say that Hogan went through your truck?

7 | A He was in my truck at one time. He had the radio up, and
8 | I went over to ask him to turn the radio off and get out of
9 | the truck. And --

10 | Q And he burned a hole in your headliner?

11 | A That's correct.

12 | Q With what?

13 | A At the time I did not know that. That was pointed out to
14 | me a little while later.

15 | Q Who pointed it out to you?

16 | A One of the two other boys that was there.

17 | Q Who was that?

18 | A This would be Josh Aukes and Wade Knox.

19 | Q And what did they tell you?

20 | A That Doug burned a hole in the headliner.

21 | Q With what?

22 | A A cigarette lighter.

23 | Q So he held a cigarette lighter under your headliner and
24 | tried to set it on fire? Is that what they told you?

25 | A I don't know what his purpose was in burning a hole in

1 | the headliner, but the hole was definitely there.

2 | Q When did these boys tell you that?

3 | A Sometime after I got him out of the truck.

4 | Q Before this incident we're about to talk about?

5 | A Yes.

6 | Q Before everybody went to bed; right?

7 | A Right; sometime in the evening.

8 | Q Did you take him to task about that? Did you --

9 | A I didn't know that he had done that until after he had
10 | gotten out of the truck and gone off.

11 | Q I mean did you go after him? Did you say something to
12 | him?

13 | A No.

14 | Q So you didn't talk to him about that either?

15 | A Well, he was coming and going in camp just like the rest
16 | of them.

17 | Q And then you say he went -- and then it says, "Then goes
18 | in woods and cuts tree down." Does that mean that Doug went
19 | in the woods and cut a tree down?

20 | A Yes.

21 | Q What kind of tree?

22 | A Well, it's wintertime and I couldn't really identify the
23 | type of tree it was.

24 | Q Are we talking about a real big tree?

25 | A No.

1 Q Are we talking about like a sapling?

2 A A sapling.

3 Q Why do you have that in there?

4 A Because it's a constant aggravation. He's just on a

5 tear.

6 Q He cut a tree down?

7 A (Nodding head)

8 Q "Yes"?

9 A Yes.

10 Q Did anybody else cut any trees down out there?

11 A Not to my knowledge.

12 Q So you wrote that down because you didn't want him to cut

13 a tree down and you're criticizing that?

14 A I was criticizing him for cutting the tree down.

15 Q Did you talk to him about that?

16 A I don't recall seeing him again for a good period of

17 time. They were just coming and going, in and out of camp.

18 Q But you didn't talk to him before you went to bed in your

19 tent?

20 A No, sir.

21 Q About any of these things? Is that right?

22 A That's correct.

23 Q And you didn't talk to him about your sister-in-law and

24 her daughter being attacked by him? You didn't talk to him

25 about setting the headliner of your truck -- burning a hole in

1 | it? You didn't talk to him about cutting the tree down?

2 | MR. WATTS: I'm going to object to the
3 | characterization about an attack. That's your
4 | characterization and not the defendant's. Go ahead
5 | and respond.

6 | Q You didn't talk to him about any of those things?

7 | A I haven't really had the opportunity.

8 | Q Now, the time that he did this -- from the time that you
9 | get back to camp at 7:30 until you go to bed, that's four
10 | hours; right? You went to bed, according to this, at 11:30;
11 | right?

12 | A Approximately.

13 | Q And it says, "Back at camp, sitting around campfire
14 | drinking coffee." That was you that was sitting there
15 | drinking coffee?

16 | A Me and Ron Goss.

17 | Q Anybody else sitting around drinking coffee with you?

18 | A Not to my knowledge. Well, I think we probably had water
19 | boiling, and they could come up and make chocolate if they
20 | wanted to.

21 | Q And I think you touched on this, but, during that four-
22 | hour period, other than whatever the scouts were doing with
23 | their flashlights or cutting trees down or whatever, there
24 | wasn't any kind of ceremony going on or any kind of organized
25 | activity you had planned?

1 | said?

2 | A I didn't notice.

3 | Q So the answer would be you did not?

4 | A Right.

5 | Q Now, you say, on page one of this statement to
6 | Investigator Rainbolt, Exhibit 3, "Everyone I invited did not
7 | show up at the outing." Do you see that in the next-to-last
8 | paragraph?

9 | A Okay.

10 | Q Who did you invite that didn't come?

11 | A By specifics, Rob Evatt. I sent an invitation for Chase
12 | Tucker to come and bring the boys from England.

13 | Q Anyone else?

14 | A Let me think. I'm thinking there was somebody else from
15 | Lonoke that didn't come that I did invite, but I can't pull
16 | that name out right now.

17 | Q In the statement you gave Investigator Rainbolt, you did
18 | not discuss anything about what your conversation was with
19 | Doug when you-all were alone, did you? Let me show you page
20 | two, middle of the page: "I got up and quieted them down."
21 | Do you see that?

22 | A Right.

23 | Q It says just before that, "At midnight I was awakened by
24 | loud talking from Doug Hogan" --

25 | MR. WATTS: Excuse me; I'm just showing him the

1 rest of the statement. Go ahead.

2 A Could you start again? I've lost my train of thought.

3 Q "At midnight I was awakened by loud talking from Doug
4 Hogan at the campfire. Everyone was in bed when I went to
5 bed. They weren't supposed to be up. I got up and quieted
6 them down." And then the next thing says, "Around 3:30 I was
7 awakened." Do you see that?

8 A Yes.

9 Q Now, there you don't say anything about any talking-to
10 you gave him on that page, do you?

11 A No.

12 Q Then, as Mr. Watts points out, on the end of your
13 statement on page three, you say, "I did get down on Doug
14 Hogan in his treatment of girls and the way he talks about
15 them. I quit talking to him and hit him in the belt buckle
16 with the back of my hand and told him to get up and go to bed.
17 I don't know whether he's ignoring me or had gone to sleep."
18 Is that what you told him?

19 A That's a whole lot shorter than the conversation.

20 Q But, in any event, that's what you initialed; right?
21 That's what you initialed?

22 A Yes.

23 Q Now, Exhibit 4 is this letter that you wrote Mr. Hogan.
24 And it was sitting right in front of you. It's right here
25 (indicating). Why did you write the letter?

1 | A Well, there are a couple of three reasons why I wrote the
2 | letter. First of all, of course, Cledis called me up and
3 | threatened me for reasons he never made clear over the
4 | telephone.

5 | Q Well, tell me about that.

6 | A Well, that's --

7 | Q All right. You-all got up the next morning and everybody
8 | went home; right?

9 | A We had breakfast, packed up, and went home.

10 | Q Now, when did you hear from Cledis Hogan?

11 | A Sometime on up in the morning.

12 | Q Now, the day -- that day would have been the 30th of
13 | December. Is that right?

14 | A That's right.

15 | Q So, on the 30th of December, Cledis Hogan called you at
16 | home in the morning?

17 | A Yes.

18 | Q And what does he say, and what do you say?

19 | A He said words to the effect that, if I didn't do what he
20 | told me to do, he was going to come over there and blow my
21 | head off. And somewhere in that opening statement he said,
22 | "Don't say a word." And he told me I was going to write him
23 | a letter of apology and resign from the scouts.

24 | Q And you did that?

25 | A Yes, I did; parts of it anyway.

- 1 Q Did you take the call or did your wife?
- 2 A I think one of my children did.
- 3 Q And did they tell you it was Mr. Hogan?
- 4 A No.
- 5 Q They just told you it was a telephone call?
- 6 A A telephone call.
- 7 Q Now, when you took the phone, did he start telling you
8 what to do, or did he tell you who he was, or what?
- 9 A Something to the effect that, "Walls, this is Hogan."
- 10 Q As best you can recall, I want to know what was said.
- 11 A As best I can recall, he said, "Walls, this is Hogan."
12 And then there was something to the effect that, "I don't want
13 you to say anything," or "I don't want you to open your
14 mouth," or words to the effect of "Don't speak; listen to what
15 I have to say. I ought to come over there and blow your head
16 off, but I want you to resign from scouting and write a letter
17 of apology."
- 18 Q What else?
- 19 A That -- if there was anything else, basically, that's the
20 crux of the conversation.
- 21 Q Did you do what he said and not say anything?
- 22 A Yes, I did.
- 23 Q Did he then hang up the phone?
- 24 A That was the end of the conversation, yes.
- 25 Q Well, I mean the conversation ended, and the phone was

1 | hung up?

2 | A The phone was hung up.

3 | Q And then did you talk to him again before you wrote the
4 | letter?

5 | A No.

6 | Q Did you talk to anybody before you wrote the letter?

7 | A No, I didn't.

8 | Q Did you talk to your wife?

9 | A No.

10 | Q Or your family?

11 | A Not at this time.

12 | Q Well, that's what I mean -- before you wrote this letter?

13 | A No.

14 | Q Now, what day did you write the letter?

15 | A I guess it was the -- sometime in the next couple of
16 | days.

17 | Q All right. If we look at the date on that -- and I
18 | realize the one that you've got is cut off, but I have this
19 | copy that was introduced in the transcript -- that says "12-
20 | 31," doesn't it?

21 | A Yes.

22 | Q So you didn't write the letter the day he called you?

23 | A No.

24 | Q You thought about it until the next day and then wrote
25 | the letter; right?

