

*General Dated*

Barnett Proclamations

<u>Date</u>	<u>Substance</u>	<u>Circumstances</u>	<u>Remarks</u>
9/13/62	doctrine of interposition invoked; Barnett volunteers to go to jail rather than intergrate (speech).	last part of TV speech, WLBT - Jackson	Govt.'s exhibit at 9/21 District Court hearing and in Court of Appeals on 9/28 and 10/12/62.
9/20/62	order to trustees to reject Meredith, invoking police powers to block him and anyone else whose admission would breach peace (order).	7	introduced by Govt. at 10/12 Court of Appeals hearing and by Govt. on 9/28(?).
9/20/62	to Meredith refusing him admission, similar to order to immediately above (order).	read to Meredith by Barnett at Oxford in presence of McShane, Barrett, et al.	Govt. exhibit in Court of Appeals on 9/28 and 10/12/62.
9/24/62	to state officials directing the arrest of federal officers who violate Mississippi law. (proclamation)	7	Govt. exhibit in Court of Appeals on 9/28 and on 10/12/62.
9/25/62	to Mississippi law enforcement officers, interposing state's police powers (styled-executive order).	7	Govt. exhibit in Court of Appeals on 9/28 and on 10/12/62.

9/23/62	to Meredith denying him admission to the University "finally".	read to Meredith at State Office Bldg. in Jackson before McShane, Bear, et al. (Room 1007 - Trustees Room)	Govt. exhibit in Court of Appeals on 9/28 and 10/12.
9/23/62	executive order to Russell D. Moore, III, interposing state's police powers.	?	?
9/23/62	executive order to Lt. Gov. Johnson interposing state's police powers.	read to Meredith by Johnson at Oxford on 9/26 before McShane, Bear?	?
9/23/62	executive order to General (sic) Birdsong interposing state's police powers.	?	?
9/23/62	executive order to Senator George Yarbrough interposing state's police powers.	read to Bear and Latzenbach at Oxford on 9/30 immediately before riot.	

*General Durrill*

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First Assistant  
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11/28/62  
FES:seh  
144-40-254  
11,801

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**Justification of Marshal McShane's Conduct.**

The four most probable allegations of negligence or misconduct on the part of Mr. McShane are the following:

1. The firing of tear gas was unjustified because the crowd was under control and the State Police had the situation in hand;
2. The firing of tear gas was a more severe step than the circumstances warranted, and had a tendency to inflame the crowd;
3. The deployment of marshals around the Lyceum, and their retention there even after the registration of Meredith was postponed, was unnecessarily provocative and had a tendency to inflame the crowd; and
4. The forays by the marshals in pursuit of members of the crowd following the firing of tear gas were indiscriminate and resulted in injury to innocent persons and the stifling of peaceful protest as well as violent demonstrations.

In addition, many observers - e.g. Campus Police Chief Tatum - expressed the view that the employment of Negro truck drivers to bring the marshals in was inflammatory and provocative. We will probably take the position, however, that the employment of Negro soldiers cannot, as a matter of law, constitute negligence, because segregation and discrimination are not defensible on the grounds that equality of treatment may result in violence from segregationists. See Cooper v. Aaron, 358 U.S.1. (1958). Ultimately, the plaintiff - and the State of Mississippi - will probably contend that, since the United States considered the possibly provocative aspects of the use

cc: Records  
Chrono  
Mr. Barrett ✓  
Msy-Ba  
Trial File (Rm. 1140)

of Negro troops during the operations of the military (and Meredith made a bitter complaint about this), this question should also have been considered while the riot was in its incipency and the use of Negro drivers avoided.

The discussion that follows will consider the evidence available with respect to each of these allegations, both favorable and unfavorable, and identify the principal witnesses.

1. Allegation that the crowd was well in hand when tear gas was fired.

(a) Supporting Matter

The finding of the Lafayette County Grand Jury with respect to this question was as follows:

At 8:00 p.m. when the order to fire tear gas was given by Chief Marshal James P. McShane, the situation did not warrant such drastic action. The order was given without notice and at a time when the Mississippi highway patrol was successfully moving the crowd back at the request of the federal government. Specifically, a request was made by United States Deputy Attorney General Nicholas Katzenbach to Colonel T. B. Birdsong to move the crowd back and the highway patrol was in the process of carrying out this request when the tear gas was fired.

