

Observations by Interviewing Attorney

Interviewee spent practically all of his time inside the Lyceum and thus did not observe many of the acts of violence which occurred outside of the Lyceum. Because of the nature of the task which he was performing during the riot and since he did not keep track of the time during the riot, he was unable to state at what time his observations contained in the interview were made.

It was the belief of the interviewer and the interviewee that this interview was conducted for the purpose of recording the observations made by the interviewee during the night of the riot. It was concluded that if a statement was desired of the interviewee as to the conversations he had during the riot then he should be further interviewed on these conversations as correlated with his observations which are set forth in this interview.

Dean Marthan was interviewed by Arvid A. Sather in Oxford, Mississippi, on Saturday, October 6 and gave the statement as follows:

Mr. Marthan arrived in Oxford, Mississippi, with Mr. Katzenbach at approximately 4 P.M. from Washington on the Sunday of the riot. They were also accompanied by Messrs. Outbas, Schlei, and Harold Reese. They arrived at the University airport in Oxford where they found a crowd of people standing about watching the marshals and the activity at the airport. There were no remarks by the crowd at this time as it was observing what was going on.

Mr. Katzenbach made a telephone call into the city of Oxford and the party then left the airport at approximately forty-five minutes after arriving, about 4:45 P.M. There was a large number of marshals at the airport and a group of these marshals accompanied the interviewee and the other officials to the Lyceum on the campus. On the drive into town they were in several radio cars and they were accompanied by two or three other cars and one or two trucks.

There was a large number of people along the road into town and while at the airport the witness believed they talked to some state official about clearing the road so that they could drive in to the campus. Mr. Marthan believes that the lead car was that of a state official or state policeman. There were two or three cars and one or two trucks in the procession into town. When the party got into the cars some of the people called to them, "Nigger lover".

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They drove into town without any serious incidents and approached the Lyceum from its rear. When they first arrived there appeared to be no large gathering of people around the Lyceum and there were about 25 to 30 marabals in front of the Lyceum and possibly a few standing around its sides and at the rear. A crowd of people began to build up during the ensuing first half-hour that they were in the Lyceum.

When they arrived at the Lyceum they met Mr. Byrdson of the state highway patrol. Mr. Clegg, of the University, and Dean Miller were in the Lyceum and they, accompanied by the departmental officials, went into Mr. Clegg's office to discuss the situation.

In Mr. Clegg's office there was discussion regarding the registration of Meredith on that Sunday. The interviewee stated that the University officials pointed out that they could not register him on that day because it was the Sabbath although it was made clear to them that Meredith would be brought out to the campus. While in the Lyceum the interviewee met Mr. Tatum, chief of the campus police, and Mr. Lewis. While there he also met Senator Yarborough and Senator McClarnen (exact spelling of name unknown). He met these officials in the hallway and they went into Mr. Clegg's office. The interviewee was not familiar with the complete discussion in Mr. Clegg's office as he acted primarily as a relay man and was in and out of the office while the meeting went on. He remembered fragments of the conversation but preferred not to state these as he felt it would be a distortion of the discussion in the office since he heard such a little part of the total discussion.

The interviewee spent practically all of his time inside the Lyceum and could not give a chronological description of the growing of the crowd and the intensifying of its anger. He stated that the crowd was continually growing in numbers and at first it was not yet nasty, but merely a number of yells, cheers, but there was no throwing of objects or obscene yells from the crowd as yet.

The interviewee was not sure of the exact time but just prior to the time it became dark he left the Lyceum and returned to the airport to meet Mr. Meredith who arrived at the University airport. At the airport he was with Mr. Guthman, Mr. McInnes, Mr. Katzenbach, and a state highway official whose name he did not know. When they returned from the airport there was one car and two or three Army trucks bringing additional marshals in a convey. They took Mr. Meredith directly to the dorm (Baxter Hall), and there were very few people standing around the dorm in Baxter Hall. They left marshals in the hallway and several officials at the Baxter Hall and then the interviewee returned to the Lyceum.