1 A Yes.

2 Q Did you call the police?

3 A No, I didn't.

4 Q Just let me short-cut this, Mr. Walls. Would it be your
5 testimony that, from the time you got this phone call where
6 Mr. Houchens told you not to say a word and you didn't say
7 anything and he told you he wanted you to resign from scouting
8 and write a letter of apology and hung up the phone, is it
9 fair to say you didn't talk to anybody else about what you had
10 heard from Mr. Hogan until after you had written the letter?

11 A That's correct.

12 Q And then you wrote this letter. And did you mail it?

13 A Sometime after this, yes, sir.

14 Q Now, you had no idea what Mr. Hogan was accusing you of,
15 did you?

16 A Not really.

17 Q Because he didn't let you talk and you didn't ask any
18 questions?

19 A I was not given the opportunity to ask any questions.

20 Q And you wrote -- and I want to make sure I've got this
21 right -- "Cledis, I want to apologize to all of you for the
22 incident at camp Tuesday night. It showed a flaw in my
23 character that must be corrected, and I must begin to do that
24 immediately. There is a great amount of trust placed in a man
25 who works with young people as I did, and I violated it. I am

1 | ashamed of this, as I have let everyone down, from the Scouts
2 | through my own family. It is now up to me to change my life.
3 | As of Tuesday, I will have resigned all my positions with the
4 | Scouts and will exempt myself from future Scout activities.
5 | I will turn over the Philmont account to one of the other
6 | advisors as soon as I can find one to take it. Jack Walls."
7 | Is that what you wrote?

8 | A That's what I wrote.

9 | Q And you wrote this without knowing what you're accused of
10 | and on the strength of the phone call from Mr. Hogan?

11 | A I wrote this --

12 | Q Now, wait. And on the strength of the phone call from
13 | Mr. Hogan. Is that right?

14 | A That's right, up to a point.

15 | Q Wait; wait.

16 | MR. WELCH: Mr. Watts?

17 | MR. WATTS: I'm not sure how to do this because
18 | I know what he has told me and I'm not sure --

19 | MR. WELCH: Let him tell me, then.

20 | MR. WATTS: Wait a minute; I'm trying to think
21 | how to do this on my --

22 | MR. WELCH: Do you want to take a break?

23 | MR. WATTS: No, because I don't want you to
24 | think I'm feeding him.

25 | MR. WELCH: Well, you can take a break and tell

1 him to testify.

2 MR. WATTS: No, because I think this is a
3 point. You have said that he wrote the letter not
4 knowing what he was accused of, and I'm concerned
5 that he's misreading your question because he did --

6 MR. WELCH: Let me ask him again before we --

7 BY MR. WELCH:

8 Q What did you think you were accused of?

9 A Well, I wasn't really sure, but it was something to do
10 with scaring Doug. And I thought it had been my temper
11 tantrum. I don't know what I said.

12 Q Now, you knew, didn't you, Mr. Walls, that Doug had said
13 that you came onto him sexually, because Chris Houchens told
14 you that? Isn't that true?

15 A That's true, but we also sat there and I pointed out that
16 it was not the fact at all; that it was even ridiculous to be
17 brought up. And I went back to the -- I'm going to call it a
18 temper tantrum that I had thrown. That's what I referred to.
19 I have -- I guess I still have a temper that can get violent.
20 It's happened before, and it's not good.

21 Q Well, you knew, before you wrote this letter, that you
22 had been accused of making an improper sexual advance towards
23 a young boy scout in your charge, didn't you?

24 A That had come up. I did not think it was an issue
25 because I thought it had been --

1 Q And are you telling me that you figured that Cledis Hogan
2 called you up and told you to shut up and not say anything and
3 that he ought to blow your brains out over being stern with
4 his son and that it never occurred to you that somebody might
5 be talking about this improper sexual advance allegation? Is
6 that what you're telling me?

7 A I'm saying that could have been a part of it, but it was
8 not -- like I say, I thought that that had been covered. We
9 had discussed it.

10 Q Mr. Walls, you knew that Cledis Hogan was accusing you of
11 having sexually molested his son, didn't you, when he called?

12 A I did not sexually molest his son.

13 Q I'm not asking you that. Didn't you know that he was
14 accusing you of sexually molesting his son when he called you
15 on the phone and told you that you ought to get out of
16 scouting and he ought to blow your brains out? Didn't you
17 know that's what he was talking about?

18 A Not really.

19 Q When you say "not really," did you figure that was part
20 of it?

21 A He would not give me the chance to ask him any questions.

22 Q Did you figure that was part of it?

23 A That could have been a part of it.

24 Q All right. Now, knowing that, you wrote this letter
25 where you apologized about this flaw in your character and

1 | about changing your whole life and disgracing your family?

2 | A | If I could have a fit of anger that could even be
3 | misinterpreted that way, that's the time to change something.

4 | Q | Be misinterpreted in what way?

5 | A | As whatever Doug misinterpreted or whatever he came up
6 | with that's --

7 | Q | So you were apologizing for having a fit of anger that
8 | might have been misinterpreted as a sexual advance. Is that
9 | right?

10 | A | That's --

11 | Q | "Yes"?

12 | A | That could be right.

13 | Q | Well, I'm asking you what you're saying.

14 | A | That was one of the --

15 | Q | Is that what you're telling me?

16 | A | That --

17 | MR. WATTS: I'm going to object. I think it's
18 | asked and answered.

19 | MR. WELCH: I'll ask it again.

20 | Q | You are here apologizing for a flaw in your character,
21 | which you interpreted to be a fit of anger that might be
22 | misunderstood by a young man as a sexual advance. Is that
23 | what you're telling me you're apologizing for?

24 | MR. WATTS: I'm going to again interpose an
25 | objection. It's been asked and answered. He said

1 that's one of the things he was apologizing for.

2 Q Was it one of the things you were apologizing for?

3 A I scared him, apparently -- obviously. He
4 misinterpreted, for whatever reasons, something I said or
5 something he heard -- he thought he heard me say.

6 Q Would you agree with me that there is some difference
7 between a temper tantrum and asking a boy to have sexual
8 contact with you?

9 A There is a difference there. There's also a difference
10 in what I said and what he heard me say.

11 Q What did you do that could have been misinterpreted as a
12 sexual advance?

13 A That I don't know.

14 Q Was it the hitting of the belt buckle?

15 MR. WATTS: Objection; calls for speculation.

16 The witness has already said he did not know.

17 Q Is that your answer?

18 A I don't know what I could have done.

19 Q And, even though Mr. Hogan called you up and -- Did he
20 scare you, Mr. Hogan?

21 A Yeah, he scared me.

22 Q And is that why you wrote the letter -- because you were
23 afraid?

24 A I didn't want him driving up to my house and pulling out
25 a shotgun and have a shooting right there.

1 Q But you waited a whole day before you wrote the letter;
2 right?

3 A At least.

4 Q So, apparently, you didn't figure he was going to show up
5 at your house right away; right?

6 A If I agreed to do what he said to do.

7 Q Well, you didn't say anything, so you didn't ever get to
8 agree, did you?

9 A I don't know whether I said, "Okay," or what.

10 Q I thought you told me he told you to shut up and you
11 never got a chance to say anything. Now, did you say
12 something to him?

13 A Well, something --

14 Q Did you say anything or not?

15 A I don't recall whether I said anything or not. This was
16 a very one-sided conversation.

17 Q When you wrote, "There's a great amount of trust placed
18 in a man who works with young people, as I did, and I violated
19 it," what were you talking about?

20 A Scouting is an ego-building activity. You're supposed to
21 build a young man up. You don't jump on them and browbeat
22 them down for whatever reason.

23 Q So you violated your trust as a -- let me -- maybe I
24 misunderstood the character of this conversation. Did you
25 browbeat Doug Hogan?

1 | A I feel like I did pretty heavily.

2 | Q Did you have him so visibly upset and reduced to just
3 | jelly that you thought at the time that you might have injured
4 | him?

5 | A During the first part of the conversation, talking about
6 | it around the campfire, was probably real one-sided. I was
7 | extremely upset.

8 | Q And he was visibly shaken?

9 | A He must have been.

10 | Q I mean did he seem to be shaking, to you, at the time?

11 | A I was not looking at him.

12 | Q Well, what I want to know is -- You're apologizing for
13 | violating the trust of this young man and for your character
14 | flaw and all of that. What I want to know is: Did you think
15 | at the time that you were browbeating this young man and that
16 | you were --

17 | A At the time I was browbeating him.

18 | Q And so you knew that you were having a profound effect
19 | on him when you were having this chat with him?

20 | A At the time, I hoped I was.

21 | Q And yet you told the state police you thought he was
22 | asleep when you told him to get up and go to bed?

23 | A I thought he'd gone to sleep.

24 | Q You browbeat the boy to sleep?

25 | A He appeared to be ignoring me, or he had gone to sleep.

1 Q So you knew that you hadn't had a profound effect on him,
2 and you knew you hadn't visibly shaken him; you thought he
3 went to sleep while you were talking to him. Isn't that the
4 truth?

5 A I said he was ignoring me.

6 Q And you say, "It's now up to me to change my life. I'm
7 ashamed of this, and I've let everybody down, from the Scouts
8 through my own family." Is it your testimony that you were
9 apologizing for having browbeat this young man and that you
10 had to change your whole life; that you had let your whole
11 family down?