Until the gas was fired the actions of the crowd consisted primarily of shouting, name calling, taunts, the flicking of cigarettes and the throwing of eggs and small rocks. It is true that a Coke bottle was thrown and there is some evidence of a brick being thrown. Despite this, the highway patrol had control of the situation

until the gas was fired with no warning into the backs of the patrolmen and University police. This, we conclude, was done for the purpose of inciting a riot.

We find that this illegal action on the part of Chief Marshal James P. McShane set off the tragic violence that followed."

In making the Report of which the above passage is a part, the Grand Jury "heard the testimony of 19 witnesses and have studied reports of state investigations and investigations by the federal government which have been made available to us." I do not presently know the names of these witnesses or the substance of their testimony. When this information becomes available, I will prepare a supplementary memorandum relating thereto. Mr. Rosthal of the Criminal Division advises that among the principal witnesses were Senator Yarbrough, University officials Clegg and Love, and several Mississippi Highway Patrolmen.

An analysis of the statements in our files shows that the overwhelming majority will not support the Grand Jury's finding. It must be noted, however, that we do not have any statements by Mississippi Highway Patrolmen, and that these would presumably be to the effect that the State Police had the situation in hand. The following witnesses would give some support to this theory of negligence:

1. Burns Tatum, Chief of the Campus Police, said that the State Patrolmen and the campus police were successfully moving the crowd at the time the order to "gas" was given, without warning. Mr. Tatum stated that he did not know of any injury to any marshal prior to the firing of the gas.
2. Campus Policeman Fount Owen Burrow said that, just before gas was fired, "there were a lot of highway patrolmen went up there and helped us move them back" and "I do say the crowd was obeying when we asked them to get back".
3. Curtis C. Wilkie, a student at Ole Miss said that the crowd was not bent on violence until after the

tear gas was fired. He also stated that the marshals acted provocatively and "looked like they wanted to fight." However, this witness admits to a criminal record which includes larceny. Moreover, a claim by Wilkie that he was "grilled by federal agents seeking to find some shred of evidence that can be used against (Ex - General) Walker" found its way to the pages of the "Councilor", which is the newspaper of the Louisiana Citizens' Councils.

In addition to these witnesses, several reporters whose statements are generally favorable to the marshals do say they saw the Highway Patrol try to keep the crowd back. Two such statements are those of James C. Kemp and James Tolhurst, both of WDSU - TV, New Orleans (see FBI Report of November 13, 1962 by Special Agent John T. Reynolds.)

(b) Evidence in McShane's Favor

Opposed to the conclusion of the Grand Jury that the mob was under control when tear gas was fired is the testimony of the marshals, almost to a man, that the situation was getting out of hand and that the tear gas was fired at the last possible moment consistent with the safety of the marshals. In fact, several marshals had already been injured when the tear gas was fired. Patrol Inspector Gerald D. Brown of Texas made a statement which apparently represents the views of many of the marshals in front of the Lyceum when he said that gas should have been thrown earlier because "the crowd was running the situation rather than the marshals".

Perhaps the most effective way to show that there was adequate provocation for the firing of the tear gas shortly before 8:00 p.m. is to run down the specific acts of violence which had already occurred.

**These included:**

(1) The wrecking of the car of Movietone News cameraman Gordon Yoder and the mistreatment of Yoder and his wife by the crowd. Yoder places this as happening between 7:15 and 7:45, but most of the journalists, including Reginald Smith of KYW-TV, Cleveland, Ohio, who took some not too successful film of the incident, state that it happened before 7 p.m. This incident was witnessed by most of the journalists and many of the marshals, for it happened near the Lyceum. Among the best witnesses are Mr. and Mrs. Yoder, Reginald Smith, Smith's associate Albert Dancy, journalists William Crider (Associated Press), Ed Turner (Oklahoma T.V. Corporation), Sterling Sloppey (U. S. News and World Report), Professor and Mrs. Silver, students Robert H. Bolling and James Defibaugh, and a number of the marshals. G. Michael Lala of WDSU-T.V., New Orleans, gives an indication of the atmosphere at the time of the assault on Yoder when he states that one of the rioters was yelling "Get a rope! Get a rope!" Mr. Lala's statement is one of the most lucid ones in our file.