When he arrived at the Lyceum it was dark and no tear gas had been fired yet. The crowd was much angrier than it had been at the time he left and he believes that the incident concerning the newsmen, Yoder, and his wife had occurred while he was at the airport picking up Meredith. He went to the Lyceum from the back door and got on the phone to the White House where he instructed the White House as to what had occurred in bringing Meredith to the campus. After some conversation over the phone he then went to the front door of the Lyceum and went a few steps outside.

At this time he observed approximately 750-1000 people gathered in front of the Lyceum. They were still giving a lot of cheers and certain students or individuals in the crowd were attempting to make statements or speeches to the crowd.

Shortly after he observed this, several University officials tried to come out and go before the crowd and talk to them. He did not recall who these officials were at the time of this interview. The crowd refused to listen to these University officials. They were yelling at them and making a great deal of disturbance, but the interviewee did not recall the crowd throwing anything at that time. However, shortly after this the crowd became more agitated, more members of the crowd began trying to make speeches and statements to the rest of the crowd. At this time there were some policemen around and they were standing in the roadway in front of the Lyceum between the ring of marshals and the crowd. They appeared to be keeping the crowd on the other side of the road which is in front of the Lyceum.

The interviewee again returned to the interior of the Lyceum where he was on the phone with the White House. During this time and practically all the time that he was at the Lyceum he remained on this phone and would inform the White House of various occurrences, receive messages from the people he talked to on the phone and convey those to the respective persons in the Lyceum and also would convey messages from people in the Lyceum to those on the phone in Washington. He described himself as a courier of messages which he received over the phone, observer of what was occurring and reporting it to the White House and getting hold of people who were wanted on the phone.

Approximately thirty minutes after having been outside he again returned to the outside in front of the Lyceum. The situation at this time "was real bad." The crowd was throwing eggs and the interviewee stated that he was spattered with eggs while out front. He heard someone, whose name he cannot recall nor can he identify at this time, state that they had heard the state police say that they did not think that they, the state police, could handle the kids. The crowd in addition to throwing eggs at this time appeared to be throwing garbage and debris, smaller rocks, but he did not as yet observe them throwing any bricks or bottles.

The interviewee returned to the inside of the Lyceum and spoke on the telephone and then returned to the outside, in front of the Lyceum, after a few minutes. Some of the men who were outside of the Lyceum at this time, presumably marshals, told the interviewee that the crowd was letting air out of the tires on automobiles, throwing bricks, and other objects, and that the police were doing nothing about it. He heard that another car had been damaged but that the state police had done nothing. While outside at this time the interviewee saw an Army truck catch on fire and that when one of the soldiers tried to put out the fire on the truck (the canvas top of the truck) the crowd threw stuff at him. The crowd was at the curb of the road just across the street from in front of the Lyceum and they were shouting and throwing things. The interviewee would observe people in the crowd break out and run up toward the marshals and throw things and then run back into the crowd.

The interviewee heard Mr. McShane say at this time in front of the Lyceum that they were throwing bottles now and they did not think they could hold the crowd back much longer and that with these conditions someone was going to get hurt. McShane stated that at that time it looked like they had better let the gas go--that it didn't seem that they were able to hold the crowd back. At this time the interviewee went back into the Lyceum and informed Washington over the phone of this fact--that they would have to let the gas go to prevent violence. While he was talking on the phone he heard the noise from the tear gas guns and informed Washington at that time that he had just heard the gas being fired.

After the gas was first fired the interviewee stayed on the phone for a considerable period of time without going outside or leaving that position. Following this, he went outside only twice during the rest of the evening.

The interviewee could not recall the time of the night or early morning when these various things transpired as he was not watching any clock but could only recall them as incidents during this riot. The first time he went outside was when a truck came to the Lyceum with additional tear gas. He first went to the back of the Lyceum and then went around to the front and discussed with several other people whether or not they were going to let some of the gas off at the Lyceum or take it all up to Baxter Hall. The interviewee had no gas mask on; there was a lot of gas outside of the building. He was unable to stay outside very long and returned to the inside of the Lyceum. When he was outside he observed a

great deal of damage to the trucks and vehicles out in front of the Lyceum and much rubbish on the street. This was the rubbish which had been thrown and included rocks, stones, bricks, and other sundry obstacles.