12 A I had temper tantrums at home, too. I've broken things.

13 Q And yet for the 24 hours or more after Mr. Hogan talked
14 to you on the phone you never shared this with a single member
15 of your family?

16 A No, I did not.

17 Q Why didn't you tell your wife?

18 A Because I was ashamed of it.

19 Q Ashamed of having browbeaten this young man?

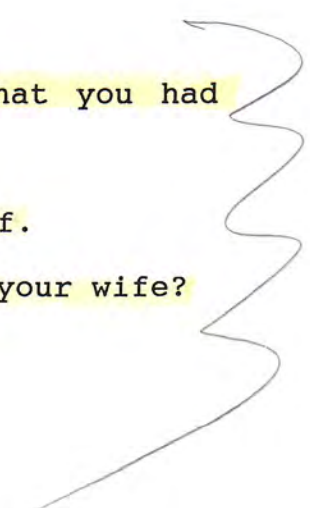
20 A Yes.

21 Q Were you also ashamed of the allegation that you had
22 attempted to have sexual contact with him?

23 A That would be a -- something to be ashamed of.

24 Q Was that one of the reasons you didn't tell your wife?

25 A I'm sure that it was.



1 Q So, during this period of time before you wrote the
2 letter, you were ashamed and didn't tell your wife, and one of
3 the things you were ashamed of was this allegation that you
4 had attempted sexual contact with this young boy; right?

5 A That was an allegation that would have --

6 Q One of the things?

7 A One of the things.

8 Q So you knew that that was an allegation before you wrote
9 this letter?

10 A It had followed the temper tantrum; yes, it had.

11 Q And you knew that, if you wrote this letter to Cledis
12 Hogan and apologized for this character flaw and the violation
13 of the trust of your family and your need to change your life
14 and your resignation from the Scouts, you knew that that was
15 going to be interpreted as your apology for sexually
16 assaulting his son, didn't you?

17 A That was my apology for the temper tantrum that was
18 misinterpreted.

19 Q But are you telling me that, knowing that you had been
20 accused of this thing and being ashamed of it to the extent
21 you didn't want to tell your wife about it, that it didn't
22 occur to you that, when you apologized in this letter for your
23 character flaw and the necessity for changing your life and
24 resigning from the Boy Scouts, it didn't occur to you that you
25 were apologizing for sexually molesting or attempting to

1 | sexually molest this kid?

2 | A | But we go back to my actual statement. I didn't try
3 | that. Something was --

4 | Q | I'm asking you --

5 | A | -- misinterpreted to --

6 | Q | Did it dawn on you that this letter was going to be
7 | looked at by people who were going to think that's exactly
8 | what you were admitting that you did?

9 | A | This letter was a letter from me to Cledis. What he did
10 | with it was his business after I wrote it.

11 | Q | Right. But did it occur to you that Cledis was going to
12 | figure that you were guilty of having done these things you
13 | were accused of when you write this kind of letter?

14 | A | Would you write -- I'm sorry; I don't ask the questions.
15 | I did not write this letter as any sort of admission of
16 | -- I was attempting --

17 | Q | What was the purpose to writing the letter?

18 | A | First of all, because I was scared of Cledis's threat.

19 | Q | But not scared enough that you called the cops, told your
20 | wife, or did anything for over 24 hours; right?

21 | A | That's correct.

22 | Q | Why else did you write the letter?

23 | A | I was sorry for what I had done.

24 | Q | Were you so sorry for what you had done that you wanted
25 | to write a letter of apology for something you didn't do?

1 A The letter covered too much ground; that's after the
2 fact.

3 Q Now, what do you mean by that?

4 A This letter is being tried to be interpreted as an
5 admission of guilt for something I didn't do.

6 Q Mr. Walls, was there an incident at a camporee at
7 Kennesaw in 1987 in which you were caught in a tent with
8 another boy scout and the two of you scampered out the back of
9 the tent?

10 A I'm not aware of it.

11 Q When you say you're "not aware of it," are you telling me
12 that didn't happen?

13 A I sure don't remember it.

14 Q You're telling me you don't recall?

15 A I don't recall any instance of that nature.

16 Q Have you ever appeared in a boy scout campout in a wig? —

17 A I don't recall. They have some wigs on the Indian dance
18 team, but I don't recall a skit or anything else that I wore
19 it. Like I say, that's --

20 Q Now, after you wrote this letter to Cledis Hogan, did you
21 resign from all of your scouting activities?

22 A I went by and talked to Lucien McConnell, who was the --

23 Q His first name is Lucien?

24 A Yes.

25 Q L-u-c?

*What did he
get this into.*

1 | A -i-e-n.

2 | Q Who was?

3 | A He was, at the time, the scoutmaster of Troop 103 and the
4 | father of Mark McConnell.

5 | Q And had he already heard something about this?

6 | A He didn't mention it.

7 | Q And what did you tell him?

8 | A I told him that I was going to resign from scouting and
9 | I'd explain why later on.

10 | Q I'm sorry?

11 | A And that I would explain why later on.

12 | Q Why didn't you explain to him right then?

13 | A I didn't feel like I wanted to right then.

14 | Q Were you ashamed?

15 | A I was fulfilling Mr. Hogan's demands.

16 | Q And how many days after you wrote this letter did you go
17 | see Lucien McConnell?

18 | A It was sometime the next week.

19 | Q Within the next five or six days, say, after you wrote
20 | the letter?

21 | A (Nodding head)

22 | Q Is that a "yes"?

23 | A Yes.

24 | Q Now, Lucien McConnell is an ex-police officer. Is that
25 | right?

1 | A He was a part-time policeman in Lonoke at one time.

2 | Q So you went by and saw Lucien McConnell and told him that
3 | you were going to get out of what? Scouting altogether?

4 | A I told him I was going to resign as assistant scoutmaster
5 | of the boy scout troop.

6 | Q And you would tell him later why?

7 | A Yes.

8 | Q And did you turn things over to him? Any documents or
9 | monies or --

10 | A I turned the troop records over to him that I'd been
11 | keeping; not at that particular time, at a later date.

12 | Q Now, assuming you saw Mr. McConnell within a week or so
13 | of this incident out at your farm, was he the first person
14 | that you talked to, other than Mr. Hogan, about anything to do
15 | with scouting or resigning or anything related to this
16 | incident?

17 | A Up to this time, yes.

18 | Q So, from the time of this incident, you spoke with Mr.
19 | Hogan, or at least Mr. Hogan spoke with you; you wrote a
20 | letter; and you saw Lucien McConnell; but you didn't talk to
21 | anybody else about these allegations. Is that correct?

22 | A That's correct.

23 | Q So that, by the time you went to see Lucien McConnell and
24 | you resigned from scouting --

25 | Incidentally, was that from all the scouting, or was that

1 | from 103?

2 | A That was from his scout troop.

3 | Q And that was 103?

4 | A That was 103.

5 | Q From the time of this incident until the time that you
6 | resigned from Troop 103 by going to see Lucien McConnell and
7 | telling him you'd tell him why later, you had not yet talked
8 | to your wife about this?

9 | A No.

10 | Q Is that correct?

11 | A That's correct.

12 | Q And you hadn't talked to any family members?

13 | A Not yet.

14 | Q Then, what other things did you resign from and how did
15 | that do? How did you do that?

16 | A That -- seems like that same day I received a letter from
17 | the Scout office saying that I would no longer participate in
18 | any scouting activities in any form.

19 | Q Okay. What was the last part?

20 | A In any form.

21 | Q In any form. Do you still have that letter?

22 | A I do not.

23 | Q Who wrote it to you?

24 | A I'm going to assume it came out -- I don't remember. I
25 | think it came out of the Council office here.

1 Q And by "here," do you mean Little Rock?

2 A Little Rock.

3 Q Now, had you had any contact with the Council office
4 about this incident?

5 A Not yet.

6 MR. WATTS: Can I have one second?

7 MR. WELCH: Yes.

8 (Recess from 2:30 to 2:35 p.m.)

9 BY MR. WELCH:

10 Q Mr. Walls, what did -- well, you told me you got a letter
11 from the scouting office in Little Rock, and I asked you if
12 you had talked with them, up until this period a week after
13 the incident, and you said, "Not yet." Did the letter -- how
14 did you understand they knew to write you a letter? In other
15 words, why -- how is it that they came to write you a letter
16 if you hadn't talked to them yet?

17 A That's out of sequence. I got the letter, and I called
18 them and asked them -- said, "I would like to come in and talk
19 about this."

20 Q You got the letter the same day, you think, that you told
21 Mr. McConnell that you were getting out of scouting. Is that
22 right?

23 A Yes, sir.

24 Q And then, when you got the letter, you called, and who
25 did you talk to?

1 | A I don't remember whether I talked to Marcal Young or Jeff
2 | Herrmann.

3 | Q The first name was Marcal Young or Jeff Herrmann?

4 | A (Nodding head)

5 | Q Mr. Herrmann -- is he with two M's? I've got it.

6 | And what did you tell them, specifically, on the
7 | telephone?

8 | A I asked them if they could tell me what this was all
9 | about, and they said, no, they couldn't discuss it over the
10 | telephone. And I said, "I would like to come in and talk to
11 | you about it."