(2) The showering of the marshals with pipes, bricks, bottles, lighted cigarettes, eggs and other missiles. Even the Grand Jury acknowledges that this occurred, but minimizes it. Practically every marshal who was interviewed states that the shower of missiles was becoming quite dangerous. Appropriate witnesses as to this would be some of the injured marshals (Anglin, Whiteman, Sigmon and Saxe). Red Alexander, a squad leader of deputy marshals from the Western District of Texas, gives a very graphic description of what was going on. In his words:

**We discussed the feasibility and advisability of throwing**

gas to move them back. They were already within reach of our nightsticks, crowding in closer all the time. The rain of brickbats, bottles and pieces of pipe became more and more. We had more men hit, and it became obvious we had to do something to move them back, so we discussed moving them back with gas.

Mrs. James Silver, wife of the Professor of History, also gives a detailed description of the scene, and states that she saw "an enormous piece of red pipe hurled at the marshals." According to Mrs. Silver, it was this incident that prompted the donning of gas masks and the order to fire gas.

- (3) Assaults on and injuries to United States personnel. One Marshal (William S. Whiteman) was seriously injured by a piece of concrete as early as 7:15, while he was in a truck which was arriving at the Lyceum from Baxter Hall. This was witnessed by Marshals Ruthford and McCresry. As Marshal Alexander indicated, many of the Marshals had already been hit. Marshal Daniel A. Purglove of Florida states that he and others were hit before gas was fired. Marshal Carl Ryan saw many men hit. Specialist John R. Miller, one of the truck drivers who was trying to put out the fire on his truck, had carbon dioxide from a fire extinguisher squirted in his face, "long before they even thought about firing tear gas at the crowd." This incident was witnessed by numerous persons, including Deputy Attorney General Katzenbach, Border Patrol Inspector Dennis, Edward G. McGrath of the Boston Globe, and James F. Deckard of KTAL, Shreveport, Louisiana. This incident was reported in Newsweek (October 15, 1962) and many newspaper accounts, and witnessed also by Marshals Felix Aycock, Jr. and Albert L. Baumann of California.



and students, James Leeming and Jennifer Harmon.

- (4) Damage to government property. The crowd had already inflicted considerable damage on the trucks carrying the marshals by cutting the tires, letting the air out of the tires, and setting fire to the canvas on top of the trucks. The remarkable thing about this activity was that it was done with the full cooperation of the State Police. Patrol Inspector Brewer overheard a State Highway Patrolman instructing a rioter on how best to cut the tires. James C. Kemp of WDSU-TV in New Orleans saw a trooper protecting a student who was letting the air out of the tires and telling the student to hurry up. Other witnesses to this activity include Professor Silver, Mrs. Bileen Joslin (wife of an instructor) and Marshals Dennis and Gilliland and many others. Specialist Miller - the driver of the truck - states that the rioters let the air out of three of his tires and broke his airline off "so I didn't have no brakes at all."
- (5) There were miscellaneous other acts of violence on the part of the crowd. Photographer Deckard had his camera smashed, and this or a similar incident was witnessed by Professor Silver, by William Gordon of the Newark Evening News, by students Jennifer Harmon and Tom Sears and by several of the marshals, including Edward T. Collett of Georgia. Professor Herndon was also beaten up prior to the firing of the gas.
- (6) Throughout this period, the State Police was not only failing to arrest or even deter the rioters, but also, according to the marshals and many other witnesses, engaging in various acts of hostility to the marshals. These acts are described in detail in my memorandum to you dated November 26, 1962, and include shining lights into the eyes of the marshals, taking one person from the custody of the marshals, collaborating in attempts to destroy government property, and egging the rioters on by friendly encouragement of them, as contrasted with acts of hostility

to the marshals. The principal witnesses in this regard are Marshals Anglin, French, Garner, Holohan, Sigmon, Douglas, Clark and Jordan, as well as Miss Sidna Brower, editor of the student newspaper, Professor Silver, Professor Portenberry, and Jennifer Harmon. The tenor of almost every marshal's statement is to the effect that the Highway Patrol's tolerance and even encouragement of the violence was the key factor in making it impossible to control the riot without resort to the firing of tear gas. Many of the marshals express the opinion that if the Highway Patrol had cooperated with the marshals the riot would never have got out of hand.