Approximately an hour after first going out to see about the gas, he went outside of the Lyceum in an attempt to find Mr. McShane or Mr. Cameron. He thought that he could tell a difference in the marshals at this time since there was a great deal of anxiety among the men as to whether or not they would be able to hold their position. He thought that their attitude toward the situation was changing. He heard reports of sniping although he himself did not see any. He felt that the reports of gunfire had a very significant impact on the marshals. He heard reports of snipers firing at the front door of the Lyceum and he observed an ID card which someone showed him where a slug had gone through it. This belonged to one of the marshals. While inside he observed that one of the marshals, on his knees, had been hit with a brick in his face and also observed a marshal (believed to be Sines) who had a shotgun wound in his neck. They were very worried inside the Lyceum since they had no doctor and these injuries, plus some to other marshals, were apparently very serious. He heard rumors in the Lyceum that a man with a bulldozer had tried to ram the Lyceum and the line of marshals but that they had caught the person and the attempt had been unsuccessful. He also heard the rumor that the rioters were breaking in the chemistry lab and that they were possibly going to use the chemicals they obtained there against the marshals.

He also heard a rumor that the state highway patrol was going over to the mob and they were going to give gas and other equipment to the mob. All of these were mere rumors which he heard and were not based upon his observation of incidents outside or discussions with any persons he can recall who had personal knowledge of these rumors.

Outside of these incidents, the interviewee remained inside the Lyceum during the riot and did not personally observe the actions of any of the rioters or the happenings outside of the Lyceum. He stated that among these items which he saw that were used as weapons or as obstacles thrown by people in the mob were included eggs, garbage, bottles, rocks, Molotov cocktails, two of which were captured. He saw persons with shotgun wounds, saw tires cut, saw injury to one of the marshals which appeared to have been made by acid, and saw a great deal of damage done to the windows of the trucks and vehicles.

While he was in the Lyceum he was given a copy of the statement made by the Governor and he relayed this copy to Washington over the phone.

OSFORD PERSONNEL

TELEPHONE 1045

WASHINGTON DEPARTMENT OF JUSTICE:

ADMINISTRATIVE	GOLDEN	OTHER
DOAN	ALLENSON	STINE
HARRIS	DEAY	WING LINDSEY
ROTHAL	DORRIS	WESS OFFICE
GRON	DARBANE	W.S. STANT

MARSHALS: MARSHAL ROBERTS (MARSHAL IN CHARGE)

BRUN	TRIN	DEWITT
FRANKLIN	COCKE	BAITFOOT
HOPKINS	GATTS	WILSON
JOHNSON	TART	

BORDER PATROL: CHARLES CRUMER (MARSHAL IN CHARGE)

RAY	PELLEY
WELLS	WILSON

FBI: CARL DUNLEY (MARSHAL IN CHARGE)

SCULLY CANN CONWAY

LOCAL FEDERAL PERSONNEL:

U. S. ATTORNEY: RAY WILSON FLETCHER

U. S. MARSHAL: PHILLIP FORD JAMES

FBI: COOPER

DISTRICT JUDGE CLAYTON

COMMISSIONER CHASE

MILITARY Liaison: COL. WHE.

UNIVERSITY OF MISSISSIPPI
UNIVERSITY MISSISSIPPI

144-43-254

INTERDEPARTMENTAL COMMUNICATION

TO: • Mr. John Doar
FROM • H. W. Bounds, Director of Food Services
SUBJECT •

DATE Oct. 3, 1962

Will you please come by the cafeteria after lunch, as I would like to talk with you.

Thank you.

Respectfully,

H.W.B.