12 | Q Now, to make sure I get the chronology straight, are you
13 | sure that you got the letter the same day you went to see Mr.
14 | McConnell?

15 | A I'm not sure.

16 | Q Could it have been after you went to see Mr. McConnell?

17 | A It could have been, but --

18 | Q Could it have been that Mr. McConnell transmitted your
19 | resignation to Little Rock, and then you got the letter?

20 | A I doubt it.

21 | Q So you called them and said you wanted to know what this
22 | was all about, and they couldn't tell you over the phone?

23 | A Yes, sir.

24 | Q And so did you go to the scouting office?

25 | A Yes, I did.

1 | Q Still that day?

2 | A No, sir.

3 | Q Did you go that week?

4 | A As I recall, I could not get a time when Herrmann was in
5 | the office that was around my work schedule.

6 | Q So wouldn't the first time you went into the scouting
7 | office be in February, when you wrote out that chronology that
8 | is Exhibit 2?

9 | A That, I couldn't --

10 | Q It's the one that has the times on it; yes, Exhibit 2.
11 | Would that have been when you went into the scouting office?

12 | A No.

13 | Q So you went in more than once?

14 | A I just went in and talked to them once. I wrote the
15 | chronology after I went into the scouting office.

16 | Q So you didn't write that while you were there?

17 | A No, sir.

18 | Q But that was in February?

19 | A Yes, sir; that I wrote this.

20 | Q And when was the first time you got into the scouting
21 | office? Was that in February?

22 | A I don't recall.

23 | Q It could have been?

24 | A It could have been. It could have been January.

25 | Q I'm sorry?

1 | A I said, "It could have been January."

2 | Q Can we agree that it would have been some weeks after
3 | this alleged incident?

4 | A Yes.

5 | Q Who did you talk to when you went in -- well, when you
6 | went into the scouting office in Little Rock, was that the
7 | next group of people you talked to, or did you talk to
8 | somebody about this incident after you talked with Mr.
9 | McConnell but before you went into the scouting office?

10 | A I talked to my father.

11 | Q When did you talk to your father about it?

12 | A In the time frames, I can't --

13 | Q Would it have been some weeks after this incident that
14 | you talked to your father?

15 | A Again, it was within -- What's "some weeks"? Two weeks,
16 | or four weeks?

17 | Q You tell me.

18 | A I don't know.

19 | Q How long after you talked with Mr. McConnell did you talk
20 | to your father?

21 | A I'm going to say within two or three weeks.

22 | Q Did you talk to anybody else in your family before you
23 | talked to your father?

24 | A No, I did not.

25 | Q So you didn't talk to your wife before you talked to your

1 | father?

2 | A | No, I didn't.

3 | Q | Did you talk to your father before you went to the
4 | scouting office the first time?

5 | A | I believe I did. I asked --

6 | Q | And what did -- go ahead. What did you tell your father?

7 | MR. WATTS: Wait a minute. I need to ask you
8 | something off of the record, because I'm not sure --
9 | You know, his father is an attorney, and I don't
10 | know --

11 | Let me talk to you off the record.

12 | (Brief interruption in the proceedings)

13 | MR. WATTS: On the record. We're going to
14 | invoke the attorney-client privilege with respect to
15 | any communication with Jack Walls, Sr.

16 | BY MR. WELCH:

17 | Q | Having said that, Mr. Walls, let me ask you a couple of
18 | questions. Did you go to your father as your lawyer?

19 | A | I've always used him for my lawyer.

20 | Q | Well, in this instance, did you go to your father as your
21 | lawyer?

22 | A | Yes.

23 | Q | So you went to your father and sought legal advice
24 | sometime either before, just before, or around the time that
25 | you went to the Little Rock office? Is that right?

1 | A That's correct.

2 | Q When you went to the Little Rock office the first time --
3 | and by "the Little Rock office," I mean the Little Rock office
4 | of the Boy Scouts. What is that called? I want to make sure
5 | Mr. Simpson's client gets involved here.

6 | A The Council office.

7 | Q The Council office of the Quapaw Council of the Boy
8 | Scouts of America?

9 | A Yes.

10 | Q Who did you see?

11 | A I saw Jeff Herrmann.

12 | Q Anyone else?

13 | A No.

14 | Q So it was just the two of you?

15 | A (Noddinbg head)

16 | Q Is that a "yes"?

17 | A Yes, sir.

18 | Q I'm not a sir, but I've got to get a verbal response.

19 | And how long did you meet with Mr. Herrmann?

20 | A Not very long.

21 | Q Can you give me a ball park idea? Are we talking
22 | minutes? Hours?

23 | A Minutes.

24 | Q Fifteen minutes or less?

25 | A Somewhere in that neighborhood.

1 Q Okay. And what happened, and why was the meeting so
2 short?

3 A Mr. Herrmann would not, could not, discuss anything about
4 the incident.

5 Q All right. Maybe I better go through the whole thing.
6 You got there, and did you have to wait for a while to see
7 him?

8 A A few minutes.

9 Q Does he have like an office and a receptionist?

10 A He has a receptionist outside his office.

11 Q So you sat outside for a couple of minutes before you got
12 to see him?

13 A Yes, sir.

14 Q And did you go see him with anyone, for instance, your
15 father?

16 A No.

17 Q And did anyone else go with you?

18 A No, sir.

19 Q So you went to the office alone?

20 A Yes, sir.

21 Q You saw Mr. Herrmann alone?

22 A Yes, sir.

23 Q When you went in to see Mr. Herrmann, what did you say,
24 and what did he say?

25 A I told him that I'd like to talk about the circumstances

1 | around this letter.

2 | Q What letter? The one you wrote?

3 | A The one I got from the Scouts.

4 | Q How did you know that he knew what letter you were
5 | talking about?

6 | A It came from his office.

7 | Q Okay. The letter you're talking about in "I'd like to
8 | talk to you about the circumstances about this letter," and
9 | you're referring to the letter the Scouts sent you?

10 | A Yes.

11 | Q And what is it, as you recall, that that letter said?

12 | A It said, basically, that scouting is a volunteer
13 | organization, and, because of such, they have the right to
14 | remove the privilege of being in scouting at their will, and
15 | this letter was notification that I would no longer
16 | participate in any scouting activities. It also said there
17 | was an appeals process.

18 | Q Is this the letter?

19 | A I believe it is.

20 | MR. WELCH: Can I make a copy of that, Richard,
21 | and attach it? Do you-all have one loose?

22 | MR. WATTS: No, we don't.

23 | MR. WELCH: I mean I wouldn't want to suggest
24 | that you had a copy of it, but, if you have one
25 | loose, I wouldn't have to pull this one out.

1 Q Mr. Walls, let me show you some things and see if these

2 --

3 Was the letter sent to you certified mail?

4 A Yes.

5 Q The first page of the document I'm showing you, you've
6 identified as the letter?

7 A Yes.

8 Q Was there an attachment to the letter attached to it
9 showing your appeal rights?

10 A Yes.

11 Q And was there a check sent to you for \$7?

12 A Yes.

13 Q And then you signed for it on a certified mail receipt?

14 A (Nodding head)

15 Q "Yes"?

16 A Yes, sir.

17 MR. WELCH: I'm going to make all of that one
18 exhibit. And let me look and see what else I might
19 want.

20 MR. WATTS: Number?

21 MR. WELCH: Number 7. Okay; so this is the one
22 that we're going to mark as Exhibit 7.

23 (The documents referred to were marked for
24 identification as Deposition Exhibit No. 7 and are
25 appended at page 156.)

1 BY MR. WELCH:

2 Q So Exhibit 7, Mr. Walls, is the original mailing that you
3 received from the scouting office, which is dated January the
4 5th; right?

5 A Right.

6 Q And we know, because it has a certified mail receipt,
7 that you signed for that on the 6th?

8 A Okay.

9 Q Is that what that says?

10 A That's right.

11 Q And then thereafter, sometime later, you met with Mr.
12 Herrmann, and you had already received in this letter your
13 attachment to the letter which had to do with appeal rights;
14 right?

15 A Correct.

16 Q And then the check for \$7. What is that? That's your
17 registration fee?

18 A A refund.

19 Q Registration fee for what?

20 A Scouting.

21 Q Was that supposed to include your insurance coverage?

22 A I have no idea.

23 Q Were you ever told by the Boy Scouts you had \$1 million
24 in insurance?

25 A (Shaking head)

1 A No. It was just -- we just had a campout.

2 Q You had not prepared nor had Mr. Goss prepared any kind
3 of structured activity?

4 A No.

5 Q Now, when you got there, I suppose that day you-all
6 pitched some tents; right?

7 A Yes.

8 Q How many tents did you have out there?

9 A My tent that Goss and I were in. We had a bigger tent
10 that, I guess, seven of the other scouts were in. Mark
11 McConnell had a tent that he and, I guess, his nephew were in.
12 And that was all the tents.

13 Q So we had a tent for nine of the eleven boys and a tent
14 for the two adults?

15 A That's right.

16 Q And then Doug and Houchens were going to sleep where?

17 A They were going to sleep in the van.

18 Q In his van; right?

19 A Right.

20 Q Who made the campfire?

21 A I couldn't tell you actually. Making a fire is one
22 thing, and getting them to bring the firewood is another. I
23 had a lot of volunteers to make it.