2. The firing of tear gas was a more severe step than was necessary.

The second probable allegation against Mr. McShane is closely related to the first, but raises the question whether, assuming some action by the marshals was necessary, the firing of tear gas was appropriate at the time it was fired. I think that two different criticisms may be aimed at the marshals in this respect:

- (a) They fired without warning the State Police.
  - (b) They did not resort to less drastic measures.
- (a) With respect to the lack of warning, University Police Chief Tatum, the Grand Jury, and, undoubtedly, most or all of the Highway Patrolmen will state that no warning of any kind was given. However, the following Marshals all state explicitly either that they warned the troopers or that they heard Marshal Butler give the warning: Alexander, Anglin, Bartholomew, Forscht, French, Morley and Rekward. Specialist Miller, the driver of one of the trucks, also heard the order given. Moreover, to quote Marshal Robert Lee Erwin, Jr.:

Any officer, such as the state police of Mississippi, when

they are facing another group of law enforcement officers, sees them don their gas masks and do not know what is forthcoming, they should not be called officers.

A rather more sophisticated phrasing of the argument against tear gas could be based on the failure of the marshals to have available, and to use, loudspeaker equipment. Mr. Schlei advises that they tried to borrow some at the University and failed. It is at least theoretically arguable that the firing of tear gas should be preceded by a loudspeaker announcement that gas will be fired unless the mob disperses. This would tend to support a charge that the marshals were inadequately prepared for their task in not having such equipment available. Had such a loudspeaker announcement been made, it would all but eliminate the possibility of a dispute as to whether or not warning was given.

- (b) The second criticism that may be leveled with respect to the firing of tear gas is that alternative means of mob control ought to have been used. The Deputy United States Marshals' Training Manual on Riot Control, however, seems to dispose of this contention with finality. After differentiation, between treatment of a peaceful crowd and a violent mob, the Manual says:

The deputy marshal called upon to handle a mob situation is faced with two main problems: (1) to prevent violence, and (2) to disperse the mob with minimum hazard to members of the mob and to the officers involved. The use of night sticks or similar weapons in the initial contact with the

mob is usually ill-advised. The mob takes courage from the knowledge that it outnumbers the officers and is armed with similar weapons. This means that the use of tear gas must be the mainstay of those assigned to riot control. Gas enables a relatively small riot squad to make its power felt by every member of the mob without causing permanent injury. Firearms should be used in self-defense or the protection of life only.

3. The deployment of Marshals around the Lyceum and failure to remove them.

The Grand Jury report states:

When the federal government attempted to register Meredith, University officials were not given proper notice of the time the registration would take place. When federal marshals entered the campus along with federal attorneys and the Mississippi highway patrol, federal authorities were told that registration could not take place on Sunday and that any registration would have to take place the following day. Despite this, federal marshals were placed around the Lyceum building for no apparent reason and this action without a doubt served no useful purpose.

This contention might be supplemented by a feeling, perhaps best expressed by Ole Miss senior, Lilian

Janette Humber, that even moderate students tend to get very excited when they see their campus invaded by outsiders.

The statements in our files shed little light on this particular matter. Under the circumstances existing on September 30, however, the conclusion that the marshals were deployed around the Lyceum in order to provoke a riot is entirely unreasonable.

Meredith was brought to the University of Mississippi campus under escort for the very simple reason that Governor Barnett had personally refused him admission on three previous occasions. On his previous attempts to register, the force used had been insufficient. Accordingly, force was needed, and the fact that the use of force might mortify the citizens of Mississippi or tend to inflame their passions would not justify abandoning or postponing the enforcement of a court order. The authorities of the State of Mississippi had made force a necessary concomitant of effectuation of a judicial decree, and it cannot be said under these circumstances that the use of force was or could be improper.