THE UNIVERSITY OF MISSISSIPPI
SCHOOL OF BUSINESS AND GOVERNMENT
UNIVERSITY, MISSISSIPPI

Department of Economics
and
Business Administration

November 27, 1963

Mr. John Dear
U. S. Department of Justice
Washington 25, D. C.

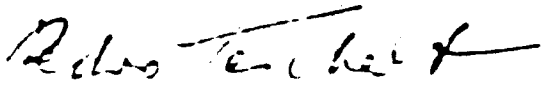
Dear Mr. Dear:

Professor Fissell M. Barrett, a colleague of mine here at the University, suggested I write to you in connection with an item you might be able to check out for me.

Some time ago, a film was shown here in Oxford called "Oxford--U.S.A." prepared by some group in Texas. Copies of this film were sold to the Mississippi Sovereignty Commission for \$7,000, I believe. Since I have seen the slayer of President Kennedy on TV, I have the feeling that I have seen Oswald somewhere and all that I can think of is this film.

Perhaps you have checked it out already, but if not, could you do so?

Sincerely yours,


✓ Pedro C. M. Teichert, Ph.D.
Professor of Economics

PCMT:EF

J H (JAMES HOWARD) MEREDITH
1237 Franklin Street N. E.
Washington, D. C.
September 8, 1963

The Attorney General
Washington, D. C.

Dear Mr. Attorney General:

Early in 1961, a few days after I submitted an application for admission to the University of Mississippi, I wrote a long letter in response to a request from the Justice Department expressing my ideals and aspirations. One of my aspirations was to exercise my inherent right to attend the school of my choice in my own home state of Mississippi. From that day forward your Department of Justice has been involved in some way or the other in making this aspiration a reality.

I say regardless of all other considerations, I as a graduate of the University of Mississippi. For this I am proud of my Country - the United States of America. The question always arises - was it worth the cost? Were the United States Marshals and other security forces needed or necessary? I believe that I echo the feeling of most Americans when I say that "no price is too high to pay for freedom of person, equality of opportunity, and human dignity. Secondly, were the marshals necessary? I say to you that the cold-blooded murder of one of my best and most beloved friends and associates - Mr. Medgar Evers, NAACP Field Secretary for the state of Mississippi - is documentary proof of the wisdom of your office to provide adequate protection for my life, property and family during my entire stay at the University of Mississippi, especially since it was generally acknowledged that my name was number one on the murder list of the Mississippi assassins. The greatest need of the Mississippi Negro in his struggle for a place in society is for the protection of his life and property.

I would like to give special recognition to the assistance rendered by the Civil Rights Division under Mr. Burke Marshall. Especially to Mr. John Scar and his assistants without whose help and personal encouragement my success appears doubtful. Certainly, no one is closer to the Mississippi Crisis than Chief United States Marshal James P. Mahane and his deputy United States Marshals. If I had no other measure by which to evaluate the trend of the American mind that the United States Marshals with which I came in contact during my stay at the University of Mississippi, I would be very much encouraged. The marshals,

many of them were southerners themselves, in addition to their security duties were a constant reminder to me that white Americans could and would respect the rights of other Americans.

Besides Chief McGuane, I would like to particularly mention Deputy U. S. Marshal Frank Ventergrift of the D. C. office who spent six months in Mississippi as a supervisory marshal and Deputy U. S. Marshal Chester Smith of Chattanooga, Tennessee, who spent many months as a supervisory deputy. Whereas all of the marshals were expert, these two individuals stand out clearly in my mind as deserving special recognition for their work on the campus of the University of Mississippi.

For the role of security of my person and safety for my family during the most crucial period while off-campus, I want to express my appreciation to Mr. Luke Moore, Chief United States Marshall for the District of Columbia and to the other Negro Marshals who spent much time in Mississippi.

In conclusion, I should like to say that we are very conscious of the pains of human progress. Whereas the Department of Justice has not succeeded in making America free for all, I think it has been hampered more by the lack of clear authority than by the determination on the part of Department officials. Consequently, it is now my hope that proper legislation with teeth will be passed empowering the Department of Justice to effectively insure the rights of all Citizens of the United States of America, and that the present determination will persist in the Department of Justice.