24 Q How did you start the fire?

25 A I couldn't tell you.

1 | awakened by Hogan's vehicle starting up. I came out of the
2 | tent to see what was going on. Doug says he is leaving; says
3 | I scared him. Other scout sitting in van shrugs shoulders.
4 | Another scout is standing on the other side of truck. I tell
5 | him that, particularly if he is scared, he has no need to be
6 | out driving this time of night. Ask him to turn off truck,
7 | talk about problem. He shuts off truck, hands me the keys.
8 | I give them to the other scout. The four of us go to the
9 | campfire, build it up, and discuss what is on Doug's mind. He
10 | says I made some sort of statement which led him to believe
11 | that I was making advances toward him. I pointed out that I
12 | didn't make any kind of statement or moves; that we were
13 | sitting around a bright campfire; and that other scouts were
14 | around. Certainly unlikely circumstances. The other two
15 | scouts listened. After about 15 minutes of discussion, Hogan
16 | goes to bed. I continue talking with the other two scouts.
17 | Then we all go to bed."

18 | Is that what happened?

19 | A That's basically correct.

20 | Q Is there something that you have omitted from the time
21 | that you write here "Midnight," until the time that you write
22 | about "we all go to bed"?

23 | A I don't -- right now I do not see anything that I
24 | omitted.

25 | Q Now, did Doug tell you or did Chris Houchens tell you at

1 Q Now, you write, "Later on I was told by Mike Houchens
2 that I had said something to Doug in the form of sexual
3 advances to him." Is that what you told Investigator
4 Rainbolt?

5 A I believe that's correct. I think the name there is
6 incorrect.

7 Q Who is Mike Houchens?

8 A That's Chris's dad.

9 Q Did Mike Houchens tell you that -- that there was an --
10 Is that when you first learned that there was an allegation of
11 sexual offense?

12 A No. I had talked to Mike about this sometime afterwards,
13 but that's not the first.

14 Q So, where it says that later you were told by Mike
15 Houchens, you were told while Doug was still there at the
16 campfire what the allegation was, weren't you?

17 A Roughly, yes.

18 Q I mean Doug was there when -- whether Chris told you what
19 the allegation was or Doug did, Doug was there when it was
20 stated, when you-all were around the campfire. Isn't that
21 true?

22 A That's correct.

23 Q Did you tell Investigator Rainbolt, when you were
24 initialing this statement, that that statement was wrong,
25 being that you were later told by Mike Houchens what had been

1 MR. SIMPSON: That he had?

2 Q You don't?

3 A No.

4 Q The scout leaders did?

5 A No, I don't.

6 Q Now, why did you go to the Boy Scout office and to see
7 Mr. Herrmann?

8 A I wanted to discuss with him the reasons that I received
9 this letter.

10 Q Had you decided that you didn't want to resign from
11 scouting after all?

12 A I had decided that this was not right.

13 Q What?

14 A Them removing my scouting privileges. That was for me to
15 have the option of doing.

16 Q Was that because, if you had your privileges revoked by
17 scouting, you could never get back in scouting?

18 A Well, there's an appeals process, which --

19 Q But, when you said, "This was not right," you had
20 intended to resign from scouting. That's what you had put in
21 your letter?

22 A Yes, sir.

23 Q Are you telling me that the thing you objected to was
24 having your registration revoked because then you couldn't get
25 back in scouting later, if you wanted to?

1 A All right; that's one way of getting back to that.

2 Q I mean, is that what you -- I'm asking what --

3 A I had thoughts that this would all get settled out with
4 the Hogans and this misunderstanding would be corrected and I
5 would get back in.

6 Q You had gotten out of scouting once before. Why was
7 that?

8 A Just ran out of time and interest.

9 Q Did you resign once before?

10 A I don't believe I resigned. I think I just didn't renew.

11 Q And that would have been sometime between the late
12 seventies and early eighties?

13 A Yes.

14 Q Was there an incident at that time that caused you to
15 want to get out of scouting?

16 A No.

17 Q All right. So you went to see Mr. Herrmann. The first
18 meeting, you told him that you were there about the letter
19 that they had written. And what did he say to you?

20 A Well, he basically said that he was not allowed to
21 discuss the reasons behind the letter; that there was an
22 appeals process and it was pointed out in this other letter
23 and --

24 Q Do you mean in the attachment?

25 A In the attachment.

1 Q And what else did he say?

2 A That was basically the gist of the conversation. He
3 would not discuss any details.

4 Q Did you try to explain to him about this letter you wrote
5 Cledis Hogan?

6 A He mentioned that Cledis had brought a letter up there to
7 him, but he was not really willing to listen to me at all.

8 Q Did you tell him the letter was wrong?

9 A I don't recall whether I did or whether I tried to. Like
10 I say, he was not -- after I got up there, I found that he
11 really wasn't receptive to the conversation is why it was so
12 short in duration.

13 Q And so you didn't tell him anything about whether or not
14 there had been some sexual encounter? You didn't get a
15 chance? Is that what you're telling me?

16 A By then I had received a phone call from a friend of mine
17 in Carlisle who said that Cledis was saying this, and so I had
18 a real good idea that that's what had been communicated.

19 Q Now, by the time that you went to the scouting office, it
20 was a lot later than January the 6th. We're into the end of
21 January, aren't we, because you said you had some trouble
22 getting to see Mr. Herrmann?

23 A Yes.

24 Q By the time you went to the scouting office, had you
25 mentioned this to your wife?

1 A No, I had not. I had been advised to just let it ride.

2 Q Who told you that?

3 A My father.

4 MR. SIMPSON: Chip, I know you didn't mean to
5 mischaracterize this, but he earlier testified
6 January, or it could have been February.

7 MR. WELCH: Well, I suspect that your client
8 may know exactly when that was, but I'm just -- it
9 may have been February; I don't know. Do you know?

10 MR. SIMPSON: No.

11 MR. WELCH: I mean, if you know, we probably
12 all would accede to your date if you've got one.

13 MR. SIMPSON: No.

14 MR. WELCH: Okay.

15 BY MR. WELCH:

16 Q January, or it could have been as late as February of --

17 A It could have been.

18 Q That's fine; I appreciate that.

19 Now, you didn't get a chance then to tell Mr. Herrmann or
20 explain anything about the letters. Is that what you're
21 telling me?

22 A I didn't get a chance to explain anything.

23 Q Then what did you do? Did you leave?

24 A I'm sorry?

25 Q Did you leave then? Was that the end of it?

1 | A Yes.

2 | Q Now, you told me you went to the scouting office another
3 | time?

4 | A No, just --

5 | Q You just wrote this chronology out. Did you mail that
6 | in?

7 | A Yes, I did.

8 | Q So you didn't go to the scouting office again; you just
9 | mailed this to them?

10 | A Yes.

11 | Q How did you mail it to them? Was there a cover letter
12 | that went with it?

13 | A No, sir. There was --

14 | Q Was there a form you filled out?

15 | A This is the total of the instructions you receive for an
16 | appeal. I did get the -- okay; there's the address. There
17 | are very, very minimal instructions.

18 | Q Well, what I'm asking is: How did you know that anybody
19 | would even look at that? And by "that," I mean Exhibit 2
20 | here. This is the thing you have with the times and stuff.
21 | You gave that to the scouting office; right?

22 | A I mailed it to the scouting office.

23 | Q Who did you send it to -- Exhibit 2?

24 | A The address that's in the attachment of Exhibit 7.

25 | Q All right. Let's go over Exhibit 7 for a minute. The

1 | attachment says, "Within 60 days you must request in writing
2 | a review of this decision."

3 | A Yes, sir.

4 | Q Now, are you telling me that that's what Exhibit 2 was
5 | designed to do?

6 | A Yes, sir.

7 | Q All right. Did you send a cover letter with it: "Dear
8 | So-and-So, please accept this as my request for a review"?

9 | A No, I didn't. I'm trying to --

10 | Q Did somebody mail it in for you?

11 | A No.

12 | Q So your father didn't send it in for you?

13 | A No. There may have been something cut off the top, but
14 | I --

15 | Q Did somebody tell you the scouts would be interested in
16 | this kind of chronology with the times?

17 | A There was no --

18 | Q So you thought of the form on your own?

19 | MR. SIMPSON: "There was no"? -- I'm sorry.

20 | A There is no -- this is all I have to go by.

21 | Q Nobody suggested the form; you thought of this form
22 | yourself. Is that right?

23 | A Yes, sir.

24 | Q Do you recall that Exhibit 2 might have had writing on
25 | another page or on the top of it that was cut off?

1 | A It might have had some writing on the top.

2 | Q Now, how did Exhibit 2 get to Investigator Rainbolt?

3 | A I gave him a copy of it.

4 | Q And, when you gave him a copy of it, you were interested
5 | in giving him the part that described the activities that
6 | evening, so, if there is another paragraph or another page
7 | that's addressed to the Boy Scouts, you didn't give that to
8 | him. Is that true?

9 | A Run that by again, please, sir.

10 | Q Is that all you gave Investigator Rainbolt?

11 | A That's all I gave Investigator Rainbolt.

12 | Q Okay. And, if there's another page that had some kind of
13 | cover letter that described that you're appealing to the Boy
14 | Scouts, you didn't give that to Investigator Rainbolt?

15 | A I told Investigator Rainbolt what it was, but I don't --
16 | as I recall, there was no cover letter.