This conclusion is reinforced by the fact that Governor Barnett specifically asked the President or the Attorney General for a show of force and assured them of his cooperation provided such a show of force was forthcoming. Pursuant to this arrangement, the marshals were led on to the campus of the University of Mississippi by the State Highway Patrol. The natural inference to be drawn from the Governor's suggestion and from Colonel Birdsong's initial cooperation with federal authorities was that the state authorities believed a public demonstration of federal might to be the best assurance against violence. To surround the Lyceum - the administrative center of the University - was undoubtedly, from the symbolic point of view, the most readily available way to demonstrate control of the campus. Accordingly, it appears that Governor Barnett at least implicitly and perhaps explicitly demanded acts of a character which the Mississippi grand jury now considers provocative and unjustified.

More significant than the need for a demonstration of force, however, was the need for adequate force. By agreement with Governor Barnett, it was initially intended that Meredith be registered on the afternoon of September 30th. It was on the basis of this plan that Mr. Katzenbach and his assistants came to Oxford, that the marshals were held in readiness, and that Meredith himself prepared to register. In view of the obvious threat to Meredith's safety - many officials of the State of Mississippi maintain even today that they will not protect him - an adequate escort and protection for him were essential. It is true that the decision not to register Meredith until the following morning was made by 4:30, prior to the deployment of marshals. (See e.g. the statement of Mr. Katzenbach.) This did not alter the essential fact, however, that Meredith had a right to come to the campus, and did come to the campus and needed protection there. When the marshals arrived on the campus they were given permission to dismount, and when they surrounded the Lyceum, the center of communication on the campus, no protest was made. Nobody suggested that the Lyceum was not the appropriate spot from which to control the campus and to assure Meredith's safety. Mr. McShane undoubtedly and quite reasonably thought that control of the Lyceum was essential if the task of protecting Meredith was to be successfully carried out, and nobody offered any objection.

It is more reasonable to contend that the marshals used too little force, or that the Government used too little force in sending marshals rather than troops, than to argue that too much force was displayed or employed. There undoubtedly came a time when the premise upon which the use of the marshals was based - the anticipated cooperation of the state authorities - failed to materialize. One of the first signs of this came on Mr. Katzenbach's arrival on the campus for the second time, on this occasion with Meredith. As soon as he met Senator Yarbrough and his companions, he was faced with Senator Yarbrough's statement that he would withdraw the Highway Patrol

and with his scolding of Colonel Birdsong for escorting the marshals to the campus. No reliance on any assistance from state authorities was reasonable after this point, and it is therefore arguable that the marshals ought to have tried to handle the mob more forcefully and to prevent damage to Government property, without waiting for the state police to act. Since the complaint is obviously not based on any contention that the marshals let the riot get out of hand by using inadequate force, or that the federal authorities were negligent in trusting Governor Barnett and relying on his cooperation, I do not think that we have to meet this problem here.

4. The allegation of indiscriminate forays.

The most probable specific accusation by the plaintiff in Fanecca v. United States will be that the marshals inflicted injury upon him by negligently failing to distinguish between non-rioters (allegedly including himself) and rioters during forays and chases after demonstrators. Since the specific circumstances of Fanecca's injury - time, place, lighting, marshal responsible (if any), and Fanecca's own activities - are, as yet unknown, any extensive discussion of this question would be premature. I think the probable argument against negligence will almost certainly follow two general lines.

1. making a foray in the darkness to an area from which rocks, etc. were thrown was not negligent, and throwing tear gas towards persons in such an area was justified;
2. the presence of a "non-rioter" under such circumstances would be, at least, contributory negligence.

The application of these principles to the particular facts must await the taking of Fanecca's deposition.

4-17-63 (4-17-63)

*O. J. Pitt*  
*Sen. Antell.*

(Mount Clipping in Space Below)

# OLE MISS CASE NAMES ASKED

## Will Prosecute Criminal Violators—Patterson

By W. F. MINOR  
(Times-Picayune Staff Correspondent)

JACKSON, Miss.—Atty. Gen. Joe T. Patterson Tuesday called on the general legislative investigating committee to furnish names and evidence of the "abused and accused" in its report of brutal conduct by federal marshals in the Ole Miss riot.