Sincerely yours,

J H MEREDITH

October 26, 1962

Dean Lester L. Love
Dean of Students
University of Mississippi

Dear Dean Love:

In accordance with instructions from Mr. Schlei and in line with our conversation of last Thursday, I am forwarding you the following information:

On the night of October 25, shortly following the incident at the water cooler in Baxter Hall, a student named Milna C. Campbell, Jr., who resides in Room 40 of Baxter Hall, approached P.F.C. Stroder who was on duty at the north entrance to the middle floor of Baxter Hall. He asked P.F.C. Stroder, "what is with that Lieutenant in there?" referring to Lieut. Hirsch. Campbell then referred to the Lieut. Hirsch as "Booby Bad-ass" and said "I wanted to hit him so bad in there that I was shaking." Lieut. Hirsch came outside to speak with one of his other men and as he passed Campbell, Campbell said "he is probably a ninety-day wonder and was inside trying to play Bobby Bad-ass." On other occasions he has referred to the soldiers as "chickenshit" and "Mickey Mouse." His remarks and the manner in which he goes about making his protests are irritating to soldiers on duty in Baxter.

One student in Baxter told Lieut. Hirsch on another occasion that students in Baxter had talked to Campbell about his activities but he was apparently unconcerned.

Thank you for your consideration of this matter.

Sincerely yours,

JOHN ARTHUR MARTIN
Legal Assistant

JAM/mt

October 26, 1967

Dean Lester L. Love
Dean of Students
University of Mississippi

Dear Dean Love:

In accordance with instructions from Mr. Schlei and in line with our conversation of last Thursday, I am forwarding you the following information:

Around 6:30 P. M. on October 25, James Meredith went down corridor he was on to get a drink of water from the fountain there. There were a number of boys in the hall who upon seeing him lined up and starting taking turns at the water fountain. There were between eight and ten students lined up at the time I arrived some minutes later. A student named John J. Moss, who lives in room 16 of Barker Hall was holding the fountain on for the other boys. He was told both by me and the officer on duty, Lieut. Hirsch, to move to the back of the line out of Meredith's way. Upon his refusal, he was requested to produce an I. D. card. He said that the card was in his room. He was taken to his room where he did not produce his card. After being requested to furnish his name, Moss replied that it was John Jones. When information as to his real name was obtained, he then admitted his identity. The Deputy Marshals who witnessed this incident were William Brinkman and Roy Willis.

Thank you for your consideration of this matter.

Sincerely yours,

JOHN ANDREW MARTIN
Legal Assistant

JAM/mht

October 26, 1962

Dean Leston L. Love
Dean of Students
University of Mississippi

Dear Dean Love:

In accordance with instructions from Mr. Schlei and in line with our conversation of last Thursday, I am forwarding you the following information:

On one night last week, a number of firecrackers were thrown to the middle level of Senter Hall from the top level down the center wall of stairs. Frank Vandegrift, a Deputy Marshal rushed up the back stairs and caught a glimpse of someone ducking into room 46, which is occupied by Benjamin G. Mills and Leroy T. Robertson. On either Wednesday the 17th or Thursday the 18th, a person believed to be Leroy T. Robertson hollered at Deputy Marshal Gurland, "Fuck you, Marshal. Of all the fucked-up son-of-a-bitches you are the most fucked up." Deputy Marshal Brinkman observed this. On Tuesday, October 23, the same person yelled from the same window at James Meredith, "Nigger, fuck you, you black son-of-a-bitch." Then, seeing that Deputy Gurland was watching him, he called out to Gurland "Hi, how are you doing?" Gurland went up to room 46 but the person inside would not open the door. On Wednesday, October 24, Deputies Gurland and Brinkman approached the student who they had observed participating in the incidents described above, and asked if they could see his I.D. card. His request was refused. This person is believed to be Leroy T. Robertson although a positive identification has not been made because of the refusal to show an I.D. card.