17 | Q And did you send that to the Little Rock office, or did
18 | you send it to the Southern Region, Boy Scouts of America, in
19 | Kennesaw, Georgia?

20 | A The address that you just read.

21 | Q And that's what it says on the attachment. Did you send
22 | anything to the Arkansas people -- Mr. Herrmann's people?

23 | A No, sir. He said the dealings were all out of his hands.

24 | Q So you did talk to Mr. Herrmann about who it was that
25 | would have to process your appeal?

1 A Yes, sir.

2 Q And did he tell you you'd have to write these folks in
3 Georgia?

4 A Yes, sir.

5 Q And did he suggest to you that you needed to lay out
6 exactly what happened?

7 A No, sir.

8 MR. SIMPSON: I'm sorry; I didn't hear the
9 answer.

10 THE WITNESS: No, sir.

11 BY MR. WELCH:

12 Q Mr. Walls, did you send that chronology to the Georgia
13 address in March of 1993?

14 A Yes, sir. It was near the end of the 60-day period.

15 Q I notice I've found a notation; looks like it's back to
16 the local post in Arkansas, dated in March. It says that
17 they've gotten a letter from you; so sometime around the month
18 of March?

19 A Yes, sir.

20 Q When was the first time you told your wife about this
21 allegation?

22 A It was later on in the spring of the year.

23 Q After you had written this letter to the Georgia address
24 in March?

25 A Yes.

1 Q So sometime after March of -- or after the first of March
2 of 1993?

3 A Yes.

4 Q Why did you wait?

5 A I was advised to wait.

6 Q By?

7 A My father.

8 Q Your father told you not to tell your wife?

9 A Yes.

10 Q Why?

11 MR. WATTS: Objection. The same objection as
12 before.

13 Q Have you and your wife ever separated?

14 A No, sir.

15 Q And have you ever had marriage counseling related to any
16 kind of sexual problems?

17 A No, sir.

18 Q After you talked to Mr. Herrmann and had gone to the
19 Little Rock office, there was this period of time that passed,
20 and was the next thing you did, after you saw Mr. Herrmann,
21 was consult your father? The next thing you did relative to
22 this Boy Scout thing?

23 A I believe that -- I believe I consulted with him before,
24 but, like I say --

25 Q That's right; I'm sorry; you're exactly correct. After

1 | you saw Mr. Herrmann and before you wrote the letter in March,
2 | who, if anyone, did you discuss this matter with?

3 | A | I discussed it with Bill Ryker.

4 | Q | When was that?

5 | A | That was sometime around the same time I talked to my
6 | father about it.

7 | Q | Now, what did you and Mr. Ryker talk about? What did you
8 | tell him, and what did he say to you?

9 | A | I showed him the letter that I had gotten from the
10 | Scouts, and said, "Well, I -- from what I understand over in
11 | Carlisle, I have been accused of some sort of sexual
12 | misconduct." And I don't really remember.

13 | Q | When you went to see Mr. Ryker, of course, you had
14 | already resigned from Troop 103; correct?

15 | A | That's correct.

16 | Q | Had you resigned from any other scouting organization,
17 | such as the Explorer Post?

18 | A | No, sir.

19 | Q | Now, you said in the letter that you were going to turn
20 | certain things over. Let me read this to you real quick. You
21 | said, "As of Tuesday I will have resigned all my positions
22 | with the Scouts and will exempt myself from future Scout
23 | activities. I will turn over the Philmont account to one of
24 | the other advisors." Had you turned over the Philmont
25 | account?

1 | A No, I had not.

2 | Q So the only thing you did was you went and saw Mr.
3 | McConnell and resigned from Troop 103?

4 | A That's correct.

5 | Q Why did you not resign from the other scouting activities
6 | or turn over the Philmont account?

7 | A The other Scout activities were no longer an issue,
8 | because I had received a letter from the Council.

9 | Q So you got the letter before you could have resigned from
10 | the other things. Is that true?

11 | A That's correct.

12 | Q Now, by the time you saw Mr. Ryker, we're sometime around
13 | the end of January or we're into February; right?

14 | A That's probably correct.

15 | Q Now, Mr. Ryker already knew something about this
16 | situation, didn't he, before you went to see him?

17 | A He did not indicate that he did, but --

18 | Q All right. When you went to see him, for instance, did
19 | you tell him about the letter that you wrote Mr. Hogan?

20 | A I believe I did.

21 | Q Did you show him the letter, or did he have a copy?

22 | A I didn't have a copy.

23 | Q Did he? Mr. Ryker?

24 | A No; not to my knowledge, he didn't.

25 | Q So, when you went to see him, tell me, as best you can

1 remember, what -- Where did you see him? At his office?

2 A Down to his place of business.

3 Q And what is his place of business?

4 A The florist and gift shop there in Lonoke.

5 Q And you went to see him. And what's the name of that?

6 Do you remember?

7 A M and M Florist.

8 Q He also has a business called Ryker and Associates?

9 A He used to have.

10 Q And you went to see him at M and M, and who was there
11 when you went to see him?

12 A I don't have any knowledge of who was there.

13 Q Just the two of you?

14 A Just the two of us were all that were involved in the
15 discussion.

16 Q So you saw -- wherever you saw him in his business, you
17 talked to him alone?

18 A Yes.

19 Q And what did you say to him? You showed him the letter
20 you got --

21 A I showed him the letter and --

22 Q From the Boy Scouts?

23 A From the Boy Scouts.

24 Q And what did you say about it?

25 A I'm sorry. I've got one ear that doesn't work, so I --

1 Q All right; you showed him the letter from the Boy Scouts
2 and said what?

3 A I told him that I had been accused of sexual misconduct
4 and the Scouts had basically thrown me out, and I probably
5 mentioned that I had written a letter of apology and it was
6 being used against me.

7 Q Now, why did you go see Mr. Ryker? What was he to you in
8 the Scouts?

9 A He was the sponsor of Post 160. He was also a friend, so
10 we had a --

11 Q He was the sponsor, and what does that mean?

12 A That his business agrees to sponsor a Scout organization.

13 Q And, when you told him this about the allegation and
14 about the letter you had written to Mr. Hogan, did he seem
15 surprised?

16 A In the fact that anything like that could have happened,
17 yes, he did.

18 Q And did he ask you why you wrote a letter of apology?

19 A I don't remember.

20 Q Did he ask you if you did it?

21 MR. WATTS: "It"?

22 A I think that it was more in the form of a statement: "I
23 know you wouldn't do anything like that," but --

24 Q So what did you tell him you were accused of?

25 A Basically, probably words to the effect that I came on to

1 | Doug Hogan.

2 | Q Did you tell him there was an allegation that you had
3 | tried to get this young man to masturbate you?

4 | A I don't recall having used those words.

5 | Q Or any other words that might allude to masturbation? I
6 | mean did you tell him --

7 | A I don't believe so.

8 | Q And he said, "I know you wouldn't have done something
9 | like that"?

10 | A Or --

11 | Q Words to that effect?

12 | A -- words to that effect.

13 | Q And then did you ask him to do something or -- well, what
14 | was said next?

15 | A We discussed the -- you know, that there was an appeals
16 | process. I said, "I'm going to appeal." He said he certainly
17 | hoped I would. That was basically what I recall of that
18 | conversation.

19 | Q Did Mr. Ryker tell you that he wanted you to appeal?

20 | A As I said, he said, "You certainly should appeal."

21 | Q Did you and Mr. Ryker discuss whether or not he would
22 | have any responsibility for you as the sponsor of the Explorer
23 | Post?

24 | A No, sir.

25 | Q Did Mr. Ryker offer to talk to anybody for you?

1 A He said he'd see what he could find out.

2 Q And did he?

3 A He came back at a later date, and I couldn't say when; he
4 said they would not mention the topic.

5 Q Could you be more specific? Who's "they"?

6 A "They" being the Council office.

7 Q Would not mention the topic? Do you mean they wouldn't
8 talk to him?

9 A They would not talk to him.

10 Q Did you talk to anybody else other than Mr. Ryker about
11 this incident and these allegations, before you filed your
12 letter in Georgia in March of 1993?

13 A I talked to -- received a phone call from a friend of
14 mine over in Carlisle by the name of Don Young.

15 Q And what did he say?

16 A He said that Mr. Hogan had taken this letter to a scout
17 meeting and had passed out copies and was claiming that I had,
18 again, sexually assaulted -- and not any detail -- his son.
19 And he just wanted me to know what was being told over there.

20 Q What did you say to him?

21 A I says, "Don, you've known me since I was about fifteen
22 years old, and you don't believe any of it, do you?"

23 And he said, "No."

24 Q Who else did you talk to before you filed the letter in
25 Georgia in March of 1993?

1 A I talked to a young man by the name of Chase Tucker.

2 Q And what did you talk to him about?

3 A Doug Hogan had said something to him about this incident,
4 and Chase came to me and asked me what was going on.

5 Q Why?

6 A He didn't believe it.

7 Q What was your relationship to Chase Tucker?

8 A He had been to Philmont in crews I had had a couple of
9 times, and he had been one of the O.A. chapter chiefs.

10 Q Now, was he also the fellow you described as the guy that
11 was looking to beat up Doug Hogan?

12 A No, sir.

13 Q What was that boy's name?

14 A Heath Stocks.

15 Q And, when Mr. Tucker came to see you and asked you about
16 this, you told him what?

17 A I told him, "It's not the truth."

18 Q And did you ask him to do anything for you?

19 A No.

20 Q Did he say he was going to do anything for you?

21 A No.

22 Q Who else did you talk to besides your father, Mr.
23 Herrmann, Mr. McConnell, Chase Tucker, and Mr. Ryker, before
24 you filed this letter in March of 1993, or this chronology --
25 Exhibit 2?