Patterson said in a letter to Rep. Russell Fox, Claiborne County, chairman of the committee, that he would prosecute with the district attorney of Lafayette County any criminal violators if he is furnished evidence the legislative body may have.

He pointed out it would be necessary to present any charges of brutality by federal officers to the grand jury of Lafayette County where Ole Miss is located in order to take any legal action.

In the first of three segments of its investigation of the desegregation riots at Ole Miss, the legislative committee last week charged federal marshals used a "systematic pattern of brutality" against persons arrested.

The committee said it heard more than 90 witnesses. In its report made public, the committee, however, mentioned no names and provided no documentation of charges.

### "TORTURE SLAB"

Its report told of a clandestine "torture slab" at a garage on government property which was used as a detention stockade on the night of Oct. 1 and on Oct. 2.

Dean of Students L. L. Love at Ole Miss, who had arranged the release of 25 university students arrested in the riots, said no Ole Miss students were taken to the stockade to his knowledge.

Patterson said in his letter to the legislative committee that the Grand Jury of Lafayette County, where Ole Miss is located, had conducted its own investigation of the campus riots last fall and has indicted two persons, one of them James P. McShane,

chief of United States marshals, and an unidentified soldier who fired his rifle while on guard duty at the campus.

Two persons, one a French newspaperman and the other a repairman from a community near Oxford, were killed on the campus during the hectic night long rioting which followed admission of Negro James Meredith to the school property, accompanied by a cordon of over 400 marshals.

Neither slaying has been solved, although several political figures in Mississippi have intimated in public appearances that federal officers may have been to blame.

A bullet taken from the body of Paul Guilhard, the French reporter, was analyzed by the Federal Bureau of Investigation and compared with the pistols carried by the federal marshals at Oxford. The ballistics tests revealed that none of the guns carried by the marshals fired the bullet.

### FOUR INDICTED

A federal grand jury at Oxford indicted four persons who came to the Ole Miss campus from outside during the violence for aiding in an armed insurrection against the federal government.

Three of the four were from outside Mississippi.

(Indicate page, name of newspaper, city and state.)

Page 10 Sec. 1

THE TIMES PICAYUNE  
NEW ORLEANS, LA.

Date: 5/1/63

Edition:

Author:

Editor:

Title: Desegregation of  
University of Miss.

Character: RM

Classification: 157-401

Submitting Office: New Orleans



*Opd Cit - Nat. Intell.*

(Mount Clipping in Space Below)

# Miss. Probers Say Marshals Names Refused

JACKSON, Miss. (AP)—The general legislative committee charged today the Justice Department refused to provide probers with the names of federal marshals used to quell desegregation rioting at the University of Mississippi.

The committee, headed by Rep. Russell Fox of Claiborne County, made its charges in a statement answering a Justice Department press release branding the initial investigating committee report an untruthful document.

The legislative investigators said the Justice Department did not deny charges that deliberate and repeated brutalities were carried out by marshals.

**Report Unfounded**  
"The Department of Justice claimed the report to be unfounded because newsmen did not learn of the brutalities by the marshals," the investigators said. "The Department of Justice deliberately concealed from newsmen the use of the detention stockade at the sedimentation laboratory garage and the brutalities were committed by the marshals when newsmen were not present.

"Many were committed under cover of darkness."

The investigators said if any federal agent or marshal who participated in the university crisis—"who will deny the specific finding of the committee . . . —this committee will be happy to hear such witnesses and will schedule a special meeting of the committee for this purpose, provided that such witnesses will waive immunity.

Unless immunity is waived by a witness testifying before a Mississippi legislative committee, he becomes immune to prosecution on any charges connected with matters gone over in testimony.

### Committee Shocked

The legislative committee said it was shocked at criticism of its report and for not calling federal officers as witnesses.

"The committee was shocked at such criticism," it said, "because in preparing its report, including the portion thereof filed last week, the committee had requested from the Department of Justice, through Sen. James O. Eastland, the names, addresses and present assignments of all deputy marshals involved in the operation.

"The department, in a letter from Deputy Atty. Gen. Nicholas de B. Katzenbach to committee chairman Russell Fox, dated March 15, 1963, refused to furnish the requested information. . . ."