Leroy T. Robertson is the same individual I spoke with you about on October 24 and identified as L. Taylor Robinson. His actions are annoying to the Deputy Marshals in that they consider him somewhat of a snob.

Thank you for your consideration of this matter.

Sincerely yours,

JOHN ANDREW MARTIN
Legal Assistant

JAM/mc

October 26, 1962

Dean Leston L. Love
Dean of Students
University of Mississippi

Dear Dean Love:

In accordance with instructions from Mr. Schlei and in line with our conversation of last Thursday, I am forwarding you the following information:

On October 12, a student approached P.F.C. John W. Necessary and Private John Wagner in the University Library and attempted to purchase tear gas ammunition from them. The absurdity of the request made the soldiers feel that he was kidding at first but his persistent and repeated requests convinced them otherwise.

The name of the student as given by the person on duty in the Library was Jerry Weeks. When interviewed by the Federal Bureau of Investigation, Weeks stated that he did approach a soldier at a drive-in to buy a gas-mask which he wanted as a souvenir.

Thank you for your consideration of this matter.

Sincerely yours,

JOHN ANDREW MARTIN
Legal Assistant

JAM/abc

October 26, 1962

Dean Lester L. Love
Dean of Students
University of Mississippi

Dear Dean Love:

In accordance with instructions from Mr. Schlei and in line with our conversation of last Thursday, I am forwarding you the following information:

A freshman student named Dozier was involved in the riot of Sunday evening, September 30, and Monday morning, October 1. The conduct he engaged in is quite similar to that of James Franklin Stuart, a student who has been before the Student Judicial Council. The witnesses who observed Stuart also observed Dozier. The positive identification of Dozier was made from observation of photograph.

Thank you for your consideration of this matter.

Sincerely yours,

JOHN ANDREW MARTIN
Legal Assistant

JAM/mbr

THE UNIVERSITY OF MISSISSIPPI
DIVISION OF STUDENT PERSONNEL
UNIVERSITY, MISSISSIPPI

Office of the Dean

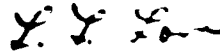
October 25, 1962

Mr. John Andrew Martin
Legal Assistant
Department of Justice

Dear Mr. Martin:

A very careful search makes it clear that we have no student
by the name of L. Taylor Robinson.

Sincerely yours,



L. L. Love
Dean

LLL:lb

DECLASSIFIED BY: 6032
DATE: 08-01-2001

AFFIDAVIT BY DEPONENT

I, **John Hager** HAVE READ TO ME (HAVE READ) THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 2 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION UNLAWFUL INFLUENCE OR UNLAWFUL PROCEEDMENT

(SIGNATURE OF DEPONENT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 DAY OF UGE
WITNESSED BY

is 62 at headquarters US Army, Oxford

(AUTHORITY TO ADMINISTER OATHS)

RIGHTS UNDER DCMJ, ARTICLE II, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article or through the use of coercion, unlawful influence, or unlawful inducement shall be received as evidence against him in a trial by court martial.

The 6th amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself.

DEPONENT'S INITIALS

STATEMENT

Explain the nature of the investigation. If defendant is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

NAME: ~~Headquarters, US Army, Oxford~~ DATE: 25 Oct 62 FILE NO.: 8
NAME: ~~Wagner, John~~ RA: 11 504 165 PRT (8-2)
Co B 716th MP Bn, Oxford, Mississippi

OFFICER: Major John W. Chiss
Illegal Solicitation, Government material

Under the Fifth Amendment to the Constitution of the United States (Strike out name of person making statement if a member of the Armed Forces, then show name of the person making the statement) MAJOR JOHN W. CHISS

John Wagner, a general handyman of B-716th states he went to stadium gas to take a shower. In the jeep were the Unit First Sergeant, a SP-4 Palanyaki and Pfc Necessary. After the shower, at approximately 1130 hours Wednesday or Thursday two weeks prior, Pfc Necessary was accompanied to the library by Wagner. While Pfc Necessary was making inquiries of the librarian, an unknown person (see description below) approached Wagner and volunteered to show them location of book desired. The librarian thanked the unknown person as all three left the desk.