1 A I got a phone call from another -- one of the young men,
2 the current chapter chief at the time.

3 Q And who was that?

4 A Rob Evatt.

5 Q And what did he say?

6 A He said that Doug had called him on the telephone and
7 told him about this incident.

8 Q And what did you tell him?

9 A I said, "Well, you've been around me; you don't believe
10 it's true, do you?"

11 And he said, "No."

12 I said, "Well, it's not."

13 Q What else did he say?

14 A That's -- I can't remember any other parts of the
15 conversation.

16 Q Did you ask him to do anything for you?

17 A No, sir; I don't know what that would be.

18 Q Did he offer to do anything for you?

19 A No.

20 Q Anyone else you talked to before you filed this letter in
21 March of 1993 -- this chronology, Exhibit 2?

22 A I don't recall anybody at this time.

23 Q After you sent the letter in March of 1993 -- Exhibit 2,
24 the chronology -- what did you do next about taking any action
25 concerning this allegation?

1 A Basically, I did what I had been told to do: I did
2 nothing. I waited until -- or for a response to come back
3 from the Regional Review Committee.

4 Q Now, looking at this file from the Boy Scouts, it appears
5 that you got a letter back, first, on March the 30th, 1993,
6 acknowledging receipt of your letter; okay?

7 A Okay.

8 Q And then a letter dated April 21st, 1993, marked
9 "personal and confidential." And was that the letter that
10 told you that the committee was not going to overturn the
11 revocation of your registration?

12 A That's correct.

13 Q And does the date sound right to you?

14 A It sounds correct.

15 Q The end of April, first of May; right in there. So is it
16 your testimony that, from the first of March until the first
17 of May -- or the first of March to the end of April, you
18 didn't do anything; didn't talk to anybody other than who
19 we've talked about?

20 A That's -- I don't remember talking to anyone.

21 Q After you got this letter sometime the end of April of
22 1993, did you talk to anybody else before the lawsuit?

23 A I talked to my father a couple or three more times.

24 Q And this lawsuit was filed, according to the stamp, on
25 August 13, 1993. So, other than your father -- and I guess

1 | you talked to your wife at --

2 | A | Talked to my wife and talked to --

3 | Q | Did you talk to your wife before or after you got this
4 | letter back the end of April from the Boy Scouts?

5 | A | I talked to her after that.

6 | Q | So sometime between -- this letter is dated April 21st --
7 | sometime between April 21st and August 13th, you talked to
8 | your wife about this allegation; right?

9 | A | It was on the front end of that.

10 | Q | What do you mean by that?

11 | A | Well, we had the trip to Philmont coming up, which was
12 | our whole summer's vacation, and I had to discuss that with
13 | her to see what we were going to do.

14 | Q | When was the trip to Philmont originally scheduled for?

15 | A | Somewhere in the neighborhood of June 18th or 20th.

16 | Q | So, sometime between April 21st, 1993 and the 18th
17 | through the 20th of June 1993, you talked to your wife?

18 | A | Yes.

19 | Q | And, when you talked to her, that was the first she had
20 | heard you-all weren't going to Philmont? Is that right?

21 | A | Well, I put it a different way. I said, "What do you
22 | want to do? I don't want to just throw away our summer and
23 | forfeit the money we've put down. But do you feel comfortable
24 | with going?"

25 | Q | And did you-all go?

1 A Yes, we did.

2 Q So you went to Philmont?

3 A Yes.

4 Q Now, that's a scouting activity?

5 A Yes, it is.

6 Q And, when you went to Philmont, did you participate in
7 the scouting activities?

8 A Yes, I did.

9 Q Such as?

10 A I went to Philmont; that was --

11 Q Were there ceremonies there?

12 A Not -- no.

13 Q Well, what kind of activities were there?

14 A I guess you'd call it backpacking, camping, hiking.

15 Q And who from Arkansas went?

16 A As adults or --

17 Q Well, who from Arkansas as adults went, yes, as scouting
18 representatives?

19 A It's all volunteer scouters, which is -- well, like --
20 see, my wife is a registered volunteer; two men from
21 Stuttgart, Keith Thompson and a man's name I cannot remember;
22 Chase Tucker; Barbara Stocks; Ron Goss.

23 Q Were those people aware of these allegations at that
24 time? Did you talk to them about it?

25 A I found out later that Mr. Hogan had talked to Mr. Goss.

1 Q Did you talk to any of them out there about it?

2 A I talked to Barbara Stocks.

3 Q While you were at Philmont?

4 A Just before.

5 Q Who went from Little Rock?

6 A No one.

7 Q And did you -- you went backpacking and camping and that
8 kind of stuff?

9 A Yes, sir.

10 Q Did you take the kids out on camping and backpacking
11 while you were at Philmont?

12 A Well, that's what it is.

13 Q Did you do that?

14 A Yes.

15 Q And do they wear their uniforms out there?

16 A Out there and back, coming and going.

17 Q What about the advisors? Do they?

18 A If they're scouts.

19 Q Did you?

20 A No, I did not.

21 Q Did anybody associated with the Boy Scouts of America
22 attempt to stop you from going to Philmont and leading
23 campouts or backpacking or any of that stuff?

24 A No, sir, they did not.

25 Q And then you got back from Philmont, and the suit was

1 | filed a couple of months later? Is that right?

2 | A About six weeks later.

3 | Q Did you talk to other scouting personnel, either
4 | volunteer or staff, between the time you returned from
5 | Philmont and you got the lawsuit, about these allegations?

6 | A Again, I can't remember just right off the top of my
7 | head.

8 | Q For instance, did you have any other contact with Mr.
9 | Herrmann or the Little Rock office?

10 | A No, sir.

11 | Q Now, did you have to fill out or sign paperwork or any
12 | kind of document to go out to Philmont and come back?

13 | A Yes, I did.

14 | Q Tell me what kinds of documents.

15 | A There is a registration form, a health form; those two
16 | documents.

17 | Q Do you fill out or send in anything, after you get back
18 | from Philmont, to report about the trip or seek reimbursement
19 | or anything like that?

20 | A No.

21 | Q Did you and your wife fill out any forms relative to your
22 | trip to Philmont after you got back?

23 | A There was a form submitted to get a refund for one boy
24 | who could not go, and I don't know --

25 | Q And did you help fill that form out?

1 A I believe I did.

2 Q And did you sign it?

3 A I'm going to say I believe I did, but --

4 Q Who was the boy?

5 A I would have to try to find his name on a list, because
6 he canceled at the last minute and couldn't go.

7 Q You have that list. Could you tell me -- you had the
8 file list; correct?

9 A His name should be --

10 Q I'd like you to supply that boy's name or otherwise mark
11 it on the list you're going to get for me, so I'll know which
12 one it is; okay?

13 A Okay.

14 THE WITNESS: Could I speak to you for a
15 second?

16 MR. WATTS: Sure.

17 (Recess from 3:37 to 3:48 p.m.)

18 BY MR. WELCH:

19 Q Mr. Walls, did you go out to Philmont under an assumed
20 name?

21 A Yes, I did.

22 Q What was it?

23 A The name?

24 Q Uh-huh.

25 A Joe Stocks.

1 Q And that is the name of a real person?

2 A Yes.

3 Q And that's Mrs. Stocks' husband?

4 A Yes.

5 Q And what is his connection with scouting?

6 A Father of a scout, and his wife wanted to go to Philmont
7 and his daughter wanted to go to Philmont, so that's --

8 Q And is this -- Go ahead.

9 A -- his name.

10 Q Is Mr. Stocks a scout leader?

11 A No.

12 Q And who did your wife go as?

13 A Pam Walls.

14 Q When you filled out the document that you referred to
15 concerning the scout who didn't get to go, whose name did you
16 sign?

17 A I'd have to see if I had that; I really don't remember.

18 Q Did you sign your own name?

19 A I may have signed my name. I couldn't say that I did or
20 didn't.

21 Q Now, who knew that you were not Joe Stocks in the group
22 that went out there?

23 A Who knew I wasn't?

24 Q Yes.

25 MR. SIMPSON: Chip --

1 MR. WELCH: Would you like me to rephrase that?

2 MR. SIMPSON: Would you?

3 Q When you went out there, everybody knew that you weren't
4 Joe Stocks.

5 A Yes.

6 Q Is that right? And everybody knew that you were out
7 there under an assumed name. Isn't that true?

8 A That's true.

9 MR. SIMPSON: Everybody? Who?

10 MR. WELCH: I'm getting to that.

11 MR. SIMPSON: Okay; I'm sorry.

12 MR. WELCH: It's going to get longer if you
13 grade my paper.

14 BY MR. WELCH:

15 Q Is it true that the adults who went with you knew that
16 you were traveling under an assumed name?

17 A Yes.

18 Q Who were those adults?

19 A I've previously named them. They were my wife, Barbara
20 Stocks, Chase Tucker. I don't recall whether I told Ron Goss
21 I was under an assumed name, because we were in different
22 groups.