### Denial Purpose

The committee quoted Katzenbach as saying "I cannot see any legitimate need for the information you have requested or that giving you the names and addresses of these particular officers would serve any useful or legitimate purpose."

Earlier this month, the investigating committee released its report on the treatment of prisoners taken by marshals during the rioting. It charged brutalities were carried out after all the rioting had ended and the situation was in hand.

Tuesday, State Atty. Gen. Joe Patterson asked the committee to turn over the names of the "abused and accused" so any guilty of criminal misconduct could be prosecuted. The initial committee report did not list the names of the witnesses, who testified under oath, or the federal personnel involved.

The committee announced its final and complete report of its investigation into the university crisis would be released May 8.

The rioting of Sept. 30 and Oct. 1 last year accompanied the arrival of Negro James Meredith on the university campus for registration as a student. He had won a federal court order to force the school to admit him.

(Indicate page, name of newspaper, city and state.)

Page 14

NEW ORLEANS STATES  
ITEM  
NEW ORLEANS, LA.

Date: 5/1/63  
Edition: Red Flash

Author:  
Editor:  
Title: Desegregation of University of Miss.

Character: RM

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300

200

(Mount Clipping in Space Below)

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118661C

HEADQUARTERS UNITED STATES ARMY OXFORD  
Oxford, Mississippi

BULLETIN  
NR 15

Thursday  
15 November 1962

1. ADDITIONAL TELEPHONE NUMBERS:

Telephone numbers to be added to HEADQUARTERS US ARMY FORCES OXFORD, Telephone Directory, 25 October 62.

Under Heading: US ARMY FORCES OXFORD, Add:

ORD O---234-3524  
SIG MAINT---234-3111  
POL PT (Airfield) 234-3244  
66th MP Co.---234-2752

Under Heading: MISCELLANEOUS, Add:

US MARSHALL, POST OFFICE---234-6864

2. USE OF AGENT CS IN RIOT CONTROL:

The term "irritant agent" describes a chemical agent which produces only temporary effects and is designed for use where no permanent debilitating effects are desired. CS is an irritant agent that is effective even in extremely low concentrations. The effects on the eyes and respiratory system are produced within seconds and continue for 5 to 10 minutes after the affected individual is exposed to fresh air. Effects are:

- (1) Extreme burning sensation of the eyes and tears.
- (2) Coughing, difficult breathing, chest tightness.
- (3) Involuntary closing of the eyes.
- (4) Stinging of moist skin areas.
- (5) Sinus and nasal drip.
- (6) Nausea on exposure to high concentrations.

First aid measures are:

- (1) Remove personnel to fresh air.
- (2) Face individual into wind.
- (3) Caution against rubbing eyes.
- (4) Keep individuals well spaced.

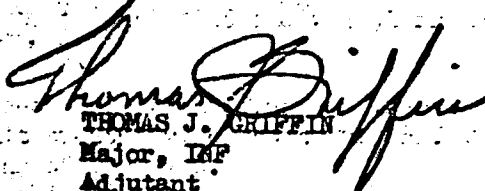
Agent CS is intended for use in this area for the purpose of riot control.

3. MOVIE SCHEDULE:

ARMORY - 1800 hrs. "Heroes Die Young"  
Starring Scott Borland and Erika Peters

MP DET - 1800 hrs. "Tormented"  
Starring Richard Carlson and Juli Reding

FOR THE COMMANDER:

  
THOMAS J. GRIFFIN  
Major, INF  
Adjutant

## Executive Order 11053

## PROVIDING ASSISTANCE FOR THE REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

WHEREAS on September 30, 1962, I issued Proclamation No. 3497 reading in part as follows:

"WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

"WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

"WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

"NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith;" and

WHEREAS the commands contained in that proclamation have not been obeyed and obstruction of enforcement of those court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce all orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit and to remove all obstructions of justice in the State of Mississippi.

SEC. 2. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 3. I hereby authorize the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Mississippi to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to this section.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

JOHN F. KENNEDY

THE WHITE HOUSE,  
September 30, 1962.

[F.R. Doc. 62-9683; Filed, Sept. 30, 1962; 11:30 a.m.]