Enroute through a foyer patio area, the unknown person struck up conversation with Wagner suggesting a willingness to purchase gas bombs if they were available. The statement was apparently not made in jest, but was repeated several times. On entering room where book was located, the unknown party "took-off".

DESCRIPTION: About 19 years, 130-150 lbs, wearing octagonal glasses with dark rims; dark trousers, brown hair, carrying a book. Nothing else noticed as to shirt, sweater, bandages, etc.

DEPARTMENT'S INITIALS PAGE 1 OF 1 PAGES

Additional pages must contain the heading "STATEMENT OF TAKEN BY DATED CONTINUED" The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE OF PAGES."

DA: FORM 19-24

PREVIOUS EDITION OF THIS FORM IS OBSOLETE.

AFFIDAVIT BY DEPONENT

John W. McCreary HAVE FIRST READ TO ME ~~THE~~ THIS STATEMENT WHICH BEGINS ON PAGE ONE (1) AND ENDS ON PAGE 1 . . . FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE WHICH CONTAINS STATEMENT MATTER. THIS STATEMENT WAS MADE BY ME FREELY WITHOUT HOPE OF BENEFIT OR REWARD WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

(SIGNATURE OF DEPONENT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 DAY OF October 19 62 at Headquarters US Army Oxford
WITNESSED BY

Joseph E. DeLaine, Capt 01936536

(AUTHORITY TO ADMINISTER OATH)

RIGHTS UNDER UCMJ, ARTICLE 31, AND THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

No person subject to this code shall compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. No statement obtained from any person in violation of this article or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

The 5th amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself.

DEPONENT'S INITIALS

STATEMENT

(48 1211-4)

Explain the nature of the investigation. If dependent is accused or suspected of an offense he must be so informed and this fact affirmatively shown.

PLACE Headquarters US Army Oxford	DATE 25 Oct 62	FILE NO. 1
DEPONENT (Last Name - First Name - Middle Initial) NECESSARY, John W.	SERVICE NO. US 52 545 019	GRADE Pfc (E-3)
ORGANIZATION (If dependent is a civilian, give address) Co B 716th MP Bn, Oxford, Mississippi		

I HAVE BEEN INTERVIEWED BY Maj. John W. Chism WHO STATED HE IS (an) Officer OF THE UNITED STATES (Army) (~~NAVY~~ (~~AIR FORCE~~)).
 THAT HE IS CURRENTLY INVESTIGATING Illegal Solicitation, Government material
 (I WHICH I AM (~~SUSPECTED~~) (~~ACCUSED~~)). (Strike out words between brackets if inapplicable)

THE TITLE OF THE MILITARY JUSTICE, ARTICLE 31, (and the Fifth Amendment to the Constitution of the United States) (Strike out only if person making statement is a member of the Armed Forces) (has) (have) BEEN READ TO ME BY Major John W. Chism
 I STATE THAT I HAVE READ AND STATEMENT CHALLENGED AND ANY STATEMENT I MAKE
 WILL BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

He was sent to library by Lt. Hardman to purchase a book. John Wagner was with Necessary in library. They went to desk and Weeks approached Wagner. Weeks volunteered to show them where bookstore was. On patio of library Weeks asked if the two could get him some gas grenades (intent). Urged them several times. No subsequent rendezvous was made. Necessary didn't think of consequences at this time. Hasn't seen Weeks since.

EXHIBIT	DEPONENT'S INITIALS	PAGE 1 OF 1 PAGES
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Additional pages must contain the heading "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED". The bottom of each additional page must bear the initials of the person making the statement and be identified as "PAGE ___ OF ___ PAGES."

DA FORM 19-24

PREVIOUS EDITION OF THIS FORM IS OBSOLETE.