23 Q Did you tell the scouts that you were out there under an
24 assumed name?

25 A No, sir.

1 MR. WATTS: The "scouts" being the
2 organization?

3 Q The scouts that you went with, the boy scouts from your
4 area that went with you?

5 A The ones that were in our crew, yes, sir.

6 Q They did know that you were traveling under an assumed
7 name?

8 A Yes, sir.

9 Q Did you ever think about what kind of message that might
10 be sending those scouts?

11 A No, sir, I didn't.

12 Q Did you tell them why you were traveling under an assumed
13 name?

14 A My daughter knew; my wife; Barbara Stocks knew; and I
15 would assume her daughter did; Chase Tucker.

16 Q And why did you tell, for instance, Chase Tucker that you
17 were using Mr. Stocks's name?

18 A Because of what's in this letter; that Jack Walls was no
19 longer allowed to participate in scouting activities.

20 Q Now, when you got out to Philmont, who did you have to
21 tell that your name was different than what your name is, or
22 who did you tell you were Mr. Stocks?

23 A Who did I -- like you and I are talking?

24 Q Yeah. Who at Philmont did you have to misrepresent your
25 identity to in order to be there?

1 A Basically, the ranger, the young man who accompanies us
2 out on the trail for the first two or three days.

3 Q For instance, did you sign in in a registration book like
4 you would in a hotel?

5 A We had registration papers we took with us. This is some
6 of the paperwork I spoke earlier of.

7 Q I understand that. The paperwork that you took with you
8 is not what I'm asking about now, though. When you get to
9 Philmont, do you have to fill out like a registration book
10 like you would at a hotel?

11 A The paperwork we took with us would serve as that. It
12 gives your name, address.

13 Q Do they give you name tags when you get there?

14 A No.

15 Q Did you get packets of things when you got out there?

16 A I did not, because I was not the -- in the organization.
17 The way it is organized, when you go, I was not in a position,
18 no, of leadership or authority. I went as an accompanying
19 adult.

20 Q Who was the leader that went?

21 A In our group, it was Chase Tucker.

22 Q And what was Chase Tucker's connection with scouting?
23 What was his position?

24 A He was registered as an associate advisor of Explorer
25 Post 160.

1 Q Now, who was the sponsor of Explorer Post 160?

2 A It's Bill Ryker.

3 Q Did Mr. Ryker know you went to Philmont?

4 A I never told him.

5 Q Mr. Tucker worked for Mr. Ryker; at least he was his
6 sponsor?

7 A No, there's no relationship like that.

8 Q Mr. Tucker was sponsored -- had a post that was sponsored
9 by Mr. Ryker; correct?

10 MR. SIMPSON: Do you mean by Mr. Ryker's
11 business?

12 MR. WELCH: Yeah.

13 A No, sir. At the time all of this was occurring, there
14 was no advisor; there was no one who was the head of Post 160.
15 There were people in assistant positions.

16 Q Now, you told us earlier about a conversation that you
17 had with Chris Houchens three weeks or so -- a few weeks
18 before this municipal court trial; remember?

19 A Yes, sir.

20 Q Did you also attempt to get Mark McConnell to come over
21 to your house?

22 A No, sir, I didn't.

23 Q Now, that wasn't the first time Mr. Houchens had been
24 over to your house before the -- or after these allegations
25 came out, was it?

1 A No, sir.

2 Q When was the first time that you told Mr. Houchens what
3 Mr. Hogan or his son had passed on to the scouting office?

4 A I did not talk to Chris Houchens for several months after
5 the campout. I talked to his father, but I did not talk to
6 Chris. So I really couldn't give you an expressed time. It
7 was sometime when he was old enough to get his driver's
8 license; he came by my house.

9 Q Did you know Mr. Houchens had a fist fight with Mr.
10 Hogan?

11 A Yes, sir.

12 Q When did you find out about that?

13 A When his daddy told me about it.

14 Q Is that right after it happened?

15 A I couldn't give you exactly how long after it happened.
16 I know that I was told by Mr. Houchens that Chris would have
17 to have some surgery on his hand.

18 Q Because he hit Doug so hard he broke his hand?

19 A (Nodding head)

20 Q Is that a "yes"?

21 A That's a "yes."

22 Q And was that after you had talked to Mr. Houchens about
23 what Mr. Hogan had done with the letter you wrote him -- the
24 fist fight?

25 A I can't put a reference to that or a time frame on that.

1 I see Mr. Houchens from time to time because he and I work at
2 the same plant.

3 Q What does he do?

4 A He's a mechanic or a machinist.

5 MR. WELCH: That's all I have, Mr. Walls;
6 thanks.

7 EXAMINATION BY COUNSEL FOR BILL HAYES, ET UX.

8 BY MR. SIMPSON:

9 Q Mr. Walls, I don't think this will take very long, but
10 please be sure you understand any question I ask you before
11 you answer it, if you will; okay?

12 A Yes, sir.

13 Q I know you've been at this a while today, so, again --
14 and I think you've figured this out -- but, if you need a
15 break at any time, say so.

16 Did you tell anyone with Boy Scouts of America, other
17 than the group that traveled with you from your hometown area,
18 that you were going to Philmont as Joe Stocks?

19 A No, sir.

20 Q Or that you had gone under any name?

21 A No.

22 Q One of your statements says that Hogan -- Doug Hogan --
23 said you made some sort of, quote, statement, end quote, which
24 led him to believe that you were making advances toward him.
25 Do you know what that statement would be?

1 A Can you repeat that again?

2 Q Yeah. One of your statement says -- and we could find it
3 here on the table among the exhibits -- that Hogan -- Doug
4 Hogan -- said you made some sort of statement which led him to
5 believe you were making advances. Do you know what that
6 statement would be by you?

7 A No; really, I don't.

8 Q Did you mean any kind of advance toward him, sexually or
9 otherwise, by hitting or tapping his belt buckle?

10 A No.

11 Q I want to look with you a minute at the complaint that's
12 been filed against you and the remaining defendants that I
13 represent. And it says, in paragraph 12, that "Walls
14 attempted to unclothe Hogan." Did anything happen, understood
15 or misunderstood, anywhere in the nature of unclothing Mr.
16 Hogan?

17 A No, sir.

18 Q Paragraph 17 says, "Defendant Walls has a history of
19 sexual advances and/or sexual contact with male scouts who are
20 minors." Is that true? ✓

21 A No, sir.

22 Q Paragraph 19 says, "Other conduct or acts on the part of
23 Defendant Walls revealed a propensity to commit the acts
24 complained of herein." Is that true?

25 A I have no knowledge of what that's about.

1 Q Well, you would obviously be aware of your own conduct?

2 A Yes.

3 Q Has any of your conduct or any of your actions at any
4 time revealed a propensity to commit these types of acts that
5 are complained of in this lawsuit?

6 A No, sir.

7 Q The complaint in this lawsuit at paragraph 20 talks about
8 that the Grand Prairie District, the Quapaw Area Council, and
9 the Boy Scouts of America, with regard to screening
10 applicants, have been negligent essentially in allowing you to
11 continue in scouting. Do you understand that?

12 A I understand that.

13 Q Do you know of any shortcomings on the part of Great
14 Grand Prairie District, the Quapaw Area Council, the Boy
15 Scouts of America, or any other defendant in this action, with
16 regard to screening you or your conduct?

17 A No, sir.

18 Q Paragraph 26 says that Bill Hayes, one of the defendants,
19 "knew or should have known of Defendant Walls' propensities
20 for misconduct."

21 A I have no knowledge.

22 Q Do you have any propensity for misconduct?

23 A I don't think so.

24 Q Have you done anything to give Mr. Hayes any clue or
25 indication that you would have a propensity for misconduct?

1 | A No, sir.

2 | Q Paragraph 33 of the complaint says that the Boy Scouts of
3 | America and the Quapaw Area Council "have engaged in a pattern
4 | and practice of negligent selection, monitoring, and
5 | supervision of scout leaders who apply to them for leadership
6 | positions." Is that true?

7 | MR. WELCH: I object to the form of the
8 | question.

9 | Q Do you know anything about that?

10 | A I don't know anything about that.

11 | Q Do you know of any facts that would support that
12 | allegation?

13 | A No, I don't.

14 | MR. SIMPSON: I believe that's all; thank you.

15 | MR. WATTS: That's it.

16 | (THEREUPON, at 4:05 p.m., the taking of the
17 | above deposition was concluded.)


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C E R T I F I C A T E

STATE OF ARKANSAS)
COUNTY OF PULASKI) ss:

I, Dianne Amis, a notary public in and for the aforesaid county and state, do hereby certify that the witness, Mr. Jack Walls, III, whose testimony appears in the foregoing 156 pages, was duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained herein; that the testimony of said witness was taken by me by Stenomask and was thereafter reduced to typewritten form by me or under my direction and supervision; that the deposition is a true and accurate record of the testimony given by said witness, to the best of my understanding and ability; that I am neither counsel for, related to, or employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee or any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action.

WITNESS MY HAND AND SEAL this 6th day of May, 1994.


DIANNE AMIS, C.C.R., C.V.R.
Notary Public

My certificate expires
December 1, 1994