October 24, 1952

Sam Leaton L. Love
Dean of Student Activities
University of Mississippi

Dear Sam Love:

In line with our conversation of last night, I am informing you in writing of the position of the Department of Justice in the case of James C. McFibb. We believe now that we originally proceeded in this matter on the basis of a false identification by the individual who was involved in the incidents which were reported to you. As far as we are concerned, Mr. McFibb was merely among the curious at the dates and places mentioned in the original report and is not a fit subject for disciplinary action.

Thank you for your consideration in this matter.

Sincerely yours,

John Andrew Martin
Legal Assistant



UNIVERSITY OF MISSISSIPPI

October 20, 1962

Mr. Herbert A. Schlei
Assistant Attorney General
United States Department of Justice
Washington, D. C.

Dear Mr. Schlei:

As Chairman of the Student Judicial Council, I would like to express our appreciation for the fine manner in which your dealings have been carried on with us. We hope that we have done likewise.

We would also like to commend the fine gentlemanly manner that has been displayed by the witnesses for the Justice Department in the persons of Mr. Louis Galepp, Sp 4 Spencer, Pr. Maurice I. Cruickshank, and Mr. Ronald Dunn.

On the basis of being fair and just to all parties involved, the Council is hearing the cases concerned with the demonstration. We will strive to see that these aims are accomplished.

If we can be of service to you in any manner, please do not hesitate to call on us.

Sincerely yours,

Jack Lynch
Chairman

JLich

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ac*

Student Judicial Council



October 20, 1962

Representative
Department of Justice
Washington, D. C.

Dear Sir:

The hearings for Tommy Wayne Scott and Anson H. Sheldon, Jr., have been set for Thursday, October 25 and Friday, October 26, respectively. Both cases will be heard at 2:00 PM in the Board Room of the Lyceum Building.

The Student Judicial Council asks that any evidence and/or witnesses concerned with these cases be presented at the time and place so indicated.

If we can be of service in any way, please do not hesitate to call on us.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack Lynch".

Jack Lynch
Chairman

JL:ch
Inclosures



UNIVERSITY OF MISSISSIPPI

October 18, 1962

Mr. Anson H. Sheldon, Jr.
Box
University, Mississippi

Dear Mr. Sheldon:

You have been referred to the Student Judicial Council on the charge of participating in the demonstration which occurred Sunday evening - Monday morning, September 30 - October 1, and for your participation in a demonstration which occurred at the Heidelberg Hotel in Jackson, Miss., on September 29, 1962.

The allegations made by the United States Department of Justice are quoted below:

Anson H. Sheldon, Jr.

On September 29, 1962, at the Heidelberg Hotel in Jackson, Mississippi, this individual was one of the leaders in a group of young men who, by force and threats of force, took from Charles Moore, a photographer for Life magazine, a roll of film containing photographs of a student demonstration which had occurred in front of the hotel.

During the riot which occurred on September 30, 1962, this individual approached Dan McCoy, a freelance photographer then representing Newsweek magazine, at 1:45 p.m., on University Avenue approximately thirty yards from the Confederate monument. Sheldon demanded that McCoy surrender his camera but McCoy refused. Sheldon then forced the camera from McCoy's possession. He held the straps of the camera in his hand, slammed the face of the camera against the surface of the road several times, then handed the smashed camera back to McCoy. At this time a conveyance of



UNIVERSITY OF MISSISSIPPI

Border Patrol automobiles carrying United States Marshals began passing the location en route to the Lyceum building. Sheldon again took possession of the camera and in doing so struck McCoy several times with his fists. He again held the camera by the attached shoulder strap and smashed it repeatedly against the automobiles passing in the street.

The above incident was witnessed in its entirety by, among others, Donald J. Underwood, a reporter for Life magazine, and Special Agent Robert E. Pickard of the Federal Bureau of Investigation.

The hearing on this matter will be held on Friday, October 26, 1932, at 2:00 PM in the Board Room at the Lyceum building. Your presence will be expected at this hearing. If you have any questions, call me at 234-1779 or come by Barr 3-3 or the Judicial Council office in the Student Union Building.

Sincerely yours,

Jack Lynch
Chairman

JL:ch